

**As Passed by the House**

**128th General Assembly**

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**Am. Sub. H. B. No. 1**

**Representative Sykes**

**Cosponsors: Representatives Chandler, Brown, Bolon, Book, Celeste,  
DeBose, DeGeeter, Domenick, Dyer, Hagan, Harris, Harwood, Heard, Koziura,  
Letson, Luckie, Mallory, Pryor, Stewart, Szollosi, Ujvagi, Weddington,  
Williams, B., Williams, S., Winburn, Yates, Yuko**

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to amend Sections 233.40.30, 233.50.80, and 701.20 325  
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amend Section 831.06 of H.B. 530 of the 126th 327  
General Assembly; to amend Section 4 of H.B. 516 328  
of the 125th General Assembly, as subsequently 329  
amended; to amend Section 153 of Am. Sub. H.B. 117 330  
of the 121st General Assembly, as subsequently 331  
amended; to repeal Section 325.05 of Am. Sub. H.B. 332  
2 of the 128th General Assembly; to amend the 333  
version of section 2949.111 of the Revised Code 334  
that is scheduled to take effect January 1, 2010, 335  
to continue the provisions of this act on and 336  
after that effective date; to amend the version of 337  
section 5739.033 of the Revised Code that is 338  
scheduled to take effect January 1, 2010, to 339  
continue the provisions of this act on and after 340  
that effective date; to amend sections 5104.01 and 341  
5104.38 of the Revised Code, effective July 1, 342  
2011, to revive the law as it existed prior to 343  
this act; to repeal sections 5112.40, 5112.41, 344  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 101.01.** That sections 9.06, 9.314, 107.21, 109.572, 358  
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(3727.04), 5101.5110 (5101.5111), 5111.019 (5111.0120), and 525  
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5751.014, 5911.11, 5919.20, 5919.36, and 6119.091 of the Revised 566  
Code be enacted; that Section 6 of H.B. 364 of the 124th General 567  
Assembly be amended and Section 6 of H.B. 364 of the 124th General 568  
Assembly be amended to codify as section 3314.027 of the Revised 569  
Code; and that Section 269.60.60 of H.B. 119 of the 127th General 570  
Assembly be amended and Section 269.60.60 of H.B. 119 of the 127th 571  
General Assembly be amended to codify as section 3314.38 of the 572

Revised Code to read as follows: 573  
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**Sec. 9.06.** (A)(1) The department of rehabilitation and 584  
correction ~~shall~~ may contract for the private operation and 585  
management pursuant to this section of the initial intensive 586  
program prison established pursuant to section 5120.033 of the 587  
Revised Code, if one or more intensive program prisons are 588  
established under that section, and may contract for the private 589  
operation and management of any other facility under this section. 590  
Counties and municipal corporations to the extent authorized in 591  
sections 307.93, 341.35, 753.03, and 753.15 of the Revised Code 592  
may contract for the private operation and management of a 593  
facility under this section. A contract entered into under this 594  
section shall be for an initial term of not more than two years 595  
with an option to renew for additional periods of two years. 596

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

5120.033 of the Revised Code if one or more intensive program 604  
prisons are established under that section. 605

(3) Subject to division (I) of this section, any person or 606  
entity that applies to operate and manage a facility as a 607  
contractor pursuant to this section shall satisfy one or more of 608  
the following criteria: 609

(a) The person or entity is accredited by the American 610  
correctional association and, at the time of the application, 611  
operates and manages one or more facilities accredited by the 612  
American correctional association. 613

(b) The person or entity satisfies all of the minimum 614  
criteria and specifications adopted by the department of 615  
rehabilitation and correction pursuant to division (A)(2) of this 616  
section, provided that this alternative shall be available only in 617  
relation to the initial intensive program prison established 618  
pursuant to section 5120.033 of the Revised Code, if one or more 619  
intensive program prisons are established under that section. 620

(4) Subject to division (I) of this section, before a public 621  
entity may enter into a contract under this section, the 622  
contractor shall convincingly demonstrate to the public entity 623  
that it can operate the facility with the inmate capacity required 624  
by the public entity and provide the services required in this 625  
section and realize at least a five per cent savings over the 626  
projected cost to the public entity of providing these same 627  
services to operate the facility that is the subject of the 628  
contract. No out-of-state prisoners may be housed in any facility 629  
that is the subject of a contract entered into under this section. 630

(B) Subject to division (I) of this section, any contract 631  
entered into under this section shall include all of the 632  
following: 633

(1) A requirement that the contractor retain the contractor's 634



accreditation from the American correctional association 635  
throughout the contract term or, if the contractor applied 636  
pursuant to division (A)(3)(b) of this section, continue complying 637  
with the applicable criteria and specifications adopted by the 638  
department of rehabilitation and correction pursuant to division 639  
(A)(2) of this section; 640

(2) A requirement that all of the following conditions be 641  
met: 642

(a) The contractor begins the process of accrediting the 643  
facility with the American correctional association no later than 644  
sixty days after the facility receives its first inmate. 645

(b) The contractor receives accreditation of the facility 646  
within twelve months after the date the contractor applies to the 647  
American correctional association for accreditation. 648

(c) Once the accreditation is received, the contractor 649  
maintains it for the duration of the contract term. 650

(d) If the contractor does not comply with divisions 651  
(B)(2)(a) to (c) of this section, the contractor is in violation 652  
of the contract, and the public entity may revoke the contract at 653  
its discretion. 654

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

compliance with rules and regulations to the director of 666  
rehabilitation and correction or the director's designee and, if 667  
contracting with a local public entity, to the governing authority 668  
of that entity. 669

(4) A requirement that the contractor report for 670  
investigation all crimes in connection with the facility to the 671  
public entity, to all local law enforcement agencies with 672  
jurisdiction over the place at which the facility is located, and, 673  
for a crime committed at a state correctional institution, to the 674  
state highway patrol; 675

(5) A requirement that the contractor immediately report all 676  
escapes from the facility, and the apprehension of all escapees, 677  
by telephone and in writing to all local law enforcement agencies 678  
with jurisdiction over the place at which the facility is located, 679  
to the prosecuting attorney of the county in which the facility is 680  
located, to the state highway patrol, to a daily newspaper having 681  
general circulation in the county in which the facility is 682  
located, and, if the facility is a state correctional institution, 683  
to the department of rehabilitation and correction. The written 684  
notice may be by either facsimile transmission or mail. A failure 685  
to comply with this requirement regarding an escape is a violation 686  
of section 2921.22 of the Revised Code. 687

(6) A requirement that, if the facility is a state 688  
correctional institution, the contractor provide a written report 689  
within specified time limits to the director of rehabilitation and 690  
correction or the director's designee of all unusual incidents at 691  
the facility as defined in rules promulgated by the department of 692  
rehabilitation and correction or, if the facility is a local 693  
correctional institution, that the contractor provide a written 694  
report of all unusual incidents at the facility to the governing 695  
authority of the local public entity; 696

(7) A requirement that the contractor maintain proper control 697

of inmates' personal funds pursuant to rules promulgated by the 698  
department of rehabilitation and correction for state correctional 699  
institutions or pursuant to the minimum standards for jails along 700  
with any additional standards established by the local public 701  
entity for local correctional institutions and that records 702  
pertaining to these funds be made available to representatives of 703  
the public entity for review or audit; 704

(8) A requirement that the contractor prepare and distribute 705  
to the director of rehabilitation and correction or, if 706  
contracting with a local public entity, to the governing authority 707  
of the local entity annual budget income and expenditure 708  
statements and funding source financial reports; 709

(9) A requirement that the public entity appoint and 710  
supervise a full-time contract monitor, that the contractor 711  
provide suitable office space for the contract monitor at the 712  
facility, and that the contractor allow the contract monitor 713  
unrestricted access to all parts of the facility and all records 714  
of the facility except the contractor's financial records; 715

(10) A requirement that if the facility is a state 716  
correctional institution designated department of rehabilitation 717  
and correction staff members be allowed access to the facility in 718  
accordance with rules promulgated by the department; 719

(11) A requirement that the contractor provide internal and 720  
perimeter security as agreed upon in the contract; 721

(12) If the facility is a state correctional institution, a 722  
requirement that the contractor impose discipline on inmates 723  
housed in a state correctional institution only in accordance with 724  
rules promulgated by the department of rehabilitation and 725  
correction; 726

(13) A requirement that the facility be staffed at all times 727  
with a staffing pattern approved by the public entity and adequate 728

both to ensure supervision of inmates and maintenance of security 729  
within the facility and to provide for programs, transportation, 730  
security, and other operational needs. In determining security 731  
needs, the contractor shall be required to consider, among other 732  
things, the proximity of the facility to neighborhoods and 733  
schools. 734

(14) If the contract is with a local public entity, a 735  
requirement that the contractor provide services and programs, 736  
consistent with the minimum standards for jails promulgated by the 737  
department of rehabilitation and correction under section 5120.10 738  
of the Revised Code; 739

(15) A clear statement that no immunity from liability 740  
granted to the state, and no immunity from liability granted to 741  
political subdivisions under Chapter 2744. of the Revised Code, 742  
shall extend to the contractor or any of the contractor's 743  
employees; 744

(16) A statement that all documents and records relevant to 745  
the facility shall be maintained in the same manner required for, 746  
and subject to the same laws, rules, and regulations as apply to, 747  
the records of the public entity; 748

(17) Authorization for the public entity to impose a fine on 749  
the contractor from a schedule of fines included in the contract 750  
for the contractor's failure to perform its contractual duties or 751  
to cancel the contract, as the public entity considers 752  
appropriate. If a fine is imposed, the public entity may reduce 753  
the payment owed to the contractor pursuant to any invoice in the 754  
amount of the imposed fine. 755

(18) A statement that all services provided or goods produced 756  
at the facility shall be subject to the same regulations, and the 757  
same distribution limitations, as apply to goods and services 758  
produced at other correctional institutions; 759

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

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

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

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

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

(2) Developing or implementing procedures for calculating and

awarding earned credits, approving the type of work inmates may 791  
perform and the wage or earned credits, if any, that may be 792  
awarded to inmates engaging in that work, and granting, denying, 793  
or revoking earned credits; 794

(3) For inmates serving a term imposed for a felony offense 795  
committed prior to July 1, 1996, or for a misdemeanor offense, 796  
developing or implementing procedures for calculating and awarding 797  
good time, approving the good time, if any, that may be awarded to 798  
inmates engaging in work, and granting, denying, or revoking good 799  
time; 800

(4) Classifying an inmate or placing an inmate in a more or a 801  
less restrictive custody than the custody ordered by the public 802  
entity; 803

(5) Approving inmates for work release; 804

(6) Contracting for local or long distance telephone services 805  
for inmates or receiving commissions from those services at a 806  
facility that is owned by or operated under a contract with the 807  
department. 808

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

facility is located are named as insured, and that the state and 822  
its political subdivisions shall be sent any notice of 823  
cancellation. The contractor may not self-insure. 824

A contractor that has been approved to operate a facility 825  
under this section, and a person or entity that enters into a 826  
contract for specialized services, as described in division (I) of 827  
this section, relative to an intensive program prison established 828  
pursuant to section 5120.033 of the Revised Code to be operated by 829  
a contractor that has been approved to operate the prison under 830  
this section, shall indemnify and hold harmless the state, its 831  
officers, agents, and employees, and any local government entity 832  
in the state having jurisdiction over the facility or ownership of 833  
the facility, shall reimburse the state for its costs in defending 834  
the state or any of its officers, agents, or employees, and shall 835  
reimburse any local government entity of that nature for its costs 836  
in defending the local government entity, from all of the 837  
following: 838

(1) Any claims or losses for services rendered by the 839  
contractor, person, or entity performing or supplying services in 840  
connection with the performance of the contract; 841

(2) Any failure of the contractor, person, or entity or its 842  
officers or employees to adhere to the laws, rules, regulations, 843  
or terms agreed to in the contract; 844

(3) Any constitutional, federal, state, or civil rights claim 845  
brought against the state related to the facility operated and 846  
managed by the contractor; 847

(4) Any claims, losses, demands, or causes of action arising 848  
out of the contractor's, person's, or entity's activities in this 849  
state; 850

(5) Any attorney's fees or court costs arising from any 851  
habeas corpus actions or other inmate suits that may arise from 852

any event that occurred at the facility or was a result of such an 853  
event, or arise over the conditions, management, or operation of 854  
the facility, which fees and costs shall include, but not be 855  
limited to, attorney's fees for the state's representation and for 856  
any court-appointed representation of any inmate, and the costs of 857  
any special judge who may be appointed to hear those actions or 858  
suits. 859

(E) Private correctional officers of a contractor operating 860  
and managing a facility pursuant to a contract entered into under 861  
this section may carry and use firearms in the course of their 862  
employment only after being certified as satisfactorily completing 863  
an approved training program as described in division (A) of 864  
section 109.78 of the Revised Code. 865

(F) Upon notification by the contractor of an escape from, or 866  
of a disturbance at, the facility that is the subject of a 867  
contract entered into under this section, the department of 868  
rehabilitation and correction and state and local law enforcement 869  
agencies shall use all reasonable means to recapture escapees or 870  
quell any disturbance. Any cost incurred by the state or its 871  
political subdivisions relating to the apprehension of an escapee 872  
or the quelling of a disturbance at the facility shall be 873  
chargeable to and borne by the contractor. The contractor shall 874  
also reimburse the state or its political subdivisions for all 875  
reasonable costs incurred relating to the temporary detention of 876  
the escapee following recapture. 877

(G) Any offense that would be a crime if committed at a state 878  
correctional institution or jail, workhouse, prison, or other 879  
correctional facility shall be a crime if committed by or with 880  
regard to inmates at facilities operated pursuant to a contract 881  
entered into under this section. 882

(H) A contractor operating and managing a facility pursuant 883  
to a contract entered into under this section shall pay any inmate 884



workers at the facility at the rate approved by the public entity. 885  
Inmates working at the facility shall not be considered employees 886  
of the contractor. 887

(I) In contracting for the private operation and management 888  
pursuant to division (A) of this section of ~~the initial~~ any 889  
intensive program prison established pursuant to section 5120.033 890  
of the Revised Code ~~or of any other intensive program prison~~ 891  
~~established pursuant to that section~~, the department of 892  
rehabilitation and correction may enter into a contract with a 893  
contractor for the general operation and management of the prison 894  
and may enter into one or more separate contracts with other 895  
persons or entities for the provision of specialized services for 896  
persons confined in the prison, including, but not limited to, 897  
security or training services or medical, counseling, educational, 898  
or similar treatment programs. If, pursuant to this division, the 899  
department enters into a contract with a contractor for the 900  
general operation and management of the prison and also enters 901  
into one or more specialized service contracts with other persons 902  
or entities, all of the following apply: 903

(1) The contract for the general operation and management 904  
shall comply with all requirements and criteria set forth in this 905  
section, and all provisions of this section apply in relation to 906  
the prison operated and managed pursuant to the contract. 907

(2) Divisions (A)(2), (B), and (C) of this section do not 908  
apply in relation to any specialized services contract, except to 909  
the extent that the provisions of those divisions clearly are 910  
relevant to the specialized services to be provided under the 911  
specialized services contract. Division (D) of this section 912  
applies in relation to each specialized services contract. 913

(J) As used in this section: 914

(1) "Public entity" means the department of rehabilitation 915

and correction, or a county or municipal corporation or a 916  
combination of counties and municipal corporations, that has 917  
jurisdiction over a facility that is the subject of a contract 918  
entered into under this section. 919

(2) "Local public entity" means a county or municipal 920  
corporation, or a combination of counties and municipal 921  
corporations, that has jurisdiction over a jail, workhouse, or 922  
other correctional facility used only for misdemeanants that is 923  
the subject of a contract entered into under this section. 924

(3) "Governing authority of a local public entity" means, for 925  
a county, the board of county commissioners; for a municipal 926  
corporation, the legislative authority; for a combination of 927  
counties and municipal corporations, all the boards of county 928  
commissioners and municipal legislative authorities that joined to 929  
create the facility. 930

(4) "Contractor" means a person or entity that enters into a 931  
contract under this section to operate and manage a jail, 932  
workhouse, or other correctional facility. 933

(5) "Facility" means the specific county, multicounty, 934  
municipal, municipal-county, or multicounty-municipal jail, 935  
workhouse, prison, or other type of correctional institution or 936  
facility used only for misdemeanants, or a state correctional 937  
institution, that is the subject of a contract entered into under 938  
this section. 939

(6) "Person or entity" in the case of a contract for the 940  
private operation and management of a state correctional 941  
institution, includes an employee organization, as defined in 942  
section 4117.01 of the Revised Code, that represents employees at 943  
state correctional institutions. 944

**Sec. 9.314.** (A) As used in this section: 945

(1) "Contracting authority" has the same meaning as in 946  
section 307.92 of the Revised Code. 947

(2) "Political subdivision" means a municipal corporation, 948  
township, county, school district, or other body corporate and 949  
politic responsible for governmental activities only in geographic 950  
areas smaller than that of the state and also includes a 951  
contracting authority. 952

(3) "Reverse auction" means a purchasing process in which 953  
offerors submit proposals in competing to sell services or 954  
supplies in an open environment via the internet. 955

(4) "Services" means the furnishing of labor, time, or effort 956  
by a person, not involving the delivery of a specific end product 957  
other than a report which, if provided, is merely incidental to 958  
the required performance. "Services" does not include services 959  
furnished pursuant to employment agreements or collective 960  
bargaining agreements. 961

(5) "Supplies" means all property, including, but not limited 962  
to, equipment, materials, other tangible assets, and insurance, 963  
but excluding real property or interests in real property. 964

(B)(1) Whenever any political subdivision determines that the 965  
use of a reverse auction is advantageous to the political 966  
subdivision, the political subdivision, in accordance with this 967  
section and rules the political subdivision shall adopt, may 968  
purchase services or supplies by reverse auction. 969

(2) A political subdivision shall not purchase supplies or 970  
services by reverse auction if the contract concerns the design, 971  
construction, alteration, repair, reconstruction, or demolition of 972  
a building, highway, road, street, alley, drainage system, water 973  
system, waterworks, ditch, sewer, sewage disposal plant, or any 974  
other structure or works of any kind. 975

(C) A political subdivision shall solicit proposals through a 976

request for proposals. The request for proposals shall state the 977  
relative importance of price and other evaluation factors. The 978  
political subdivision shall give notice of the request for 979  
proposals in accordance with the rules it adopts. 980

(D) As provided in the request for proposals and in the rules 981  
a political subdivision adopts, and to ensure full understanding 982  
of and responsiveness to solicitation requirements, the political 983  
subdivision may conduct discussions with responsible offerors who 984  
submit proposals determined to be reasonably susceptible of being 985  
selected for award. The political subdivision shall accord 986  
offerors fair and equal treatment with respect to any opportunity 987  
for discussion regarding any clarification, correction, or 988  
revision of their proposals. 989

(E) A political subdivision may award a contract to the 990  
offeror whose proposal the political subdivision determines to be 991  
the most advantageous to the political subdivision, taking into 992  
consideration factors such as price and the evaluation criteria 993  
set forth in the request for proposals. The contract file shall 994  
contain the basis on which the award is made. 995

(F) The rules that a political subdivision adopts under this 996  
section may require the provision of a performance bond, or 997  
another similar form of financial security, in the amount and in 998  
the form specified in the rules. 999

(G) If a political subdivision is required by law to purchase 1000  
services or supplies by competitive sealed bidding or competitive 1001  
sealed proposals, a purchase made by reverse auction satisfies 1002  
that requirement. 1003

Sec. 9.317. As used in this section, "reverse auction" has 1004  
the meaning defined in section 9.314 of the Revised Code, and 1005  
"state agency" has the meaning defined in section 9.23 of the 1006  
Revised Code. 1007

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

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

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

(C) The governor's office of Appalachian Ohio shall represent the interests of the Appalachian region in the government of this state. The duties of the director of the office shall include, but

are not limited to, the following: 1039

(1) To identify residents of the Appalachian region qualified 1040  
to serve on state boards, commissions, and bodies and in state 1041  
offices, and to bring these persons to the attention of the 1042  
governor; 1043

(2) To represent the interests of the Appalachian region in 1044  
the general assembly and before state boards, commissions, bodies, 1045  
and agencies; 1046

(3) To assist in forming a consensus on public issues and 1047  
policies among institutions and organizations that serve the 1048  
Appalachian region; 1049

(4) To act as an ~~ombudsman~~ ombudsperson to assist in 1050  
resolving differences between state or federal agencies and the 1051  
officials of political subdivisions or private, nonprofit 1052  
organizations located within the Appalachian region; 1053

(5) To assist planning commissions, agencies, and 1054  
organizations within the Appalachian region in distributing 1055  
planning information and documents to the appropriate state and 1056  
federal agencies and to assist in focusing attention on any 1057  
findings and recommendations of these commissions, agencies, and 1058  
organizations; 1059

(6) To issue reports on the Appalachian region ~~which~~ that 1060  
describe progress achieved and the needs that still exist in the 1061  
region; 1062

(7) To assist the governor's office in resolving the problems 1063  
of residents of the Appalachian region that come to the governor's 1064  
attention. 1065

(D) The amount of money from appropriated state funds 1066  
allocated each year to pay administrative costs of a local 1067  
development district existing on the effective date of this 1068

amendment shall not be decreased due to the creation and funding 1069  
of additional local development districts. The amount of money 1070  
allocated to each district shall be increased each year by the 1071  
average percentage of increase in the consumer price index for the 1072  
prior year. 1073

As used in this division, "consumer price index" means the 1074  
consumer price index for all urban consumers (United States city 1075  
average, all items), prepared by the United States department of 1076  
labor, bureau of labor statistics. 1077

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1078  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1079  
a completed form prescribed pursuant to division (C)(1) of this 1080  
section, and a set of fingerprint impressions obtained in the 1081  
manner described in division (C)(2) of this section, the 1082  
superintendent of the bureau of criminal identification and 1083  
investigation shall conduct a criminal records check in the manner 1084  
described in division (B) of this section to determine whether any 1085  
information exists that indicates that the person who is the 1086  
subject of the request previously has been convicted of or pleaded 1087  
guilty to any of the following: 1088

(a) A violation of section 2903.01, 2903.02, 2903.03, 1089  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1090  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1091  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1092  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1093  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1094  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1095  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1096  
penetration in violation of former section 2907.12 of the Revised 1097  
Code, a violation of section 2905.04 of the Revised Code as it 1098  
existed prior to July 1, 1996, a violation of section 2919.23 of 1099

the Revised Code that would have been a violation of section 1100  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1101  
had the violation been committed prior to that date, or a 1102  
violation of section 2925.11 of the Revised Code that is not a 1103  
minor drug possession offense; 1104

(b) A violation of an existing or former law of this state, 1105  
any other state, or the United States that is substantially 1106  
equivalent to any of the offenses listed in division (A)(1)(a) of 1107  
this section. 1108

(2) On receipt of a request pursuant to section 5123.081 of 1109  
the Revised Code with respect to an applicant for employment in 1110  
any position with the department of mental retardation and 1111  
developmental disabilities, pursuant to section 5126.28 of the 1112  
Revised Code with respect to an applicant for employment in any 1113  
position with a county board of mental retardation and 1114  
developmental disabilities, or pursuant to section 5126.281 of the 1115  
Revised Code with respect to an applicant for employment in a 1116  
direct services position with an entity contracting with a county 1117  
board for employment, a completed form prescribed pursuant to 1118  
division (C)(1) of this section, and a set of fingerprint 1119  
impressions obtained in the manner described in division (C)(2) of 1120  
this section, the superintendent of the bureau of criminal 1121  
identification and investigation shall conduct a criminal records 1122  
check. The superintendent shall conduct the criminal records check 1123  
in the manner described in division (B) of this section to 1124  
determine whether any information exists that indicates that the 1125  
person who is the subject of the request has been convicted of or 1126  
pleaded guilty to any of the following: 1127

(a) A violation of section 2903.01, 2903.02, 2903.03, 1128  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1129  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1130  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1131



2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1132  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1133  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1134  
2925.03, or 3716.11 of the Revised Code; 1135

(b) An existing or former municipal ordinance or law of this 1136  
state, any other state, or the United States that is substantially 1137  
equivalent to any of the offenses listed in division (A)(2)(a) of 1138  
this section. 1139

(3) On receipt of a request pursuant to section 173.27, 1140  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 1141  
completed form prescribed pursuant to division (C)(1) of this 1142  
section, and a set of fingerprint impressions obtained in the 1143  
manner described in division (C)(2) of this section, the 1144  
superintendent of the bureau of criminal identification and 1145  
investigation shall conduct a criminal records check with respect 1146  
to any person who has applied for employment in a position for 1147  
which a criminal records check is required by those sections. The 1148  
superintendent shall conduct the criminal records check in the 1149  
manner described in division (B) of this section to determine 1150  
whether any information exists that indicates that the person who 1151  
is the subject of the request previously has been convicted of or 1152  
pleaded guilty to any of the following: 1153

(a) A violation of section 2903.01, 2903.02, 2903.03, 1154  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1155  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1156  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1157  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1158  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1159  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1160  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1161  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1162

(b) An existing or former law of this state, any other state, 1163

or the United States that is substantially equivalent to any of 1164  
the offenses listed in division (A)(3)(a) of this section. 1165

(4) On receipt of a request pursuant to section 3701.881 of 1166  
the Revised Code with respect to an applicant for employment with 1167  
a home health agency as a person responsible for the care, 1168  
custody, or control of a child, a completed form prescribed 1169  
pursuant to division (C)(1) of this section, and a set of 1170  
fingerprint impressions obtained in the manner described in 1171  
division (C)(2) of this section, the superintendent of the bureau 1172  
of criminal identification and investigation shall conduct a 1173  
criminal records check. The superintendent shall conduct the 1174  
criminal records check in the manner described in division (B) of 1175  
this section to determine whether any information exists that 1176  
indicates that the person who is the subject of the request 1177  
previously has been convicted of or pleaded guilty to any of the 1178  
following: 1179

(a) A violation of section 2903.01, 2903.02, 2903.03, 1180  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1181  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1182  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1183  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1184  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1185  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1186  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1187  
violation of section 2925.11 of the Revised Code that is not a 1188  
minor drug possession offense; 1189

(b) An existing or former law of this state, any other state, 1190  
or the United States that is substantially equivalent to any of 1191  
the offenses listed in division (A)(4)(a) of this section. 1192

(5) On receipt of a request pursuant to section 5111.032, 1193  
5111.033, or 5111.034 of the Revised Code, a completed form 1194  
prescribed pursuant to division (C)(1) of this section, and a set 1195

of fingerprint impressions obtained in the manner described in 1196  
division (C)(2) of this section, the superintendent of the bureau 1197  
of criminal identification and investigation shall conduct a 1198  
criminal records check. The superintendent shall conduct the 1199  
criminal records check in the manner described in division (B) of 1200  
this section to determine whether any information exists that 1201  
indicates that the person who is the subject of the request 1202  
previously has been convicted of, has pleaded guilty to, or has 1203  
been found eligible for intervention in lieu of conviction for any 1204  
of the following, regardless of the date of the conviction, the 1205  
date of entry of the guilty plea, or the date the person was found 1206  
eligible for intervention in lieu of conviction: 1207

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1208  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1209  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1210  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1211  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 1212  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1213  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 1214  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 1215  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 1216  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1217  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 1218  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 1219  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 1220  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 1221  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 1222  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 1223  
penetration in violation of former section 2907.12 of the Revised 1224  
Code, a violation of section 2905.04 of the Revised Code as it 1225  
existed prior to July 1, 1996, a violation of section 2919.23 of 1226  
the Revised Code that would have been a violation of section 1227  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1228

had the violation been committed prior to that date; 1229

(b) ~~An~~ A violation of an existing or former municipal 1230  
ordinance or law of this state, any other state, or the United 1231  
States that is substantially equivalent to any of the offenses 1232  
listed in division (A)(5)(a) of this section. 1233

(6) On receipt of a request pursuant to section 3701.881 of 1234  
the Revised Code with respect to an applicant for employment with 1235  
a home health agency in a position that involves providing direct 1236  
care to an older adult, a completed form prescribed pursuant to 1237  
division (C)(1) of this section, and a set of fingerprint 1238  
impressions obtained in the manner described in division (C)(2) of 1239  
this section, the superintendent of the bureau of criminal 1240  
identification and investigation shall conduct a criminal records 1241  
check. The superintendent shall conduct the criminal records check 1242  
in the manner described in division (B) of this section to 1243  
determine whether any information exists that indicates that the 1244  
person who is the subject of the request previously has been 1245  
convicted of or pleaded guilty to any of the following: 1246

(a) A violation of section 2903.01, 2903.02, 2903.03, 1247  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1248  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1249  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1250  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1251  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1252  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1253  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1254  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1255

(b) An existing or former law of this state, any other state, 1256  
or the United States that is substantially equivalent to any of 1257  
the offenses listed in division (A)(6)(a) of this section. 1258

(7) When conducting a criminal records check upon a request 1259

pursuant to section 3319.39 of the Revised Code for an applicant 1260  
who is a teacher, in addition to the determination made under 1261  
division (A)(1) of this section, the superintendent shall 1262  
determine whether any information exists that indicates that the 1263  
person who is the subject of the request previously has been 1264  
convicted of or pleaded guilty to any offense specified in section 1265  
3319.31 of the Revised Code. 1266

(8) On receipt of a request pursuant to section 2151.86 of 1267  
the Revised Code, a completed form prescribed pursuant to division 1268  
(C)(1) of this section, and a set of fingerprint impressions 1269  
obtained in the manner described in division (C)(2) of this 1270  
section, the superintendent of the bureau of criminal 1271  
identification and investigation shall conduct a criminal records 1272  
check in the manner described in division (B) of this section to 1273  
determine whether any information exists that indicates that the 1274  
person who is the subject of the request previously has been 1275  
convicted of or pleaded guilty to any of the following: 1276

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1277  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1278  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1279  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1280  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1281  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1282  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1283  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1284  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1285  
of the Revised Code, a violation of section 2905.04 of the Revised 1286  
Code as it existed prior to July 1, 1996, a violation of section 1287  
2919.23 of the Revised Code that would have been a violation of 1288  
section 2905.04 of the Revised Code as it existed prior to July 1, 1289  
1996, had the violation been committed prior to that date, a 1290  
violation of section 2925.11 of the Revised Code that is not a 1291

minor drug possession offense, two or more OVI or OVUAC violations 1292  
committed within the three years immediately preceding the 1293  
submission of the application or petition that is the basis of the 1294  
request, or felonious sexual penetration in violation of former 1295  
section 2907.12 of the Revised Code; 1296

(b) A violation of an existing or former law of this state, 1297  
any other state, or the United States that is substantially 1298  
equivalent to any of the offenses listed in division (A)(8)(a) of 1299  
this section. 1300

(9) Upon receipt of a request pursuant to section 5104.012 or 1301  
5104.013 of the Revised Code, a completed form prescribed pursuant 1302  
to division (C)(1) of this section, and a set of fingerprint 1303  
impressions obtained in the manner described in division (C)(2) of 1304  
this section, the superintendent of the bureau of criminal 1305  
identification and investigation shall conduct a criminal records 1306  
check in the manner described in division (B) of this section to 1307  
determine whether any information exists that indicates that the 1308  
person who is the subject of the request has been convicted of or 1309  
pleaded guilty to any of the following: 1310

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

violation of section 2905.04 of the Revised Code as it existed 1324  
prior to July 1, 1996, a violation of section 2919.23 of the 1325  
Revised Code that would have been a violation of section 2905.04 1326  
of the Revised Code as it existed prior to July 1, 1996, had the 1327  
violation been committed prior to that date, a violation of 1328  
section 2925.11 of the Revised Code that is not a minor drug 1329  
possession offense, a violation of section 2923.02 or 2923.03 of 1330  
the Revised Code that relates to a crime specified in this 1331  
division, or a second violation of section 4511.19 of the Revised 1332  
Code within five years of the date of application for licensure or 1333  
certification. 1334

(b) A violation of an existing or former law of this state, 1335  
any other state, or the United States that is substantially 1336  
equivalent to any of the offenses or violations described in 1337  
division (A)(9)(a) of this section. 1338

(10) Upon receipt of a request pursuant to section 5153.111 1339  
of the Revised Code, a completed form prescribed pursuant to 1340  
division (C)(1) of this section, and a set of fingerprint 1341  
impressions obtained in the manner described in division (C)(2) of 1342  
this section, the superintendent of the bureau of criminal 1343  
identification and investigation shall conduct a criminal records 1344  
check in the manner described in division (B) of this section to 1345  
determine whether any information exists that indicates that the 1346  
person who is the subject of the request previously has been 1347  
convicted of or pleaded guilty to any of the following: 1348

(a) A violation of section 2903.01, 2903.02, 2903.03, 1349  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1350  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1351  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1352  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1353  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1354  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1355

2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1356  
felonious sexual penetration in violation of former section 1357  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1358  
Revised Code as it existed prior to July 1, 1996, a violation of 1359  
section 2919.23 of the Revised Code that would have been a 1360  
violation of section 2905.04 of the Revised Code as it existed 1361  
prior to July 1, 1996, had the violation been committed prior to 1362  
that date, or a violation of section 2925.11 of the Revised Code 1363  
that is not a minor drug possession offense; 1364

(b) A violation of an existing or former law of this state, 1365  
any other state, or the United States that is substantially 1366  
equivalent to any of the offenses listed in division (A)(10)(a) of 1367  
this section. 1368

(11) On receipt of a request for a criminal records check 1369  
from an individual pursuant to section 4749.03 or 4749.06 of the 1370  
Revised Code, accompanied by a completed copy of the form 1371  
prescribed in division (C)(1) of this section and a set of 1372  
fingerprint impressions obtained in a manner described in division 1373  
(C)(2) of this section, the superintendent of the bureau of 1374  
criminal identification and investigation shall conduct a criminal 1375  
records check in the manner described in division (B) of this 1376  
section to determine whether any information exists indicating 1377  
that the person who is the subject of the request has been 1378  
convicted of or pleaded guilty to a felony in this state or in any 1379  
other state. If the individual indicates that a firearm will be 1380  
carried in the course of business, the superintendent shall 1381  
require information from the federal bureau of investigation as 1382  
described in division (B)(2) of this section. The superintendent 1383  
shall report the findings of the criminal records check and any 1384  
information the federal bureau of investigation provides to the 1385  
director of public safety. 1386

(12) On receipt of a request pursuant to section 1321.37, 1387



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

(13) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner

described in division (C)(2) of this section, the superintendent 1421  
of the bureau of criminal identification and investigation shall 1422  
conduct a criminal records check in the manner described in 1423  
division (B) of this section to determine whether any information 1424  
exists that indicates that the person who is the subject of the 1425  
request has been convicted of or pleaded guilty to any criminal 1426  
offense in this state or any other state. The superintendent shall 1427  
send the results of a check requested under section 113.041 of the 1428  
Revised Code to the treasurer of state and shall send the results 1429  
of a check requested under any of the other listed sections to the 1430  
licensing board specified by the individual in the request. 1431

(14) On receipt of a request pursuant to section 1121.23, 1433  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1434  
Code, a completed form prescribed pursuant to division (C)(1) of 1435  
this section, and a set of fingerprint impressions obtained in the 1436  
manner described in division (C)(2) of this section, the 1437  
superintendent of the bureau of criminal identification and 1438  
investigation shall conduct a criminal records check in the manner 1439  
described in division (B) of this section to determine whether any 1440  
information exists that indicates that the person who is the 1441  
subject of the request previously has been convicted of or pleaded 1442  
guilty to any criminal offense under any existing or former law of 1443  
this state, any other state, or the United States. 1444

(15) Not later than thirty days after the date the 1445  
superintendent receives a request of a type described in division 1446  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 1447  
or (14) of this section, the completed form, and the fingerprint 1448  
impressions, the superintendent shall send the person, board, or 1449  
entity that made the request any information, other than 1450  
information the dissemination of which is prohibited by federal 1451  
law, the superintendent determines exists with respect to the 1452

person who is the subject of the request that indicates that the 1453  
person previously has been convicted of or pleaded guilty to any 1454  
offense listed or described in division (A)(1), (2), (3), (4), 1455  
(5), (6), (7), (8), (9), (10), (11), (12), or (14) of this 1456  
section, as appropriate. The superintendent shall send the person, 1457  
board, or entity that made the request a copy of the list of 1458  
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 1459  
(7), (8), (9), (10), (11), (12), or (14) of this section, as 1460  
appropriate. If the request was made under section 3701.881 of the 1461  
Revised Code with regard to an applicant who may be both 1462  
responsible for the care, custody, or control of a child and 1463  
involved in providing direct care to an older adult, the 1464  
superintendent shall provide a list of the offenses specified in 1465  
divisions (A)(4) and (6) of this section. 1466

Not later than thirty days after the superintendent receives 1467  
a request for a criminal records check pursuant to section 113.041 1468  
of the Revised Code, the completed form, and the fingerprint 1469  
impressions, the superintendent shall send the treasurer of state 1470  
any information, other than information the dissemination of which 1471  
is prohibited by federal law, the superintendent determines exist 1472  
with respect to the person who is the subject of the request that 1473  
indicates that the person previously has been convicted of or 1474  
pleaded guilty to any criminal offense in this state or any other 1475  
state. 1476

(B) The superintendent shall conduct any criminal records 1477  
check requested under section 113.041, 121.08, 173.27, 173.394, 1478  
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1479  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1480  
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 1481  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1482  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1483  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1484

4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1485  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1486  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1487  
5126.281, or 5153.111 of the Revised Code as follows: 1488

(1) The superintendent shall review or cause to be reviewed 1489  
any relevant information gathered and compiled by the bureau under 1490  
division (A) of section 109.57 of the Revised Code that relates to 1491  
the person who is the subject of the request, including, if the 1492  
criminal records check was requested under section 113.041, 1493  
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1494  
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1495  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1496  
3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 1497  
5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of 1498  
the Revised Code, any relevant information contained in records 1499  
that have been sealed under section 2953.32 of the Revised Code; 1500  
1501

(2) If the request received by the superintendent asks for 1502  
information from the federal bureau of investigation, the 1503  
superintendent shall request from the federal bureau of 1504  
investigation any information it has with respect to the person 1505  
who is the subject of the request, including fingerprint-based 1506  
checks of national crime information databases as described in 42 1507  
U.S.C. 671 if the request is made pursuant to section 2151.86, 1508  
5104.012, or 5104.013 of the Revised Code or if any other Revised 1509  
Code section requires fingerprint-based checks of that nature, and 1510  
shall review or cause to be reviewed any information the 1511  
superintendent receives from that bureau. 1512

(3) The superintendent or the superintendent's designee may 1513  
request criminal history records from other states or the federal 1514  
government pursuant to the national crime prevention and privacy 1515  
compact set forth in section 109.571 of the Revised Code. 1516

(C)(1) The superintendent shall prescribe a form to obtain 1517  
the information necessary to conduct a criminal records check from 1518  
any person for whom a criminal records check is requested under 1519  
section 113.041 of the Revised Code or required by section 121.08, 1520  
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1521  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1522  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 1523  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1524  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1525  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1526  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1527  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1528  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1529  
5126.281, or 5153.111 of the Revised Code. The form that the 1530  
superintendent prescribes pursuant to this division may be in a 1531  
tangible format, in an electronic format, or in both tangible and 1532  
electronic formats. 1533

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

sheriff's office, municipal police department, or any other entity 1550  
with the ability to make fingerprint impressions on the standard 1551  
impression sheets prescribed by the superintendent. The office, 1552  
department, or entity may charge the person a reasonable fee for 1553  
making the impressions. The standard impression sheets the 1554  
superintendent prescribes pursuant to this division may be in a 1555  
tangible format, in an electronic format, or in both tangible and 1556  
electronic formats. 1557

(3) Subject to division (D) of this section, the 1559  
superintendent shall prescribe and charge a reasonable fee for 1560  
providing a criminal records check requested under section 1561  
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1562  
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1563  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1564  
3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 1565  
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 1566  
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 1567  
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 1568  
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 1569  
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 1570  
5126.28, 5126.281, or 5153.111 of the Revised Code. The person 1571  
making a criminal records request under any of those sections 1572  
shall pay the fee prescribed pursuant to this division. A person 1573  
making a request under section 3701.881 of the Revised Code for a 1574  
criminal records check for an applicant who may be both 1575  
responsible for the care, custody, or control of a child and 1576  
involved in providing direct care to an older adult shall pay one 1577  
fee for the request. In the case of a request under section 1578  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 1579  
of the Revised Code, the fee shall be paid in the manner specified 1580  
in that section. 1581

(4) The superintendent of the bureau of criminal 1583  
identification and investigation may prescribe methods of 1584  
forwarding fingerprint impressions and information necessary to 1585  
conduct a criminal records check, which methods shall include, but 1586  
not be limited to, an electronic method. 1587

(D) A determination whether any information exists that 1588  
indicates that a person previously has been convicted of or 1589  
pleaded guilty to any offense listed or described in division 1590  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1591  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1592  
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), or (A)(14) of this 1593  
section, or that indicates that a person previously has been 1594  
convicted of or pleaded guilty to any criminal offense in this 1595  
state or any other state regarding a criminal records check of a 1596  
type described in division (A)(13) of this section, and that is 1597  
made by the superintendent with respect to information considered 1598  
in a criminal records check in accordance with this section is 1599  
valid for the person who is the subject of the criminal records 1600  
check for a period of one year from the date upon which the 1601  
superintendent makes the determination. During the period in which 1602  
the determination in regard to a person is valid, if another 1603  
request under this section is made for a criminal records check 1604  
for that person, the superintendent shall provide the information 1605  
that is the basis for the superintendent's initial determination 1606  
at a lower fee than the fee prescribed for the initial criminal 1607  
records check. 1608

(E) As used in this section: 1609

(1) "Criminal records check" means any criminal records check 1610  
conducted by the superintendent of the bureau of criminal 1611  
identification and investigation in accordance with division (B) 1612  
of this section. 1613

(2) "Minor drug possession offense" has the same meaning as 1614

in section 2925.01 of the Revised Code. 1615

(3) "Older adult" means a person age sixty or older. 1616

(4) "OVI or OVUAC violation" means a violation of section 1617  
4511.19 of the Revised Code or a violation of an existing or 1618  
former law of this state, any other state, or the United States 1619  
that is substantially equivalent to section 4511.19 of the Revised 1620  
Code. 1621

**Sec. 109.73.** (A) The Ohio peace officer training commission 1622  
shall recommend rules to the attorney general with respect to all 1623  
of the following: 1624

(1) The approval, or revocation of approval, of peace officer 1625  
training schools administered by the state, counties, municipal 1626  
corporations, public school districts, technical college 1627  
districts, and the department of natural resources; 1628

(2) Minimum courses of study, attendance requirements, and 1629  
equipment and facilities to be required at approved state, county, 1630  
municipal, and department of natural resources peace officer 1631  
training schools; 1632

(3) Minimum qualifications for instructors at approved state, 1633  
county, municipal, and department of natural resources peace 1634  
officer training schools; 1635

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



handling of missing children and child abuse and neglect cases; 1645  
and the time within which such basic training shall be completed 1646  
following appointment to a probationary term; 1647

(5) The requirements of minimum basic training that peace 1648  
officers not appointed for probationary terms but appointed on 1649  
other than a permanent basis shall complete in order to be 1650  
eligible for continued employment or permanent appointment, which 1651  
requirements shall include ~~a minimum of fifteen hours of~~ training 1652  
in the handling of the offense of domestic violence, other types 1653  
of domestic violence-related offenses and incidents, and 1654  
protection orders and consent agreements issued or approved under 1655  
section 2919.26 or 3113.31 of the Revised Code, ~~a minimum of six~~ 1656  
~~hours of~~ crisis intervention training, and ~~a specified amount of~~ 1657  
training in the handling of missing children and child abuse and 1658  
neglect cases, and the time within which such basic training shall 1659  
be completed following appointment on other than a permanent 1660  
basis; 1661

(6) Categories or classifications of advanced in-service 1662  
training programs for peace officers, including programs in the 1663  
handling of the offense of domestic violence, other types of 1664  
domestic violence-related offenses and incidents, and protection 1665  
orders and consent agreements issued or approved under section 1666  
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 1667  
and in the handling of missing children and child abuse and 1668  
neglect cases, and minimum courses of study and attendance 1669  
requirements with respect to such categories or classifications; 1670

(7) Permitting persons, who are employed as members of a 1671  
campus police department appointed under section 1713.50 of the 1672  
Revised Code; who are employed as police officers by a qualified 1673  
nonprofit corporation police department pursuant to section 1674  
1702.80 of the Revised Code; who are appointed and commissioned as 1675  
bank, savings and loan association, savings bank, credit union, or 1676

association of banks, savings and loan associations, savings 1677  
banks, or credit unions police officers, as railroad police 1678  
officers, or as hospital police officers pursuant to sections 1679  
4973.17 to 4973.22 of the Revised Code; or who are appointed and 1680  
commissioned as amusement park police officers pursuant to section 1681  
4973.17 of the Revised Code, to attend approved peace officer 1682  
training schools, including the Ohio peace officer training 1683  
academy, and to receive certificates of satisfactory completion of 1684  
basic training programs, if the private college or university that 1685  
established the campus police department; qualified nonprofit 1686  
corporation police department; bank, savings and loan association, 1687  
savings bank, credit union, or association of banks, savings and 1688  
loan associations, savings banks, or credit unions; railroad 1689  
company; hospital; or amusement park sponsoring the police 1690  
officers pays the entire cost of the training and certification 1691  
and if trainee vacancies are available; 1692

(8) Permitting undercover drug agents to attend approved 1693  
peace officer training schools, other than the Ohio peace officer 1694  
training academy, and to receive certificates of satisfactory 1695  
completion of basic training programs, if, for each undercover 1696  
drug agent, the county, township, or municipal corporation that 1697  
employs that undercover drug agent pays the entire cost of the 1698  
training and certification; 1699

(9)(a) The requirements for basic training programs for 1700  
bailiffs and deputy bailiffs of courts of record of this state and 1701  
for criminal investigators employed by the state public defender 1702  
that those persons shall complete before they may carry a firearm 1703  
while on duty; 1704

(b) The requirements for any training received by a bailiff 1705  
or deputy bailiff of a court of record of this state or by a 1706  
criminal investigator employed by the state public defender prior 1707  
to June 6, 1986, that is to be considered equivalent to the 1708

training described in division (A)(9)(a) of this section. 1709

(10) Establishing minimum qualifications and requirements for 1710  
certification for dogs utilized by law enforcement agencies; 1711

(11) Establishing minimum requirements for certification of 1712  
persons who are employed as correction officers in a full-service 1713  
jail, five-day facility, or eight-hour holding facility or who 1714  
provide correction services in such a jail or facility; 1715

(12) Establishing requirements for the training of agents of 1716  
a county humane society under section 1717.06 of the Revised Code, 1717  
including, without limitation, a requirement that the agents 1718  
receive instruction on traditional animal husbandry methods and 1719  
training techniques, including customary owner-performed 1720  
practices. 1721

(B) The commission shall appoint an executive director, with 1722  
the approval of the attorney general, who shall hold office during 1723  
the pleasure of the commission. The executive director shall 1724  
perform such duties assigned by the commission. The executive 1725  
director shall receive a salary fixed pursuant to Chapter 124. of 1726  
the Revised Code and reimbursement for expenses within the amounts 1727  
available by appropriation. The executive director may appoint 1728  
officers, employees, agents, and consultants as the executive 1729  
director considers necessary, prescribe their duties, and provide 1730  
for reimbursement of their expenses within the amounts available 1731  
for reimbursement by appropriation and with the approval of the 1732  
commission. 1733

(C) The commission may do all of the following: 1734

(1) Recommend studies, surveys, and reports to be made by the 1735  
executive director regarding the carrying out of the objectives 1736  
and purposes of sections 109.71 to 109.77 of the Revised Code; 1737

(2) Visit and inspect any peace officer training school that 1738  
has been approved by the executive director or for which 1739

application for approval has been made; 1740

(3) Make recommendations, from time to time, to the executive 1741  
director, the attorney general, and the general assembly regarding 1742  
the carrying out of the purposes of sections 109.71 to 109.77 of 1743  
the Revised Code; 1744

(4) Report to the attorney general from time to time, and to 1745  
the governor and the general assembly at least annually, 1746  
concerning the activities of the commission; 1747

(5) Establish fees for the services the commission offers 1748  
under sections 109.71 to 109.79 of the Revised Code, including, 1749  
but not limited to, fees for training, certification, and testing; 1750

(6) Perform such other acts as are necessary or appropriate 1751  
to carry out the powers and duties of the commission as set forth 1752  
in sections 109.71 to 109.77 of the Revised Code. 1753

(D) In establishing the requirements, under division (A)(12) 1754  
of this section, the commission may consider any portions of the 1755  
curriculum for instruction on the topic of animal husbandry 1756  
practices, if any, of the Ohio state university college of 1757  
veterinary medicine. No person or entity that fails to provide 1758  
instruction on traditional animal husbandry methods and training 1759  
techniques, including customary owner-performed practices, shall 1760  
qualify to train a humane agent for appointment under section 1761  
1717.06 of the Revised Code. 1762

**Sec. 109.742.** The attorney general shall adopt, in accordance 1763  
with Chapter 119. or pursuant to section 109.74 of the Revised 1764  
Code, rules governing the training of peace officers in crisis 1765  
intervention. The rules shall specify ~~six or more hours of that~~ 1766  
the amount of training necessary for the satisfactory completion 1767  
of basic training programs at approved peace officer training 1768  
schools, other than the Ohio peace officer training academy. 1769

1770

**Sec. 109.744.** The attorney general shall adopt, in accordance 1771  
with Chapter 119. of the Revised Code or pursuant to section 1772  
109.74 of the Revised Code, rules governing the training of peace 1773  
officers in the handling of the offense of domestic violence, 1774  
other types of domestic violence-related offenses and incidents, 1775  
and protection orders and consent agreements issued or approved 1776  
under section 2919.26 or 3113.31 of the Revised Code. The 1777  
provisions of the rules shall include, but shall not be limited 1778  
to, all of the following: 1779

(A) A ~~specification that fifteen or more hours~~ specified 1780  
amount of ~~that~~ training that is ~~required~~ necessary for the 1781  
satisfactory completion of basic training programs at approved 1782  
peace officer training schools, other than the Ohio peace officer 1783  
training academy; 1784

(B) A requirement that the training include, but not be 1785  
limited to, training in all of the following: 1786

(1) All recent amendments to domestic violence-related laws; 1787

(2) Notifying a victim of domestic violence of ~~his~~ the 1788  
victim's rights; 1789

(3) Processing protection orders and consent agreements 1790  
issued or approved under section 2919.26 or 3113.31 of the Revised 1791  
Code. 1792

**Sec. 109.751.** (A) The executive director of the Ohio peace 1793  
officer training commission shall neither approve nor issue a 1794  
certificate of approval to a peace officer training school 1795  
pursuant to section 109.75 of the Revised Code unless the school 1796  
agrees to permit, in accordance with rules adopted by the attorney 1797  
general pursuant to division (C) of this section, undercover drug 1798  
agents to attend its basic training programs. The executive 1799

director shall revoke approval, and the certificate of approval 1800  
of, a peace officer training school that does not permit, in 1801  
accordance with rules adopted by the attorney general pursuant to 1802  
division (C) of this section, undercover drug agents to attend its 1803  
basic training programs. 1804

This division does not apply to peace officer training 1805  
schools for employees of conservancy districts who are designated 1806  
pursuant to section 6101.75 of the Revised Code or for a natural 1807  
resources law enforcement staff officer, park officers, forest 1808  
officers, preserve officers, wildlife officers, or state 1809  
watercraft officers of the department of natural resources. 1810

(B)(1) A peace officer training school is not required to 1811  
permit an undercover drug agent, a bailiff or deputy bailiff of a 1812  
court of record of this state, or a criminal investigator employed 1813  
by the state public defender to attend its basic training programs 1814  
if either of the following applies: 1815

(a) In the case of the Ohio peace officer training academy, 1816  
the employer county, township, municipal corporation, court, or 1817  
state public defender or the particular undercover drug agent, 1818  
bailiff, deputy bailiff, or criminal investigator has not paid the 1819  
tuition costs of training in accordance with section 109.79 of the 1820  
Revised Code; 1821

(b) In the case of other peace officer training schools, the 1822  
~~employer~~ employing county, township, municipal corporation, court, 1823  
or state public defender fails to pay the entire cost of the 1824  
training and certification. 1825

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

applicable, has authorized the bailiff, deputy bailiff, or 1831  
investigator to attend the school. 1832

(C) The attorney general shall adopt, in accordance with 1833  
Chapter 119. or pursuant to section 109.74 of the Revised Code, 1834  
rules governing the attendance of undercover drug agents at 1835  
approved peace officer training schools, other than the Ohio peace 1836  
officer training academy, and the certification of the agents upon 1837  
their satisfactory completion of basic training programs. 1838

**Sec. 109.761.** (A)(1) Each agency or entity that appoints or 1839  
employs one or more peace officers shall report to the Ohio peace 1840  
officer training commission all of the following that occur on or 1841  
after February 20, 2002: 1842

(a) The appointment or employment of any person to serve the 1843  
agency or entity as a peace officer in any full-time, part-time, 1844  
reserve, auxiliary, or other capacity; 1845

(b) The termination, resignation, felony conviction, ~~or~~ 1846  
death, or guilty plea as specified in division (F) of section 1847  
109.77 of the Revised Code of any person who has been appointed to 1848  
or employed by the agency or entity as a peace officer in any 1849  
full-time, part-time, reserve, auxiliary, or other capacity and is 1850  
serving the agency or entity in any of those peace officer 1851  
capacities. 1852

(2) An agency or entity shall make each report required by 1853  
this division not later than ten days after the occurrence of the 1854  
event being reported. The agency or entity shall make the report 1855  
in the manner and format prescribed by the executive director of 1856  
the Ohio peace officer training commission. 1857

(B) Each agency or entity that appoints or employs one or 1858  
more peace officers or state highway patrol troopers shall 1859  
annually provide to the Ohio peace officer training commission a 1860

roster of all persons who have been appointed to or employed by 1861  
the agency or entity as peace officers or troopers in any 1862  
full-time, part-time, reserve, auxiliary, or other capacity and 1863  
are serving, or during the year covered by the report have served, 1864  
the agency or entity in any of those peace officer or trooper 1865  
capacities. The agency or entity shall provide the roster in the 1866  
manner and format, and by the date, prescribed by the executive 1867  
director of the Ohio peace officer training commission. 1868

(C) The Ohio peace officer training commission shall 1869  
prescribe the manner and format of making reports under division 1870  
(A) of this section and providing annual rosters under division 1871  
(B) of this section and shall prescribe the date by which the 1872  
annual rosters must be provided. 1873

**Sec. 109.77.** (A) As used in this section, "felony" has the 1874  
same meaning as in section 109.511 of the Revised Code. 1875

(B)(1) Notwithstanding any general, special, or local law or 1876  
charter to the contrary, and except as otherwise provided in this 1877  
section, no person shall receive an original appointment on a 1878  
permanent basis as any of the following unless the person 1879  
previously has been awarded a certificate by the executive 1880  
director of the Ohio peace officer training commission attesting 1881  
to the person's satisfactory completion of an approved state, 1882  
county, municipal, or department of natural resources peace 1883  
officer basic training program: 1884

(a) A peace officer of any county, township, municipal 1885  
corporation, regional transit authority, or metropolitan housing 1886  
authority; 1887

(b) A natural resources law enforcement staff officer, park 1888  
officer, forest officer, preserve officer, wildlife officer, or 1889  
state watercraft officer of the department of natural resources; 1890



(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	1891 1892
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	1893 1894
(e) A state university law enforcement officer;	1895
(f) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;	1896 1897 1898 1899
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	1900 1901 1902
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	1903 1904
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	1905 1906 1907 1908 1909 1910 1911 1912 1913
(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary	1914 1915 1916 1917 1918 1919 1920 1921

officers and is awarded a certificate by the director attesting to	1922
the satisfactory completion of the program:	1923
(a) A peace officer of any county, township, municipal	1924
corporation, regional transit authority, or metropolitan housing	1925
authority;	1926
(b) A natural resources law enforcement staff officer, park	1927
officer, forest officer, preserve officer, wildlife officer, or	1928
state watercraft officer of the department of natural resources;	1929
(c) An employee of a park district under section 511.232 or	1930
1545.13 of the Revised Code;	1931
(d) An employee of a conservancy district who is designated	1932
pursuant to section 6101.75 of the Revised Code;	1933
(e) A special police officer employed by the department of	1934
mental health pursuant to section 5119.14 of the Revised Code or	1935
the department of mental retardation and developmental	1936
disabilities pursuant to section 5123.13 of the Revised Code;	1937
(f) An enforcement agent of the department of public safety	1938
whom the director of public safety designates under section	1939
5502.14 of the Revised Code;	1940
(g) A special police officer employed by a port authority	1941
under section 4582.04 or 4582.28 of the Revised Code;	1942
(h) A special police officer employed by a municipal	1943
corporation at a municipal airport, or other municipal air	1944
navigation facility, that has scheduled operations, as defined in	1945
section 119.3 of Title 14 of the Code of Federal Regulations, 14	1946
C.F.R. 119.3, as amended, and that is required to be under a	1947
security program and is governed by aviation security rules of the	1948
transportation security administration of the United States	1949
department of transportation as provided in Parts 1542. and 1544.	1950
of Title 49 of the Code of Federal Regulations, as amended.	1951

(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program is to be completed by peace officers appointed on a permanent or temporary, probationary, or other nonpermanent basis, shall include ~~at least fifteen hours of~~ training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code and ~~at least six hours of~~ crisis intervention training. The requirement to complete ~~fifteen hours of~~ training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code does not apply to any person serving as a peace officer on March 27, 1979, and the requirement to complete ~~six hours of~~ training in crisis intervention does not apply to any person serving as a peace officer on April 4, 1985. Any person who is serving as a peace officer on April 4, 1985, who terminates that employment after that date, and who subsequently is hired as a peace officer by the same or another law enforcement agency shall complete ~~the six hours of~~ training in crisis intervention ~~within the time as~~ prescribed by rules adopted by the attorney general pursuant to section 109.742 of the Revised Code. No peace officer shall have employment as a peace officer terminated and then be reinstated with intent to circumvent this section.

(4) Division (B) of this section does not apply to any person serving on a permanent basis on March 28, 1985, as a park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources or as an employee of a park district under section 511.232 or 1545.13 of the Revised Code, to any person serving on a permanent basis on

March 6, 1986, as an employee of a conservancy district designated 1985  
pursuant to section 6101.75 of the Revised Code, to any person 1986  
serving on a permanent basis on January 10, 1991, as a preserve 1987  
officer of the department of natural resources, to any person 1988  
employed on a permanent basis on July 2, 1992, as a special police 1989  
officer by the department of mental health pursuant to section 1990  
5119.14 of the Revised Code or by the department of mental 1991  
retardation and developmental disabilities pursuant to section 1992  
5123.13 of the Revised Code, to any person serving on a permanent 1993  
basis on May 17, 2000, as a special police officer employed by a 1994  
port authority under section 4582.04 or 4582.28 of the Revised 1995  
Code, to any person serving on a permanent basis on ~~the effective~~ 1996  
~~date of this amendment~~ March 19, 2003, as a special police officer 1997  
employed by a municipal corporation at a municipal airport or 1998  
other municipal air navigation facility described in division 1999  
(A)(19) of section 109.71 of the Revised Code, to any person 2000  
serving on a permanent basis on June 19, 1978, as a state 2001  
university law enforcement officer pursuant to section 3345.04 of 2002  
the Revised Code and who, immediately prior to June 19, 1978, was 2003  
serving as a special police officer designated under authority of 2004  
that section, or to any person serving on a permanent basis on 2005  
September 20, 1984, as a liquor control investigator, known after 2006  
June 30, 1999, as an enforcement agent of the department of public 2007  
safety, engaged in the enforcement of Chapters 4301. and 4303. of 2008  
the Revised Code. 2009

(5) Division (B) of this section does not apply to any person 2010  
who is appointed as a regional transit authority police officer 2011  
pursuant to division (Y) of section 306.35 of the Revised Code if, 2012  
on or before July 1, 1996, the person has completed satisfactorily 2013  
an approved state, county, municipal, or department of natural 2014  
resources peace officer basic training program and has been 2015  
awarded a certificate by the executive director of the Ohio peace 2016  
officer training commission attesting to the person's satisfactory 2017

completion of such an approved program and if, on July 1, 1996, 2018  
the person is performing peace officer functions for a regional 2019  
transit authority. 2020

(C) No person, after September 20, 1984, shall receive an 2021  
original appointment on a permanent basis as a veterans' home 2022  
police officer designated under section 5907.02 of the Revised 2023  
Code unless the person previously has been awarded a certificate 2024  
by the executive director of the Ohio peace officer training 2025  
commission attesting to the person's satisfactory completion of an 2026  
approved police officer basic training program. Every person who 2027  
is appointed on a temporary basis or for a probationary term or on 2028  
other than a permanent basis as a veterans' home police officer 2029  
designated under section 5907.02 of the Revised Code shall forfeit 2030  
that position unless the person previously has completed 2031  
satisfactorily or, within one year from the time of appointment, 2032  
satisfactorily completes an approved police officer basic training 2033  
program. 2034

(D) No bailiff or deputy bailiff of a court of record of this 2035  
state and no criminal investigator who is employed by the state 2036  
public defender shall carry a firearm, as defined in section 2037  
2923.11 of the Revised Code, while on duty unless the bailiff, 2038  
deputy bailiff, or criminal investigator has done or received one 2039  
of the following: 2040

(1) Has been awarded a certificate by the executive director 2041  
of the Ohio peace officer training commission, which certificate 2042  
attests to satisfactory completion of an approved state, county, 2043  
or municipal basic training program for bailiffs and deputy 2044  
bailiffs of courts of record and for criminal investigators 2045  
employed by the state public defender that has been recommended by 2046  
the Ohio peace officer training commission; 2047

(2) Has successfully completed a firearms training program 2048  
approved by the Ohio peace officer training commission prior to 2049

employment as a bailiff, deputy bailiff, or criminal investigator; 2050

(3) Prior to June 6, 1986, was authorized to carry a firearm 2051  
by the court that employed the bailiff or deputy bailiff or, in 2052  
the case of a criminal investigator, by the state public defender 2053  
and has received training in the use of firearms that the Ohio 2054  
peace officer training commission determines is equivalent to the 2055  
training that otherwise is required by division (D) of this 2056  
section. 2057

(E)(1) Before a person seeking a certificate completes an 2058  
approved peace officer basic training program, the executive 2059  
director of the Ohio peace officer training commission shall 2060  
request the person to disclose, and the person shall disclose, any 2061  
previous criminal conviction of or plea of guilty of that person 2062  
to a felony. 2063

(2) Before a person seeking a certificate completes an 2064  
approved peace officer basic training program, the executive 2065  
director shall request a criminal history records check on the 2066  
person. The executive director shall submit the person's 2067  
fingerprints to the bureau of criminal identification and 2068  
investigation, which shall submit the fingerprints to the federal 2069  
bureau of investigation for a national criminal history records 2070  
check. 2071

Upon receipt of the executive director's request, the bureau 2072  
of criminal identification and investigation and the federal 2073  
bureau of investigation shall conduct a criminal history records 2074  
check on the person and, upon completion of the check, shall 2075  
provide a copy of the criminal history records check to the 2076  
executive director. The executive director shall not award any 2077  
certificate prescribed in this section unless the executive 2078  
director has received a copy of the criminal history records check 2079  
on the person to whom the certificate is to be awarded. 2080

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

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

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

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

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

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this

section pending the outcome of an appeal by the person from that 2112  
conviction to the highest court to which the appeal is taken or 2113  
until the expiration of the period in which an appeal is required 2114  
to be filed. If the person files an appeal that results in that 2115  
person's acquittal of the felony or conviction of a misdemeanor, 2116  
or in the dismissal of the felony charge against that person, the 2117  
executive director shall reinstate the certificate awarded to the 2118  
person under this section. If the person files an appeal from that 2119  
person's conviction of the felony and the conviction is upheld by 2120  
the highest court to which the appeal is taken or if the person 2121  
does not file a timely appeal, the executive director shall revoke 2122  
the certificate awarded to the person under this section. 2123

(G)(1) If a person is awarded a certificate under this 2124  
section and the certificate is revoked pursuant to division (E)(4) 2125  
or (F) of this section, the person shall not be eligible to 2126  
receive, at any time, a certificate attesting to the person's 2127  
satisfactory completion of a peace officer basic training program. 2128

(2) The revocation or suspension of a certificate under 2129  
division (E)(4) or (F) of this section shall be in accordance with 2130  
Chapter 119. of the Revised Code. 2131

(H)(1) A person who was employed as a peace officer of a 2132  
county, township, or municipal corporation of the state on January 2133  
1, 1966, and who has completed at least sixteen years of full-time 2134  
active service as such a peace officer, or equivalent service as 2135  
determined by the executive director of the Ohio peace officer 2136  
training commission, may receive an original appointment on a 2137  
permanent basis and serve as a peace officer of a county, 2138  
township, or municipal corporation, or as a state university law 2139  
enforcement officer, without complying with the requirements of 2140  
division (B) of this section. 2141

(2) Any person who held an appointment as a state highway 2142  
trooper on January 1, 1966, may receive an original appointment on 2143



a permanent basis and serve as a peace officer of a county, 2144  
township, or municipal corporation, or as a state university law 2145  
enforcement officer, without complying with the requirements of 2146  
division (B) of this section. 2147

(I) No person who is appointed as a peace officer of a 2148  
county, township, or municipal corporation on or after April 9, 2149  
1985, shall serve as a peace officer of that county, township, or 2150  
municipal corporation unless the person has received training in 2151  
the handling of missing children and child abuse and neglect cases 2152  
from an approved state, county, township, or municipal police 2153  
officer basic training program or receives the training within the 2154  
time prescribed by rules adopted by the attorney general pursuant 2155  
to section 109.741 of the Revised Code. 2156

(J) No part of any approved state, county, or municipal basic 2157  
training program for bailiffs and deputy bailiffs of courts of 2158  
record and no part of any approved state, county, or municipal 2159  
basic training program for criminal investigators employed by the 2160  
state public defender shall be used as credit toward the 2161  
completion by a peace officer of any part of the approved state, 2162  
county, or municipal peace officer basic training program that the 2163  
peace officer is required by this section to complete 2164  
satisfactorily. 2165

(K) This section does not apply to any member of the police 2166  
department of a municipal corporation in an adjoining state 2167  
serving in this state under a contract pursuant to section 737.04 2168  
of the Revised Code. 2169

**Sec. 109.802.** (A) There is hereby created in the state 2170  
treasury the law enforcement assistance fund. The ~~fund~~ attorney 2171  
general shall ~~be used~~ use the fund to pay reimbursements for 2172  
continuing professional training programs for peace officers and 2173  
troopers as provided in this section and section 109.803 of the 2174

Revised Code, ~~the~~ compensation of any employees of the attorney 2175  
general required to administer those sections, and any other 2176  
administrative costs incurred by the attorney general to 2177  
administer those sections. 2178

(B) The attorney general shall adopt rules in accordance with 2179  
Chapter 119. of the Revised Code establishing application 2180  
procedures, standards, and guidelines, and prescribing an 2181  
application form, for the reimbursement of public appointing 2182  
authorities for the cost of continuing professional training 2183  
programs for their peace officers and troopers. The rules shall 2184  
include, but are not limited to, all of the following: 2185

(1) A requirement that applications for reimbursement be 2186  
submitted on a calendar-year basis; 2187

(2) The documentation required to substantiate any costs for 2188  
which the applicant seeks reimbursement; 2189

(3) Procedures for submitting applications for reimbursement 2190  
for the cost of continuing professional training programs 2191  
completed by a peace officer or trooper for whom the executive 2192  
director of the Ohio peace officer training commission granted 2193  
pursuant to division (A)(2) of section 109.803 of the Revised Code 2194  
an extension of the time for compliance with the continuing 2195  
professional training requirement specified in division (A) of 2196  
that section and who complied with the requirement prior to the 2197  
date on which the extension ends; 2198

(4) Any other requirements necessary for the proper 2199  
administration of the reimbursement program. 2200

(C) The Ohio peace officer training commission shall 2201  
administer a program for reimbursing public appointing authorities 2202  
for the costs of continuing professional training programs that 2203  
are successfully completed by the appointing authority's peace 2204  
officers or troopers. The commission shall administer the 2205

reimbursement program in accordance with rules adopted by the 2206  
attorney general pursuant to division (B) of this section. 2207

(D) Each public appointing authority may apply each calendar 2208  
year to the peace officer training commission for reimbursement 2209  
for the costs of continuing professional training programs that 2210  
are successfully completed by the appointing authority's peace 2211  
officers or troopers. Each application shall be made in accordance 2212  
with, on an application form prescribed in, and be supported by 2213  
the documentation required by, the rules adopted by the attorney 2214  
general pursuant to division (B) of this section. 2215

(E)(1) The Ohio peace officer training commission, in 2216  
accordance with rules of the attorney general adopted under 2217  
division (B) of this section, shall review each application for 2218  
reimbursement made under division (D) of this section to determine 2219  
if the applicant is entitled to reimbursement for the training 2220  
programs for which the applicant seeks reimbursement. Except as 2221  
provided in division (E)(2) of this section, a public appointing 2222  
authority that complies with division (B) of section 109.761 of 2223  
the Revised Code and applies under division (D) of this section 2224  
for reimbursement is entitled to reimbursement ~~only if all for~~ 2225  
each of the appointing authority's peace officers or troopers 2226  
~~comply who timely complies~~ with the continuing professional 2227  
training requirement specified in division (A)(1) of section 2228  
109.803 of the Revised Code by completing the minimum number of 2229  
hours of training directed by the Ohio peace officer training 2230  
commission under that division and with the other requirements 2231  
described in that division. 2232

~~(2) If a public appointing authority applies under division 2233  
(D) of this section for reimbursement, if one or more of its peace 2234  
officers or troopers have not complied with the continuing 2235  
professional training requirement specified in division (A)(1) of 2236  
section 109.803 of the Revised Code by completing the minimum 2237~~

~~number of hours of training directed by the Ohio peace officer 2238  
training commission under that division, and if the executive 2239  
director of the commission granted pursuant to division (A)(2) of 2240  
section 109.803 of the Revised Code an extension of the time 2241  
within which each of those peace officers or troopers who have not 2242  
complied with the continuing professional training requirement 2243  
must comply with that requirement, notwithstanding division (E)(1) 2244  
of this section, both of the following apply: 2245~~

~~(a) If each peace officer or trooper of the public appointing 2246  
authority for whom the executive director of the commission did 2247  
not grant an extension pursuant to division (A)(2) of section 2248  
109.803 of the Revised Code has complied with the continuing 2249  
professional training requirement and with the other requirements 2250  
described in division (A)(1) of section 109.803 of the Revised 2251  
Code, the public appointing authority is entitled to reimbursement 2252  
for the training programs completed by all of its peace officers 2253  
or troopers who have so complied with the continuing professional 2254  
training requirement and the other specified requirements. 2255~~

~~(b) If a peace officer or trooper of the public appointing 2256  
authority for whom the executive director of the commission 2257  
granted an extension pursuant to division (A)(2) of section 2258  
109.803 of the Revised Code complies prior to the date on which 2259  
the extension ends with the continuing professional training 2260  
requirement, and if the peace officer or trooper also has complied 2261  
with the other requirements described in division (A)(1) of 2262  
section 109.803 of the Revised Code, the public appointing 2263  
authority is entitled to reimbursement for the training programs 2264  
completed by that peace officer or trooper. An application for 2265  
reimbursement of the type described in this division shall be made 2266  
in accordance with rules adopted by the attorney general pursuant 2267  
to division (B) of section 109.802 of the Revised Code. 2268~~

~~(3) If a public appointing authority that applies under 2269~~

division (D) of this section for reimbursement is entitled to 2270  
reimbursement under division (E)(1) or (2) of this section for 2271  
each peace officer and trooper who successfully completes a 2272  
training program, the commission shall approve reimbursing the 2273  
appointing authority for the cost of that program. The actual 2274  
amount of reimbursement for each authorized training program shall 2275  
be determined by rules adopted by the attorney general under 2276  
division (B) of this section. 2277

If the public appointing authority is entitled to 2278  
reimbursement under division (E)(2)~~(a)~~ of this section, payment of 2279  
the reimbursement shall not be withheld during the period of the 2280  
extension granted to the other peace officers or troopers of the 2281  
authority pursuant to division (A)(2) of section 109.803 of the 2282  
Revised Code, pending their compliance with the requirement. If 2283  
the public appointing authority is entitled to reimbursement under 2284  
division (E)(2)~~(a)~~ of this section and if one or more of its peace 2285  
officers or troopers who were granted an extension pursuant to 2286  
division (A)(2) of section 109.803 of the Revised Code fails to 2287  
complete prior to the date on which the extension ends the 2288  
required minimum number of hours of continuing professional 2289  
training set by the commission under division (A)(1) of section 2290  
109.803 of the Revised Code, the failure does not affect the 2291  
reimbursement made to the public appointing authority, and the 2292  
public appointing authority is not required to return the 2293  
reimbursement or any portion of it. 2294

(F) Each public appointing authority that receives funds 2295  
under this section shall keep those funds separate from any other 2296  
funds of the appointing authority and shall use those funds only 2297  
for paying the cost of continuing professional training programs. 2298

(G) As used in this section and section 109.803 of the 2299  
Revised Code: 2300

(1) "Peace officer" has the same meaning as in section 109.71 2301

of the Revised Code. 2302

(2) "Trooper" means an individual appointed as a state 2303  
highway patrol trooper under section 5503.01 of the Revised Code. 2304

(3) "Appointing authority" means any agency or entity that 2305  
appoints a peace officer or trooper. 2306

**Sec. 109.803.** (A)(1) Subject to division (A)(2) of this 2307  
section, every appointing authority shall require each of its 2308  
appointed peace officers and troopers to complete up to 2309  
twenty-four hours of continuing professional training each 2310  
calendar year, as directed by the Ohio peace officer training 2311  
commission. The number of hours directed by the commission, up to 2312  
twenty-four hours, is intended to be a minimum requirement, and 2313  
appointing authorities are encouraged to exceed the number of 2314  
hours the commission directs as the minimum. The commission shall 2315  
set the required minimum number of hours based upon available 2316  
funding for reimbursement as described in this division. If no 2317  
funding for the reimbursement is available, no continuing 2318  
professional training will be required. 2319

(2) An appointing authority may submit a written request to 2320  
the peace officer training commission that requests for a calendar 2321  
year because of emergency circumstances an extension of the time 2322  
within which one or more of its appointed peace officers or 2323  
troopers must complete the required minimum number of hours of 2324  
continuing professional training set by the commission, as 2325  
described in division (A)(1) of this section. A request made under 2326  
this division shall set forth the name of each of the appointing 2327  
authority's peace officers or troopers for whom an extension is 2328  
requested, identify the emergency circumstances related to that 2329  
peace officer or trooper, include documentation of those emergency 2330  
circumstances, and set forth the date on which the request is 2331  
submitted to the commission. A request shall be made under this 2332

division not later than the fifteenth day of December in the 2333  
calendar year for which the extension is requested. 2334

Upon receipt of a written request made under this division, 2335  
the executive director of the commission shall review the request 2336  
and the submitted documentation. If the executive director of the 2337  
commission is satisfied that emergency circumstances exist for any 2338  
peace officer or trooper for whom a request was made under this 2339  
division, the executive director may approve the request for that 2340  
peace officer or trooper and grant an extension of the time within 2341  
which that peace officer or trooper must complete the required 2342  
minimum number of hours of continuing professional training set by 2343  
the commission. An extension granted under this division may be 2344  
for any period of time the executive director believes to be 2345  
appropriate, and the executive director shall specify in the 2346  
notice granting the extension the date on which the extension 2347  
ends. Not later than thirty days after the date on which a request 2348  
is submitted to the commission, for each peace officer and trooper 2349  
for whom an extension is requested, the executive director either 2350  
shall approve the request and grant an extension or deny the 2351  
request and deny an extension and shall send to the appointing 2352  
authority that submitted the request written notice of the 2353  
executive director's decision. 2354

If the executive director grants an extension of the time 2355  
within which a particular appointed peace officer or trooper of an 2356  
appointing authority must complete the required minimum number of 2357  
hours of continuing professional training set by the commission, 2358  
the appointing authority shall require that peace officer or 2359  
trooper to complete the required minimum number of hours of 2360  
training not later than the date on which the extension ends. 2361

~~(3)(a) If a public appointing authority complies with the 2362  
training requirement specified in division (A)(1) of this section 2363  
by requiring each of its appointed peace officers and troopers to 2364~~

~~complete the number of hours of training the commission directs as 2365  
the minimum and with division (B) of section 109.761 of the 2366  
Revised Code and if the appointed peace officers and troopers of 2367  
the public appointing authority comply with section 109.801 of the 2368  
Revised Code to the extent that they are subject to that section 2369  
and comply with all other training mandated by the general 2370  
assembly or the attorney general, the attorney general shall 2371  
reimburse the public appointing authority for the successful 2372  
training costs of each of its appointed peace officers and 2373  
troopers as provided in section 109.802 of the Revised Code. 2374~~

~~(b) If the executive director of the Ohio peace officer 2375  
training commission grants pursuant to division (A)(2) of this 2376  
section an extension of the time within which one or more 2377  
appointed peace officers or troopers of a public appointing 2378  
authority must complete the required minimum number of hours of 2379  
continuing professional training set by the commission, and if the 2380  
criteria set forth in division (A)(3)(a) of this section are 2381  
satisfied regarding each appointed peace officer or trooper of the 2382  
public appointing authority for whom such an extension was not 2383  
granted, the attorney general shall reimburse the public 2384  
appointing authority for the successful training costs of each of 2385  
its appointed peace officers and troopers for whom such an 2386  
extension was not granted, as provided in section 109.802 of the 2387  
Revised Code. 2388~~

~~If an appointed peace officer or trooper of a public 2389  
appointing authority for whom the executive director granted such 2390  
an extension completes prior to the date on which the extension 2391  
ends the number of hours of training the commission directs as the 2392  
minimum, if the officer or trooper also has complied with section 2393  
109.801 of the Revised Code to the extent that the officer or 2394  
trooper is subject to that section and has complied with all other 2395  
training mandated by the general assembly or the attorney general, 2396~~



~~and if the public appointing authority has complied with division 2397  
(B) of section 109.761 of the Revised Code, the attorney general 2398  
shall reimburse the public appointing authority for the successful 2399  
training costs of that peace officer or trooper as provided in 2400  
section 109.802 of the Revised Code. 2401~~

~~(B)(1) Subject to division (B)(2) of this section, no 2402  
appointed peace officer or trooper of an appointing authority who 2403  
fails to complete in any calendar year the required hours of 2404  
continuing professional training the Ohio peace officer training 2405  
commission directs pursuant to division (A) of this section as the 2406  
minimum number of hours or who fails to comply with section 2407  
109.801 of the Revised Code or any other required training shall 2408  
carry a firearm during the course of official duties or perform 2409  
the functions of a peace officer or trooper until evidence of the 2410  
peace officer's or trooper's compliance with those requirements is 2411  
filed with the executive director of the Ohio peace officer 2412  
training commission. 2413~~

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

~~division (B)(1) of this section applies to that officer or trooper~~ 2429  
~~after the date on which the extension ends.~~ 2430

~~(C)~~(B) With the advice of the Ohio peace officer training 2431  
commission, the attorney general shall adopt in accordance with 2432  
Chapter 119. of the Revised Code rules setting forth minimum 2433  
standards for continuing professional training for peace officers 2434  
and troopers and governing the administration of continuing 2435  
professional training programs for peace officers and troopers. 2436  
The attorney general shall transmit a certified copy of any rule 2437  
adopted under this section to the secretary of state. 2438

Sec. 111.26. (A) It is hereby declared to be a public purpose 2439  
and function of the state to facilitate the conduct of elections 2440  
by assisting boards of elections in acquiring state capital 2441  
facilities consisting of voting machines, marking devices, and 2442  
automatic tabulating equipment certified for use in this state 2443  
under section 3506.05 of the Revised Code. Those voting machines, 2444  
marking devices, and automatic tabulating equipment are designated 2445  
as capital facilities under sections 152.09 to 152.33 of the 2446  
Revised Code. The Ohio building authority is authorized to issue 2447  
revenue obligations under sections 152.09 to 152.33 of the Revised 2448  
Code to pay all or part of the cost of those state capital 2449  
facilities as are designated by law. 2450

Boards of elections, due to their responsibilities related to 2451  
the proper conduct of elections under state law, are designated as 2452  
state agencies having jurisdiction over those state capital 2453  
facilities financed in part pursuant to this section and Chapter 2454  
152. of the Revised Code. It is hereby determined and declared 2455  
that voting machines, marking devices, and automatic tabulating 2456  
equipment financed in part under this section are for the purpose 2457  
of housing agencies of state government, their functions and 2458  
equipment. 2459

(B) A county shall contribute to the cost of capital facilities authorized under this section as provided below. 2460  
2461

(C) Any lease of capital facilities authorized by this section, the rentals of which are payable in whole or in part from appropriations made by the general assembly, is governed by division (D) of section 152.24 of the Revised Code. Such rentals constitute available receipts as defined in section 152.09 of the Revised Code and may be pledged for the payment of bond service charges as provided in section 152.10 of the Revised Code. 2462  
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(D) The county voting machine revolving lease/loan fund is hereby created in the state treasury. The fund shall consist of the net proceeds of obligations issued under sections 152.09 to 152.33 of the Revised Code to finance a portion of those state capital facilities described in division (A) of this section, as needed to ensure sufficient moneys to support appropriations from the fund. Lease payments from counties made for those capital facilities financed in part from the fund and interest earnings on the balance in the fund shall be credited to the fund. The fund shall also receive any other authorized transfers of cash. Moneys in the fund shall be used for the purpose of acquiring a portion of additional capital facilities described in division (A) of this section at the request of the applicable board of elections. 2469  
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Participation in the fund by a board of county commissioners shall be voluntary. 2483  
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The secretary of state shall administer the county voting machine revolving lease/loan fund in accordance with this section and shall enter into any lease or other agreement with the department of administrative services, the Ohio building authority, or any board of elections necessary or appropriate to accomplish the purposes of this section. 2485  
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(E) Acquisitions made under this section shall provide not 2491  
more than fifty per cent of the estimated total cost of a board of 2492  
county commissioners' purchase of voting machines, marking 2493  
devices, and automatic tabulating equipment. 2494

The secretary of state shall adopt rules for the 2495  
implementation of the acquisition and revolving lease/loan program 2496  
established under this section, which rules shall require that the 2497  
secretary of state approve any acquisition of voting machines, 2498  
marking devices, and automatic tabulating equipment using money 2499  
made available under this section. An acquisition for any one 2500  
board of county commissioners shall not exceed five million 2501  
dollars and shall be made only for equipment purchased on or after 2502  
March 31, 2008. Any costs incurred on or after January 1, 2008, 2503  
may be considered as the county cost percentage for the purpose of 2504  
an acquisition made under this section. 2505

Counties shall lease from the secretary of state the capital 2506  
facilities financed in part from the county voting machine 2507  
revolving lease/loan fund and may enter into any agreements 2508  
required under the applicable bond proceedings. All voting 2509  
machines, marking devices, and automatic tabulating equipment 2510  
purchased through this fund shall remain the property of the state 2511  
until all payments under the applicable county lease have been 2512  
made at which time ownership shall transfer to the county. Costs 2513  
associated with the maintenance, repair, and operation of the 2514  
voting machines, marking devices, and automatic tabulating 2515  
equipment purchased under this section shall be the responsibility 2516  
of the participating boards of elections and boards of county 2517  
commissioners. 2518

Such lease may obligate the counties, as using state agencies 2519  
under Chapter 152. of the Revised Code, to operate the capital 2520  
facilities for such period of time as may be specified by law and 2521  
to pay such rent as the secretary of state determines to be 2522

appropriate. Notwithstanding any other provision of the Revised 2523  
Code to the contrary, any county may enter into such a lease, and 2524  
any such lease is legally sufficient to obligate the county for 2525  
the term stated in the lease. Any such lease constitutes an 2526  
agreement described in division (E) of section 152.24 of the 2527  
Revised Code. 2528

(F) As used in this section: 2529

(1) "Automatic tabulating equipment," "marking device," and 2530  
"voting machine" have the same meanings as in section 3506.01 of 2531  
the Revised Code. 2532

(2) "Equipment" has the same meaning as in section 3506.05 of 2533  
the Revised Code. 2534

**Sec. 111.27.** There is hereby established in the state 2535  
treasury the board of elections reimbursement and education fund. 2536  
The fund shall be used by the secretary of state to reimburse 2537  
boards of elections for various purposes, including reimbursements 2538  
made under sections 3513.301, 3513.312, 3515.071, and 3521.03 of 2539  
the Revised Code, and to provide training and educational programs 2540  
for members and employees of boards of elections. The fund shall 2541  
receive transfers of cash pursuant to controlling board action and 2542  
also shall receive revenues from fees, gifts, grants, donations, 2543  
and other similar receipts. 2544

**Sec. 117.54.** When conducting an audit under section 117.11 of 2545  
the Revised Code of a city, local, or exempted village school 2546  
district, a community school established under Chapter 3314. of 2547  
the Revised Code, or a STEM school established under Chapter 3326. 2548  
of the Revised Code, the auditor of state shall determine both of 2549  
the following: 2550

(A) Whether the school district, community school, or STEM 2551  
school has adopted and submitted a spending plan under section 2552

3306.30 and, if applicable, section 3306.31 of the Revised Code 2553  
and that spending plan complies with any applicable expenditure or 2554  
reporting standard prescribed by rule adopted under section 2555  
3306.25 of the Revised Code; 2556

(B) Whether the school district, community school, or STEM 2557  
school has adopted a plan to implement recommendations of a 2558  
performance review conducted under section 3306.32 of the Revised 2559  
Code or a performance audit conducted under section 3316.042 of 2560  
the Revised Code. 2561

The auditor of state shall record these determinations in the 2562  
audit report. 2563

**Sec. 118.05.** (A) Pursuant to the powers of the general 2564  
assembly and for the purposes of this chapter, upon the occurrence 2565  
of a fiscal emergency in any municipal corporation, county, or 2566  
township, as determined pursuant to section 118.04 of the Revised 2567  
Code, there is established, with respect to that municipal 2568  
corporation, county, or township, a body both corporate and 2569  
politic constituting an agency and instrumentality of the state 2570  
and performing essential governmental functions of the state to be 2571  
known as the "financial planning and supervision commission for 2572  
..... (name of municipal corporation, county, or 2573  
township)," which, in that name, may exercise all authority vested 2574  
in such a commission by this chapter. A separate commission is 2575  
established with respect to each municipal corporation, county, or 2576  
township as to which there is a fiscal emergency as determined 2577  
under this chapter. 2578

(B) A commission shall consist of the following ~~seven~~ voting 2579  
members: 2580

(1) Four ex officio members: the treasurer of state; the 2581  
director of budget and management; in the case of a municipal 2582  
corporation, the mayor of the municipal corporation and the 2583

presiding officer of the legislative authority of the municipal 2584  
corporation; in the case of a county, the president of the board 2585  
of county commissioners and the county auditor; and in the case of 2586  
a township, a member of the board of township trustees and the 2587  
county auditor. 2588

The treasurer of state may designate a deputy treasurer or 2589  
director within the office of the treasurer of state or any other 2590  
appropriate person who is not an employee of the treasurer of 2591  
state's office; the director of budget and management may 2592  
designate an individual within the office of budget and management 2593  
or any other appropriate person who is not an employee of the 2594  
office of budget and management; the mayor may designate a 2595  
responsible official within the mayor's office or the fiscal 2596  
officer of the municipal corporation; the presiding officer of the 2597  
legislative authority of the municipal corporation may designate 2598  
any other member of the legislative authority; the board of county 2599  
commissioners may designate any other member of the board or the 2600  
fiscal officer of the county; and the board of township trustees 2601  
may designate any other member of the board or the fiscal officer 2602  
of the township to attend the meetings of the commission when the 2603  
ex officio member is absent or unable for any reason to attend. A 2604  
designee, when present, shall be counted in determining whether a 2605  
quorum is present at any meeting of the commission and may vote 2606  
and participate in all proceedings and actions of the commission. 2607  
The designations shall be in writing, executed by the ex officio 2608  
member or entity making the designation, and filed with the 2609  
secretary of the commission. The designations may be changed from 2610  
time to time in like manner, but due regard shall be given to the 2611  
need for continuity. 2612

(2) ~~Three~~ If a municipal corporation, county, or township has 2613  
a population of at least one thousand, three members nominated and 2614  
appointed as follows: 2615

The mayor and presiding officer of the legislative authority 2616  
of the municipal corporation, the board of county commissioners, 2617  
or the board of township trustees shall, within ten days after the 2618  
determination of the fiscal emergency by the auditor of state 2619  
under section 118.04 of the Revised Code, submit in writing to the 2620  
governor the nomination of five persons agreed to by them and 2621  
meeting the qualifications set forth in this division. If the 2622  
governor is not satisfied that at least three of the nominees are 2623  
well qualified, the governor shall notify the mayor and presiding 2624  
officer, or the board of county commissioners, or the board of 2625  
township trustees to submit in writing, within five days, 2626  
additional nominees agreed upon by them, not exceeding three. The 2627  
governor shall appoint three members from all the agreed-upon 2628  
nominees so submitted or a lesser number that the governor 2629  
considers well qualified within thirty days after receipt of the 2630  
nominations, and shall fill any remaining positions on the 2631  
commission by appointment of any other persons meeting the 2632  
qualifications set forth in this division. All appointments by the 2633  
governor shall be made with the advice and consent of the senate. 2634  
Each of the three appointed members shall serve during the life of 2635  
the commission, subject to removal by the governor for 2636  
misfeasance, nonfeasance, or malfeasance in office. In the event 2637  
of the death, resignation, incapacity, removal, or ineligibility 2638  
to serve of an appointed member, the governor, pursuant to the 2639  
process for original appointment, shall appoint a successor. 2640

(3) If a municipal corporation, county, or township has a 2641  
population of less than one thousand, one member nominated and 2642  
appointed as follows: 2643

The mayor and presiding officer of the legislative authority 2644  
of the municipal corporation, the board of county commissioners, 2645  
or the board of township trustees shall, within ten days after the 2646  
determination of the fiscal emergency by the auditor of state 2647



under section 118.04 of the Revised Code, submit in writing to the 2648  
governor the nomination of three persons agreed to by them and 2649  
meeting the qualifications set forth in this division. If the 2650  
governor is not satisfied that at least one of the nominees is 2651  
well qualified, the governor shall notify the mayor and presiding 2652  
officer, or the board of county commissioners, or the board of 2653  
township trustees to submit in writing, within five days, 2654  
additional nominees agreed upon by them, not exceeding three. The 2655  
governor shall appoint one member from all the agreed-upon 2656  
nominees so submitted or shall fill the position on the commission 2657  
by appointment of any other person meeting the qualifications set 2658  
forth in this division. All appointments by the governor shall be 2659  
made with the advice and consent of the senate. The appointed 2660  
member shall serve during the life of the commission, subject to 2661  
removal by the governor for misfeasance, nonfeasance, or 2662  
malfeasance in office. In the event of the death, resignation, 2663  
incapacity, removal, or ineligibility to serve of the appointed 2664  
member, the governor, pursuant to the process for original 2665  
appointment, shall appoint a successor. 2666

Each ~~of the three appointed members~~ member shall be an 2667  
individual: 2668

(a) Who has knowledge and experience in financial matters, 2669  
financial management, or business organization or operations, 2670  
~~including at least five years of experience in the private sector~~ 2671  
~~in the management of business or financial enterprise or in~~ 2672  
~~management consulting, public accounting, or other professional~~ 2673  
~~activity;~~ 2674

(b) Whose residency, office, or principal place of 2675  
professional or business activity is situated within the municipal 2676  
corporation, county, or township; 2677

(c) ~~Who has not, at any time during the five years preceding~~ 2678  
~~the date of appointment, held any elected public office. An~~ 2679

~~appointed member of the commission~~ shall not become a candidate 2680  
for elected public office while serving as a member of the 2681  
commission. 2682

(C) Immediately after appointment of the initial ~~three~~ 2683  
~~appointed member or~~ members of the commission, the governor shall 2684  
call the first meeting of the commission and shall cause written 2685  
notice of the time, date, and place of the first meeting to be 2686  
given to each member of the commission at least forty-eight hours 2687  
in advance of the meeting. 2688

(D) The director of budget and management shall serve as 2689  
chairperson of the commission. The commission shall elect one of 2690  
its members to serve as vice-chairperson and may appoint a 2691  
secretary and any other officers, who need not be members of the 2692  
commission, it considers necessary. 2693

(E) The commission may adopt and alter bylaws and rules, 2694  
which shall not be subject to section 111.15 or Chapter 119. of 2695  
the Revised Code, for the conduct of its affairs and for the 2696  
manner, subject to this chapter, in which its powers and functions 2697  
shall be exercised and embodied. 2698

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

other office they hold and are not disqualified from exercising 2712  
the functions of the other office with respect to the municipal 2713  
corporation, county, or township, its officers, or the commission. 2714

2715

(G) The auditor of state shall serve as the "financial 2716  
supervisor" to the commission unless the auditor of state elects 2717  
to contract for that service. As used in this chapter, "financial 2718  
supervisor" means the auditor of state. 2719

(H) At the request of the commission, the auditor of state 2720  
shall designate employees of the auditor of state's office to 2721  
assist the commission and the financial supervisor and to 2722  
coordinate the work of the auditor of state's office and the 2723  
financial supervisor. Upon the determination of a fiscal emergency 2724  
in any municipal corporation, county, or township, the municipal 2725  
corporation, county, or township shall provide the commission with 2726  
such reasonable office space in the principal building housing 2727  
city, county, or township government, where feasible, as it 2728  
determines is necessary to carry out its duties under this 2729  
chapter. 2730

(I) The financial supervisor, the members of the commission, 2731  
the auditor of state, and any person authorized to act on behalf 2732  
of or assist them shall not be personally liable or subject to any 2733  
suit, judgment, or claim for damages resulting from the exercise 2734  
of or failure to exercise the powers, duties, and functions 2735  
granted to them in regard to their functioning under this chapter, 2736  
but the commission, the financial supervisor, the auditor of 2737  
state, and those other persons shall be subject to mandamus 2738  
proceedings to compel performance of their duties under this 2739  
chapter and with respect to any debt obligations issued pursuant 2740  
or subject to this chapter. 2741

(J) At the request of the commission, the administrative head 2742  
of any state agency shall temporarily assign personnel skilled in 2743

accounting and budgeting procedures to assist the commission or 2744  
the financial supervisor in its duties as financial supervisor. 2745

(K) The appointed members of the commission are not subject 2746  
to section 102.02 of the Revised Code. Each appointed member of 2747  
the commission shall file with the commission a signed written 2748  
statement setting forth the general nature of sales of goods, 2749  
property, or services or of loans to the municipal corporation, 2750  
county, or township with respect to which that commission is 2751  
established, in which the appointed member has a pecuniary 2752  
interest or in which any member of the appointed member's 2753  
immediate family, as defined in section 102.01 of the Revised 2754  
Code, or any corporation, partnership, or enterprise of which the 2755  
appointed member is an officer, director, or partner, or of which 2756  
the appointed member or a member of the appointed member's 2757  
immediate family, as so defined, owns more than a five per cent 2758  
interest, has a pecuniary interest, and of which sale, loan, or 2759  
interest such member has knowledge. The statement shall be 2760  
supplemented from time to time to reflect changes in the general 2761  
nature of any such sales or loans. 2762

**Sec. 120.04.** (A) The state public defender shall serve at the 2763  
pleasure of the Ohio public defender commission and shall be an 2764  
attorney with a minimum of four years of experience in the 2765  
practice of law and be admitted to the practice of law in this 2766  
state at least one year prior to appointment. 2767

(B) The state public defender shall do all of the following: 2768

(1) Maintain a central office in Columbus. The central office 2769  
shall be provided with a library of adequate size, considering the 2770  
needs of the office and the accessibility of other libraries, and 2771  
other necessary facilities and equipment. 2772

(2) Appoint assistant state public defenders, all of whom 2773  
shall be attorneys admitted to the practice of law in this state, 2774

and other personnel necessary for the operation of the state 2775  
public defender office. Assistant state public defenders shall be 2776  
appointed on a full-time basis. The state public defender, 2777  
assistant state public defenders, and employees appointed by the 2778  
state public defender shall not engage in the private practice of 2779  
law. 2780

(3) Supervise the compliance of county public defender 2781  
offices, joint county public defender offices, and county 2782  
appointed counsel systems with standards established by rules of 2783  
the Ohio public defender commission pursuant to division (B) of 2784  
section 120.03 of the Revised Code; 2785

(4) Keep and maintain financial records of all cases handled 2786  
and develop records for use in the calculation of direct and 2787  
indirect costs, in the operation of the office, and report 2788  
periodically, but not less than annually, to the commission on all 2789  
relevant data on the operations of the office, costs, projected 2790  
needs, and recommendations for legislation or amendments to court 2791  
rules, as may be appropriate to improve the criminal justice 2792  
system; 2793

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

defender office, to reimburse counties for the operation of county 2807  
public defender offices, joint county public defender offices, and 2808  
county appointed counsel systems pursuant to sections 120.18, 2809  
120.28, and 120.33 of the Revised Code, or to provide assistance 2810  
to counties in the operation of county indigent defense systems. 2811

(6) With respect to funds appropriated to the commission to 2812  
pay criminal costs, perform the duties imposed by sections 2949.19 2813  
and 2949.201 of the Revised Code; 2814

(7) Establish standards and guidelines for the reimbursement, 2815  
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 2816  
of the Revised Code, of counties for the operation of county 2817  
public defender offices, joint county public defender offices, and 2818  
county appointed counsel systems and for other costs related to 2819  
felony prosecutions; 2820

(8) Establish maximum amounts that the state will reimburse 2821  
the counties pursuant to sections 120.18, 120.28, 120.33, and 2822  
2941.51 of the Revised Code; 2823

(9) Establish minimum and maximum hourly rates and per case 2824  
amounts for fee schedules that the state will reimburse the 2825  
counties pursuant to section 120.33 of the Revised Code for each 2826  
specific type of legal service performed by a county appointed 2827  
counsel system; 2828

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 2829  
2949.19 of the Revised Code and make reimbursements pursuant to 2830  
those sections; 2831

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

administrative responsibilities in good faith is in any manner 2838  
liable if a legal aid society that is provided financial 2839  
assistance under the program uses the financial assistance other 2840  
than in accordance with sections 120.51 to 120.55 of the Revised 2841  
Code or fails to comply with the requirements of those sections. 2842

(12) Establish an office for the handling of appeal and 2843  
postconviction matters; 2844

(13) Provide technical aid and assistance to county public 2845  
defender offices, joint county public defender offices, and other 2846  
local counsel providing legal representation to indigent persons, 2847  
including representation and assistance on appeals. 2848

(C) The state public defender may do any of the following: 2849

(1) In providing legal representation, conduct 2850  
investigations, obtain expert testimony, take depositions, use 2851  
other discovery methods, order transcripts, and make all other 2852  
preparations which are appropriate and necessary to an adequate 2853  
defense or the prosecution of appeals and other legal proceedings; 2854

(2) Seek, solicit, and apply for grants for the operation of 2855  
programs for the defense of indigent persons from any public or 2856  
private source, and may receive donations, grants, awards, and 2857  
similar funds from any lawful source. Such funds shall be 2858  
deposited in the state treasury to the credit of the public 2859  
defender gifts and grants fund, which is hereby created. 2860

(3) Make all the necessary arrangements to coordinate the 2861  
services of the office with any federal, county, or private 2862  
programs established to provide legal representation to indigent 2863  
persons and others, and to obtain and provide all funds allowable 2864  
under any such programs; 2865

(4) Consult and cooperate with professional groups concerned 2866  
with the causes of criminal conduct, the reduction of crime, the 2867  
rehabilitation and correction of persons convicted of crime, the 2868

administration of criminal justice, and the administration and	2869
operation of the state public defender's office;	2870
(5) Accept the services of volunteer workers and consultants	2871
at no compensation other than reimbursement for actual and	2872
necessary expenses;	2873
(6) Prescribe any forms that are necessary for the uniform	2874
operation of this chapter;	2875
(7) Contract with a county public defender commission or a	2876
joint county public defender commission to provide all or any part	2877
of the services that a county public defender or joint county	2878
public defender is required or permitted to provide by this	2879
chapter, or contract with a board of county commissioners of a	2880
county that is not served by a county public defender commission	2881
or a joint county public defender commission for the provision of	2882
services in accordance with section 120.33 of the Revised Code.	2883
All money received by the state public defender pursuant to such a	2884
contract shall be credited to either the multi-county: county	2885
share fund or, if received as a result of a contract with Trumbull	2886
county, the Trumbull county: county share fund.	2887
(8) Authorize persons employed as criminal investigators to	2888
attend the Ohio peace officer training academy or any other peace	2889
officer training school for training;	2890
(9) Procure a policy or policies of malpractice insurance	2891
that provide coverage for the state public defender and assistant	2892
state public defenders in connection with malpractice claims that	2893
may arise from their actions or omissions related to	2894
responsibilities derived pursuant to this chapter.	2895
(D) No person employed by the state public defender as a	2896
criminal investigator shall attend the Ohio peace officer training	2897
academy or any other peace officer training school unless	2898
authorized to do so by the state public defender.	2899



**Sec. 120.08.** There is hereby created in the state treasury 2900  
the indigent defense support fund, consisting of money paid into 2901  
the fund pursuant to ~~section~~ sections 4507.45, 4509.101, 4510.22, 2902  
and 4511.19 of the Revised Code and pursuant to ~~section~~ sections 2903  
2937.22, 2949.091, and 2949.094 of the Revised Code out of the 2904  
additional court costs imposed under ~~that section~~ those sections. 2905  
The state public defender shall use at least ninety per cent of 2906  
the money in the fund for the purpose of reimbursing county 2907  
governments for expenses incurred pursuant to sections 120.18, 2908  
120.28, and 120.33 of the Revised Code. Disbursements from the 2909  
fund to county governments shall be made ~~in each state fiscal~~ at 2910  
least once per year and shall be allocated proportionately so that 2911  
each county receives an equal percentage of its total cost for 2912  
operating its county public defender system, its joint county 2913  
public defender system, ~~or~~ its county appointed counsel system, or 2914  
its system operated under division (C)(7) of section 120.04 of the 2915  
Revised Code and division (B) of section 120.33 of the Revised 2916  
Code. The state public defender may use not more than ten per cent 2917  
of the money in the fund for the purposes of appointing assistant 2918  
state public defenders or for providing other personnel, 2919  
equipment, and facilities necessary for the operation of the state 2920  
public defender office. 2921

**Sec. 120.52. (A)** There is hereby established in the state 2922  
treasury the legal aid fund, ~~which that~~ shall be for the 2923  
charitable public purpose of providing financial assistance to 2924  
legal aid societies that provide civil legal services to 2925  
indigents. The fund shall contain all funds credited to it by the 2926  
treasurer of state pursuant to sections 1901.26, 1907.24, 2927  
2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the Revised 2928  
Code. 2929

**(B)** The treasurer of state may invest moneys contained in the 2930

legal aid fund in any manner authorized by the Revised Code for 2931  
the investment of state moneys. However, no such investment shall 2932  
interfere with any apportionment, allocation, or payment of moneys 2933  
as required by section 120.53 of the Revised Code. 2934

(C) The state public defender, through the Ohio legal 2935  
assistance foundation, shall administer the payment of moneys out 2936  
of the fund. Four and one-half per cent of the moneys in the fund 2937  
shall be reserved for the Ohio legal assistance foundation for the 2938  
actual, reasonable costs of administering sections 120.51 to 2939  
120.55 and sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 2940  
4705.09, and 4705.10 of the Revised Code. Moneys that are reserved 2941  
for administrative costs but that are not used for actual, 2942  
reasonable administrative costs shall be set aside for use in the 2943  
manner described in division (A) of section 120.521 of the Revised 2944  
Code. The remainder of the moneys in the legal aid fund shall be 2945  
distributed in accordance with section 120.53 of the Revised Code. 2946  
The Ohio legal assistance foundation shall be responsible for 2947  
administering the programs established under sections 1901.26, 2948  
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 2949  
Revised Code. The Ohio legal assistance foundation shall 2950  
establish, in accordance with Chapter 119. of the Revised Code, 2951  
rules governing the administration of the legal aid fund, 2952  
including the programs established under sections 1901.26, 2953  
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 2954  
Revised Code ~~regarding interest on interest-bearing trust accounts~~ 2955  
~~of an attorney, law firm, or legal professional association.~~ 2956

2957  
**Sec. 120.53.** (A) A legal aid society that operates within the 2958  
state may apply to the Ohio legal assistance foundation for 2959  
financial assistance from the legal aid fund established by 2960  
section 120.52 of the Revised Code to be used for the funding of 2961  
the society during the calendar year following the calendar year 2962

in which application is made.	2963
(B) An application for financial assistance made under	2964
division (A) of this section shall be submitted by the first day	2965
of November of the calendar year preceding the calendar year for	2966
which financial assistance is desired and shall include all of the	2967
following:	2968
(1) Evidence that the applicant is incorporated in this state	2969
as a nonprofit corporation;	2970
(2) A list of the trustees of the applicant;	2971
(3) The proposed budget of the applicant for these funds for	2972
the following calendar year;	2973
(4) A summary of the services to be offered by the applicant	2974
in the following calendar year;	2975
(5) A specific description of the territory or constituency	2976
served by the applicant;	2977
(6) An estimate of the number of persons to be served by the	2978
applicant during the following calendar year;	2979
(7) A general description of the additional sources of the	2980
applicant's funding;	2981
(8) The amount of the applicant's total budget for the	2982
calendar year in which the application is filed that it will	2983
expend in that calendar year for legal services in each of the	2984
counties it serves;	2985
(9) A specific description of any services, programs,	2986
training, and legal technical assistance to be delivered by the	2987
applicant or by another person pursuant to a contract with the	2988
applicant, including, but not limited to, by private attorneys or	2989
through reduced fee plans, judicare panels, organized pro bono	2990
programs, and mediation programs.	2991
(C) The Ohio legal assistance foundation shall determine	2992

whether each applicant that filed an application for financial 2993  
assistance under division (A) of this section in a calendar year 2994  
is eligible for financial assistance under this section. To be 2995  
eligible for such financial assistance, an applicant shall satisfy 2996  
the criteria for being a legal aid society and shall be in 2997  
compliance with the provisions of sections 120.51 to 120.55 of the 2998  
Revised Code and with the rules and requirements the foundation 2999  
establishes pursuant to section 120.52 of the Revised Code. The 3000  
Ohio legal assistance foundation then, on or before the fifteenth 3001  
day of December of the calendar year in which the application is 3002  
filed, shall notify each such applicant, in writing, whether it is 3003  
eligible for financial assistance under this section, and if it is 3004  
eligible, estimate the amount that will be available for that 3005  
applicant for each six-month distribution period, as determined 3006  
under division (D) of this section. 3007

(D) The Ohio legal assistance foundation shall allocate 3008  
moneys contained in the legal aid fund monthly for distribution to 3009  
applicants that filed their applications in the previous calendar 3010  
year and are determined to be eligible applicants. 3011

All moneys contained in the fund on the first day of each 3012  
month shall be allocated, after deduction of the costs of 3013  
administering sections 120.51 to 120.55 and sections 1901.26, 3014  
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 3015  
Revised Code that are authorized by section 120.52 of the Revised 3016  
Code, according to this section and shall be distributed 3017  
accordingly not later than the last day of the month following the 3018  
month the moneys were received. In making the allocations under 3019  
this section, the moneys in the fund that were generated pursuant 3020  
to sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 3021  
4705.09, and 4705.10 of the Revised Code shall be apportioned as 3022  
follows: 3023

(1) After deduction of the amount authorized and used for 3024

actual, reasonable administrative costs under section 120.52 of 3025  
the Revised Code: 3026

(a) Five per cent of the moneys remaining in the fund shall 3027  
be reserved for use in the manner described in division (A) of 3028  
section 120.521 of the Revised Code or for distribution to legal 3029  
aid societies that provide assistance to special population groups 3030  
of their eligible clients, engage in special projects that have a 3031  
substantial impact on their local service area or on significant 3032  
segments of the state's poverty population, or provide legal 3033  
training or support to other legal aid societies in the state; 3034

(b) After deduction of the amount described in division 3035  
(D)(1)(a) of this section, one and three-quarters per cent of the 3036  
moneys remaining in the fund shall be apportioned among entities 3037  
that received financial assistance from the legal aid fund prior 3038  
to ~~the effective date of this amendment~~ July 1, 1993, but that, on 3039  
and after ~~the effective date of this amendment~~ July 1, 1993, no 3040  
longer qualify as a legal aid society that is eligible for 3041  
financial assistance under this section. 3042

(c) After deduction of the amounts described in divisions 3043  
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 3044  
remaining in the fund shall be placed in the legal assistance 3045  
foundation fund for use in the manner described in division (A) of 3046  
section 120.521 of the Revised Code. 3047

(2) After deduction of the actual, reasonable administrative 3048  
costs under section 120.52 of the Revised Code and after deduction 3049  
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 3050  
this section, the remaining moneys shall be apportioned among the 3051  
counties that are served by eligible legal aid societies that have 3052  
applied for financial assistance under this section so that each 3053  
such county is apportioned a portion of those moneys, based upon 3054  
the ratio of the number of indigents who reside in that county to 3055  
the total number of indigents who reside in all counties of this 3056

state that are served by eligible legal aid societies that have 3057  
applied for financial assistance under this section. Subject to 3058  
division (E) of this section, the moneys apportioned to a county 3059  
under this division then shall be allocated to the eligible legal 3060  
aid society that serves the county and that has applied for 3061  
financial assistance under this section. For purposes of this 3062  
division, the source of data identifying the number of indigent 3063  
persons who reside in a county shall be the most recent decennial 3064  
census figures from the United States department of commerce, 3065  
division of census. 3066

(E) If the Ohio legal assistance foundation, in attempting to 3067  
make an allocation of moneys under division (D)(2) of this 3068  
section, determines that a county that has been apportioned money 3069  
under that division is served by more than one eligible legal aid 3070  
society that has applied for financial assistance under this 3071  
section, the Ohio legal assistance foundation shall allocate the 3072  
moneys that have been apportioned to that county under division 3073  
(D)(2) of this section among all eligible legal aid societies that 3074  
serve that county and that have applied for financial assistance 3075  
under this section on a pro rata basis, so that each such eligible 3076  
society is allocated a portion based upon the amount of its total 3077  
budget expended in the prior calendar year for legal services in 3078  
that county as compared to the total amount expended in the prior 3079  
calendar year for legal services in that county by all eligible 3080  
legal aid societies that serve that county and that have applied 3081  
for financial assistance under this section. 3082

(F) Moneys allocated to eligible applicants under this 3083  
section shall be paid monthly beginning the calendar year 3084  
following the calendar year in which the application is filed. 3085

(G)(1) A legal aid society that receives financial assistance 3086  
in any calendar year under this section shall file an annual 3087  
report with the Ohio legal assistance foundation detailing the 3088

number and types of cases handled, and the amount and types of 3089  
legal training, legal technical assistance, and other service 3090  
provided, by means of that financial assistance. No information 3091  
contained in the report shall identify or enable the 3092  
identification of any person served by the legal aid society or in 3093  
any way breach client confidentiality. 3094

(2) The Ohio legal assistance foundation shall make an annual 3095  
report to the governor, the general assembly, and the supreme 3096  
court on the distribution and use of the legal aid fund. The 3097  
foundation also shall include in the annual report an audited 3098  
financial statement of all gifts, bequests, donations, 3099  
contributions, and other moneys the foundation receives. No 3100  
information contained in the report shall identify or enable the 3101  
identification of any person served by a legal aid society, or in 3102  
any way breach confidentiality. 3103

(H) A legal aid society may enter into agreements for the 3104  
provision of services, programs, training, or legal technical 3105  
assistance for the legal aid society or to indigent persons. 3106

**Sec. 121.04.** Offices are created within the several 3107  
departments as follows: 3108

In the department of commerce: 3109

Commissioner of securities; 3110

Superintendent of real estate and professional 3111  
licensing;

Superintendent of financial institutions; 3112

State fire marshal; 3113

Superintendent of labor ~~and worker safety~~; 3114

Superintendent of liquor control; 3115

~~Superintendent of industrial compliance;~~ 3116

Superintendent of unclaimed funds. 3117

In the department of administrative services: 3118

State architect and engineer;	3119
Equal employment opportunity coordinator.	3120
In the department of agriculture:	3121
Chiefs of divisions as follows:	3122
Administration;	3123
Animal industry;	3124
Dairy;	3125
Food safety;	3126
Plant industry;	3127
Markets;	3128
Meat inspection;	3129
Consumer analytical laboratory;	3130
Amusement ride safety;	3131
Enforcement;	3132
Weights and measures.	3133
In the department of natural resources:	3134
Chiefs of divisions as follows:	3135
<del>Water;</del>	3136
Mineral resources management;	3137
Forestry;	3138
Natural areas and preserves;	3139
Wildlife;	3140
Geological survey;	3141
Parks and recreation;	3142
Watercraft;	3143
Recycling and litter prevention;	3144
Soil and water <del>conservation</del> <u>resources</u> ;	3145
<del>Real estate and land management;</del>	3146
Engineering.	3147
In the department of insurance:	3148
Deputy superintendent of insurance;	3149



Assistant superintendent of insurance, technical; 3150  
Assistant superintendent of insurance, administrative; 3151  
Assistant superintendent of insurance, research. 3152

**Sec. 121.07.** (A) ~~Except as otherwise provided in this~~ 3153  
~~division, the~~ The officers mentioned in sections 121.04 and 121.05 3154  
of the Revised Code and the offices and divisions they administer 3155  
shall be under the direction, supervision, and control of the 3156  
directors of their respective departments, and shall perform such 3157  
duties as the directors prescribe. ~~In performing or exercising any~~ 3158  
~~of the examination or regulatory functions, powers, or duties~~ 3159  
~~vested by Title XI, Chapters 1733. and 1761., and sections 1315.01~~ 3160  
~~to 1315.18 of the Revised Code in the superintendent of financial~~ 3161  
~~institutions, the superintendent of financial institutions and the~~ 3162  
~~division of financial institutions are independent of and are not~~ 3163  
~~subject to the control of the department or the director of~~ 3164  
~~commerce.~~ 3165

(B) With the approval of the governor, the director of each 3166  
department shall establish divisions within the department, and 3167  
distribute the work of the department among such divisions. Each 3168  
officer created by section 121.04 of the Revised Code shall be the 3169  
head of such a division. 3170

With the approval of the governor, the director of each 3171  
department may consolidate any two or more of the offices created 3172  
in the department by section 121.04 of the Revised Code, or reduce 3173  
the number of or create new divisions therein. 3174

The director of each department may prescribe rules for the 3175  
government of the department, the conduct of its employees, the 3176  
performance of its business, and the custody, use, and 3177  
preservation of the records, papers, books, documents, and 3178  
property pertaining thereto. 3179

Sec. 121.08. (A) There is hereby created in the department of 3180  
commerce the position of deputy director of administration. This 3181  
officer shall be appointed by the director of commerce, serve 3182  
under the director's direction, supervision, and control, perform 3183  
the duties the director prescribes, and hold office during the 3184  
director's pleasure. The director of commerce may designate an 3185  
assistant director of commerce to serve as the deputy director of 3186  
administration. The deputy director of administration shall 3187  
perform the duties prescribed by the director of commerce in 3188  
supervising the activities of the division of administration of 3189  
the department of commerce. 3190

(B) Except as provided in section 121.07 of the Revised Code, 3191  
the department of commerce shall have all powers and perform all 3192  
duties vested in the deputy director of administration, the state 3193  
fire marshal, the superintendent of financial institutions, the 3194  
superintendent of real estate and professional licensing, the 3195  
superintendent of liquor control, ~~the superintendent of industrial~~ 3196  
~~compliance~~, the superintendent of labor and worker safety, the 3197  
superintendent of unclaimed funds, and the commissioner of 3198  
securities, and shall have all powers and perform all duties 3199  
vested by law in all officers, deputies, and employees of those 3200  
offices. Except as provided in section 121.07 of the Revised Code, 3201  
wherever powers are conferred or duties imposed upon any of those 3202  
officers, the powers and duties shall be construed as vested in 3203  
the department of commerce. 3204

(C)(1) There is hereby created in the department of commerce 3205  
a division of financial institutions, which shall have all powers 3206  
and perform all duties vested by law in the superintendent of 3207  
financial institutions. Wherever powers are conferred or duties 3208  
imposed upon the superintendent of financial institutions, those 3209  
powers and duties shall be construed as vested in the division of 3210  
financial institutions. The division of financial institutions 3211

shall be administered by the superintendent of financial 3212  
institutions. 3213

(2) All provisions of law governing the superintendent of 3214  
financial institutions shall apply to and govern the 3215  
superintendent of financial institutions provided for in this 3216  
section; all authority vested by law in the superintendent of 3217  
financial institutions with respect to the management of the 3218  
division of financial institutions shall be construed as vested in 3219  
the superintendent of financial institutions created by this 3220  
section with respect to the division of financial institutions 3221  
provided for in this section; and all rights, privileges, and 3222  
emoluments conferred by law upon the superintendent of financial 3223  
institutions shall be construed as conferred upon the 3224  
superintendent of financial institutions as head of the division 3225  
of financial institutions. The director of commerce shall not 3226  
transfer from the division of financial institutions any of the 3227  
functions specified in division (C)(2) of this section. 3228

(D) There is hereby created in the department of commerce a 3229  
division of liquor control, which shall have all powers and 3230  
perform all duties vested by law in the superintendent of liquor 3231  
control. Wherever powers are conferred or duties are imposed upon 3232  
the superintendent of liquor control, those powers and duties 3233  
shall be construed as vested in the division of liquor control. 3234  
The division of liquor control shall be administered by the 3235  
superintendent of liquor control. 3236

(E) The director of commerce shall not be interested, 3237  
directly or indirectly, in any firm or corporation which is a 3238  
dealer in securities as defined in sections 1707.01 and 1707.14 of 3239  
the Revised Code, or in any firm or corporation licensed under 3240  
sections 1321.01 to 1321.19 of the Revised Code. 3241

(F) The director of commerce shall not have any official 3242  
connection with a savings and loan association, a savings bank, a 3243

bank, a bank holding company, a savings and loan association 3244  
holding company, a consumer finance company, or a credit union 3245  
that is under the supervision of the division of financial 3246  
institutions, or a subsidiary of any of the preceding entities, or 3247  
be interested in the business thereof. 3248

(G) There is hereby created in the state treasury the 3249  
division of administration fund. The fund shall receive 3250  
assessments on the operating funds of the department of commerce 3251  
in accordance with procedures prescribed by the director of 3252  
commerce and approved by the director of budget and management. 3253  
All operating expenses of the division of administration shall be 3254  
paid from the division of administration fund. 3255

(H) There is hereby created in the department of commerce a 3256  
division of real estate and professional licensing, which shall be 3257  
under the control and supervision of the director of commerce. The 3258  
division of real estate and professional licensing shall be 3259  
administered by the superintendent of real estate and professional 3260  
licensing. The superintendent of real estate and professional 3261  
licensing shall exercise the powers and perform the functions and 3262  
duties delegated to the superintendent under Chapters 4735., 3263  
4763., and 4767. of the Revised Code. 3264

(I) There is hereby created in the department of commerce a 3265  
division of labor ~~and worker safety~~, which shall have all powers 3266  
and perform all duties vested by law in the superintendent of 3267  
labor ~~and worker safety~~. Wherever powers are conferred or duties 3268  
imposed upon the superintendent of labor ~~and worker safety~~, those 3269  
powers and duties shall be construed as vested in the division of 3270  
labor ~~and worker safety~~. The division of labor ~~and worker safety~~ 3271  
shall be under the control and supervision of the director of 3272  
commerce and be administered by the superintendent of labor ~~and~~ 3273  
~~worker safety~~. ~~The superintendent of labor and worker safety shall~~ 3274  
~~exercise the powers and perform the duties delegated to the~~ 3275

~~superintendent by the director under Chapters 4109., 4111., and 3276  
4115. of the Revised Code. 3277~~

(J) There is hereby created in the department of commerce a 3278  
division of unclaimed funds, which shall have all powers and 3279  
perform all duties delegated to or vested by law in the 3280  
superintendent of unclaimed funds. Wherever powers are conferred 3281  
or duties imposed upon the superintendent of unclaimed funds, 3282  
those powers and duties shall be construed as vested in the 3283  
division of unclaimed funds. The division of unclaimed funds shall 3284  
be under the control and supervision of the director of commerce 3285  
and shall be administered by the superintendent of unclaimed 3286  
funds. The superintendent of unclaimed funds shall exercise the 3287  
powers and perform the functions and duties delegated to the 3288  
superintendent by the director of commerce under section 121.07 3289  
and Chapter 169. of the Revised Code, and as may otherwise be 3290  
provided by law. 3291

(K) The department of commerce or a division of the 3292  
department created by the Revised Code that is acting with 3293  
authorization on the department's behalf may request from the 3294  
bureau of criminal identification and investigation pursuant to 3295  
section 109.572 of the Revised Code, or coordinate with 3296  
appropriate federal, state, and local government agencies to 3297  
accomplish, criminal records checks for the persons whose 3298  
identities are required to be disclosed by an applicant for the 3299  
issuance or transfer of a permit, license, certificate of 3300  
registration, or certification issued or transferred by the 3301  
department or division. At or before the time of making a request 3302  
for a criminal records check, the department or division may 3303  
require any person whose identity is required to be disclosed by 3304  
an applicant for the issuance or transfer of such a license, 3305  
permit, certificate of registration, or certification to submit to 3306  
the department or division valid fingerprint impressions in a 3307

format and by any media or means acceptable to the bureau of 3308  
criminal identification and investigation and, when applicable, 3309  
the federal bureau of investigation. The department or division 3310  
may cause the bureau of criminal identification and investigation 3311  
to conduct a criminal records check through the federal bureau of 3312  
investigation only if the person for whom the criminal records 3313  
check would be conducted resides or works outside of this state or 3314  
has resided or worked outside of this state during the preceding 3315  
five years, or if a criminal records check conducted by the bureau 3316  
of criminal identification and investigation within this state 3317  
indicates that the person may have a criminal record outside of 3318  
this state. 3319

In the case of a criminal records check under section 109.572 3320  
of the Revised Code, the department or division shall forward to 3321  
the bureau of criminal identification and investigation the 3322  
requisite form, fingerprint impressions, and fee described in 3323  
division (C) of that section. When requested by the department or 3324  
division in accordance with this section, the bureau of criminal 3325  
identification and investigation shall request from the federal 3326  
bureau of investigation any information it has with respect to the 3327  
person who is the subject of the requested criminal records check 3328  
and shall forward the requisite fingerprint impressions and 3329  
information to the federal bureau of investigation for that 3330  
criminal records check. After conducting a criminal records check 3331  
or receiving the results of a criminal records check from the 3332  
federal bureau of investigation, the bureau of criminal 3333  
identification and investigation shall provide the results to the 3334  
department or division. 3335

The department or division may require any person about whom 3336  
a criminal records check is requested to pay to the department or 3337  
division the amount necessary to cover the fee charged to the 3338  
department or division by the bureau of criminal identification 3339

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

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

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

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

(C) Collect and collate statistics as are necessary.

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

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

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

certification, a chief of worker protection, and other designees 3370  
appointed by the director of ~~commerce~~ to perform the duties 3371  
described in this section. 3372

~~(F)~~(G) Enforce the rules the board of building standards 3373  
adopts pursuant to division (A)(2) of section 4104.43 of the 3374  
Revised Code under the circumstances described in division (D) of 3375  
that section. 3376

~~(G)~~(H) Accept submissions, establish a fee for submissions, 3377  
and review submissions of certified welding and brazing procedure 3378  
specifications, procedure qualification records, and performance 3379  
qualification records for building services piping as required by 3380  
section 4104.44 of the Revised Code. 3381

**Sec. 121.084.** (A) All moneys collected under sections 3382  
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 3383  
4169.03, 4171.04, and 5104.051 of the Revised Code, and any other 3384  
moneys collected by the division of industrial compliance labor 3385  
shall be paid into the state treasury to the credit of the 3386  
industrial compliance labor operating fund, which is hereby 3387  
created. The department of commerce shall use the moneys in the 3388  
fund for paying the operating expenses of the division and the 3389  
administrative assessment described in division (B) of this 3390  
section. 3391

(B) The director of commerce, with the approval of the 3392  
director of budget and management, shall prescribe procedures for 3393  
assessing the industrial compliance labor operating fund a 3394  
proportionate share of the administrative costs of the department 3395  
of commerce. The assessment shall be made in accordance with those 3396  
procedures and be paid from the industrial compliance labor 3397  
operating fund to the division of administration fund created in 3398  
section 121.08 of the Revised Code. 3399



Sec. 121.13. (A) The director of each department may, with 3400  
the approval of the governor, establish and appoint advisory 3401  
boards to aid in the conduct of the work of ~~his~~ the director's 3402  
department or any division thereof. Such advisory boards shall 3403  
exercise no administrative function, and their members shall 3404  
receive no compensation, but may receive their actual and 3405  
necessary expenses. 3406

(B) The director of each department may, with the approval of 3407  
the governor, recruit and retain individuals employed by public 3408  
entities or by private profit-making or nonprofit-making entities 3409  
to function as "loaned executives," to support state functions and 3410  
to assist the department in the conduct of its work. A loaned 3411  
executive shall not participate, during the loaned executive's 3412  
service with the state, in any decision, approval, disapproval, 3413  
recommendation, rendering of advice, investigation, or other 3414  
substantial exercise of administrative discretion that is directly 3415  
related to the pecuniary interest of the loaned executive's 3416  
regular employer. 3417

A loaned executive is not entitled to, and shall not receive, 3418  
compensation from the state, but may receive compensation and 3419  
actual and necessary expenses from the loaned executive's regular 3420  
employer. The receipt of this compensation or expenses is not 3421  
prohibited by division (A) of section 2921.43 of the Revised Code. 3422  
However, a loaned executive is deemed to be a public official or 3423  
employee for purposes of Chapter 102. of the Revised Code. 3424

Sec. 121.16. (A) The director of each department may form, 3425  
with the governor's approval and utilizing department resources, 3426  
one or more nonprofit corporations incorporated under Chapter 3427  
1702. of the Revised Code, to solicit financial contributions or 3428  
in-kind contributions of goods to support the fulfillment of the 3429  
duties and responsibilities of the department. 3430

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

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

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

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

and responsibilities of the department. The employee shall not 3463  
personally benefit from solicitations for the corporation and 3464  
shall not receive any personal benefit from the corporation. All 3465  
such solicitations are subject to Chapter 102. and sections 3466  
2921.42 and 2921.43 and other relevant provisions of the Revised 3467  
Code. 3468

(F) Before soliciting or accepting any contributions to a 3469  
nonprofit corporation formed under division (A) of this section, 3470  
an agent of the corporation shall inform the prospective 3471  
contributor of the following: 3472

(1) That all contributions or donations are voluntary and 3473  
shall not be made with or in return for any state contracts, 3474  
grants, or other financial benefits; 3475

(2) That a contributor shall not make a contribution and the 3476  
corporation shall not solicit or accept a contribution while a 3477  
specific matter involving the contributor is pending before the 3478  
department or a matter involving the contributor is reasonably 3479  
foreseeable to come before the department soon after making the 3480  
solicitation or contribution; 3481

(3) That a contributor shall not be given any ability, in a 3482  
manner not afforded to other contributors or the general public, 3483  
to lobby or promote the contributor's activities with public 3484  
officials and employees of any department that benefits from the 3485  
contribution; 3486

(4) That public officials and employees shall not be 3487  
influenced in the objective performance of the official's or 3488  
employee's public duties regarding a contributor by the 3489  
contributor's decision to contribute or not to contribute; 3490

(5) That any contribution made in violation of divisions 3491  
(F)(1) to (4) of this section shall be returned to the 3492  
contributor. 3493

(G) Contributions may be made to a nonprofit corporation 3494  
formed under division (A) of this section to support specific 3495  
projects or initiatives of the department, but the corporation 3496  
shall reject any proposed contribution that carries conditions or 3497  
requirements that the director of the department determines to be 3498  
contrary to the interests of the department or the state. 3499

(H) A nonprofit corporation formed under division (A) of this 3500  
section may make expenditures with the approval of the director of 3501  
the department, to support the operations of the corporation. The 3502  
corporation shall only make expenditures that, in the director's 3503  
judgment, benefit the department. The expenditures or transfers of 3504  
contributed goods may be made directly by the corporation or may 3505  
be transferred to the department. All corporation expenditures and 3506  
all funds transferred to the department under this division shall 3507  
comply with the laws of the state. The director of budget and 3508  
management may establish any accounts and take any other steps 3509  
necessary for a department to receive contributions from the 3510  
corporation. 3511

(I) All activity of a nonprofit corporation formed under 3512  
division (A) of this section shall be subject to sections 121.22 3513  
and 149.43 of the Revised Code and shall be subject to audits as 3514  
if it were a public office described in Chapter 117. of the 3515  
Revised Code. Directors, employees, and other agents of the 3516  
corporation shall be considered public officials or employees 3517  
subject to the requirements of Chapter 102. and sections 2921.42 3518  
and 2921.43 of the Revised Code. 3519

**Sec. 121.31.** There is hereby created the commission on 3520  
Hispanic-Latino affairs consisting of eleven voting members 3521  
appointed by the governor with the advice and consent of the 3522  
senate and two ex officio, nonvoting members who are members of 3523  
the general assembly. The speaker of the house of representatives 3524

shall recommend to the governor two persons for appointment to the 3525  
commission, the president of the senate shall recommend to the 3526  
governor two such persons, and the minority leaders of the house 3527  
and senate shall each recommend to the governor one such person. 3528  
The governor shall make initial appointments to the commission. Of 3529  
the initial appointments made to the commission, three shall be 3530  
for a term ending October 7, 1978, four shall be for a term ending 3531  
October 7, 1979, and four shall be for a term ending October 7, 3532  
1980. One ex officio member of the commission shall be a member of 3533  
the house of representatives appointed by the speaker of the house 3534  
of representatives and one ex officio member of the commission 3535  
shall be a member of the senate appointed by the president of the 3536  
senate. ~~When making their initial appointments, the speaker shall 3537  
appoint a member of the house of representatives who is affiliated 3538  
with the minority political party in the house of representatives 3539  
and the president shall appoint a member of the senate who is 3540  
affiliated with the majority political party in the senate; in 3541  
making subsequent appointments the speaker and the president each 3542  
shall alternate the political party affiliation of the members 3543  
they appoint to the commission. The speaker and president shall 3544  
make their initial appointments so that the initial ex officio 3545  
members begin their terms October 7, 2008 The speaker shall 3546  
appoint a member of the house of representatives from among the 3547  
representatives who are affiliated with the political party having 3548  
a majority in the house of representatives, and the president 3549  
shall appoint a member of the senate from among the senators who 3550  
are affiliated with a different political party than the 3551  
representative appointed by the speaker. 3552~~

After the initial appointments by the governor, terms of 3553  
office shall be for three years, except that members of the 3554  
general assembly appointed to the commission shall be members of 3555  
the commission only so long as they are members of the general 3556  
assembly. Each term shall end on the same day of the same month of 3557

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

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

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

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

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 3590  
and children first cabinet council. The council shall be composed 3591  
of the superintendent of public instruction and the directors of 3592  
youth services, job and family services, mental health, health, 3593  
alcohol and drug addiction services, mental retardation and 3594  
developmental disabilities, aging, rehabilitation and correction, 3595  
and budget and management. The chairperson of the council shall be 3596  
the governor or the governor's designee and shall establish 3597  
procedures for the council's internal control and management. 3598

The purpose of the cabinet council is to help families 3599  
seeking government services. This section shall not be interpreted 3600  
or applied to usurp the role of parents, but solely to streamline 3601  
and coordinate existing government services for families seeking 3602  
assistance for their children. 3603

(2) In seeking to fulfill its purpose, the council may do any 3604  
of the following: 3605

(a) Advise and make recommendations to the governor and 3606  
general assembly regarding the provision of services to children; 3607

(b) Advise and assess local governments on the coordination 3608  
of service delivery to children; 3609

(c) Hold meetings at such times and places as may be 3610  
prescribed by the council's procedures and maintain records of the 3611  
meetings, except that records identifying individual children are 3612  
confidential and shall be disclosed only as provided by law; 3613

(d) Develop programs and projects, including pilot projects, 3614  
to encourage coordinated efforts at the state and local level to 3615  
improve the state's social service delivery system; 3616

(e) Enter into contracts with and administer grants to county 3617  
family and children first councils, as well as other county or 3618  
multicounty organizations to plan and coordinate service delivery 3619

between state agencies and local service providers for families	3620
and children;	3621
(f) Enter into contracts with and apply for grants from	3622
federal agencies or private organizations;	3623
(g) Enter into interagency agreements to encourage	3624
coordinated efforts at the state and local level to improve the	3625
state's social service delivery system. The agreements may include	3626
provisions regarding the receipt, transfer, and expenditure of	3627
funds;	3628
(h) Identify public and private funding sources for services	3629
provided to alleged or adjudicated unruly children and children	3630
who are at risk of being alleged or adjudicated unruly children,	3631
including regulations governing access to and use of the services;	3632
(i) Collect information provided by local communities	3633
regarding successful programs for prevention, intervention, and	3634
treatment of unruly behavior, including evaluations of the	3635
programs;	3636
(j) Identify and disseminate publications regarding alleged	3637
or adjudicated unruly children and children who are at risk of	3638
being alleged or adjudicated unruly children and regarding	3639
programs serving those types of children;	3640
(k) Maintain an inventory of strategic planning facilitators	3641
for use by government or nonprofit entities that serve alleged or	3642
adjudicated unruly children or children who are at risk of being	3643
alleged or adjudicated unruly children.	3644
(3) The cabinet council shall provide for the following:	3645
(a) Reviews of service and treatment plans for children for	3646
which such reviews are requested;	3647
(b) Assistance as the council determines to be necessary to	3648
meet the needs of children referred by county family and children	3649



first councils; 3650

(c) Monitoring and supervision of a statewide, comprehensive, 3651  
coordinated, multi-disciplinary, interagency system for infants 3652  
and toddlers with developmental disabilities or delays and their 3653  
families, as established pursuant to federal grants received and 3654  
administered by the department of health for early intervention 3655  
services under the "Individuals with Disabilities Education Act of 3656  
2004," 20 U.S.C.A. 1400, as amended. 3657

(4) The cabinet council shall develop and implement the 3658  
following: 3659

(a) An interagency process to select the indicators that will 3660  
be used to measure progress toward increasing child well-being in 3661  
the state and to update the indicators on an annual basis. The 3662  
indicators shall focus on expectant parents and newborns thriving; 3663  
infants and toddlers thriving; children being ready for school; 3664  
children and youth succeeding in school; youth choosing healthy 3665  
behaviors; and youth successfully transitioning into adulthood. 3666

(b) An interagency system to offer guidance and monitor 3667  
progress toward increasing child well-being in the state and in 3668  
each county; 3669

(c) An annual plan that identifies state-level agency efforts 3670  
taken to ensure progress towards increasing child well-being in 3671  
the state. 3672

On an annual basis, the cabinet council shall submit to the 3673  
governor and the general assembly a report on the status of 3674  
efforts to increase child well-being in the state. This report 3675  
shall be made available to any other person on request. 3676

(B)(1) Each board of county commissioners shall establish a 3677  
county family and children first council. The board may invite any 3678  
local public or private agency or group that funds, advocates, or 3679  
provides services to children and families to have a 3680

representative become a permanent or temporary member of its 3681  
county council. Each county council must include the following 3682  
individuals: 3683

(a) At least three individuals who are not employed by an 3684  
agency represented on the council and whose families are or have 3685  
received services from an agency represented on the council or 3686  
another county's council. Where possible, the number of members 3687  
representing families shall be equal to twenty per cent of the 3688  
council's membership. 3689

(b) The director of the board of alcohol, drug addiction, and 3690  
mental health services that serves the county, or, in the case of 3691  
a county that has a board of alcohol and drug addiction services 3692  
and a community mental health board, the directors of both boards. 3693  
If a board of alcohol, drug addiction, and mental health services 3694  
covers more than one county, the director may designate a person 3695  
to participate on the county's council. 3696

(c) The health commissioner, or the commissioner's designee, 3697  
of the board of health of each city and general health district in 3698  
the county. If the county has two or more health districts, the 3699  
health commissioner membership may be limited to the commissioners 3700  
of the two districts with the largest populations. 3701

(d) The director of the county department of job and family 3702  
services; 3703

(e) The executive director of the public children services 3704  
agency; 3705

(f) The superintendent of the county board of mental 3706  
retardation and developmental disabilities; 3707

(g) The superintendent of the city, exempted village, or 3708  
local school district with the largest number of pupils residing 3709  
in the county, as determined by the department of education, which 3710  
shall notify each board of county commissioners of its 3711

determination at least biennially;	3712
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	3713 3714 3715
(i) A representative of the municipal corporation with the largest population in the county;	3716 3717
(j) The president of the board of county commissioners or an individual designated by the board;	3718 3719
(k) A representative of the regional office of the department of youth services;	3720 3721
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	3722 3723
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	3724 3725 3726 3727
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	3728 3729
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.	3730 3731 3732 3733 3734 3735
The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state	3736 3737 3738 3739 3740 3741

funds for services to children and families be redirected to a 3742  
county's board of county commissioners. 3743

The county's juvenile court judge senior in service or 3744  
another judge of the juvenile court designated by the 3745  
administrative judge or, where there is no administrative judge, 3746  
by the judge senior in service shall serve as the judicial advisor 3747  
to the county family and children first council. The judge may 3748  
advise the county council on the court's utilization of resources, 3749  
services, or programs provided by the entities represented by the 3750  
members of the county council and how those resources, services, 3751  
or programs assist the court in its administration of justice. 3752  
Service of a judge as a judicial advisor pursuant to this section 3753  
is a judicial function. 3754

(2) The purpose of the county council is to streamline and 3755  
coordinate existing government services for families seeking 3756  
services for their children. In seeking to fulfill its purpose, a 3757  
county council shall provide for the following: 3758

(a) Referrals to the cabinet council of those children for 3759  
whom the county council cannot provide adequate services; 3760

(b) Development and implementation of a process that annually 3761  
evaluates and prioritizes services, fills service gaps where 3762  
possible, and invents new approaches to achieve better results for 3763  
families and children; 3764

(c) Participation in the development of a countywide, 3765  
comprehensive, coordinated, multi-disciplinary, interagency system 3766  
for infants and toddlers with developmental disabilities or delays 3767  
and their families, as established pursuant to federal grants 3768  
received and administered by the department of health for early 3769  
intervention services under the "Individuals with Disabilities 3770  
Education Act of 2004"; 3771

(d) Maintenance of an accountability system to monitor the 3772

county council's progress in achieving results for families and children; 3773  
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(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system. 3775  
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(3) A county council shall develop and implement the following: 3778  
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(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county; 3780  
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(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section. 3783  
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(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county. 3791  
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On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request. 3793  
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(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements. 3798  
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(b) On application of a county council, the cabinet council 3804  
may grant an exemption from any rules or interagency agreements of 3805  
a state department participating on the council if an exemption is 3806  
necessary for the council to implement an alternative program or 3807  
approach for service delivery to families and children. The 3808  
application shall describe the proposed program or approach and 3809  
specify the rules or interagency agreements from which an 3810  
exemption is necessary. The cabinet council shall approve or 3811  
disapprove the application in accordance with standards and 3812  
procedures it shall adopt. If an application is approved, the 3813  
exemption is effective only while the program or approach is being 3814  
implemented, including a reasonable period during which the 3815  
program or approach is being evaluated for effectiveness. 3816

(5)(a) Each county council shall designate an administrative 3817  
agent for the council from among the following public entities: 3818  
the board of alcohol, drug addiction, and mental health services, 3819  
including a board of alcohol and drug addiction or a community 3820  
mental health board if the county is served by separate boards; 3821  
the board of county commissioners; any board of health of the 3822  
county's city and general health districts; the county department 3823  
of job and family services; the county agency responsible for the 3824  
administration of children services pursuant to section 5153.15 of 3825  
the Revised Code; the county board of mental retardation and 3826  
developmental disabilities; any of the county's boards of 3827  
education or governing boards of educational service centers; or 3828  
the county's juvenile court. Any of the foregoing public entities, 3829  
other than the board of county commissioners, may decline to serve 3830  
as the council's administrative agent. 3831

A county council's administrative agent shall serve as the 3832  
council's appointing authority for any employees of the council. 3833  
The council shall file an annual budget with its administrative 3834  
agent, with copies filed with the county auditor and with the 3835

board of county commissioners, unless the board is serving as the 3836  
council's administrative agent. The council's administrative agent 3837  
shall ensure that all expenditures are handled in accordance with 3838  
policies, procedures, and activities prescribed by state 3839  
departments in rules or interagency agreements that are applicable 3840  
to the council's functions. 3841

The administrative agent of a county council shall send 3842  
notice of a member's absence if a member listed in division (B)(1) 3843  
of this section has been absent from either three consecutive 3844  
meetings of the county council or a county council subcommittee, 3845  
or from one-quarter of such meetings in a calendar year, whichever 3846  
is less. The notice shall be sent to the board of county 3847  
commissioners that establishes the county council and, for the 3848  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 3849  
section, to the governing board overseeing the respective entity; 3850  
for the member listed in division (B)(1)(f) of this section, to 3851  
the county board of mental retardation and developmental 3852  
disabilities that employs the superintendent; for a member listed 3853  
in division (B)(1)(g) or (h) of this section, to the school board 3854  
that employs the superintendent; for the member listed in division 3855  
(B)(1)(i) of this section, to the mayor of the municipal 3856  
corporation; for the member listed in division (B)(1)(k) of this 3857  
section, to the director of youth services; and for the member 3858  
listed in division (B)(1)(n), to that member's board of trustees. 3859

The administrative agent for a county council may do any of 3860  
the following on behalf of the council: 3861

(i) Enter into agreements or administer contracts with public 3862  
or private entities to fulfill specific council business. Such 3863  
agreements and contracts are exempt from the competitive bidding 3864  
requirements of section 307.86 of the Revised Code if they have 3865  
been approved by the county council and they are for the purchase 3866  
of family and child welfare or child protection services or other 3867

social or job and family services for families and children. The 3868  
approval of the county council is not required to exempt 3869  
agreements or contracts entered into under section 5139.34, 3870  
5139.41, or 5139.43 of the Revised Code from the competitive 3871  
bidding requirements of section 307.86 of the Revised Code. 3872

(ii) As determined by the council, provide financial 3873  
stipends, reimbursements, or both, to family representatives for 3874  
expenses related to council activity; 3875

(iii) Receive by gift, grant, devise, or bequest any moneys, 3876  
lands, or other property for the purposes for which the council is 3877  
established. The agent shall hold, apply, and dispose of the 3878  
moneys, lands, or other property according to the terms of the 3879  
gift, grant, devise, or bequest. Any interest or earnings shall be 3880  
treated in the same manner and are subject to the same terms as 3881  
the gift, grant, devise, or bequest from which it accrues. 3882

(b)(i) If the county council designates the board of county 3883  
commissioners as its administrative agent, the board may, by 3884  
resolution, delegate any of its powers and duties as 3885  
administrative agent to an executive committee the board 3886  
establishes from the membership of the county council. The board 3887  
shall name to the executive committee at least the individuals 3888  
described in divisions (B)(1)(b) to (h) of this section and may 3889  
appoint the president of the board or another individual as the 3890  
chair of the executive committee. The executive committee must 3891  
include at least one family county council representative who does 3892  
not have a family member employed by an agency represented on the 3893  
council. 3894

(ii) The executive committee may, with the approval of the 3895  
board, hire an executive director to assist the county council in 3896  
administering its powers and duties. The executive director shall 3897  
serve in the unclassified civil service at the pleasure of the 3898  
executive committee. The executive director may, with the approval 3899



of the executive committee, hire other employees as necessary to 3900  
properly conduct the county council's business. 3901

(iii) The board may require the executive committee to submit 3902  
an annual budget to the board for approval and may amend or repeal 3903  
the resolution that delegated to the executive committee its 3904  
authority as the county council's administrative agent. 3905

(6) Two or more county councils may enter into an agreement 3906  
to administer their county councils jointly by creating a regional 3907  
family and children first council. A regional council possesses 3908  
the same duties and authority possessed by a county council, 3909  
except that the duties and authority apply regionally rather than 3910  
to individual counties. Prior to entering into an agreement to 3911  
create a regional council, the members of each county council to 3912  
be part of the regional council shall meet to determine whether 3913  
all or part of the members of each county council will serve as 3914  
members of the regional council. 3915

(7) A board of county commissioners may approve a resolution 3916  
by a majority vote of the board's members that requires the county 3917  
council to submit a statement to the board each time the council 3918  
proposes to enter into an agreement, adopt a plan, or make a 3919  
decision, other than a decision pursuant to section 121.38 of the 3920  
Revised Code, that requires the expenditure of funds for two or 3921  
more families. The statement shall describe the proposed 3922  
agreement, plan, or decision. 3923

Not later than fifteen days after the board receives the 3924  
statement, it shall, by resolution approved by a majority of its 3925  
members, approve or disapprove the agreement, plan, or decision. 3926  
Failure of the board to pass a resolution during that time period 3927  
shall be considered approval of the agreement, plan, or decision. 3928

An agreement, plan, or decision for which a statement is 3929  
required to be submitted to the board shall be implemented only if 3930

it is approved by the board. 3931

(C) Each county shall develop a county service coordination 3932  
mechanism. The county service coordination mechanism shall serve 3933  
as the guiding document for coordination of services in the 3934  
county. For children who also receive services under the help me 3935  
grow program, the service coordination mechanism shall be 3936  
consistent with rules adopted by the department of health under 3937  
section 3701.61 of the Revised Code. All family service 3938  
coordination plans shall be developed in accordance with the 3939  
county service coordination mechanism. The mechanism shall be 3940  
developed and approved with the participation of the county 3941  
entities representing child welfare; mental retardation and 3942  
developmental disabilities; alcohol, drug addiction, and mental 3943  
health services; health; juvenile judges; education; the county 3944  
family and children first council; and the county early 3945  
intervention collaborative established pursuant to the federal 3946  
early intervention program operated under the "Individuals with 3947  
Disabilities Education Act of 2004." The county shall establish an 3948  
implementation schedule for the mechanism. The cabinet council may 3949  
monitor the implementation and administration of each county's 3950  
service coordination mechanism. 3951

Each mechanism shall include all of the following: 3952

(1) A procedure for an agency, including a juvenile court, or 3953  
a family voluntarily seeking service coordination, to refer the 3954  
child and family to the county council for service coordination in 3955  
accordance with the mechanism; 3956

(2) A procedure ensuring that a family and all appropriate 3957  
staff from involved agencies, including a representative from the 3958  
appropriate school district, are notified of and invited to 3959  
participate in all family service coordination plan meetings; 3960

(3) A procedure that permits a family to initiate a meeting 3961

to develop or review the family's service coordination plan and 3962  
allows the family to invite a family advocate, mentor, or support 3963  
person of the family's choice to participate in any such meeting; 3964

(4) A procedure for ensuring that a family service 3965  
coordination plan meeting is conducted for each child who receives 3966  
service coordination under the mechanism and for whom an emergency 3967  
out-of-home placement has been made or for whom a nonemergency 3968  
out-of-home placement is being considered. The meeting shall be 3969  
conducted within ten days of an emergency out-of-home placement. 3970  
The meeting shall be conducted before a nonemergency out-of-home 3971  
placement. The family service coordination plan shall outline how 3972  
the county council members will jointly pay for services, where 3973  
applicable, and provide services in the least restrictive 3974  
environment. 3975

(5) A procedure for monitoring the progress and tracking the 3976  
outcomes of each service coordination plan requested in the county 3977  
including monitoring and tracking children in out-of-home 3978  
placements to assure continued progress, appropriateness of 3979  
placement, and continuity of care after discharge from placement 3980  
with appropriate arrangements for housing, treatment, and 3981  
education. 3982

(6) A procedure for protecting the confidentiality of all 3983  
personal family information disclosed during service coordination 3984  
meetings or contained in the comprehensive family service 3985  
coordination plan. 3986

(7) A procedure for assessing the needs and strengths of any 3987  
child or family that has been referred to the council for service 3988  
coordination, including a child whose parent or custodian is 3989  
voluntarily seeking services, and for ensuring that parents and 3990  
custodians are afforded the opportunity to participate; 3991

(8) A procedure for development of a family service 3992

coordination plan described in division (D) of this section; 3993

(9) A local dispute resolution process to serve as the 3994  
process that must be used first to resolve disputes among the 3995  
agencies represented on the county council concerning the 3996  
provision of services to children, including children who are 3997  
abused, neglected, dependent, unruly, alleged unruly, or 3998  
delinquent children and under the jurisdiction of the juvenile 3999  
court and children whose parents or custodians are voluntarily 4000  
seeking services. The local dispute resolution process shall 4001  
comply with sections 121.38, 121.381, and 121.382 of the Revised 4002  
Code. The local dispute resolution process shall be used to 4003  
resolve disputes between a child's parents or custodians and the 4004  
county council regarding service coordination. The county council 4005  
shall inform the parents or custodians of their right to use the 4006  
dispute resolution process. Parents or custodians shall use 4007  
existing local agency grievance procedures to address disputes not 4008  
involving service coordination. The dispute resolution process is 4009  
in addition to and does not replace other rights or procedures 4010  
that parents or custodians may have under other sections of the 4011  
Revised Code. 4012

The cabinet council shall adopt rules in accordance with 4013  
Chapter 119. of the Revised Code establishing an administrative 4014  
review process to address problems that arise concerning the 4015  
operation of a local dispute resolution process. 4016

Nothing in division (C)(4) of this section shall be 4017  
interpreted as overriding or affecting decisions of a juvenile 4018  
court regarding an out-of-home placement, long-term placement, or 4019  
emergency out-of-home placement. 4020

(D) Each county shall develop a family service coordination 4021  
plan that does all of the following: 4022

(1) Designates service responsibilities among the various 4023

state and local agencies that provide services to children and 4024  
their families, including children who are abused, neglected, 4025  
dependent, unruly, or delinquent children and under the 4026  
jurisdiction of the juvenile court and children whose parents or 4027  
custodians are voluntarily seeking services; 4028

(2) Designates an individual, approved by the family, to 4029  
track the progress of the family service coordination plan, 4030  
schedule reviews as necessary, and facilitate the family service 4031  
coordination plan meeting process; 4032

(3) Ensures that assistance and services to be provided are 4033  
responsive to the strengths and needs of the family, as well as 4034  
the family's culture, race, and ethnic group, by allowing the 4035  
family to offer information and suggestions and participate in 4036  
decisions. Identified assistance and services shall be provided in 4037  
the least restrictive environment possible. 4038

(4) Includes a process for dealing with a child who is 4039  
alleged to be an unruly child. The process shall include methods 4040  
to divert the child from the juvenile court system; 4041

(5) Includes timelines for completion of goals specified in 4042  
the plan with regular reviews scheduled to monitor progress toward 4043  
those goals; 4044

(6) Includes a plan for dealing with short-term crisis 4045  
situations and safety concerns. 4046

(E)(1) The process provided for under division (D)(4) of this 4047  
section may include, but is not limited to, the following: 4048

(a) Designation of the person or agency to conduct the 4049  
assessment of the child and the child's family as described in 4050  
division (C)(7) of this section and designation of the instrument 4051  
or instruments to be used to conduct the assessment; 4052

(b) An emphasis on the personal responsibilities of the child 4053

and the parental responsibilities of the parents, guardian, or 4054  
custodian of the child; 4055

(c) Involvement of local law enforcement agencies and 4056  
officials. 4057

(2) The method to divert a child from the juvenile court 4058  
system that must be included in the service coordination process 4059  
may include, but is not limited to, the following: 4060

(a) The preparation of a complaint under section 2151.27 of 4061  
the Revised Code alleging that the child is an unruly child and 4062  
notifying the child and the parents, guardian, or custodian that 4063  
the complaint has been prepared to encourage the child and the 4064  
parents, guardian, or custodian to comply with other methods to 4065  
divert the child from the juvenile court system; 4066

(b) Conducting a meeting with the child, the parents, 4067  
guardian, or custodian, and other interested parties to determine 4068  
the appropriate methods to divert the child from the juvenile 4069  
court system; 4070

(c) A method to provide to the child and the child's family a 4071  
short-term respite from a short-term crisis situation involving a 4072  
confrontation between the child and the parents, guardian, or 4073  
custodian; 4074

(d) A program to provide a mentor to the child or the 4075  
parents, guardian, or custodian; 4076

(e) A program to provide parenting education to the parents, 4077  
guardian, or custodian; 4078

(f) An alternative school program for children who are truant 4079  
from school, repeatedly disruptive in school, or suspended or 4080  
expelled from school; 4081

(g) Other appropriate measures, including, but not limited 4082  
to, any alternative methods to divert a child from the juvenile 4083

court system that are identified by the Ohio family and children 4084  
first cabinet council. 4085

(F) Each county may review and revise the service 4086  
coordination process described in division (D) of this section 4087  
based on the availability of funds under Title IV-A of the "Social 4088  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 4089  
or to the extent resources are available from any other federal, 4090  
state, or local funds. 4091

**Sec. 121.375.** (A) As used in this section: 4092

"At-risk individual" means an individual at great risk of not 4093  
being able to access available health and social services due to 4094  
barriers such as poverty, inadequate transportation, culture, and 4095  
priorities of basic survival. 4096

"Care coordination agency" means a person or government 4097  
entity that assists at-risk individuals access available health 4098  
and social services the at-risk individuals need. 4099

(B) A care coordination agency may provide the following 4100  
information to the Ohio family and children first cabinet council: 4101

(1) The types of individuals the agency identifies as being 4102  
at-risk individuals; 4103

(2) The total per-individual cost to the agency for care 4104  
coordination services provided to at-risk individuals; 4105

(3) The administrative cost per individual for care 4106  
coordination services provided to at-risk individuals; 4107

(4) The specific work products the agency purchased to 4108  
provide care coordination services to at-risk individuals; 4109

(5) The strategies the agency uses to help at-risk 4110  
individuals access available health and social services; 4111

(6) The agency's success in helping at-risk individuals 4112

access available health and social services; 4113

(7) The mechanisms the agency uses to identify and eliminate  
duplicate care coordination services. 4114  
4115

(C) The Ohio family and children first cabinet council may  
use the information provided to it under this section to help  
improve care coordination for at-risk individuals throughout the  
state. 4116  
4117  
4118  
4119

**Sec. 121.40.** (A) There is hereby created the Ohio community 4120  
service council consisting of twenty-one voting members including 4121  
the superintendent of public instruction or the superintendent's 4122  
designee, the chancellor of the Ohio board of regents or the 4123  
chancellor's designee, the director of youth services or the 4124  
director's designee, the director of aging or the director's 4125  
designee, the chairperson of the committee of the house of 4126  
representatives dealing with education or the chairperson's 4127  
designee, the chairperson of the committee of the senate dealing 4128  
with education or the chairperson's designee, and fifteen members 4129  
who shall be appointed by the governor with the advice and consent 4130  
of the senate and who shall serve terms of office of three years. 4131  
The appointees shall include educators, including teachers and 4132  
administrators; representatives of youth organizations; students 4133  
and parents; representatives of organizations engaged in volunteer 4134  
program development and management throughout the state, including 4135  
youth and conservation programs; and representatives of business, 4136  
government, nonprofit organizations, social service agencies, 4137  
veterans organizations, religious organizations, or philanthropies 4138  
that support or encourage volunteerism within the state. The 4139  
director of the governor's office of faith-based and community 4140  
initiatives shall serve as a nonvoting ex officio member of the 4141  
council. Members of the council shall receive no compensation, but 4142  
shall be reimbursed for actual and necessary expenses incurred in 4143



the performance of their official duties. 4144

(B) The council shall appoint, with the advice and consent of 4145  
the governor, an executive director for the council, who shall be 4146  
in the unclassified civil service. The executive director shall 4147  
supervise the council's activities and report to the council on 4148  
the progress of those activities. The executive director shall do 4149  
all things necessary for the efficient and effective 4150  
implementation of the duties of the council. 4151

The responsibilities assigned to the executive director do 4152  
not relieve the members of the council from final responsibility 4153  
for the proper performance of the requirements of this section. 4154

(C) The council or its designee shall do all of the 4155  
following: 4156

(1) Employ, promote, supervise, and remove all employees as 4157  
needed in connection with the performance of its duties under this 4158  
section and may assign duties to those employees as necessary to 4159  
achieve the most efficient performance of its functions, and to 4160  
that end may establish, change, or abolish positions, and assign 4161  
and reassign duties and responsibilities of any employee of the 4162  
council. Personnel employed by the council who are subject to 4163  
Chapter 4117. of the Revised Code shall retain all of their rights 4164  
and benefits conferred pursuant to that chapter. Nothing in this 4165  
chapter shall be construed as eliminating or interfering with 4166  
Chapter 4117. of the Revised Code or the rights and benefits 4167  
conferred under that chapter to public employees or to any 4168  
bargaining unit. 4169

(2) Maintain its office in Columbus, and may hold sessions at 4170  
any place within the state; 4171

(3) Acquire facilities, equipment, and supplies necessary to 4172  
house the council, its employees, and files and records under its 4173  
control, and to discharge any duty imposed upon it by law. The 4174

expense of these acquisitions shall be audited and paid for in the 4175  
same manner as other state expenses. For that purpose, the council 4176  
shall prepare and submit to the office of budget and management a 4177  
budget for each biennium according to sections 101.532 and 107.03 4178  
of the Revised Code. The budget submitted shall cover the costs of 4179  
the council and its staff in the discharge of any duty imposed 4180  
upon the council by law. The council shall not delegate any 4181  
authority to obligate funds. 4182

(4) Pay its own payroll and other operating expenses from 4183  
line items designated by the general assembly; 4184

(5) Retain its fiduciary responsibility as appointing 4185  
authority. Any transaction instructions shall be certified by the 4186  
appointing authority or its designee. 4187

(6) Establish the overall policy and management of the 4188  
council in accordance with this chapter; 4189

(7) Assist in coordinating and preparing the state 4190  
application for funds under sections 101 to 184 of the "National 4191  
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 4192  
U.S.C.A. 12411 to 12544, as amended, assist in administering and 4193  
overseeing the "National and Community Service Trust Act of 1993," 4194  
P.L. 103-82, 107 Stat. 785, and the americorps program in this 4195  
state, and assist in developing objectives for a comprehensive 4196  
strategy to encourage and expand community service programs 4197  
throughout the state; 4198

(8) Assist the state board of education, school districts, 4199  
the chancellor of the board of regents, and institutions of higher 4200  
education in coordinating community service education programs 4201  
through cooperative efforts between institutions and organizations 4202  
in the public and private sectors; 4203

(9) Assist the departments of natural resources, youth 4204  
services, aging, and job and family services in coordinating 4205

community service programs through cooperative efforts between 4206  
institutions and organizations in the public and private sectors; 4207

(10) Suggest individuals and organizations that are available 4208  
to assist school districts, institutions of higher education, and 4209  
the departments of natural resources, youth services, aging, and 4210  
job and family services in the establishment of community service 4211  
programs and assist in investigating sources of funding for 4212  
implementing these programs; 4213

(11) Assist in evaluating the state's efforts in providing 4214  
community service programs using standards and methods that are 4215  
consistent with any statewide objectives for these programs and 4216  
provide information to the state board of education, school 4217  
districts, the chancellor of the board of regents, institutions of 4218  
higher education, and the departments of natural resources, youth 4219  
services, aging, and job and family services to guide them in 4220  
making decisions about these programs; 4221

(12) Assist the state board of education in complying with 4222  
section 3301.70 of the Revised Code and the chancellor of the 4223  
board of regents in complying with division (B)(2) of section 4224  
3333.043 of the Revised Code; 4225

(13) Advise, assist, consult with, and cooperate with, by 4226  
contract or otherwise, agencies and political subdivisions of this 4227  
state in establishing a statewide system for volunteers pursuant 4228  
to section 121.404 of the Revised Code. 4229

~~(D) The department of aging. With the advice and consent of 4230  
the governor, the council shall in writing enter into an agreement 4231  
with another state agency to serve as the council's fiscal agent. 4232  
Beginning on July 1, 1997, whenever reference is made in any law, 4233  
contract, or document to the functions of the department of youth 4234  
services as fiscal agent to the council, the reference shall be 4235  
deemed to refer to the department of aging. The department of 4236~~

~~aging shall have no responsibility for or obligation to the 4237  
council prior to July 1, 1997. Any validation, cure, right, 4238  
privilege, remedy, obligation, or liability shall be retained by 4239  
the council. 4240~~

~~As used in this section, "fiscal agent" means technical 4241  
support and includes the following technical support services: The 4242  
fiscal agent shall be responsible for all the council's fiscal 4243  
matters and financial transactions, as specified in the agreement. 4244  
Services to be provided by the fiscal agent include, but are not 4245  
limited to, the following: 4246~~

~~(1) Preparing and processing payroll and other personnel 4247  
documents that the council executes as the appointing authority. i 4248  
The department of aging shall not approve any payroll or other 4249  
personnel related documents. 4250~~

~~(2) Maintaining ledgers of accounts and reports of account 4251  
balances, and monitoring budgets and allotment plans in 4252  
consultation with the council. and The department shall not 4253  
approve any biennial budget, grant, expenditure, audit, or 4254  
fiscal related document. 4255~~

~~(3) Performing other routine support services that the 4256  
director of aging or the director's designee and the council or 4257  
its designee consider fiscal agent considers appropriate to 4258  
achieve efficiency. 4259~~

~~(E)(1) The council ~~or its designee, in conjunction and 4260  
consultation with the fiscal agent, has the following authority 4261  
and responsibility relative to fiscal matters: 4262~~~~

~~(a) Sole authority to draw funds for any and all federal 4263  
programs in which the council is authorized to participate; 4264~~

~~(b) Sole authority to expend funds from their accounts for 4265  
programs and any other necessary expenses the council may incur 4266  
and its subgrantees may incur; and 4267~~

(c) Responsibility to cooperate with and inform the 4268  
~~department of aging as~~ fiscal agent ~~to ensure that the department~~ 4269  
~~is~~ fully apprised of all financial transactions. 4270

(2) The council shall follow all state procurement, fiscal, 4271  
human resources, statutory, and administrative rule requirements. 4272

(3) The ~~department of aging~~ fiscal agent shall determine fees 4273  
to be charged to the council, which shall be in proportion to the 4274  
services performed for the council. 4275

(4) The council shall pay fees owed to the ~~department of~~ 4276  
~~aging~~ fiscal agent from a general revenue fund of the council or 4277  
from any other fund from which the operating expenses of the 4278  
council are paid. Any amounts set aside for a fiscal year for the 4279  
payment of these fees shall be used only for the services 4280  
performed for the council by the ~~department of aging~~ fiscal agent 4281  
in that fiscal year. 4282

(F) The council may accept and administer grants from any 4283  
source, public or private, to carry out any of the council's 4284  
functions this section establishes. 4285

**Sec. 121.401.** (A) As used in this section and section 121.402 4286  
of the Revised Code, "organization or entity" and "unsupervised 4287  
access to a child" have the same meanings as in section 109.574 of 4288  
the Revised Code. 4289

(B) The ~~governor's~~ Ohio community service council shall adopt 4290  
a set of "recommended best practices" for organizations or 4291  
entities to follow when one or more volunteers of the organization 4292  
or entity have unsupervised access to one or more children or 4293  
otherwise interact with one or more children. The "recommended 4294  
best practices" shall focus on, but shall not be limited to, the 4295  
issue of the safety of the children and, in addition, the 4296  
screening and supervision of volunteers. The "recommended best 4297

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

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

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

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

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

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

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

checks, and record keeping regarding the reports; 4328

(3) Makes available to volunteers information regarding the 4329  
possibility of being subjected to a criminal records check and 4330  
displaying appropriate behavior to minors; 4331

(4) Makes available to children advice on personal safety and 4332  
information on what action to take if someone takes inappropriate 4333  
action towards a child. 4334

(B) The program shall begin making the materials described in 4335  
this section available not later than ~~one year after the effective~~ 4336  
~~date of this section~~ March 22, 2002. 4337

Sec. 122.042. The director of development may found an 4338  
employment opportunity program that encourages employers to employ 4339  
individuals who are members of significantly disadvantaged groups. 4340  
If the director intends to found such an employment opportunity 4341  
program, the director shall adopt, and thereafter may amend or 4342  
rescind, rules under Chapter 119. of the Revised Code to found, 4343  
and to operate, maintain, and improve, the program. In the rules, 4344  
the director shall: 4345

(A) Construct, and, as changing circumstances indicate, 4346  
re-construct, procedures according to which significantly 4347  
disadvantaged groups are identified as such, an individual is 4348  
identified as being a member of a significantly disadvantaged 4349  
group, and an employer is identified as being a potential employer 4350  
of an individual who is a member of a significantly disadvantaged 4351  
group; 4352

(B) Describe, and, as experience indicates, re-describe, the 4353  
kinds of evidence that shall be considered to identify 4354  
significantly disadvantaged groups, the kinds of evidence an 4355  
individual shall offer to prove that the individual is a member of 4356  
a significantly disadvantaged group, and the kinds of evidence an 4357

employer shall offer to prove that the employer is a potential 4358  
employer of an individual who is a member of a significantly 4359  
disadvantaged group; 4360

(C) Specify, and, as experience indicates, re-specify, 4361  
strategies and tactics for connecting individuals who are members 4362  
of significantly disadvantaged groups with potential employers of 4363  
members of significantly disadvantaged groups; 4364

(D) Define a mix of, and, as experience indicates, define a 4365  
re-mix of, incentives, such as grants, loans, loan guarantees, and 4366  
tax benefits, that will encourage potential employers of 4367  
individuals who are members of significantly disadvantaged groups 4368  
actually to employ those individuals, to train those individuals 4369  
in the particular skills of the employment, and otherwise to 4370  
develop and continue those individuals in the employment; 4371

(E) Prescribe, and, as experience indicates, re-prescribe, 4372  
terms and conditions under which incentives are provided to and 4373  
used by employers, including standards according to which 4374  
incentives are provided or not provided to employers, results that 4375  
reasonably can be expected from the provision of incentives, terms 4376  
for and conditions on the use to which incentives may be put, 4377  
methods according to which the use of incentives can be monitored 4378  
and accounted for, any obligation to repay or otherwise reimburse 4379  
an incentive, and liability under which employers are obligated to 4380  
provide restitution to the director if incentives are misused 4381  
according to the terms and conditions of their provision and use; 4382  
and 4383

(F) Construct, describe, specify, define, and prescribe any 4384  
other thing that is necessary and proper for the founding, and for 4385  
the successful and efficient operation, maintenance, and 4386  
improvement, of the employment opportunity program. 4387

In founding, and in operating, maintaining, and improving, 4388



the employment opportunity program under the rules, the director 4389  
shall proceed so that the resulting program functions as a 4390  
coherent, efficient system for improving employment opportunities 4391  
for significantly disadvantaged groups. Examples of significantly 4392  
disadvantaged groups include individuals who have not graduated 4393  
from high school, individuals who have been convicted of a crime, 4394  
individuals who are disabled, and individuals who are chronically 4395  
unemployed (usually for more than eighteen months). 4396

The director may not provide an incentive in the form of a 4397  
tax benefit unless the director first has consulted, and obtained 4398  
the approval of, the tax commissioner. Examples of tax benefits 4399  
include tax deductions, tax credits, and tax exemptions. 4400

The director has a cause of action for restitution to recover 4401  
for the misuse of an incentive according to the terms and 4402  
conditions under which the incentive was provided or to be used. 4403

**Sec. 122.05.** (A) The director of development may, to carry 4404  
out the purposes of division (E) of section 122.04 of the Revised 4405  
Code: 4406

(1) Establish offices in foreign countries as the director 4407  
considers appropriate and enter into leases of real property, 4408  
buildings, and office space that are appropriate for these 4409  
offices; 4410

(2) Appoint personnel, who shall be in the unclassified civil 4411  
services, necessary to operate such offices and fix their 4412  
compensation. The director may enter into contracts with foreign 4413  
nationals to staff the foreign offices established under this 4414  
section. 4415

(3) The director may establish United States dollar and 4416  
foreign currency accounts for the payment of expenses related to 4417  
the operation and maintenance of the offices established under 4418

this section. The director shall establish procedures acceptable 4419  
to the director of budget and management for the conversion, 4420  
transfer, and control of United States dollars and foreign 4421  
currency. 4422

(4) Provide export promotion assistance to Ohio businesses 4423  
and organize or support missions to foreign countries to promote 4424  
export of Ohio products and services and to encourage foreign 4425  
direct investment in Ohio. The director may charge fees to 4426  
businesses receiving export assistance and to participants in 4427  
foreign missions sufficient to recover the direct costs of those 4428  
activities. The director shall adopt, as an internal management 4429  
rule under section 111.15 of the Revised Code, a procedure for 4430  
setting the fees and a schedule of fees for services commonly 4431  
provided by the department. The procedure shall require the 4432  
director to annually review the established fees. 4433

(5) Do all things necessary and appropriate for the operation 4434  
of the state's foreign offices. 4435

(B) All contracts entered into under division (A)(2) of this 4436  
section and any payments of expenses under division (A)(3) of this 4437  
section related to the operation and maintenance of foreign 4438  
offices established under this section may be paid in the 4439  
appropriate foreign currency and are exempt from sections 127.16 4440  
and 5147.07 and Chapters 124., 125., and 153. of the Revised Code. 4441

**Sec. 122.051.** There is hereby created in the state treasury 4442  
the international trade cooperative projects fund. The fund shall 4443  
consist of ~~moneys~~ all of the following: 4444

(A) Moneys received from private and nonprofit organizations 4445  
involved in cooperative agreements related to import/export and 4446  
direct foreign investment activities ~~and cash;~~ 4447

(B) Cash transfers from other state agencies or any state or 4448

local government to encourage, promote, and assist trade and 4449  
commerce between this state and foreign nations, pursuant to 4450  
section 122.05 and division (E) of section 122.04 of the Revised 4451  
Code; and 4452

(C) Fees charged to businesses receiving export assistance 4453  
and to participants in foreign missions to recover direct costs of 4454  
those activities under division (A)(4) of section 122.05 of the 4455  
Revised Code. 4456

**Sec. 122.075.** (A) As used in this section: 4457

(1) "Alternative fuel" means blended biodiesel ~~or~~, blended 4458  
gasoline, or compressed air used in air-compression driven 4459  
engines. 4460

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 4461  
fuel that is derived from vegetable oils or animal fats, or any 4462  
combination of those reagents, and that meets American society for 4463  
testing and materials specification D6751-03a for biodiesel fuel 4464  
(B100) blend stock distillate fuels. 4465

(3) "Diesel fuel" and "gasoline" have the same meanings as in 4466  
section 5735.01 of the Revised Code. 4467

(4) "Ethanol" has the same meaning as in section 5733.46 of 4468  
the Revised Code. 4469

(5) "Blended biodiesel" means diesel fuel containing at least 4470  
twenty per cent biodiesel by volume. 4471

(6) "Blended gasoline" means gasoline containing at least 4472  
eighty-five per cent ethanol by volume. 4473

(7) "Incremental cost" means either of the following: 4474

(a) The difference in cost between blended gasoline and 4475  
gasoline containing ten per cent or less ethanol at the time that 4476  
the blended gasoline is purchased; 4477

(b) The difference in cost between blended biodiesel and 4478  
diesel fuel containing two per cent or less biodiesel at the time 4479  
that the blended biodiesel is purchased. 4480

(B) For the purpose of improving the air quality in this 4481  
state, the director of development shall establish an alternative 4482  
fuel transportation grant program under which the director may 4483  
make grants to businesses, nonprofit organizations, public school 4484  
systems, or local governments for the purchase and installation of 4485  
alternative fuel refueling or distribution facilities and 4486  
terminals, for the purchase and use of alternative fuel, and to 4487  
pay the costs of educational and promotional materials and 4488  
activities intended for prospective alternative fuel consumers, 4489  
fuel marketers, and others in order to increase the availability 4490  
and use of alternative fuel. 4491

(C) The director, in consultation with the director of 4492  
agriculture, shall adopt rules in accordance with Chapter 119. of 4493  
the Revised Code that are necessary for the administration of the 4494  
alternative fuel transportation grant program. The rules shall 4495  
establish at least all of the following: 4496

(1) An application form and procedures governing the 4497  
application process for a grant under the program; 4498

(2) A procedure for prioritizing the award of grants under 4499  
the program. The procedures shall give preference to all of the 4500  
following: 4501

(a) Publicly accessible refueling facilities; 4502

(b) Entities seeking grants that have secured funding from 4503  
other sources, including, but not limited to, private or federal 4504  
grants; 4505

(c) Entities that have presented compelling evidence of 4506  
demand in the market in which the facilities or terminals will be 4507  
located; 4508

(d) Entities that have committed to utilizing purchased or 4509  
installed facilities or terminals for the greatest number of 4510  
years; 4511

(e) Entities that will be purchasing or installing facilities 4512  
or terminals for both blended biodiesel and blended gasoline. 4513

(3) A requirement that the maximum grant for the purchase and 4514  
installation of an alternative fuel refueling or distribution 4515  
facility or terminal be eighty per cent of the cost of the 4516  
facility or terminal, except that at least twenty per cent of the 4517  
total net cost of the facility or terminal shall be incurred by 4518  
the grant recipient and not compensated for by any other source; 4519

(4) A requirement that the maximum grant for the purchase of 4520  
alternative fuel be eighty per cent of the incremental cost of the 4521  
fuel; 4522

(5) Any other criteria, procedures, or guidelines that the 4523  
director determines are necessary to administer the program. 4524

(D) An applicant for a grant under this section that sells 4525  
motor vehicle fuel at retail shall agree that if the applicant 4526  
receives a grant, the applicant will report to the director the 4527  
gallon amounts of blended gasoline and blended biodiesel the 4528  
applicant sells at retail in this state for a period of three 4529  
years after the grant is awarded. 4530

The director shall enter into a written confidentiality 4531  
agreement with the applicant regarding the gallon amounts sold as 4532  
described in this division, and upon execution of the agreement 4533  
this information is not a public record. 4534

(E) There is hereby created in the state treasury the 4535  
alternative fuel transportation grant fund. The fund shall consist 4536  
of money transferred to the fund under division (C) of section 4537  
125.836 of the Revised Code, money that is appropriated to it by 4538  
the general assembly, and money as may be specified by the general 4539

assembly from the advanced energy fund created by section 4928.61 4540  
of the Revised Code. Money in the fund shall be used to make 4541  
grants under the alternative fuel transportation grant program and 4542  
by the director in the administration of that program. 4543

Sec. 122.12. As used in this section and in section 122.121 4544  
of the Revised Code: 4545

(A) "Endorsing county" means a county that contains a site 4546  
selected by a site selection organization for one or more games. 4547

(B) "Endorsing municipality" means a municipal corporation 4548  
that contains a site selected by a site selection organization for 4549  
one or more games. 4550

(C) "Game support contract" means a joinder undertaking, 4551  
joinder agreement, or similar contract executed by an endorsing 4552  
municipality or endorsing county and a site selection 4553  
organization. 4554

(D) "Game" means a national football league "super bowl," a 4555  
national collegiate athletic association "final four" basketball 4556  
tournament game, the national basketball association all-star 4557  
game, the national hockey league all-star game, the major league 4558  
baseball all-star game, a national collegiate athletic association 4559  
bowl championship series game, a world cup soccer game, or the 4560  
olympic games. 4561

(E) "Joinder agreement" means an agreement entered into by an 4562  
endorsing municipality or endorsing county, or more than one 4563  
endorsing municipality or county acting collectively and a site 4564  
selection organization setting out representations and assurances 4565  
by each endorsing municipality or endorsing county in connection 4566  
with the selection of a site in this state for the location of a 4567  
game. 4568

(F) "Joinder undertaking" means an agreement entered into by 4569

an endorsing municipality or endorsing county, or more than one 4570  
endorsing municipality or county acting collectively and a site 4571  
selection organization that each endorsing municipality or 4572  
endorsing county will execute a joinder agreement in the event 4573  
that the site selection organization selects a site in this state 4574  
for a game. 4575

(G) "Local organizing committee" means a nonprofit 4576  
corporation or its successor in interest that: 4577

(1) Has been authorized by an endorsing municipality, 4578  
endorsing county, or more than one endorsing municipality or 4579  
county acting collectively to pursue an application and bid on the 4580  
applicant's behalf to a site selection organization for selection 4581  
as the site of one or more games; or 4582

(2) With the authorization of an endorsing municipality, 4583  
endorsing county, or more than one endorsing municipality or 4584  
county acting collectively, has executed an agreement with a site 4585  
selection organization regarding a bid to host one or more games. 4586

(H) "Site selection organization" means the national football 4587  
league, the national collegiate athletic association, the national 4588  
basketball association, the national hockey league, major league 4589  
baseball, the federation internationale de football association, 4590  
the international world games association, the United States 4591  
olympic committee, or the national governing body of a sport that 4592  
is recognized as such by the United States olympic committee. 4593

**Sec. 122.121.** (A) If an endorsing municipality or endorsing 4594  
county enters into a joinder undertaking with a site selection 4595  
organization, the endorsing municipality or endorsing county may 4596  
apply to the director of development, on a form and in the manner 4597  
prescribed by the director, for a grant based on the projected 4598  
incremental increase in the receipts from the tax imposed under 4599  
section 5739.02 of the Revised Code within the market area 4600

designated under division (C) of this section, for the two-week 4601  
period that ends at the end of the day after the date on which a 4602  
game will be held, that is directly attributable, as determined by 4603  
the director, to the preparation for and presentation of the game. 4604  
The director shall determine the projected incremental increase in 4605  
the tax imposed under section 5739.02 of the Revised Code from 4606  
information certified to the director by the endorsing 4607  
municipality or the endorsing county including, but not limited 4608  
to, historical attendance and ticket sales for the game, income 4609  
statements showing revenue and expenditures for the game in prior 4610  
years, attendance capacity at the proposed venues, event budget at 4611  
the proposed venues, and projected lodging room nights based on 4612  
historical attendance, attendance capacity at the proposed venues, 4613  
and duration of the game and related activities. The endorsing 4614  
municipality or endorsing county is eligible to receive a grant 4615  
under this section only if the projected incremental increase in 4616  
receipts from the tax imposed under section 5739.02 of the Revised 4617  
Code, as determined by the director, exceeds two hundred fifty 4618  
thousand dollars. The amount of the grant shall be determined by 4619  
the director but shall not exceed five hundred thousand dollars. 4620  
The director shall not issue grants with a total value of more 4621  
than one million dollars in any fiscal year. 4622

(B) If the director of development approves an application 4623  
for an endorsing municipality or endorsing county and that 4624  
endorsing municipality or endorsing county enters into a joinder 4625  
agreement with a site selection organization, the endorsing 4626  
municipality or endorsing county shall file a copy of the joinder 4627  
agreement with the director of development, who immediately shall 4628  
notify the director of budget and management of the filing. Within 4629  
thirty days after receiving the notice, the director of budget and 4630  
management shall establish a schedule to disburse from the general 4631  
revenue fund to such endorsing municipality or endorsing county 4632



payments that total the amount certified by the director of 4633  
development under division (A) of this section, but in no event 4634  
shall the total amount disbursed exceed five hundred thousand 4635  
dollars. The payments shall be used exclusively by the endorsing 4636  
municipality or endorsing county to fulfill a portion of its 4637  
obligations to a site selection organization under game support 4638  
contracts, which obligations may include the payment of costs 4639  
relating to the preparations necessary for the conduct of the 4640  
game, including acquiring, renovating, or constructing facilities; 4641  
to pay the costs of conducting the game; and to assist the local 4642  
organizing committee, endorsing municipality, or endorsing county 4643  
in providing assurances required by a site selection organization 4644  
sponsoring one or more games. 4645

(C) For the purposes of division (A) of this section, the 4646  
director of development, in consultation with the tax 4647  
commissioner, shall designate as a market area for a game each 4648  
area in which they determine there is a reasonable likelihood of 4649  
measurable economic impact directly attributable to the 4650  
preparation for and presentation of the game and related events, 4651  
including areas likely to provide venues, accommodations, and 4652  
services in connection with the game based on the information and 4653  
the copy of the joinder undertaking provided to the director under 4654  
divisions (A) and (B) of this section. The director and 4655  
commissioner shall determine the geographic boundaries of each 4656  
market area. An endorsing municipality or endorsing county that 4657  
has been selected as the site for a game must be included in a 4658  
market area for the game. 4659

(D) A local organizing committee, endorsing municipality, or 4660  
endorsing county shall provide information required by the 4661  
director of development and tax commissioner to enable the 4662  
director and commissioner to fulfill their duties under this 4663  
section, including annual audited statements of any financial 4664

records required by a site selection organization and data 4665  
obtained by the local organizing committee, endorsing 4666  
municipality, or endorsing county relating to attendance at a game 4667  
and to the economic impact of the game. A local organizing 4668  
committee, an endorsing municipality, or an endorsing county shall 4669  
provide an annual audited financial statement if so required by 4670  
the director and commissioner, not later than the end of the 4671  
fourth month after the date the period covered by the financial 4672  
statement ends. 4673

(E) Within sixty days after the game, the endorsing 4674  
municipality or the endorsing county shall report to the director 4675  
of development about the economic impact of the game. The report 4676  
shall be in the form and substance required by the director, 4677  
including, but not limited to, a final income statement for the 4678  
event showing total revenue and expenditures and revenue and 4679  
expenditures in the market area for the game, and ticket sales for 4680  
the game and any related activities for which admission was 4681  
charged. The director of development shall determine, based on the 4682  
reported information and the exercise of reasonable judgment, the 4683  
incremental increase in receipts from the tax imposed under 4684  
section 5739.02 of the Revised Code directly attributable to the 4685  
game. If the actual incremental increase in such receipts is less 4686  
than the projected incremental increase in receipts, the director 4687  
may require the endorsing municipality or the endorsing county to 4688  
refund to the state all or a portion of the grant. 4689

(F) No disbursement may be made under this section if the 4690  
director of development determines that it would be used for the 4691  
purpose of soliciting the relocation of a professional sports 4692  
franchise located in this state. 4693

(G) This section may not be construed as creating or 4694  
requiring a state guarantee of obligations imposed on an endorsing 4695  
municipality or endorsing county under a game support contract or 4696

any other agreement relating to hosting one or more games in this 4697  
state. 4698

**Sec. 122.151.** (A) An investor who proposes to make an 4699  
investment of money in an Ohio entity may apply to an Edison 4700  
center for a tax credit under this section. The Edison center 4701  
shall prescribe the form of the application and any information 4702  
that the investor must submit with the application. The investor 4703  
shall include with the application a fee of two hundred dollars. 4704  
The center, within three weeks after receiving the application, 4705  
shall review it, determine whether the investor should be 4706  
recommended for the tax credit, and send written notice of its 4707  
initial determination to the industrial technology and enterprise 4708  
advisory council and to the investor. If the center determines the 4709  
investor should not be recommended for the tax credit, it shall 4710  
include in the notice the reasons for the determination. Subject 4711  
to divisions (C) and (D) of this section, an investor is eligible 4712  
for a tax credit if all of the following requirements are met: 4713

(1) The investor's investment of money is in an Ohio entity 4714  
engaged in a qualified trade or business. 4715

(2) The Ohio entity had less than two million five hundred 4716  
thousand dollars of gross revenue during its most recently 4717  
completed fiscal year or had a net book value of less than two 4718  
million five hundred thousand dollars at the end of that fiscal 4719  
year. 4720

(3) The investment takes the form of the purchase of common 4721  
or preferred stock, a membership interest, a partnership interest, 4722  
or any other ownership interest. 4723

(4) The amount of the investment for which the credit is 4724  
being claimed does not exceed three hundred thousand dollars in 4725  
the case of an investment in an EDGE business enterprise or in an 4726  
Ohio entity located in a distressed area, or two hundred fifty 4727

thousand dollars in the case of an investment in any other Ohio 4728  
entity. 4729

(5) The money invested is entirely at risk of loss, where 4730  
repayment depends upon the success of the business operations of 4731  
the Ohio entity. 4732

(6) No repayment of principal invested will be made for at 4733  
least three years from the date the investment is made. 4734

(7) The annual combined amount of any dividend and interest 4735  
payments to be made to the investor will not exceed ten per cent 4736  
of the amount of the investment for at least three years from the 4737  
date the investment is made. 4738

(8) The investor is not an employee with proprietary 4739  
decision-making authority of the Ohio entity in which the 4740  
investment of money is proposed, or related to such an individual. 4741  
The Ohio entity is not an individual related to the investor. For 4742  
purposes of this division, the industrial technology and 4743  
enterprise advisory council shall define "an employee with 4744  
proprietary decision-making authority." 4745

(9) The investor is not an insider. 4746

For the purposes of determining the net book value of an Ohio 4747  
entity under division (A)(1) or (2) of this section, if the entity 4748  
is a member of an affiliated group, the combined net book values 4749  
of all of the members of that affiliated group shall be used. 4750

Nothing in division (A)(6) or (7) of this section limits or 4751  
disallows the distribution to an investor in a pass-through entity 4752  
of a portion of the entity's profits equal to the investor's 4753  
federal, state, and local income tax obligations attributable to 4754  
the investor's allocable share of the entity's profits. Nothing in 4755  
division (A)(6) or (7) of this section limits or disallows the 4756  
sale by an investor of part or all of the investor's interests in 4757  
an Ohio entity by way of a public offering of shares in the Ohio 4758

entity. 4759

(B) A group of two but not more than twenty investors, each 4760  
of whom proposes to make an investment of money in the same Ohio 4761  
entity, may submit an application for tax credits under division 4762  
(A) of this section. The group shall include with the application 4763  
a fee of eight hundred dollars. The application shall identify 4764  
each investor in the group and the amount of money each investor 4765  
proposes to invest in the Ohio entity, and shall name a contact 4766  
person for the group. The Edison center, within three weeks after 4767  
receiving the application, shall review it, determine whether each 4768  
investor of the group should be recommended for a tax credit under 4769  
the conditions set forth in division (A) of this section, and send 4770  
written notice of its determination to the industrial technology 4771  
and enterprise advisory council and to the contact person. The 4772  
center shall not recommend that a group of investors receive a tax 4773  
credit unless each investor is eligible under those conditions. 4774  
The center may disqualify from a group any investor who is not 4775  
eligible under the conditions and recommend that the remaining 4776  
group of investors receive the tax credit. If the center 4777  
determines the group should not be recommended for the tax credit, 4778  
it shall include in the notice the reasons for the determination. 4779

(C) The industrial technology and enterprise advisory council 4780  
shall establish from among its members a three-person committee. 4781  
Within four weeks after the council receives a notice of 4782  
recommendation from an Edison center, the committee shall review 4783  
the recommendation and issue a final determination of whether the 4784  
investor or group is eligible for a tax credit under the 4785  
conditions set forth in division (A) of this section. The 4786  
committee may require the investor or group to submit additional 4787  
information to support the application. The vote of at least two 4788  
members of the committee is necessary for the issuance of a final 4789  
determination or any other action of the committee. Upon making 4790

the final determination, the committee shall send written notice 4791  
of approval or disapproval of the tax credit to the investor or 4792  
group contact person, the director of development, and the Edison 4793  
center. If the committee disapproves the tax credit, it shall 4794  
include in the notice the reasons for the disapproval. 4795

(D)(1) The industrial technology and enterprise advisory 4796  
council committee shall not approve more than one million five 4797  
hundred thousand dollars of investments in any one Ohio entity. 4798  
However, if a proposed investment of money in an Ohio entity has 4799  
been approved but the investor does not actually make the 4800  
investment, the committee may reassign the amount of that 4801  
investment to another investor, as long as the total amount 4802  
invested in the entity under this section does not exceed one 4803  
million five hundred thousand dollars. 4804

If the one-million-five-hundred-thousand-dollar limit for an 4805  
Ohio entity has not yet been reached and an application proposes 4806  
an investment of money that would exceed the limit for that 4807  
entity, the committee shall send written notice to the investor, 4808  
or for a group, the contact person, that the investment cannot be 4809  
approved as requested. Upon receipt of the notice, the investor or 4810  
group may amend the application to propose an investment of money 4811  
that does not exceed the limit. 4812

(2) Not more than ~~thirty~~ forty-five million dollars of tax 4813  
credits shall be issued under sections 122.15 to 122.154 of the 4814  
Revised Code. 4815

(E) If an investor makes an approved investment of less than 4816  
two hundred fifty thousand dollars in any Ohio entity other than 4817  
an EDGE business enterprise or in an Ohio entity located in a 4818  
distressed area, the investor may apply for approval of another 4819  
investment of money in that entity, as long as the total amount 4820  
invested in that entity by the investor under this section does 4821  
not exceed two hundred fifty thousand dollars. If an investor 4822

makes an approved investment of less than three hundred thousand 4823  
dollars in an EDGE business enterprise or in an Ohio entity 4824  
located in a distressed area, the investor may apply for approval 4825  
of another investment of money in that entity, as long as the 4826  
total amount invested in that entity by the investor under this 4827  
section does not exceed three hundred thousand dollars. An 4828  
investor who receives approval of an investment of money as part 4829  
of a group may subsequently apply on an individual basis for 4830  
approval of an additional investment of money in the Ohio entity. 4831

(F) The industrial technology and enterprise advisory council 4832  
committee shall approve or disapprove tax credit applications 4833  
under this section in the order in which they are received by the 4834  
council. 4835

(G) The director of development may disapprove any 4836  
application recommended by an Edison center and approved by the 4837  
industrial technology and enterprise advisory council committee, 4838  
or may disapprove a credit for which a tax credit certificate has 4839  
been issued under section 122.152 of the Revised Code, if the 4840  
director determines that the entity in which the applicant 4841  
proposes to invest or has invested is not an Ohio entity eligible 4842  
to receive investments that qualify for the credit. If the 4843  
director disapproves an application, the director shall certify 4844  
the action to the investor, the Edison center that recommended the 4845  
application, the industrial technology and enterprise advisory 4846  
council, and the tax commissioner, together with a written 4847  
explanation of the reasons for the disapproval. If the director 4848  
disapproves a tax credit after a tax credit certificate is issued, 4849  
the investor shall not claim the credit for the taxable year that 4850  
includes the day the director disapproves the credit, or for any 4851  
subsequent taxable year. 4852

The director of development, in accordance with section 4853  
111.15 of the Revised Code and with the advice of the industrial 4854

technology and enterprise advisory council, may adopt, amend, and 4855  
rescind rules necessary to implement sections 122.15 to 122.154 of 4856  
the Revised Code. 4857

(H) An Edison center shall use application fees received 4858  
under this section only for the costs of administering sections 4859  
122.15 to 122.154 of the Revised Code. 4860

**Sec. 122.17.** (A) As used in this section: 4861

~~(1) "Full time employee" means an individual who is employed 4862  
for consideration for at least an average of thirty five hours a 4863  
week, who renders any other standard of service generally accepted 4864  
by custom or specified by contract as full time employment, or who 4865  
is employed for consideration for such time or renders such 4866  
service but is on family or medical leave under the federal Family 4867  
and Medical Leave Act of 1993, Pub. L. No. 103-3, 107 Stat. 6, as 4868  
amended, or on active duty reserve or Ohio national guard service. 4869~~

~~(2) "New employee" means one of the following: 4871~~

~~(a) A full time employee first employed by a taxpayer in the 4872  
project that is the subject of the agreement after the taxpayer 4873  
enters into a tax credit agreement with the tax credit authority 4874  
under this section; 4875~~

~~(b) A full time employee first employed by a taxpayer in the 4876  
project that is the subject of the tax credit after the tax credit 4877  
authority approves a project for a tax credit under this section 4878  
in a public meeting, as long as the taxpayer enters into the tax 4879  
credit agreement prepared by the department of development after 4880  
such meeting within sixty days after receiving the agreement from 4881  
the department. If the taxpayer fails to enter into the agreement 4882  
within sixty days, "new employee" has the same meaning as under 4883  
division (A)(2)(a) of this section. A full time employee may be 4884~~



~~considered a "new employee" of a taxpayer, despite previously 4885  
having been employed by a related member of the taxpayer, if all 4886  
of the following apply: 4887~~

~~(i) The related member is a party to the tax credit agreement 4888  
at the time the employee is first employed with the taxpayer; 4889~~

~~(ii) The related member will remain subject to the tax 4890  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 4891  
under Chapter 5751. of the Revised Code for the remainder of the 4892  
term of the tax credit, and the tax credit is taken against 4893  
liability for that same tax through the remainder of the term of 4894  
the tax credit; and 4895~~

~~(iii) The employee was considered a new employee of the 4896  
related member prior to employment with the taxpayer. 4897~~

~~Under division (A)(2)(a) or (b) of this section, if the tax 4898  
credit authority determines it appropriate, "new employee" also 4899  
may include an employee re hired or called back from lay off to 4900  
work in a new facility or on a new product or service established 4901  
or produced by the taxpayer after entering into the agreement 4902  
under this section or after the tax credit authority approves the 4903  
tax credit in a public meeting. Except as otherwise provided in 4904  
this paragraph, "new employee" does not include any employee of 4905  
the taxpayer who was previously employed in this state by a 4906  
related member of the taxpayer and whose employment was shifted to 4907  
the taxpayer after the taxpayer entered into the tax credit 4908  
agreement or after the tax credit authority approved the credit in 4909  
a public meeting, or any employee of the taxpayer for which the 4910  
taxpayer has been granted a certificate under division (B) of 4911  
section 5709.66 of the Revised Code. However, if the taxpayer is 4912  
engaged in the enrichment and commercialization of uranium or 4913  
uranium products or is engaged in research and development 4914  
activities related thereto and if the tax credit authority 4915  
determines it appropriate, "new employee" may include an employee 4916~~

~~of the taxpayer who was previously employed in this state by a 4917  
related member of the taxpayer and whose employment was shifted to 4918  
the taxpayer after the taxpayer entered into the tax credit 4919  
agreement or after the tax credit authority approved the credit in 4920  
a public meeting. "New employee" does not include an employee of 4921  
the taxpayer who is employed in an employment position that was 4922  
relocated to a project from other operations of the taxpayer in 4923  
this state or from operations of a related member of the taxpayer 4924  
in this state. In addition, "new employee" does not include a 4925  
child, grandchild, parent, or spouse, other than a spouse who is 4926  
legally separated from the individual, of any individual who is an 4927  
employee of the taxpayer and who has a direct or indirect 4928  
ownership interest of at least five per cent in the profits, 4929  
capital, or value of the taxpayer. Such ownership interest shall 4930  
be determined in accordance with section 1563 of the Internal 4931  
Revenue Code and regulations prescribed thereunder. 4932~~

~~(3) "New income "Income tax revenue" means the total amount 4933  
withheld under section 5747.06 of the Revised Code by the taxpayer 4934  
during the taxable year, or during the calendar year that includes 4935  
the tax period, from the compensation of ~~new employees for the tax 4936  
levied under Chapter 5747. of the Revised Code.~~ 4937~~

~~(4) "Related member" has the same meaning as under division 4939  
(A)(6) of section 5733.042 of the Revised Code without regard to 4940  
division (B) of that section each employee employed in the project 4941  
to the extent the employee's withholdings are not used to 4942  
determine the credit under section 122.171 of the Revised Code. 4943  
"Income tax revenue" excludes amounts withheld before the day the 4944  
taxpayer becomes eligible for the credit. 4945~~

~~(2) "Baseline income tax revenue" means income tax revenue 4946  
except that the applicable withholding period is the twelve months 4947  
immediately preceding the date the tax credit authority approves 4948~~

the taxpayer's application multiplied by the sum of one plus an 4949  
annual pay increase factor to be determined by the tax credit 4950  
authority. If the taxpayer becomes eligible for the credit after 4951  
the first day of the taxpayer's taxable year or after the first 4952  
day of the calendar year that includes the tax period, the 4953  
taxpayer's baseline income tax revenue for the first such taxable 4954  
or calendar year of credit eligibility shall be reduced in 4955  
proportion to the number of days during the taxable or calendar 4956  
year for which the taxpayer was not eligible for the credit. For 4957  
subsequent taxable or calendar years, "baseline income tax 4958  
revenue" equals the unreduced baseline income tax revenue for the 4959  
preceding taxable or calendar year multiplied by the sum of one 4960  
plus the pay increase factor. 4961

(3) "Excess income tax revenue" means income tax revenue 4962  
minus baseline income tax revenue. 4963

(B) The tax credit authority may make grants under this 4964  
section to foster job creation in this state. Such a grant shall 4965  
take the form of a refundable credit allowed against the tax 4966  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 4967  
under Chapter 5751. of the Revised Code. The credit shall be 4968  
claimed for the taxable years or tax periods specified in the 4969  
taxpayer's agreement with the tax credit authority under division 4970  
(D) of this section. With respect to taxes imposed under section 4971  
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 4972  
credit shall be claimed in the order required under section 4973  
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 4974  
the credit available for a taxable year or for a calendar year 4975  
that includes a tax period equals the ~~new~~ excess income tax 4976  
revenue for that year multiplied by the percentage specified in 4977  
the agreement with the tax credit authority. Any credit granted 4978  
under this section against the tax imposed by section 5733.06 or 4979  
5747.02 of the Revised Code, to the extent not fully utilized 4980

against such tax for taxable years ending prior to 2008, shall 4981  
automatically be converted without any action taken by the tax 4982  
credit authority to a credit against the tax levied under Chapter 4983  
5751. of the Revised Code for tax periods beginning on or after 4984  
July 1, 2008, provided that the person to whom the credit was 4985  
granted is subject to such tax. The converted credit shall apply 4986  
to those calendar years in which the remaining taxable years 4987  
specified in the agreement end. 4988

(C) A taxpayer or potential taxpayer who proposes a project 4989  
to create new jobs in this state may apply to the tax credit 4990  
authority to enter into an agreement for a tax credit under this 4991  
section. The director of development shall prescribe the form of 4992  
the application. After receipt of an application, the authority 4993  
may enter into an agreement with the taxpayer for a credit under 4994  
this section if it determines all of the following: 4995

(1) The taxpayer's project will ~~create new jobs in this state~~ 4996  
increase payroll and income tax revenue; 4997

(2) The taxpayer's project is economically sound and will 4998  
benefit the people of this state by increasing opportunities for 4999  
employment and strengthening the economy of this state; 5000

(3) Receiving the tax credit is a major factor in the 5001  
taxpayer's decision to go forward with the project. 5002

(D) An agreement under this section shall include all of the 5003  
following: 5004

(1) A detailed description of the project that is the subject 5005  
of the agreement; 5006

(2) The term of the tax credit, which shall not exceed 5007  
fifteen years, and the first taxable year, or first calendar year 5008  
that includes a tax period, for which the credit may be claimed; 5009

(3) A requirement that the taxpayer shall maintain operations 5010

at the project location for at least ~~twice the number of years as~~ 5011  
~~the term of the tax credit~~ the greater of seven years or the term 5012  
of the credit plus three years; 5013

(4) The percentage, as determined by the tax credit 5014  
authority, of ~~new~~ excess income tax revenue that will be allowed 5015  
as the amount of the credit for each taxable year or for each 5016  
calendar year that includes a tax period; 5017

(5) ~~A specific method for determining how many new employees~~ 5018  
~~are employed during a taxable year or during a calendar year that~~ 5019  
~~includes a tax period~~ The pay increase factor to be applied to the 5020  
taxpayer's baseline income tax revenue; 5021

(6) A requirement that the taxpayer annually shall report to 5022  
the director of development ~~the number of new employees, the new~~ 5023  
~~income tax revenue withheld in connection with the new employees,~~ 5024  
~~and any employment, tax withholding, investment, and other~~ 5025  
information the director needs to perform the director's duties 5026  
under this section; 5027

(7) A requirement that the director of development annually 5028  
~~shall verify the amounts~~ review the information reported under 5029  
division (D)(6) of this section, ~~and after doing so shall issue a~~ 5030  
~~certificate to the taxpayer stating that the amounts have been~~ 5031  
~~verified~~ and verify compliance with the agreement; if the taxpayer 5032  
is in compliance, a requirement that the director issue a 5033  
certificate to the taxpayer stating that the information has been 5034  
verified and identifying the amount of the credit that may be 5035  
claimed for the taxable or calendar year; 5036

(8)(a) ~~A provision requiring that the taxpayer, except as~~ 5037  
~~otherwise provided in division (D)(8)(b) of this section, shall~~ 5038  
~~not relocate employment positions from elsewhere in this state to~~ 5039  
~~the project site that is the subject of the agreement for the~~ 5040  
~~lesser of five years from the date the agreement is entered into~~ 5041

~~or the number of years the taxpayer is entitled to claim the tax credit.~~ 5042  
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~~(b) The taxpayer may relocate employment positions from elsewhere in this state to the project site that is the subject of the agreement if the director of development determines both of the following:~~ 5044  
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~~(i) That the site from which the employment positions would be relocated is inadequate to meet market and industry conditions, expansion plans, consolidation plans, or other business considerations affecting the taxpayer;~~ 5048  
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~~(ii) That A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project location unless the director of development determines that the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated has been notified by the taxpayer of the relocation.~~ 5052  
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For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position, ~~but the transfer of an individual employee from one political subdivision to another political subdivision shall not be considered a relocation of an employment position as long as the individual's employment position in the first political subdivision is refilled unless the employment position in the first political subdivision is replaced.~~ 5059  
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(E) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term ~~shall take effect (1) in the taxable year immediately following the~~ 5068  
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~~taxable year in which the authority amends the agreement or the 5073  
director of development notifies the taxpayer in writing of such 5074  
failure, or (2) in the first tax period beginning in the calendar 5075  
year immediately following the calendar year in which the 5076  
authority amends the agreement or the director notifies the 5077  
taxpayer in writing of such failure. If the taxpayer fails to 5078  
annually report any of the information required by division (D)(6) 5079  
of this section within the time required by the director, the 5080  
reduction of the percentage or term may take effect in the current 5081  
taxable year. If the taxpayer relocates employment positions in 5082  
violation of the provision required under division (D)(8)(a) of 5083  
this section, the taxpayer shall not claim the tax credit under 5084  
section 5733.0610 of the Revised Code for any tax years following 5085  
the calendar year in which the relocation occurs, or shall not 5086  
claim the tax credit under section 5725.32, 5729.032, or 5747.058 5087  
of the Revised Code for the taxable year in which the relocation 5088  
occurs and any subsequent taxable years, and shall not claim the 5089  
tax credit under division (A) of section 5751.50 of the Revised 5090  
Code for any tax period in the calendar year in which the 5091  
relocation occurs and any subsequent tax periods may take effect 5092  
in the current taxable or calendar year. 5093~~

(F) Projects that consist solely of point-of-final-purchase 5094  
retail facilities are not eligible for a tax credit under this 5095  
section. If a project consists of both point-of-final-purchase 5096  
retail facilities and nonretail facilities, only the portion of 5097  
the project consisting of the nonretail facilities is eligible for 5098  
a tax credit and only the ~~new~~ excess income tax revenue from ~~new~~ 5099  
~~employees~~ of the nonretail facilities shall be considered when 5100  
computing the amount of the tax credit. If a warehouse facility is 5101  
part of a point-of-final-purchase retail facility and supplies 5102  
only that facility, the warehouse facility is not eligible for a 5103  
tax credit. Catalog distribution centers are not considered 5104  
point-of-final-purchase retail facilities for the purposes of this 5105

division, and are eligible for tax credits under this section. 5106

(G) Financial statements and other information submitted to 5107  
the department of development or the tax credit authority by an 5108  
applicant or recipient of a tax credit under this section, and any 5109  
information taken for any purpose from such statements or 5110  
information, are not public records subject to section 149.43 of 5111  
the Revised Code. However, the chairperson of the authority may 5112  
make use of the statements and other information for purposes of 5113  
issuing public reports or in connection with court proceedings 5114  
concerning tax credit agreements under this section. Upon the 5115  
request of the tax commissioner or, if the applicant or recipient 5116  
is an insurance company, upon the request of the superintendent of 5117  
insurance, the chairperson of the authority shall provide to the 5118  
commissioner or superintendent any statement or information 5119  
submitted by an applicant or recipient of a tax credit in 5120  
connection with the credit. The commissioner or superintendent 5121  
shall preserve the confidentiality of the statement or 5122  
information. 5123

(H) A taxpayer claiming a credit under this section shall 5124  
submit to the tax commissioner or, if the taxpayer is an insurance 5125  
company, to the superintendent of insurance, a copy of the 5126  
director of development's certificate of verification under 5127  
division (D)(7) of this section with the taxpayer's tax report or 5128  
return for the taxable year or for the calendar year that includes 5129  
the tax period. Failure to submit a copy of the certificate with 5130  
the report or return does not invalidate a claim for a credit if 5131  
the taxpayer submits a copy of the certificate to the commissioner 5132  
or superintendent within sixty days after the commissioner or 5133  
superintendent requests it. 5134

(I) The director of development, after consultation with the 5135  
tax commissioner and the superintendent of insurance and in 5136  
accordance with Chapter 119. of the Revised Code, shall adopt 5137



rules necessary to implement this section. The rules may provide 5138  
for recipients of tax credits under this section to be charged 5139  
fees to cover administrative costs of the tax credit program. The 5140  
fees collected shall be credited to the tax incentive programs 5141  
operating fund created in section 122.174 of the Revised Code. At 5142  
the time the director gives public notice under division (A) of 5143  
section 119.03 of the Revised Code of the adoption of the rules, 5144  
the director shall submit copies of the proposed rules to the 5145  
chairpersons of the standing committees on economic development in 5146  
the senate and the house of representatives. 5147

(J) For the purposes of this section, a taxpayer may include 5148  
a partnership, a corporation that has made an election under 5149  
subchapter S of chapter one of subtitle A of the Internal Revenue 5150  
Code, or any other business entity through which income flows as a 5151  
distributive share to its owners. A partnership, S-corporation, or 5152  
other such business entity may elect to pass the credit received 5153  
under this section through to the persons to whom the income or 5154  
profit of the partnership, S-corporation, or other entity is 5155  
distributed. The election shall be made on the annual report 5156  
required under division (D)(6) of this section. The election 5157  
applies to and is irrevocable for the credit for which the report 5158  
is submitted. If the election is made, the credit shall be 5159  
apportioned among those persons in the same proportions as those 5160  
in which the income or profit is distributed. 5161

(K) If the director of development determines that a taxpayer 5162  
who has received a credit under this section is not complying with 5163  
the requirement under division (D)(3) of this section, the 5164  
director shall notify the tax credit authority of the 5165  
noncompliance. After receiving such a notice, and after giving the 5166  
taxpayer an opportunity to explain the noncompliance, the tax 5167  
credit authority may require the taxpayer to refund to this state 5168  
a portion of the credit in accordance with the following: 5169

(1) If the taxpayer maintained operations at the project 5170  
location for ~~at least one and one half times the number of years~~ 5171  
~~of the term of the tax credit, an amount not exceeding twenty five~~ 5172  
~~per cent of the sum of any previously allowed credits under this~~ 5173  
~~section;~~ 5174

~~(2) If the taxpayer maintained operations at the project 5175  
location for at least the number of years of the term of the tax 5176  
credit, an amount not exceeding fifty per cent of the sum of any 5177  
previously allowed credits under this section;~~ 5178

~~(3) If the taxpayer maintained operations at the project 5179  
location for less than the number of years of the term of the tax 5180  
credit, an amount not exceeding one hundred per cent of the sum of 5181  
any previously allowed credits under this section a period less 5182  
than or equal to the term of the credit, an amount not exceeding 5183  
one hundred per cent of the sum of any credits allowed and 5184  
received under this section; 5185~~

(2) If the taxpayer maintained operations at the project 5186  
location for a period longer than the term of the credit, but less 5187  
than the greater of seven years or the term of the credit plus 5188  
three years, an amount not exceeding seventy-five per cent of the 5189  
sum of any credits allowed and received under this section. 5190

In determining the portion of the tax credit to be refunded 5191  
to this state, the tax credit authority shall consider the effect 5192  
of market conditions on the taxpayer's project and whether the 5193  
taxpayer continues to maintain other operations in this state. 5194  
After making the determination, the authority shall certify the 5195  
amount to be refunded to the tax commissioner or superintendent of 5196  
insurance, as appropriate. If the amount is certified to the 5197  
commissioner, the commissioner shall make an assessment for that 5198  
amount against the taxpayer under Chapter 5733., 5747., or 5751. 5199  
of the Revised Code. If the amount is certified to the 5200  
superintendent, the superintendent shall make an assessment for 5201

that amount against the taxpayer under Chapter 5725. or 5729. of 5202  
the Revised Code. The time limitations on assessments under those 5203  
chapters do not apply to an assessment under this division, but 5204  
the commissioner or superintendent, as appropriate, shall make the 5205  
assessment within one year after the date the authority certifies 5206  
to the commissioner or superintendent the amount to be refunded. 5207

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 5208  
each year, the director of development shall submit a report to 5209  
the governor, the president of the senate, and the speaker of the 5210  
house of representatives on the tax credit program under this 5211  
section. The report shall include information on the number of 5212  
agreements that were entered into under this section during the 5213  
preceding calendar year, a description of the project that is the 5214  
subject of each such agreement, and an update on the status of 5215  
projects under agreements entered into before the preceding 5216  
calendar year. 5217

(M) There is hereby created the tax credit authority, which 5218  
consists of the director of development and four other members 5219  
appointed as follows: the governor, the president of the senate, 5220  
and the speaker of the house of representatives each shall appoint 5221  
one member who shall be a specialist in economic development; the 5222  
governor also shall appoint a member who is a specialist in 5223  
taxation. Of the initial appointees, the members appointed by the 5224  
governor shall serve a term of two years; the members appointed by 5225  
the president of the senate and the speaker of the house of 5226  
representatives shall serve a term of four years. Thereafter, 5227  
terms of office shall be for four years. Initial appointments to 5228  
the authority shall be made within thirty days after January 13, 5229  
1993. Each member shall serve on the authority until the end of 5230  
the term for which the member was appointed. Vacancies shall be 5231  
filled in the same manner provided for original appointments. Any 5232  
member appointed to fill a vacancy occurring prior to the 5233

expiration of the term for which the member's predecessor was 5234  
appointed shall hold office for the remainder of that term. 5235  
Members may be reappointed to the authority. Members of the 5236  
authority shall receive their necessary and actual expenses while 5237  
engaged in the business of the authority. The director of 5238  
development shall serve as chairperson of the authority, and the 5239  
members annually shall elect a vice-chairperson from among 5240  
themselves. Three members of the authority constitute a quorum to 5241  
transact and vote on the business of the authority. The majority 5242  
vote of the membership of the authority is necessary to approve 5243  
any such business, including the election of the vice-chairperson. 5244

The director of development may appoint a professional 5245  
employee of the department of development to serve as the 5246  
director's substitute at a meeting of the authority. The director 5247  
shall make the appointment in writing. In the absence of the 5248  
director from a meeting of the authority, the appointed substitute 5249  
shall serve as chairperson. In the absence of both the director 5250  
and the director's substitute from a meeting, the vice-chairperson 5251  
shall serve as chairperson. 5252

(N) For purposes of the credits granted by this section 5253  
against the taxes imposed under sections 5725.18 and 5729.03 of 5254  
the Revised Code, "taxable year" means the period covered by the 5255  
taxpayer's annual statement to the superintendent of insurance. 5256

**Sec. 122.171.** (A) As used in this section: 5257

(1) "Capital investment project" means a plan of investment 5258  
at a project site for the acquisition, construction, renovation, 5259  
or repair of buildings, machinery, or equipment, or for 5260  
capitalized costs of basic research and new product development 5261  
determined in accordance with generally accepted accounting 5262  
principles, but does not include any of the following: 5263

(a) Payments made for the acquisition of personal property 5264

through operating leases; 5265

(b) Project costs paid before January 1, 2002; 5266

(c) Payments made to a related member as defined in section 5267  
5733.042 of the Revised Code or to ~~an elected~~ a consolidated 5268  
elected taxpayer or a combined taxpayer as defined in section 5269  
5751.01 of the Revised Code. 5270

(2) "Eligible business" means a ~~business taxpayer and its~~ 5271  
related members with Ohio operations satisfying all of the 5272  
following: 5273

(a) ~~Employed an average of at least one thousand employees in~~ 5274  
~~full-time employment positions at a project site during each of~~ 5275  
~~the twelve months preceding the application for a tax credit under~~ 5276  
~~this section; and~~ 5277

~~(b) On or after January 1, 2002, has made or has caused to be~~ 5278  
~~made payments for the capital investment project, including~~ 5279  
~~payments made by an unrelated third party entity as a result of a~~ 5280  
~~lease of not less than twenty years in term, of either of the~~ 5281  
~~following:~~ 5282

~~(i) At least two hundred~~ The taxpayer employs at least five 5283  
hundred full-time equivalent employees at the time the tax credit 5284  
authority grants the tax credit under this section; 5285

~~(b) The taxpayer makes or causes to be made payments for the~~ 5286  
capital investment project of either of the following: 5287

~~(i) If the taxpayer is engaged at the project site primarily~~ 5288  
as a manufacturer, at least fifty million dollars in the aggregate 5289  
at the project site during a period of three consecutive calendar 5290  
years, including the calendar year that includes a day of the 5291  
taxpayer's taxable year or tax period with respect to which the 5292  
credit is granted; 5293

~~(ii) If the average wage of all full-time employment~~ 5294

~~positions at the project site is greater than four hundred per 5295  
cent of the federal minimum wage, at least one hundred taxpayer is 5296  
engaged at the project site primarily in significant corporate 5297  
administrative functions, as defined by the director of 5298  
development by rule, at least twenty million dollars in the 5299  
aggregate at the project site during a period of three consecutive 5300  
calendar years including the calendar year that includes a day of 5301  
the taxpayer's taxable year or tax period with respect to which 5302  
the credit is granted. 5303~~

~~(c) Is engaged at the project site primarily as a 5304  
manufacturer or is providing significant corporate administrative 5305  
functions. If the investment under division (A)(2)(b) of this 5306  
section was made by a third party entity as a result of a lease of 5307  
not less than twenty years in term, the project must include 5308  
headquarters operations that are part of a mixed use development 5309  
that includes at least two of the following: office, hotel, 5310  
research and development, or retail facilities. 5311~~

~~(d) Has The taxpayer had a capital investment project 5312  
reviewed and approved by the tax credit authority as provided in 5313  
divisions (C), (D), and (E) of this section. 5314~~

~~(3) "Full-time employment position" means a position of 5315  
employment for consideration for at least an average of 5316  
thirty five hours a week that has been filled for at least one 5317  
hundred eighty days immediately preceding the filing of an 5318  
application under this section and for at least one hundred eighty 5319  
days during each taxable year or each calendar year that includes 5320  
a tax period with respect to which the credit is granted, or is 5321  
employed in such position for consideration for such time, but is 5322  
on active duty reserve or Ohio national guard service equivalent 5323  
employees" means the quotient obtained by dividing the total 5324  
number of hours for which employees were compensated for 5325  
employment in the project by two thousand eighty. "Full-time 5326~~

equivalent employees" shall exclude hours that are counted for a 5327  
credit under section 122.17 of the Revised Code. 5328

(4) "Income tax revenue" means the total amount withheld 5329  
under section 5747.06 of the Revised Code by the taxpayer during 5330  
the taxable year, or during the calendar year that includes the 5331  
tax period, from the compensation of all employees employed in the 5332  
project whose hours of compensation are included in calculating 5333  
the number of full-time equivalent employees. 5334

~~(4)(5)~~ "Manufacturer" has the same meaning as in section 5335  
5739.011 of the Revised Code. 5336

~~(5)(6)~~ "Project site" means an integrated complex of 5337  
facilities in this state, as specified by the tax credit authority 5338  
under this section, within a fifteen-mile radius where a taxpayer 5339  
is primarily operating as an eligible business. 5340

~~(6) "Applicable corporation" means a corporation satisfying~~ 5341  
~~all of the following:~~ 5342

~~(a)(i) For the entire taxable year immediately preceding the~~ 5343  
~~tax year, the corporation develops software applications primarily~~ 5344  
~~to provide telecommunication billing and information services~~ 5345  
~~through outsourcing or licensing to domestic or international~~ 5346  
~~customers.~~ 5347

~~(ii) Sales and licensing of software generated at least six~~ 5348  
~~hundred million dollars in revenue during the taxable year~~ 5349  
~~immediately preceding the tax year the corporation is first~~ 5350  
~~entitled to claim the credit provided under division (B) of this~~ 5351  
~~section.~~ 5352

~~(b) For the entire taxable year immediately preceding the tax~~ 5353  
~~year, the corporation or one or more of its related members~~ 5354  
~~provides customer or employee care and technical support for~~ 5355  
~~clients through one or more contact centers within this state, and~~ 5356  
~~the corporation and its related members together have a daily~~ 5357

~~average, based on a three hundred sixty five day year, of at least 5358  
five hundred thousand successful customer contacts through one or 5359  
more of their contact centers, wherever located. 5360~~

~~(c) The corporation is eligible for the credit under division 5361  
(B) of this section for the tax year. 5362~~

(7) "Related member" has the same meaning as in section 5363  
5733.042 of the Revised Code as that section existed on the 5364  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 5365  
general assembly, September 29, 1997. 5366

~~(8) "Successful customer contact" means a contact with an end 5367  
user via telephone, including interactive voice recognition or 5368  
similar means, where the contact culminates in a conversation or 5369  
connection other than a busy signal or equipment busy. 5370~~

~~(9) "Telecommunications" means all forms of 5371  
telecommunications service as defined in section 5739.01 of the 5372  
Revised Code, and includes services in wireless, wireline, cable, 5373  
broadband, internet protocol, and satellite. 5374~~

~~(10)(a) "Applicable difference" means the difference between 5375  
the tax for the tax year under Chapter 5733. of the Revised Code 5376  
applying the law in effect for that tax year, and the tax for that 5377  
tax year if section 5733.042 of the Revised Code applied as that 5378  
section existed on the effective date of its amendment by Am. Sub. 5379  
H.B. 215 of the 122nd general assembly, September 29, 1997, 5380  
subject to division (A)(10)(b) of this section. 5381~~

~~(b) If the tax rate set forth in division (B) of section 5382  
5733.06 of the Revised Code for the tax year is less than eight 5383  
and one half per cent, the tax calculated under division 5384  
(A)(10)(a) of this section shall be computed by substituting a tax 5385  
rate of eight and one half per cent for the rate set forth in 5386  
division (B) of section 5733.06 of the Revised Code for the tax 5387  
year. 5388~~



~~(c) If the resulting difference is negative, the applicable tax difference for the tax year shall be zero "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of taxes due from insurance companies.~~ 5389  
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(B) The tax credit authority created under section 122.17 of the Revised Code may grant tax credits under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the recommendation of the director of budget and management, tax commissioner, the superintendent of insurance in the case of an insurance company, and director of development under division (C) of this section, the tax credit authority may grant to an eligible business a nonrefundable credit against the tax imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 of the Revised Code for a period up to fifteen taxable years and against the tax levied by Chapter 5751. of the Revised Code for a period of up to fifteen calendar years ~~provided, however, that if the project site is leased, the term of the tax credit cannot exceed the lesser of fifteen years or one half the term of the lease, including any permitted renewal periods. The credit shall be in an amount not exceeding seventy five per cent of the Ohio income tax withheld from the employees of the eligible business occupying full time employment positions at the project site during the calendar year that includes the last day of such business' taxable year or tax period with respect to which the credit is granted. The amount of the credit shall not be based on the Ohio income tax withheld from full time employees for a calendar year prior to the calendar year in which the minimum investment requirement referred to in division (A)(2)(b) of this section is completed. The credit amount~~ 5397  
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for a taxable year or a calendar year that includes the tax period 5422  
for which a credit may be claimed equals the income tax revenue 5423  
for that year multiplied by the percentage specified in the 5424  
agreement with the tax credit authority. The percentage may not 5425  
exceed seventy-five per cent. The credit shall be claimed in the 5426  
order required under section 5725.98, 5729.98, 5733.98, or 5747.98 5427  
of the Revised Code. In determining the percentage and term of the 5428  
credit, the tax credit authority shall consider both the number of 5429  
full-time equivalent employees and the value of the capital 5430  
investment project. The credit amount may not be based on the 5431  
income tax revenue for a calendar year before the calendar year in 5432  
which the tax credit authority specifies the tax credit is to 5433  
begin, and the credit shall be claimed only for the taxable years 5434  
or tax periods specified in the eligible business' agreement with 5435  
the tax credit authority ~~under division (E) of this section, but~~ 5436  
~~in.~~ In no event shall the credit be claimed for a taxable year or 5437  
tax period terminating before the date specified in the agreement. 5438  
Any credit granted under this section against the tax imposed by 5439  
section 5733.06 or 5747.02 of the Revised Code, to the extent not 5440  
fully utilized against such tax for taxable years ending prior to 5441  
2008, shall automatically be converted without any action taken by 5442  
the tax credit authority to a credit against the tax levied under 5443  
Chapter 5751. of the Revised Code for tax periods beginning on or 5444  
after July 1, 2008, provided that the person to whom the credit 5445  
was granted is subject to such tax. The converted credit shall 5446  
apply to those calendar years in which the remaining taxable years 5447  
specified in the agreement end. 5448

~~The credit computed under this division is in addition to any~~ 5450  
~~credit allowed under division (M) of this section, which the tax~~ 5451  
~~credit authority may also include in the agreement.~~ 5452

Any unused portion of a tax credit may be carried forward for 5453

not more than three additional years after the year for which the 5454  
credit is granted. 5455

(C) A taxpayer that proposes a capital investment project to 5456  
retain jobs in this state may apply to the tax credit authority to 5457  
enter into an agreement for a tax credit under this section. The 5458  
director of development shall prescribe the form of the 5459  
application. After receipt of an application, the authority shall 5460  
forward copies of the application to the director of budget and 5461  
management, the tax commissioner, the superintendent of insurance 5462  
in the case of an insurance company, and the director of 5463  
development, each of whom shall review the application to 5464  
determine the economic impact the proposed project would have on 5465  
the state and the affected political subdivisions and shall submit 5466  
a summary of their determinations and recommendations to the 5467  
authority. 5468

(D) Upon review of the determinations and recommendations 5469  
described in division (C) of this section, the tax credit 5470  
authority may enter into an agreement with the taxpayer for a 5471  
credit under this section if the authority determines all of the 5472  
following: 5473

(1) The taxpayer's capital investment project will result in 5474  
the retention of ~~full-time~~ employment ~~positions~~ in this state. 5475

(2) The taxpayer is economically sound and has the ability to 5476  
complete the proposed capital investment project. 5477

(3) The taxpayer intends to and has the ability to maintain 5478  
operations at the project site for at least the greater of (a) the 5479  
term of the credit plus three years, or (b) seven years. 5480

(4) Receiving the credit is a major factor in the taxpayer's 5481  
decision to begin, continue with, or complete the project. 5482

~~(5) The political subdivisions in which the project is 5483  
located have agreed to provide substantial financial support to 5484~~

~~the project.~~ 5485

(E) An agreement under this section shall include all of the 5486  
following: 5487

(1) A detailed description of the project that is the subject 5488  
of the agreement, including the amount of the investment, the 5489  
period over which the investment has been or is being made, ~~and~~ 5490  
the number of full-time ~~employment positions~~ equivalent employees 5491  
at the project site. 5492

~~(2) The method of calculating the number of full-time 5493  
employment positions as specified in division (A)(3) of this 5494  
section. 5495~~

~~(3) The term and percentage of the tax credit, and the first 5496  
year for which the credit may be claimed. 5497~~

~~(4), and the anticipated income tax revenue to be generated. 5498~~

(2) The term of the credit, the percentage of the tax credit, 5499  
the maximum annual value of tax credits that may be allowed each 5500  
year, and the first year for which the credit may be claimed. 5501

(3) A requirement that the taxpayer maintain operations at 5502  
the project site for at least the greater of (a) the term of the 5503  
credit plus three years, or (b) seven years. 5504

~~(5)(4) A requirement that the taxpayer retain a specified 5505  
number of ~~full-time employment positions~~ full-time equivalent 5506  
employees at the project site and within this state for the term 5507  
of the credit, including a requirement that the taxpayer continue 5508  
to employ at least ~~one thousand employees in full-time employment~~ 5509  
~~positions at the project site during the entire term of any 5510  
agreement, subject to division (E)(7) of this section. 5511~~~~

~~(6) five hundred full-time equivalent employees during the 5512  
entire term of the agreement. 5513~~

(5) A requirement that the taxpayer annually report to the 5514

director of development ~~the number of full time employment~~ 5515  
~~positions subject to the credit, the amount of tax withheld from~~ 5516  
~~employees in those positions, the amount of the payments made for~~ 5517  
~~the employment, tax withholding, capital investment project, and~~ 5518  
~~any other information the director needs to perform the director's~~ 5519  
~~duties under this section.~~ 5520

~~(7)(6)~~ A requirement that the director of development 5521  
annually review the annual reports of the taxpayer to verify the 5522  
information reported under division (E)~~(6)(5)~~ of this section and 5523  
compliance with the agreement. Upon verification, the director 5524  
shall issue a certificate to the taxpayer stating that the 5525  
information has been verified and identifying the amount of the 5526  
credit for the taxable year or calendar year that includes the tax 5527  
period. ~~Unless otherwise specified by the tax credit authority in~~ 5528  
~~a resolution and included as part of the agreement, the director~~ 5529  
~~shall not issue a certificate for any year in which the total~~ 5530  
~~number of filled full time employment positions for each day of~~ 5531  
~~the calendar year divided by three hundred sixty five is less than~~ 5532  
~~ninety per cent of the full time employment positions specified in~~ 5533  
~~division (E)(5) of this section. In determining the number of~~ 5534  
full-time ~~employment positions~~ equivalent employees, no position 5535  
shall be counted that is filled by an employee who is included in 5536  
the calculation of a tax credit under section 122.17 of the 5537  
Revised Code. 5538

~~(8)(a)~~ A provision requiring that the taxpayer, except as 5539  
~~otherwise provided in division (E)(8)(b) of this section, shall~~ 5540  
~~not relocate employment positions from elsewhere in this state to~~ 5541  
~~the project site that is the subject of the agreement for the~~ 5542  
~~lesser of five years from the date the agreement is entered into~~ 5543  
~~or the number of years the taxpayer is entitled to claim the~~ 5544  
~~credit.~~ 5545

~~(b)~~ The taxpayer may relocate employment positions from 5546

~~elsewhere in this state to the project site that is the subject of~~ 5547  
~~the agreement if the director of development determines both of~~ 5548  
~~the following:~~ 5549

~~(i) That the site from which the employment positions would~~ 5550  
~~be relocated is inadequate to meet market and industry conditions,~~ 5551  
~~expansion plans, consolidation plans, or other business~~ 5552  
~~considerations affecting the taxpayer;~~ 5553

~~(ii) That (7) A provision providing that the taxpayer may not~~ 5554  
~~relocate a substantial number of employment positions from~~ 5555  
~~elsewhere in this state to the project site unless the director of~~ 5556  
~~development determines that the taxpayer notified the legislative~~ 5557  
authority of the county, township, or municipal corporation from 5558  
which the employment positions would be relocated ~~has been~~ 5559  
~~notified of the relocation.~~ 5560

For purposes of this section, the movement of an employment 5561  
position from one political subdivision to another political 5562  
subdivision shall be considered a relocation of an employment 5563  
position unless the movement is confined to the project site. The 5564  
transfer of an ~~individual employee~~ employment position from one 5565  
political subdivision to another political subdivision shall not 5566  
be considered a relocation of an employment position ~~as long as~~ 5567  
~~the individual's employment position in the first political~~ 5568  
~~subdivision is refilled.~~ 5569

~~(9) if the employment position in the first political~~ 5570  
~~subdivision is replaced by another employment position.~~ 5571

(8) A waiver by the taxpayer of any limitations periods 5572  
relating to assessments or adjustments resulting from the 5573  
taxpayer's failure to comply with the agreement. 5574

(F) If a taxpayer fails to meet or comply with any condition 5575  
or requirement set forth in a tax credit agreement, the tax credit 5576  
authority may amend the agreement to reduce the percentage or term 5577

of the credit. The reduction of the percentage or term shall take 5578  
effect ~~(1) in the taxable year immediately following the taxable~~ 5579  
~~year in which the authority amends the agreement or the director~~ 5580  
~~of development notifies the taxpayer in writing of such failure,~~ 5581  
~~or (2) in the first tax period beginning in the calendar year~~ 5582  
~~immediately following the calendar year in which the authority~~ 5583  
~~amends the agreement or the director notifies the taxpayer in~~ 5584  
~~writing of such failure. If the taxpayer fails to annually report~~ 5585  
~~any of the information required by division (E)(6) of this section~~ 5586  
~~within the time required by the director, the reduction of the~~ 5587  
~~percentage or term may take effect in the current taxable year. If~~ 5588  
~~the taxpayer relocates employment positions in violation of the~~ 5589  
~~provision required under division (E)(8)(a) of this section, the~~ 5590  
~~taxpayer shall not claim the tax credit under section 5733.0610 of~~ 5591  
~~the Revised Code for any tax years following the calendar year in~~ 5592  
~~which the relocation occurs, shall not claim the tax credit under~~ 5593  
~~section 5747.058 of the Revised Code for the taxable year in which~~ 5594  
~~the relocation occurs and any subsequent taxable years, and shall~~ 5595  
~~not claim the tax credit under division (A) of section 5751.50 of~~ 5596  
~~the Revised Code for the tax period in which the relocation occurs~~ 5597  
~~and any subsequent tax periods may take effect in the current~~ 5598  
~~taxable or calendar year.~~ 5599

(G) Financial statements and other information submitted to 5600  
the department of development or the tax credit authority by an 5601  
applicant for or recipient of a tax credit under this section, and 5602  
any information taken for any purpose from such statements or 5603  
information, are not public records subject to section 149.43 of 5604  
the Revised Code. However, the chairperson of the authority may 5605  
make use of the statements and other information for purposes of 5606  
issuing public reports or in connection with court proceedings 5607  
concerning tax credit agreements under this section. Upon the 5608  
request of the tax commissioner, or the superintendent of 5609  
insurance in the case of an insurance company, the chairperson of 5610

the authority shall provide to the commissioner or superintendent 5611  
any statement or other information submitted by an applicant for 5612  
or recipient of a tax credit in connection with the credit. The 5613  
commissioner or superintendent shall preserve the confidentiality 5614  
of the statement or other information. 5615

(H) A taxpayer claiming a tax credit under this section shall 5616  
submit to the tax commissioner or, in the case of an insurance 5617  
company, to the superintendent of insurance, a copy of the 5618  
director of development's certificate of verification under 5619  
division (E)~~(7)~~(6) of this section with the taxpayer's tax report 5620  
or return for the taxable year or for the calendar year that 5621  
includes the tax period. Failure to submit a copy of the 5622  
certificate with the report or return does not invalidate a claim 5623  
for a credit if the taxpayer submits a copy of the certificate to 5624  
the commissioner or superintendent within sixty days after the 5625  
commissioner or superintendent requests it. 5626

(I) For the purposes of this section, a taxpayer may include 5627  
a partnership, a corporation that has made an election under 5628  
subchapter S of chapter one of subtitle A of the Internal Revenue 5629  
Code, or any other business entity through which income flows as a 5630  
distributive share to its owners. A partnership, S-corporation, or 5631  
other such business entity may elect to pass the credit received 5632  
under this section through to the persons to whom the income or 5633  
profit of the partnership, S-corporation, or other entity is 5634  
distributed. The election shall be made on the annual report 5635  
required under division (E)~~(6)~~(5) of this section. The election 5636  
applies to and is irrevocable for the credit for which the report 5637  
is submitted. If the election is made, the credit shall be 5638  
apportioned among those persons in the same proportions as those 5639  
in which the income or profit is distributed. 5640

(J) If the director of development determines that a taxpayer 5641  
that received a tax credit under this section is not complying 5642



with the requirement under division (E)~~(4)~~(3) of this section, the 5643  
director shall notify the tax credit authority of the 5644  
noncompliance. After receiving such a notice, and after giving the 5645  
taxpayer an opportunity to explain the noncompliance, the 5646  
authority may terminate the agreement and require the taxpayer to 5647  
refund to the state all or a portion of the credit claimed in 5648  
previous years, as follows: 5649

(1) If the taxpayer maintained operations at the project site 5650  
for less than or equal to the term of the credit, ~~the amount~~ 5651  
~~required to be refunded shall not exceed the amount~~ an amount not 5652  
to exceed one hundred per cent of the sum of any tax credits 5653  
~~previously~~ allowed and received under this section. 5654

(2) If the taxpayer maintained operations at the project site 5655  
longer than the term of the credit, but less than the greater of 5656  
(a) the term of the credit plus three years, or (b) seven years, 5657  
the amount required to be refunded shall not exceed ~~fifty~~ 5658  
seventy-five per cent of the sum of any tax credits ~~previously~~ 5659  
allowed and received under this section. 5660

In determining the portion of the credit to be refunded to 5661  
this state, the authority shall consider the effect of market 5662  
conditions on the taxpayer's project and whether the taxpayer 5663  
continues to maintain other operations in this state. After making 5664  
the determination, the authority shall certify the amount to be 5665  
refunded to the tax commissioner. ~~The~~ or the superintendent of 5666  
insurance. If the taxpayer is not an insurance company, the 5667  
commissioner shall make an assessment for that amount against the 5668  
taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. 5669  
If the taxpayer is an insurance company, the superintendent of 5670  
insurance shall make an assessment under section 5725.222 or 5671  
5729.102 of the Revised Code. The time limitations on assessments 5672  
under those chapters and sections do not apply to an assessment 5673  
under this division, but the commissioner or superintendent shall 5674

make the assessment within one year after the date the authority 5675  
certifies to the commissioner or superintendent the amount to be 5676  
refunded. 5677

~~If the director of development determines that a taxpayer 5678  
that received a tax credit under this section has reduced the 5679  
number of employees agreed to under division (E)(5) of this 5680  
section by more than ten per cent, the director shall notify the 5681  
tax credit authority of the noncompliance. After receiving such 5682  
notice, and after providing the taxpayer an opportunity to explain 5683  
the noncompliance, the authority may amend the agreement to reduce 5684  
the percentage or term of the tax credit. The reduction in the 5685  
percentage or term shall take effect in the taxable year, or in 5686  
the calendar year that includes the tax period, in which the 5687  
authority amends the agreement. 5688~~

(K) The director of development, after consultation with the 5689  
tax commissioner and the superintendent of insurance and in 5690  
accordance with Chapter 119. of the Revised Code, shall adopt 5691  
rules necessary to implement this section. The rules may provide 5692  
for recipients of tax credits under this section to be charged 5693  
fees to cover administrative costs of the tax credit program. The 5694  
fees collected shall be credited to the tax incentive programs 5695  
operating fund created in section 122.174 of the Revised Code. At 5696  
the time the director gives public notice under division (A) of 5697  
section 119.03 of the Revised Code of the adoption of the rules, 5698  
the director shall submit copies of the proposed rules to the 5699  
chairpersons of the standing committees on economic development in 5700  
the senate and the house of representatives. 5701

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 5702  
of each year, the director of development shall submit a report to 5703  
the governor, the president of the senate, and the speaker of the 5704  
house of representatives on the tax credit program under this 5705  
section. The report shall include information on the number of 5706

agreements that were entered into under this section during the 5707  
preceding calendar year, a description of the project that is the 5708  
subject of each such agreement, and an update on the status of 5709  
projects under agreements entered into before the preceding 5710  
calendar year. 5711

~~(M)(1) A nonrefundable credit shall be allowed to an 5712  
applicable corporation and its related members in an amount equal 5713  
to the applicable difference. The credit is in addition to the 5714  
credit granted to the corporation or related members under 5715  
division (B) of this section. The credit is subject to divisions 5716  
(B) to (E) and division (J) of this section. 5717~~

~~(2) A person qualifying as an applicable corporation under 5718  
this section for a tax year does not necessarily qualify as an 5719  
applicable corporation for any other tax year. No person is 5720  
entitled to the credit allowed under division (M) of this section 5721  
for the tax year immediately following the taxable year during 5722  
which the person fails to meet the requirements in divisions 5723  
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 5724  
to the credit allowed under division (M) of this section for any 5725  
tax year for which the person is not eligible for the credit 5726  
provided under division (B) of this section. The aggregate amount 5727  
of tax credits issued under this section during any calendar year 5728  
for capital investment projects reviewed and approved by the tax 5729  
credit authority may not exceed the following amounts: 5730~~

~~(1) For 2010, thirteen million dollars; 5731~~

~~(2) For 2011 through 2023, the amount of the limit for the 5732  
preceding calendar year plus thirteen million dollars; 5733~~

~~(3) For 2024 and each year thereafter, one hundred 5734  
ninety-five million dollars. 5735~~

~~The foregoing annual limitations do not apply to credits for 5736  
capital investment projects approved by the tax credit authority 5737~~

before July 1, 2009. 5738

**Sec. 122.40.** (A) There is hereby created the development 5739  
financing advisory council to assist in carrying out the programs 5740  
created pursuant to sections 122.39 to 122.62 and Chapter 166. of 5741  
the Revised Code. 5742

(B) The council shall consist of ~~seven~~ eight members 5743  
appointed by the governor, with the advice and consent of the 5744  
senate, who are selected for their knowledge of and experience in 5745  
economic development financing, one member of the senate appointed 5746  
by the president of the senate, one member of the house of 5747  
representatives appointed by the speaker of the house of 5748  
representatives, and the director of development or the director's 5749  
designee. With respect to the council: 5750

(1) No more than four members of the council appointed by the 5751  
governor shall be members of the same political party. 5752

(2) Each member shall hold office from the date of the 5753  
member's appointment until the end of the term for which the 5754  
member was appointed. 5755

(3) The terms of office for the ~~seven~~ eight members appointed 5756  
by the governor shall be for five years commencing on the first 5757  
day of January and ending on the thirty-first day of December. The 5758  
~~seven~~ members appointed by the governor who are serving terms of 5759  
office of seven years on December 30, 2004, shall continue to 5760  
serve those terms, but their successors in office, including the 5761  
filling of a vacancy occurring prior to the expiration of those 5762  
terms, shall be appointed for terms of five years in accordance 5763  
with this division. 5764

(4) Any member of the council is eligible for reappointment. 5765

(5) As a term of a member of the council appointed by the 5766  
governor expires, the governor shall appoint a successor with the 5767

advice and consent of the senate. 5768

(6) Except as otherwise provided in division (B)(3) of this 5769  
section, any member appointed to fill a vacancy occurring prior to 5770  
the expiration of the term for which the member's predecessor was 5771  
appointed shall hold office for the remainder of the predecessor's 5772  
term. 5773

(7) Any member shall continue in office subsequent to the 5774  
expiration date of the member's term until the member's successor 5775  
takes office, or until a period of sixty days has elapsed, 5776  
whichever occurs first. 5777

(8) Before entering upon duties as a member of the council, 5778  
each member shall take an oath provided by Section 7 of Article 5779  
XV, Ohio Constitution. 5780

(9) The governor may, at any time, remove any nonlegislative 5781  
member pursuant to section 3.04 of the Revised Code. 5782

(10) Members of the council, notwithstanding section 101.26 5783  
of the Revised Code with respect to members who are members of the 5784  
general assembly, shall receive their necessary and actual 5785  
expenses while engaged in the business of the council and shall be 5786  
paid at the per diem rate of step 1, pay range 31, of section 5787  
124.15 of the Revised Code. 5788

(11) Six members of the council constitute a quorum and the 5789  
affirmative vote of ~~six~~ a majority of members present at a meeting 5790  
of the council where a quorum is present is necessary for any 5791  
action taken by the council. 5792

(12) In the event of the absence of a member appointed by the 5793  
president of the senate or by the speaker of the house of 5794  
representatives, the following persons may serve in the member's 5795  
absence: the president of the senate or the speaker of the house, 5796  
as the case may be, or a member of the senate or of the house of 5797  
representatives, of the same political party as the development 5798

financing advisory council member, designated by the president of 5799  
the senate or the speaker of the house. 5800

**Sec. 122.603.** (A)(1) Upon approval by the director of 5801  
development and after entering into a participation agreement with 5802  
the department of development, a participating financial 5803  
institution making a capital access loan shall establish a program 5804  
reserve account. The account shall be an interest-bearing account 5805  
and shall contain only moneys deposited into it under the program 5806  
and the interest payable on the moneys in the account. 5807

(2) All interest payable on the moneys in the program reserve 5808  
account shall be added to the moneys and held as an additional 5809  
loss reserve. The director may require that a portion or all of 5810  
the accrued interest so held in the account be released to the 5811  
department. If the director causes a release of accrued interest, 5812  
the director shall deposit the released amount into the capital 5813  
access loan program fund created in section 122.601 of the Revised 5814  
Code. The director shall not require the release of that accrued 5815  
interest more than twice in a fiscal year. 5816

(B) When a participating financial institution makes a 5817  
capital access loan, it shall require the eligible business to pay 5818  
to the participating financial institution a fee in an amount that 5819  
is not less than one and one-half per cent, and not more than 5820  
three per cent, of the principal amount of the loan. The 5821  
participating financial institution shall deposit the fee into its 5822  
program reserve account, and it also shall deposit into the 5823  
account an amount of its own funds equal to the amount of the fee. 5824  
The participating financial institution may recover from the 5825  
eligible business all or part of the amount that the participating 5826  
financial institution is required to deposit into the account 5827  
under this division in any manner agreed to by the participating 5828  
financial institution and the eligible business. 5829

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

(D)(1)(a) Upon receipt of each of the first three certifications from a participating financial institution made under division (C) of this section and subject to section 122.602 of the Revised Code, the director shall disburse to the participating financial institution from the capital access loan program fund an amount equal to fifty per cent of the principal amount of the particular capital access loan for deposit into the participating financial institution's program reserve account. Thereafter, upon receipt of a certification from that participating financial institution made under division (C) of this section and subject to section 122.602 of the Revised Code, the director shall disburse to the participating financial institution from the capital access loan program fund an amount equal to ten per cent of the principal amount of the particular capital access loan for deposit into the participating financial institution's program reserve account. ~~The~~

(b) Notwithstanding division (D)(1)(a) of this section, and subject to section 122.602 of the Revised Code, upon receipt of any certification from a participating financial institution made under division (C) of this section with respect to a capital

access loan made to an eligible business that is a minority 5862  
business enterprise, the director shall disburse to the 5863  
participating financial institution from the capital access loan 5864  
program fund an amount equal to eighty per cent of the principal 5865  
amount of the particular capital access loan for deposit into the 5866  
participating financial institution's program reserve account. 5867

(2) The disbursement of moneys from the fund to a 5868  
participating financial institution does not require approval from 5869  
the controlling board. 5870

(E) If the amount in a program reserve account exceeds an 5871  
amount equal to thirty-three per cent of a participating financial 5872  
institution's outstanding capital access loans, the department may 5873  
cause the withdrawal of the excess amount and the deposit of the 5874  
withdrawn amount into the capital access loan program fund. 5875

(F)(1) The department may cause the withdrawal of the total 5876  
amount in a participating financial institution's program reserve 5877  
account if any of the following applies: 5878

(a) The financial institution is no longer eligible to 5879  
participate in the program. 5880

(b) The participation agreement expires without renewal by 5881  
the department or the financial institution. 5882

(c) The financial institution has no outstanding capital 5883  
access loans. 5884

(d) The financial institution has not made a capital access 5885  
loan within the preceding twenty-four months. 5886

(2) If the department causes a withdrawal under division 5887  
(F)(1) of this section, the department shall deposit the withdrawn 5888  
amount into the capital access loan program fund. 5889

**Sec. 122.71.** As used in sections 122.71 to 122.83 of the 5890  
Revised Code: 5891



(A) "Financial institution" means any banking corporation, 5892  
trust company, insurance company, savings and loan association, 5893  
building and loan association, or corporation, partnership, 5894  
federal lending agency, foundation, or other institution engaged 5895  
in lending or investing funds for industrial or business purposes. 5896

(B) "Project" means any real or personal property connected 5897  
with or being a part of an industrial, distribution, commercial, 5898  
or research facility to be acquired, constructed, reconstructed, 5899  
enlarged, improved, furnished, or equipped, or any combination 5900  
thereof, with the aid provided under sections 122.71 to 122.83 of 5901  
the Revised Code, for industrial, commercial, distribution, and 5902  
research development of the state. 5903

(C) "Mortgage" means the lien imposed on a project by a 5904  
mortgage on real property, or by financing statements on personal 5905  
property, or a combination of a mortgage and financing statements 5906  
when a project consists of both real and personal property. 5907

(D) "Mortgagor" means the principal user of a project or the 5908  
person, corporation, partnership, or association unconditionally 5909  
guaranteeing performance by the principal user of its obligations 5910  
under the mortgage. 5911

(E)(1) "Minority business enterprise" means an individual who 5912  
is a United States citizen and owns and controls a business, or a 5913  
partnership, corporation, or joint venture of any kind that is 5914  
owned and controlled by United States citizens, which citizen or 5915  
citizens are residents of this state and are members of one of the 5916  
following economically disadvantaged groups: Blacks or African 5917  
Americans, American Indians, Hispanics or Latinos, and Asians. 5918

(2) "Owned and controlled" means that at least fifty-one per 5919  
cent of the business, including corporate stock if a corporation, 5920  
is owned by persons who belong to one or more of the groups set 5921  
forth in division (E)(1) of this section, and that those owners 5922

have control over the management and day-to-day operations of the 5923  
business and an interest in the capital, assets, and profits and 5924  
losses of the business proportionate to their percentage of 5925  
ownership. In order to qualify as a minority business enterprise, 5926  
a business shall have been owned and controlled by those persons 5927  
at least one year prior to being awarded a contract pursuant to 5928  
this section. 5929

(F) "Community improvement corporation" means a corporation 5930  
organized under Chapter 1724. of the Revised Code. 5931

(G) "Ohio development corporation" means a corporation 5932  
organized under Chapter 1726. of the Revised Code. 5933

(H) "Minority contractors business assistance organization" 5934  
means an entity engaged in the provision of management and 5935  
technical business assistance to minority business enterprise 5936  
entrepreneurs. 5937

(I) "Minority business supplier development council" means a 5938  
nonprofit organization established as an affiliate of the national 5939  
minority supplier development council. 5940

(J) "Regional economic development entity" means an entity 5941  
that is under contract with the director of development to 5942  
administer a loan program under this chapter in a particular area 5943  
of the state. 5944

(K) "Community development corporation" means a corporation 5945  
organized under Chapter 1702. of the Revised Code that consists of 5946  
residents of the community and business and civic leaders and that 5947  
has as a principal purpose one or more of the following: the 5948  
revitalization and development of a low- to moderate-income 5949  
neighborhood or community; the creation of jobs for low- to 5950  
moderate-income residents; the development of commercial 5951  
facilities and services; providing training, technical assistance, 5952  
and financial assistance to small businesses; and planning, 5953

developing, or managing low-income housing or other community 5954  
development activities. 5955

**Sec. 122.751.** The minority development financing advisory 5956  
board or a regional economic development entity shall only 5957  
consider an application for a loan from any applicant after a 5958  
determination that the applicant is a community development 5959  
corporation, or after a certification by the equal employment 5960  
opportunity coordinator of the department of administrative 5961  
services under division (B)(1) of section 123.151 of the Revised 5962  
Code that the applicant is a minority business enterprise, or 5963  
after a certification by the minority business supplier 5964  
development council that the applicant is a minority business, and 5965  
that the applicant satisfies all criteria regarding eligibility 5966  
for assistance pursuant to section 122.76 of the Revised Code. 5967

**Sec. 122.76.** (A) The director of development, with 5968  
controlling board approval, may lend funds to minority business 5969  
enterprises and to community improvement corporations, Ohio 5970  
development corporations, minority contractors business assistance 5971  
organizations, and minority business supplier development councils 5972  
for the purpose of loaning funds to minority business enterprises 5973  
and for the purpose of procuring or improving real or personal 5974  
property, or both, for the establishment, location, or expansion 5975  
of industrial, distribution, commercial, or research facilities in 5976  
the state, and to community development corporations that 5977  
predominantly benefit minority business enterprises or are located 5978  
in a census tract that has a population that is sixty per cent or 5979  
more minority if the director determines, in the director's sole 5980  
discretion, that all of the following apply: 5981

(1) The project is economically sound and will benefit the 5982  
people of the state by increasing opportunities for employment, by 5983  
strengthening the economy of the state, or expanding minority 5984

business enterprises. 5985

(2) The proposed minority business enterprise borrower is 5986  
unable to finance the proposed project through ordinary financial 5987  
channels at comparable terms. 5988

(3) The value of the project is or, upon completion, will be 5989  
at least equal to the total amount of the money expended in the 5990  
procurement or improvement of the project, and one or more 5991  
financial institutions or other governmental entities have loaned 5992  
not less than thirty per cent of that amount. 5993

(4) The amount to be loaned by the director will not exceed 5994  
sixty per cent of the total amount expended in the procurement or 5995  
improvement of the project. 5996

(5) The amount to be loaned by the director will be 5997  
adequately secured by a first or second mortgage upon the project 5998  
or by mortgages, leases, liens, assignments, or pledges on or of 5999  
other property or contracts as the director requires, and such 6000  
mortgage will not be subordinate to any other liens or mortgages 6001  
except the liens securing loans or investments made by financial 6002  
institutions referred to in division (A)(3) of this section, and 6003  
the liens securing loans previously made by any financial 6004  
institution in connection with the procurement or expansion of all 6005  
or part of a project. 6006

(B) Any proposed minority business enterprise borrower 6007  
submitting an application for assistance under this section shall 6008  
not have defaulted on a previous loan from the director, and no 6009  
full or limited partner, major shareholder, or holder of an equity 6010  
interest of the proposed minority business enterprise borrower 6011  
shall have defaulted on a loan from the director. 6012

(C) The proposed minority business enterprise borrower shall 6013  
demonstrate to the satisfaction of the director that it is able to 6014  
successfully compete in the private sector if it obtains the 6015

necessary financial, technical, or managerial support and that 6016  
support is available through the director, the minority business 6017  
development office of the department of development, or other 6018  
identified and acceptable sources. In determining whether a 6019  
minority business enterprise borrower will be able to successfully 6020  
compete, the director may give consideration to such factors as 6021  
the successful completion of or participation in courses of study, 6022  
recognized by the board of regents as providing financial, 6023  
technical, or managerial skills related to the operation of the 6024  
business, by the economically disadvantaged individual, owner, or 6025  
partner, and the prior success of the individual, owner, or 6026  
partner in personal, career, or business activities, as well as to 6027  
other factors identified by the director. 6028

(D) The director shall not lend funds for the purpose of 6029  
procuring or improving motor vehicles or accounts receivable. 6030

**Sec. 122.85.** (A) As used in this section and in sections 6031  
5733.59 and 5747.66 of the Revised Code: 6032

(1) "Tax credit-eligible production" means a motion picture 6033  
production certified by the director of development under division 6034  
(B) of this section as qualifying the motion picture company for a 6035  
tax credit under section 5733.59 or 5747.66 of the Revised Code. 6036

(2) "Certificate owner" means a motion picture company to 6037  
which a tax credit certificate is issued. 6038

(3) "Motion picture company" means an individual, 6039  
corporation, partnership, limited liability company, or other form 6040  
of business association producing a motion picture. 6041

(4) "Eligible production expenditures" means expenditures 6042  
made after the effective date of the enactment of this section by 6043  
H.B. 1 of the 128th general assembly for goods or services 6044  
purchased and consumed in this state by a motion picture company 6045

directly for the production of a tax credit-eligible production. 6046

"Eligible production expenditures" includes, but is not 6047  
limited to, expenditures for resident and nonresident cast and 6048  
crew wages, accommodations, costs of set construction and 6049  
operations, editing and related services, photography, sound 6050  
synchronization, lighting, wardrobe, makeup and accessories, film 6051  
processing, transfer, sound mixing, special and visual effects, 6052  
music, location fees, and the purchase or rental of facilities and 6053  
equipment. 6054

(5) "Motion picture" means entertainment content created in 6055  
whole or in part within this state for distribution or exhibition 6056  
to the general public, including, but not limited to, 6057  
feature-length films; documentaries; long-form, specials, 6058  
miniseries, series, and interstitial television programming; 6059  
interactive web sites; sound recordings; videos; music videos; 6060  
interactive television; interactive games; videogames; 6061  
commercials; any format of digital media; and any trailer, pilot, 6062  
video teaser, or demo created primarily to stimulate the sale, 6063  
marketing, promotion, or exploitation of future investment in 6064  
either a product or a motion picture by any means and media in any 6065  
digital media format, film, or videotape, provided the motion 6066  
picture qualifies as a motion picture. "Motion picture" does not 6067  
include any television program created primarily as news, weather, 6068  
or financial market reports, a production featuring current events 6069  
or sporting events, an awards show or other gala event, a 6070  
production whose sole purpose is fundraising, a long-form 6071  
production that primarily markets a product or service or in-house 6072  
corporate advertising or other similar productions, a production 6073  
for purposes of political advocacy, or any production for which 6074  
records are required to be maintained under 18 U.S.C. 2257 with 6075  
respect to sexually explicit content. 6076

(B) For the purpose of encouraging and developing a strong 6077

film industry in this state, the director of development may 6078  
certify a motion picture produced by a motion picture company as a 6079  
tax credit-eligible production. In the case of a television 6080  
series, the director may certify the production of each episode of 6081  
the series as a separate tax credit-eligible production. A motion 6082  
picture company shall apply for certification of a motion picture 6083  
as a tax credit-eligible production on a form and in the manner 6084  
prescribed by the director. Each application shall include the 6085  
following information: 6086

(1) The name and telephone number of the motion picture 6087  
production company; 6088

(2) The name and telephone number of the company's contact 6089  
person; 6090

(3) A list of the first preproduction date through the last 6091  
production date in Ohio; 6092

(4) The Ohio production office address and telephone number; 6093

(5) The total production budget of the motion picture; 6094

(6) The total budgeted eligible production expenditures and 6095  
the percentage that amount is of the total production budget of 6096  
the motion picture; 6097

(7) The total percentage of the motion picture being shot in 6098  
Ohio; 6099

(8) The level of employment of cast and crew who reside in 6100  
Ohio; 6101

(9) A synopsis of the script; 6102

(10) The shooting script; 6103

(11) A creative elements list that includes the names of the 6104  
principal cast and crew and the producer and director; 6105

(12) The motion picture's distribution plan, including 6106

domestic and international distribution, and sales estimates for 6107  
the picture; 6108

(13) Documentation of financial ability to undertake and 6109  
complete the motion picture; 6110

(14) Estimated value of the tax credit based upon total 6111  
budgeted eligible production expenditures; 6112

(15) Any other information considered necessary by the 6113  
director. 6114

Within ninety days after certification of a motion picture as 6115  
a tax credit-eligible production, and any time thereafter upon the 6116  
director's request, the motion picture company shall present to 6117  
the director of development sufficient evidence of reviewable 6118  
progress. If the motion picture company fails to present 6119  
sufficient evidence, the director of development may rescind the 6120  
certification. Upon rescission, the director shall notify the 6121  
applicant that the certification has been rescinded. Nothing in 6122  
this section prohibits an applicant whose tax credit-eligible 6123  
production certification has been rescinded from submitting a 6124  
subsequent application for certification. 6125

(C)(1) A motion picture company whose motion picture has been 6126  
certified as a tax credit-eligible production may apply to the 6127  
director of development on or after July 1, 2009, for a refundable 6128  
credit against the tax imposed by section 5733.06 or 5747.02 of 6129  
the Revised Code. The director in consultation with the tax 6130  
commissioner shall prescribe the form and manner of the 6131  
application and the information or documentation required to be 6132  
submitted with the application. 6133

The credit is determined as follows: 6134

(a) If the total budgeted eligible production expenditures 6135  
stated in the application submitted under division (B) of this 6136  
section or the actual eligible production expenditures as finally 6137



determined under division (D) of this section, whichever is least, 6138  
is less than or equal to three hundred thousand dollars, no credit 6139  
is allowed; 6140

(b) If the total budgeted eligible production expenditures 6141  
stated in the application submitted under division (B) of this 6142  
section or the actual eligible production expenditures as finally 6143  
determined under division (D) of this section, whichever is least, 6144  
is greater than three hundred thousand dollars, the credit equals 6145  
the sum of the following, subject to the limitation in division 6146  
(C)(4) of this section: 6147

(i) Twenty-five per cent of the least of such budgeted or 6148  
actual eligible expenditure amounts excluding budgeted or actual 6149  
eligible expenditures for resident cast and crew wages; 6150

(ii) Thirty-five per cent of budgeted or actual eligible 6151  
expenditures for resident cast and crew wages. 6152

(2) Except as provided in division (C)(4) of this section, if 6153  
the director of development approves a motion picture company's 6154  
application for a credit, the director shall issue a tax credit 6155  
certificate to the company. The director in consultation with the 6156  
tax commissioner shall prescribe the form and manner of issuing 6157  
certificates. The director shall assign a unique identifying 6158  
number to each tax credit certificate and shall record the 6159  
certificate in a register devised and maintained by the director 6160  
for that purpose. The certificate shall state the amount of the 6161  
eligible production expenditures on which the credit is based and 6162  
the amount of the credit. Upon the issuance of a certificate, the 6163  
director shall certify to the tax commissioner the name of the 6164  
applicant, the amount of eligible production expenditures shown on 6165  
the certificate, and any other information required by the rules 6166  
adopted to administer this section. 6167

(3) The amount of eligible production expenditures for which 6168

a tax credit may be claimed is subject to inspection and 6169  
examination by the tax commissioner or employees of the 6170  
commissioner under section 5703.19 of the Revised Code and any 6171  
other applicable law. Once the eligible production expenditures 6172  
are finally determined under section 5703.19 of the Revised Code 6173  
and division (D) of this section, the credit amount is not subject 6174  
to adjustment unless the director determines an error was 6175  
committed in the computation of the credit amount. 6176

(4) No tax credit certificate may be issued before the 6177  
completion of the tax credit-eligible production. Not more than 6178  
twenty million dollars of tax credit may be allowed per fiscal 6179  
biennium, and not more than ten million dollars may be allowed in 6180  
the first year of the biennium. Not more than five million dollars 6181  
of tax credit may be allowed per tax credit-eligible production. 6182

(D) A motion picture company whose motion picture has been 6183  
certified as a tax credit-eligible production shall engage, at the 6184  
company's expense, an independent certified public accountant to 6185  
examine the company's production expenditures to identify the 6186  
expenditures that qualify as eligible production expenditures. The 6187  
certified public accountant shall issue a report to the company 6188  
and to the director of development certifying the company's 6189  
eligible production expenditures and any other information 6190  
required by the director. Upon receiving and examining the report, 6191  
the director may disallow any expenditure the director determines 6192  
is not an eligible production expenditure. If the director 6193  
disallows an expenditure, the director shall issue a written 6194  
notice to the motion picture production company stating that the 6195  
expenditure is disallowed and the reason for the disallowance. 6196  
Upon examination of the report and disallowance of any 6197  
expenditures, the director shall determine finally the lesser of 6198  
the total budgeted eligible production expenditures stated in the 6199  
application submitted under division (B) of this section or the 6200

actual eligible production expenditures for the purpose of 6201  
computing the amount of the credit. 6202

(E) No credit shall be allowed under section 5733.59 or 6203  
5747.66 of the Revised Code unless the director has reviewed the 6204  
report and made the determination prescribed by division (D) of 6205  
this section. 6206

(F) This state reserves the right to refuse the use of this 6207  
state's name in the credits of any tax credit-eligible motion 6208  
picture production. 6209

(G)(1) The director of development in consultation with the 6210  
tax commissioner shall adopt rules for the administration of this 6211  
section, including rules setting forth and governing the criteria 6212  
for determining whether a motion picture production is a tax 6213  
credit-eligible production; activities that constitute the 6214  
production of a motion picture; reporting sufficient evidence of 6215  
reviewable progress; expenditures that qualify as eligible 6216  
production expenditures; a competitive process for approving 6217  
credits; and consideration of geographic distribution of credits. 6218  
The rules shall be adopted under Chapter 119. of the Revised Code. 6219

(2) The director may require a reasonable application fee to 6220  
cover administrative costs of the tax credit program. The fees 6221  
collected shall be credited to the motion picture tax credit 6222  
program operating fund, which is hereby created in the state 6223  
treasury. The motion picture tax credit program operating fund 6224  
shall consist of all grants, gifts, fees, and contributions made 6225  
to the director of development for marketing and promotion of the 6226  
motion picture industry within this state. The director of 6227  
development shall use money in the fund to pay expenses related to 6228  
the administration of the Ohio film office and the credit 6229  
authorized by this section and sections 5733.59 and 5747.66 of the 6230  
Revised Code. 6231

Sec. 122.89. (A) The director of development may execute 6232  
bonds as surety for minority businesses as principals, on 6233  
contracts with the state, any political subdivision or 6234  
instrumentality thereof, or any person as the obligee. The 6235  
director as surety may exercise all the rights and powers of a 6236  
company authorized by the department of insurance to execute bonds 6237  
as surety but shall not be subject to any requirements of a surety 6238  
company under Title XXXIX of the Revised Code nor to any rules of 6239  
the department of insurance. 6240

(B) The director, with the advice of the minority development 6241  
financing advisory board, shall adopt rules under Chapter 119. of 6242  
the Revised Code establishing procedures for application for 6243  
surety bonds by minority businesses and for review and approval of 6244  
applications. The board shall review each application in 6245  
accordance with the rules and, based on the bond worthiness of 6246  
each applicant, shall refer all qualified applicants to the 6247  
director. Based on the recommendation of the board, the director 6248  
shall determine whether or not the applicant shall receive 6249  
bonding. 6250

~~(C) The rules of the board shall provide that the minority 6251  
business, in order to make an application for a bond to the 6252  
director, shall submit documentation, as the director requires, to 6253  
demonstrate either that a minority business shall have been denied 6254  
a bond by two surety companies or that the minority business has 6255  
applied to two surety companies for a bond and, at the expiration 6256  
of sixty days after making the application, has neither received 6257  
nor been denied a bond. 6258~~

~~(D)~~ The rules of the board shall require the minority 6259  
business to pay a premium in advance for the bond to be 6260  
established by the director, with the advice of the board after 6261  
the director receives advice from the superintendent of insurance 6262

regarding the standard market rates for premiums for similar 6263  
bonds. All premiums paid by minority businesses shall be paid into 6264  
the minority business bonding program administrative and loss 6265  
reserve fund. 6266

~~(F)~~(D) The penal sum amounts of all outstanding bonds issued 6267  
by the director shall not exceed the amount of moneys in the 6268  
minority business bonding fund and available to the fund under 6269  
division (B) of section 169.05 of the Revised Code. 6270

~~(F)~~(E) The superintendent of insurance shall provide such 6271  
technical and professional assistance as is considered necessary 6272  
by the director, including providing advice regarding the standard 6273  
market rates for bond premiums as described under division ~~(D)~~(C) 6274  
of this section. 6275

**Sec. 123.01.** (A) The department of administrative services, 6276  
in addition to those powers enumerated in Chapters 124. and 125. 6277  
of the Revised Code and provided elsewhere by law, shall exercise 6278  
the following powers: 6279

(1) To prepare, or contract to be prepared, by licensed 6280  
engineers or architects, surveys, general and detailed plans, 6281  
specifications, bills of materials, and estimates of cost for any 6282  
projects, improvements, or public buildings to be constructed by 6283  
state agencies that may be authorized by legislative 6284  
appropriations or any other funds made available therefor, 6285  
provided that the construction of the projects, improvements, or 6286  
public buildings is a statutory duty of the department. This 6287  
section does not require the independent employment of an 6288  
architect or engineer as provided by section 153.01 of the Revised 6289  
Code in the cases to which that section applies nor affect or 6290  
alter the existing powers of the director of transportation. 6291

(2) To have general supervision over the construction of any 6292  
projects, improvements, or public buildings constructed for a 6293

state agency and over the inspection of materials previous to 6294  
their incorporation into those projects, improvements, or 6295  
buildings; 6296

(3) To make contracts for and supervise the construction of 6297  
any projects and improvements or the construction and repair of 6298  
buildings under the control of a state agency, except contracts 6299  
for the repair of buildings under the management and control of 6300  
the departments of public safety, job and family services, mental 6301  
health, mental retardation and developmental disabilities, 6302  
rehabilitation and correction, and youth services, the bureau of 6303  
workers' compensation, the rehabilitation services commission, and 6304  
boards of trustees of educational and benevolent institutions and 6305  
except contracts for the construction of projects that do not 6306  
require the issuance of a building permit or the issuance of a 6307  
certificate of occupancy and that are necessary to remediate 6308  
conditions at a hazardous waste facility, solid waste facility, or 6309  
other location at which the director of environmental protection 6310  
has reason to believe there is a substantial threat to public 6311  
health or safety or the environment. These contracts shall be made 6312  
and entered into by the directors of public safety, job and family 6313  
services, mental health, mental retardation and developmental 6314  
disabilities, rehabilitation and correction, and youth services, 6315  
the administrator of workers' compensation, the rehabilitation 6316  
services commission, the boards of trustees of such institutions, 6317  
and the director of environmental protection, respectively. All 6318  
such contracts may be in whole or in part on unit price basis of 6319  
maximum estimated cost, with payment computed and made upon actual 6320  
quantities or units. 6321

(4) To prepare and suggest comprehensive plans for the 6322  
development of grounds and buildings under the control of a state 6323  
agency; 6324

(5) To acquire, by purchase, gift, devise, lease, or grant, 6325

all real estate required by a state agency, in the exercise of 6326  
which power the department may exercise the power of eminent 6327  
domain, in the manner provided by sections 163.01 to 163.22 of the 6328  
Revised Code; 6329

(6) To make and provide all plans, specifications, and models 6330  
for the construction and perfection of all systems of sewerage, 6331  
drainage, and plumbing for the state in connection with buildings 6332  
and grounds under the control of a state agency; 6333

(7) To erect, supervise, and maintain all public monuments 6334  
and memorials erected by the state, except where the supervision 6335  
and maintenance is otherwise provided by law; 6336

(8) To procure, by lease, storage accommodations for a state 6337  
agency; 6338

(9) To lease or grant easements or licenses for unproductive 6339  
and unused lands or other property under the control of a state 6340  
agency. Such leases, easements, or licenses shall be granted for a 6341  
period not to exceed fifteen years and shall be executed for the 6342  
state by the director of administrative services and the governor 6343  
and shall be approved as to form by the attorney general, provided 6344  
that leases, easements, or licenses may be granted to any county, 6345  
township, municipal corporation, port authority, water or sewer 6346  
district, school district, library district, health district, park 6347  
district, soil and water conservation district, conservancy 6348  
district, or other political subdivision or taxing district, or 6349  
any agency of the United States government, for the exclusive use 6350  
of that agency, political subdivision, or taxing district, without 6351  
any right of sublease or assignment, for a period not to exceed 6352  
fifteen years, and provided that the director shall grant leases, 6353  
easements, or licenses of university land for periods not to 6354  
exceed twenty-five years for purposes approved by the respective 6355  
university's board of trustees wherein the uses are compatible 6356  
with the uses and needs of the university and may grant leases of 6357

university land for periods not to exceed forty years for purposes 6358  
approved by the respective university's board of trustees pursuant 6359  
to section 123.77 of the Revised Code. 6360

(10) To lease ~~office space in buildings~~ for the use of a 6361  
state agency; 6362

(11) To have general supervision and care of the storerooms, 6363  
offices, and buildings leased for the use of a state agency; 6364

(12) To exercise general custodial care of all real property 6365  
of the state; 6366

(13) To assign and group together state offices in any city 6367  
in the state and to establish, in cooperation with the state 6368  
agencies involved, rules governing space requirements for office 6369  
or storage use; 6370

(14) To lease for a period not to exceed forty years, 6371  
pursuant to a contract providing for the construction thereof 6372  
under a lease-purchase plan, buildings, structures, and other 6373  
improvements for any public purpose, and, in conjunction 6374  
therewith, to grant leases, easements, or licenses for lands under 6375  
the control of a state agency for a period not to exceed forty 6376  
years. The lease-purchase plan shall provide that at the end of 6377  
the lease period, the buildings, structures, and related 6378  
improvements, together with the land on which they are situated, 6379  
shall become the property of the state without cost. 6380

(a) Whenever any building, structure, or other improvement is 6381  
to be so leased by a state agency, the department shall retain 6382  
either basic plans, specifications, bills of materials, and 6383  
estimates of cost with sufficient detail to afford bidders all 6384  
needed information or, alternatively, all of the following plans, 6385  
details, bills of materials, and specifications: 6386

(i) Full and accurate plans suitable for the use of mechanics 6387  
and other builders in the improvement; 6388



(ii) Details to scale and full sized, so drawn and 6389  
represented as to be easily understood; 6390

(iii) Accurate bills showing the exact quantity of different 6391  
kinds of material necessary to the construction; 6392

(iv) Definite and complete specifications of the work to be 6393  
performed, together with such directions as will enable a 6394  
competent mechanic or other builder to carry them out and afford 6395  
bidders all needed information; 6396

(v) A full and accurate estimate of each item of expense and 6397  
of the aggregate cost thereof. 6398

(b) The department shall give public notice, in such 6399  
newspaper, in such form, and with such phraseology as the director 6400  
of administrative services prescribes, published once each week 6401  
for four consecutive weeks, of the time when and place where bids 6402  
will be received for entering into an agreement to lease to a 6403  
state agency a building, structure, or other improvement. The last 6404  
publication shall be at least eight days preceding the day for 6405  
opening the bids. The bids shall contain the terms upon which the 6406  
builder would propose to lease the building, structure, or other 6407  
improvement to the state agency. The form of the bid approved by 6408  
the department shall be used, and a bid is invalid and shall not 6409  
be considered unless that form is used without change, alteration, 6410  
or addition. Before submitting bids pursuant to this section, any 6411  
builder shall comply with Chapter 153. of the Revised Code. 6412

(c) On the day and at the place named for receiving bids for 6413  
entering into lease agreements with a state agency, the director 6414  
of administrative services shall open the bids and shall publicly 6415  
proceed immediately to tabulate the bids upon duplicate sheets. No 6416  
lease agreement shall be entered into until the bureau of workers' 6417  
compensation has certified that the person to be awarded the lease 6418  
agreement has complied with Chapter 4123. of the Revised Code, 6419

until, if the builder submitting the lowest and best bid is a 6420  
foreign corporation, the secretary of state has certified that the 6421  
corporation is authorized to do business in this state, until, if 6422  
the builder submitting the lowest and best bid is a person 6423  
nonresident of this state, the person has filed with the secretary 6424  
of state a power of attorney designating the secretary of state as 6425  
its agent for the purpose of accepting service of summons in any 6426  
action brought under Chapter 4123. of the Revised Code, and until 6427  
the agreement is submitted to the attorney general and the 6428  
attorney general's approval is certified thereon. Within thirty 6429  
days after the day on which the bids are received, the department 6430  
shall investigate the bids received and shall determine that the 6431  
bureau and the secretary of state have made the certifications 6432  
required by this section of the builder who has submitted the 6433  
lowest and best bid. Within ten days of the completion of the 6434  
investigation of the bids, the department shall award the lease 6435  
agreement to the builder who has submitted the lowest and best bid 6436  
and who has been certified by the bureau and secretary of state as 6437  
required by this section. If bidding for the lease agreement has 6438  
been conducted upon the basis of basic plans, specifications, 6439  
bills of materials, and estimates of costs, upon the award to the 6440  
builder the department, or the builder with the approval of the 6441  
department, shall appoint an architect or engineer licensed in 6442  
this state to prepare such further detailed plans, specifications, 6443  
and bills of materials as are required to construct the building, 6444  
structure, or improvement. The department shall adopt such rules 6445  
as are necessary to give effect to this section. The department 6446  
may reject any bid. Where there is reason to believe there is 6447  
collusion or combination among bidders, the bids of those 6448  
concerned therein shall be rejected. 6449

(15) To acquire by purchase, gift, devise, or grant and to 6450  
transfer, lease, or otherwise dispose of all real property 6451  
required to assist in the development of a conversion facility as 6452

defined in section 5709.30 of the Revised Code as that section 6453  
existed before its repeal by Amended Substitute House Bill 95 of 6454  
the 125th general assembly; 6455

(16) To lease for a period not to exceed forty years, 6456  
notwithstanding any other division of this section, the 6457  
state-owned property located at 408-450 East Town Street, 6458  
Columbus, Ohio, formerly the state school for the deaf, to a 6459  
developer in accordance with this section. "Developer," as used in 6460  
this section, has the same meaning as in section 123.77 of the 6461  
Revised Code. 6462

Such a lease shall be for the purpose of development of the 6463  
land for use by senior citizens by constructing, altering, 6464  
renovating, repairing, expanding, and improving the site as it 6465  
existed on June 25, 1982. A developer desiring to lease the land 6466  
shall prepare for submission to the department a plan for 6467  
development. Plans shall include provisions for roads, sewers, 6468  
water lines, waste disposal, water supply, and similar matters to 6469  
meet the requirements of state and local laws. The plans shall 6470  
also include provision for protection of the property by insurance 6471  
or otherwise, and plans for financing the development, and shall 6472  
set forth details of the developer's financial responsibility. 6473

The department may employ, as employees or consultants, 6474  
persons needed to assist in reviewing the development plans. Those 6475  
persons may include attorneys, financial experts, engineers, and 6476  
other necessary experts. The department shall review the 6477  
development plans and may enter into a lease if it finds all of 6478  
the following: 6479

(a) The best interests of the state will be promoted by 6480  
entering into a lease with the developer; 6481

(b) The development plans are satisfactory; 6482

(c) The developer has established the developer's financial 6483

responsibility and satisfactory plans for financing the 6484  
development. 6485

The lease shall contain a provision that construction or 6486  
renovation of the buildings, roads, structures, and other 6487  
necessary facilities shall begin within one year after the date of 6488  
the lease and shall proceed according to a schedule agreed to 6489  
between the department and the developer or the lease will be 6490  
terminated. The lease shall contain such conditions and 6491  
stipulations as the director considers necessary to preserve the 6492  
best interest of the state. Moneys received by the state pursuant 6493  
to this lease shall be paid into the general revenue fund. The 6494  
lease shall provide that at the end of the lease period the 6495  
buildings, structures, and related improvements shall become the 6496  
property of the state without cost. 6497

(17) To lease to any person any tract of land owned by the 6498  
state and under the control of the department, or any part of such 6499  
a tract, for the purpose of drilling for or the pooling of oil or 6500  
gas. Such a lease shall be granted for a period not exceeding 6501  
forty years, with the full power to contract for, determine the 6502  
conditions governing, and specify the amount the state shall 6503  
receive for the purposes specified in the lease, and shall be 6504  
prepared as in other cases. 6505

(18) To manage the use of space owned and controlled by the 6506  
department, including space in property under the jurisdiction of 6507  
the Ohio building authority, by doing all of the following: 6508

(a) Biennially implementing, by state agency location, a 6509  
census of agency employees assigned space; 6510

(b) Periodically in the discretion of the director of 6511  
administrative services: 6512

(i) Requiring each state agency to categorize the use of 6513  
space allotted to the agency between office space, common areas, 6514

storage space, and other uses, and to report its findings to the 6515  
department; 6516

(ii) Creating and updating a master space utilization plan 6517  
for all space allotted to state agencies. The plan shall 6518  
incorporate space utilization metrics. 6519

(iii) Conducting a cost-benefit analysis to determine the 6520  
effectiveness of state-owned buildings; 6521

(iv) Assessing the alternatives associated with consolidating 6522  
the commercial leases for buildings located in Columbus. 6523

(c) Commissioning a comprehensive space utilization and 6524  
capacity study in order to determine the feasibility of 6525  
consolidating existing commercially leased space used by state 6526  
agencies into a new state-owned facility. 6527

(B) This section and section 125.02 of the Revised Code shall 6528  
not interfere with any of the following: 6529

(1) The power of the adjutant general to purchase military 6530  
supplies, or with the custody of the adjutant general of property 6531  
leased, purchased, or constructed by the state and used for 6532  
military purposes, or with the functions of the adjutant general 6533  
as director of state armories; 6534

(2) The power of the director of transportation in acquiring 6535  
rights-of-way for the state highway system, or the leasing of 6536  
lands for division or resident district offices, or the leasing of 6537  
lands or buildings required in the maintenance operations of the 6538  
department of transportation, or the purchase of real property for 6539  
garage sites or division or resident district offices, or in 6540  
preparing plans and specifications for and constructing such 6541  
buildings as the director may require in the administration of the 6542  
department; 6543

(3) The power of the director of public safety and the 6544

registrar of motor vehicles to purchase or lease real property and 6545  
buildings to be used solely as locations to which a deputy 6546  
registrar is assigned pursuant to division (B) of section 4507.011 6547  
of the Revised Code and from which the deputy registrar is to 6548  
conduct the deputy registrar's business, the power of the director 6549  
of public safety to purchase or lease real property and buildings 6550  
to be used as locations for division or district offices as 6551  
required in the maintenance of operations of the department of 6552  
public safety, and the power of the superintendent of the state 6553  
highway patrol in the purchase or leasing of real property and 6554  
buildings needed by the patrol, to negotiate the sale of real 6555  
property owned by the patrol, to rent or lease real property owned 6556  
or leased by the patrol, and to make or cause to be made repairs 6557  
to all property owned or under the control of the patrol; 6558

(4) The power of the division of liquor control in the 6559  
leasing or purchasing of retail outlets and warehouse facilities 6560  
for the use of the division; 6561

(5) The power of the director of development to enter into 6562  
leases of real property, buildings, and office space to be used 6563  
solely as locations for the state's foreign offices to carry out 6564  
the purposes of section 122.05 of the Revised Code; 6565

(6) The power of the director of environmental protection to 6566  
enter into environmental covenants, to grant and accept easements, 6567  
or to sell property pursuant to division (G) of section 3745.01 of 6568  
the Revised Code. 6569

(C) Purchases for, and the custody and repair of, buildings 6570  
under the management and control of the capitol square review and 6571  
advisory board, the rehabilitation services commission, the bureau 6572  
of workers' compensation, or the departments of public safety, job 6573  
and family services, mental health, mental retardation and 6574  
developmental disabilities, and rehabilitation and correction, and 6575  
buildings of educational and benevolent institutions under the 6576

management and control of boards of trustees, are not subject to 6577  
the control and jurisdiction of the department of administrative 6578  
services. 6579

(D) Any instrument by which real property is acquired 6580  
pursuant to this section shall identify the agency of the state 6581  
that has the use and benefit of the real property as specified in 6582  
section 5301.012 of the Revised Code. 6583

**Sec. 123.152.** (A) As used in this section, "EDGE business 6584  
enterprise" means a sole proprietorship, association, partnership, 6585  
corporation, limited liability corporation, or joint venture 6586  
certified as a participant in the encouraging diversity, growth, 6587  
and equity program by the director of administrative services 6588  
under this section of the Revised Code. 6589

(B) The director of administrative services shall establish a 6590  
business assistance program known as the encouraging diversity, 6591  
growth, and equity program and shall adopt rules in accordance 6592  
with Chapter 119. of the Revised Code to administer the program 6593  
that do all of the following: 6594

(1) Establish procedures by which a sole proprietorship, 6595  
association, partnership, corporation, limited liability 6596  
corporation, or joint venture may apply for certification as an 6597  
EDGE business enterprise; 6598

(2) Except as provided in division (B)(14) of this section, 6599  
establish agency procurement goals, including procurement goals 6600  
for the Ohio housing finance agency, the third frontier 6601  
commission, and the clean Ohio council, for contracting with EDGE 6602  
business enterprises in the award of contracts under Chapters 6603  
123., 125., and 153. of the Revised Code based on the availability 6604  
of eligible program participants by region or geographic area, as 6605  
determined by the director, and by standard industrial code or 6606  
equivalent code classification. 6607

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

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

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

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

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

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

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

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

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



- (4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification; 6638  
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- (5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director; 6641  
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- (6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services; 6645  
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6648
- (7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section; 6649  
6650  
6651
- (8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals; 6652  
6653
- (9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program; 6654  
6655  
6656
- (10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes; 6657  
6658  
6659
- (11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise; 6660  
6661  
6662
- (12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises; 6663  
6664  
6665  
6666
- (13) Establish a process for monitoring overall program 6667

compliance in which equal employment opportunity officers 6668  
primarily are responsible for monitoring their respective 6669  
agencies; 6670

(14) Establish guidelines for state universities as defined 6671  
in section 3345.011 of the Revised Code and the Ohio school 6672  
facilities commission created in section 3318.30 of the Revised 6673  
Code for awarding contracts pursuant to Chapters 153., 3318., and 6674  
3345. of the Revised Code to allow the universities and commission 6675  
to establish agency procurement goals for contracting with EDGE 6676  
business enterprises. 6677

In complying with divisions (B)(2) and (14) of this section, 6678  
a state agency or state university or the Ohio housing finance 6679  
agency, the third frontier commission, the clean Ohio council, or 6680  
the Ohio school facilities commission shall comply with section 6681  
123.154 of the Revised Code. 6682

(C) Business and personal financial information and trade 6683  
secrets submitted by encouraging diversity, growth, and equity 6684  
program applicants to the director pursuant to this section are 6685  
not public records for purposes of section 149.43 of the Revised 6686  
Code, unless the director presents the financial information or 6687  
trade secrets at a public hearing or public proceeding regarding 6688  
the applicant's eligibility to participate in the program. 6689

Sec. 123.154. (A) Each state agency shall appoint an equal 6690  
employment opportunity officer who shall be responsible for 6691  
monitoring the agency's compliance with sections 123.151, 123.152, 6692  
and 125.081 of the Revised Code and for reporting the level of the 6693  
agency's compliance to the deputy director of the equal 6694  
opportunity division of the department of administrative services. 6695  
The equal employment opportunity officer for each state agency 6696  
shall also do all of the following: 6697

(1) Analyze spending on goods, services, and construction 6698

projects for the officer's agency and determine any missed 6699  
opportunities for the inclusion of certified minority business 6700  
enterprise and EDGE business vendors; 6701

(2) Analyze the spending of the officer's agency with EDGE 6702  
business enterprise vendors, as well as EDGE business enterprise 6703  
vendor availability by regions of this state, and communicate the 6704  
analysis to the department of administrative services so that the 6705  
department may determine the appropriate EDGE business enterprise 6706  
goal for each contract; 6707

(3) Report minority business enterprise or EDGE business 6708  
enterprise enrollment for all contracts issued by the officer's 6709  
agency to the deputy director of the equal opportunity division; 6710

(4) Implement a scorecard system that tracks compliance with 6711  
minority business enterprise and EDGE business enterprise program 6712  
requirements for the officer's agency; 6713

(5) Implement the outreach and training plan to ensure 6714  
compliance by the officer's agency with minority business 6715  
enterprise and EDGE business enterprise requirements; 6716

(6) Attend the semiannual training conducted by the deputy 6717  
director of the equal opportunity division on minority business 6718  
enterprise and EDGE business enterprise requirements; and 6719

(7) Participate in the annual compliance review conducted by 6720  
the deputy director of the equal employment opportunity division 6721  
and implement recommendations made by the deputy director as a 6722  
result of the review process. 6723

The deputy director of the equal opportunity division shall 6724  
develop the scorecard system and the outreach and training plan, 6725  
shall conduct semiannual training on minority business enterprise 6726  
and EDGE business enterprise requirements for equal employment 6727  
opportunity officers, shall conduct an annual review of each state 6728  
agency's compliance with minority business enterprise and EDGE 6729

business enterprise requirements, and shall make recommendations 6730  
for improved compliance as a result of each review. 6731

(B) Each state agency shall ensure that all contracts the 6732  
agency enters into for the purchase of goods and services contain 6733  
provisions that do all of the following: 6734

(1) Prohibit contractors and subcontractors from engaging in 6735  
discriminatory employment practices; 6736

(2) Certify that contractors and subcontractors are in 6737  
compliance with all applicable federal and state laws and rules 6738  
that govern fair labor and employment practices; and 6739

(3) Encourage contractors and subcontractors to purchase 6740  
goods and services from certified minority business enterprise and 6741  
EDGE business enterprise vendors. 6742

(C)(1) A state agency shall not issue an EDGE business 6743  
enterprise waiver without doing all of the following: 6744

(a) Having all waivers reviewed by the agency's procurement 6745  
officer, in collaboration with the agency's equal employment 6746  
opportunity officer, who shall certify that each waiver the agency 6747  
issues complies with criteria for granting the waiver; 6748

(b) Submitting quarterly reports to the equal opportunity 6749  
division that lists each waiver the agency grants; 6750

(c) Permitting the equal opportunity division to complete its 6751  
review of the agency's quarterly report and to conduct periodic 6752  
audits of the agency's administration of the waiver process. 6753

The deputy director of the equal opportunity division shall 6754  
review each quarterly report of EDGE business enterprise waivers 6755  
and shall conduct periodic audits of each agency's administration 6756  
of the waiver process. 6757

(2) If the deputy director of the equal opportunity division 6758  
determines that a state agency has not properly administered the 6759

issuance of EDGE business enterprise waivers, subsequent waivers 6760  
shall not be issued by that state agency without the authorization 6761  
and approval of the deputy director. The deputy director may 6762  
release a state agency from the approval process when the deputy 6763  
director has determined that the agency has the ability to 6764  
consistently administer the waiver process. 6765

(D) On the first day of October of each year, the deputy 6766  
director of the equal opportunity division shall submit a written 6767  
report to the governor, the speaker of the house of 6768  
representatives, the president of the senate, and the minority 6769  
leaders of the house of representatives and senate that describe 6770  
the progress of state agencies in advancing the minority business 6771  
enterprise and EDGE business enterprise programs, as well as any 6772  
initiatives that have been implemented to increase the number of 6773  
certified minority business enterprise and EDGE business 6774  
enterprise vendors doing business with this state. 6775

**Sec. 124.03.** (A) The state personnel board of review shall 6776  
exercise the following powers and perform the following duties: 6777

(1) Hear appeals, as provided by law, of employees in the 6778  
classified state service from final decisions of appointing 6779  
authorities or the director of administrative services relative to 6780  
reduction in pay or position, job abolishments, layoff, 6781  
suspension, discharge, assignment or reassignment to a new or 6782  
different position classification, or refusal of the director, or 6783  
anybody authorized to perform the director's functions, to 6784  
reassign an employee to another classification or to reclassify 6785  
the employee's position with or without a job audit under division 6786  
(D) of section 124.14 of the Revised Code. As used in this 6787  
division, "discharge" includes disability separations. 6788

The state personnel board of review may affirm, disaffirm, or 6789  
modify the decisions of the appointing authorities or the 6790

director, as the case may be, and its decision is final. The 6791  
~~board's~~ decisions of the state personnel board of review shall be 6792  
consistent with the applicable classification specifications. 6793

The state personnel board of review shall not be deprived of 6794  
jurisdiction to hear any appeal due to the failure of an 6795  
appointing authority to file its decision with the board. Any 6796  
final decision of an appointing authority or of the director not 6797  
filed in the manner provided in this chapter shall be disaffirmed. 6798

The state personnel board of review may place an exempt 6799  
employee, as defined in section 124.152 of the Revised Code, into 6800  
a bargaining unit classification, if the state personnel board of 6801  
review determines that the bargaining unit classification is the 6802  
proper classification for that employee. Notwithstanding Chapter 6803  
4117. of the Revised Code or instruments and contracts negotiated 6804  
under it, such placements are at the ~~board's~~ discretion of the 6805  
state personnel board of review. 6806

The mere failure of an employee's appointing authority to 6807  
file a statement with the department of administrative services 6808  
indicating that the employee is in the unclassified civil service, 6809  
or the mere late filing of such a statement, does not prevent the 6810  
state personnel board of review from determining that the employee 6811  
is in the unclassified civil service. In determining whether an 6812  
employee is in the unclassified civil service, the state personnel 6813  
board of review shall consider the inherent nature of the duties 6814  
of the employee's classification during the two-year period 6815  
immediately preceding the appointing authority's appealable action 6816  
relating to the employee. 6817

In any hearing before the state personnel board of review, 6818  
including any hearing at which a record is taken that may be the 6819  
basis of an appeal to a court, an employee may be represented by a 6820  
person permitted to practice before the state personnel board of 6821  
review who is not an attorney at law as long as the person does 6822

not receive any compensation from the employee for the 6823  
representation. 6824

(2) Hear appeals, as provided by law, of appointing 6825  
authorities from final decisions of the director relative to the 6826  
classification or reclassification of any position in the 6827  
classified state service under the jurisdiction of that appointing 6828  
authority. The state personnel board of review may affirm, 6829  
disaffirm, or modify the decisions of the director, and its 6830  
decision is final. The ~~board's~~ decisions of the state personnel 6831  
board of review shall be consistent with the applicable 6832  
classification specifications. 6833

(3) Exercise the authority provided by section 124.40 of the 6834  
Revised Code, for appointment, removal, and supervision of 6835  
municipal and civil service township civil service commissions; 6836

(4) ~~Appoint a secretary, referees, examiners, and whatever~~ 6837  
~~other~~ Utilize employees ~~are necessary~~ provided by the state 6838  
employment relations board in the exercise of ~~its~~ the powers and 6839  
performance of ~~its~~ the duties and functions. ~~The~~ of the state 6840  
personnel board ~~shall determine appropriate education and~~ 6841  
~~experience requirements for its secretary, referees, examiners,~~ 6842  
~~and other employees and shall prescribe their duties. A referee or~~ 6843  
~~examiner does not need to have been admitted to the practice of~~ 6844  
law. of review under this chapter; 6845

(5) Maintain a journal that shall be open to public 6846  
inspection, in which it shall keep a record of all of its 6847  
proceedings and of the vote of each of its members upon every 6848  
action taken by it; 6849

(6) Adopt rules in accordance with Chapter 119. of the 6850  
Revised Code relating to the procedure of the state personnel 6851  
board of review in administering the laws it has the authority or 6852  
duty to administer and for the purpose of invoking the 6853

jurisdiction of the state personnel board of review in hearing 6854  
appeals of appointing authorities and employees in matters set 6855  
forth in divisions (A)(1) and (2) of this section; 6856

(7) Subpoena and require the attendance and testimony of 6857  
witnesses and the production of books, papers, public records, and 6858  
other documentary evidence pertinent to any matter it has 6859  
authority to investigate, inquire into, or hear in the same manner 6860  
and to the same extent as provided by division (G) of section 6861  
124.09 of the Revised Code. All witness fees shall be paid in the 6862  
manner set forth in that division. 6863

(B) The state personnel board of review shall exist as a 6864  
separate entity within the administrative structure of the state 6865  
employment relations board. 6866

(C) The state personnel board of review shall be funded by 6867  
general revenue fund appropriations. All moneys received by the 6868  
state personnel board of review for copies of documents, rule 6869  
books, and transcriptions shall be paid into the state treasury to 6870  
the credit of the ~~transcript and other documents training,~~ 6871  
~~publications, and grants fund, which is hereby created to defray~~ 6872  
~~the cost of producing an administrative record in section 4117.24~~ 6873  
of the Revised Code. 6874

**Sec. 124.04.** In addition to those powers enumerated in 6875  
Chapters 123. and 125. of the Revised Code and as provided 6876  
elsewhere by law, the powers, duties, and functions of the 6877  
department of administrative services not specifically vested in 6878  
and assigned to, or to be performed by, the state personnel board 6879  
of review are hereby vested in and assigned to, and shall be 6880  
performed by, the director of administrative services. These 6881  
powers, duties, and functions shall include, but shall not be 6882  
limited to, the following powers, duties, and functions: 6883

(A) To prepare, conduct, and grade all competitive 6884



examinations for positions in the classified state service;	6885
(B) To prepare, conduct, and grade all noncompetitive examinations for positions in the classified state service;	6886
(C) To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified state service;	6888
(D) To prepare or amend, in accordance with section 124.14 of the Revised Code, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the various classifications of positions in the state service;	6889
(E) To allocate and reallocate, upon the motion of the director or upon request of an appointing authority and in accordance with section 124.14 of the Revised Code, any position, office, or employment in the state service to the appropriate classification on the basis of the duties, responsibilities, requirements, and qualifications of that position, office, or employment;	6890
(F) To develop and conduct personnel recruitment services for positions in the state service;	6891
(G) To conduct research on specifications, classifications, and salaries of positions in the state service;	6892
(H) To develop and conduct personnel training programs, including supervisory training programs and best practices plans, and to develop merit hiring processes, in cooperation with appointing authorities;	6893
(I) To include periodically in communications sent to state employees both of the following:	6894
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	6895
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(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code. 6915  
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(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service and to assist appointing authorities in recruiting qualified applicants; 6918  
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(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees; 6922  
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(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications; 6927  
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(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary; 6934  
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(N) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any political subdivision with the concurrence of the legislative authority of the political subdivision. 6938  
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(O) To administer a state equal employment opportunity program. 6942  
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**Sec. 124.07.** (A) The director of administrative services 6944

shall appoint examiners, inspectors, clerks, and other assistants 6945  
as necessary to carry out sections 124.01 to 124.64 of the Revised 6946  
Code. The director may designate persons in or out of the service 6947  
of the state to serve as examiners or assistants under the 6948  
director's direction. An examiner or assistant shall receive the 6949  
compensation for each day actually and necessarily spent in the 6950  
discharge of duties as an examiner or assistant that the director 6951  
determines; provided that, if the examiner or assistant is in the 6952  
service of the state or any political subdivision of the state, it 6953  
shall be a part of the examiner's or assistant's official duties 6954  
to render those services in connection with an examination without 6955  
extra compensation. 6956

(B) Each state agency shall pay the cost of the services and 6957  
facilities furnished to it by the department of administrative 6958  
services that are necessary to provide and maintain payroll 6959  
services as prescribed in section 125.21 of the Revised Code and 6960  
state merit standards as prescribed in sections 124.01 to 124.64 6961  
of the Revised Code for the agency. If a state-supported college 6962  
or university or a municipal corporation chooses to use the 6963  
services and facilities furnished by the department that are 6964  
necessary to provide and maintain the services and standards so 6965  
prescribed, the state-supported college or university or municipal 6966  
corporation shall pay the cost of the services and facilities that 6967  
the department furnishes to it. The charges against a state 6968  
agency, a state-supported college or university, or a municipal 6969  
corporation shall be computed on a reasonable cost basis in 6970  
accordance with procedures prescribed by the director of budget 6971  
and management. Any moneys the department receives from a state 6972  
agency, a state-supported college or university, or a municipal 6973  
corporation under this division that are in excess of the amount 6974  
necessary to pay the cost of furnishing the department's services 6975  
and facilities during any fiscal year shall be either refunded to 6976  
or credited for the ensuing fiscal year to the state agency, the 6977

state-supported college or university, or the municipal 6978  
corporation. 6979

(C) The director of administrative services may enter into an 6980  
agreement with any county, municipal corporation, or other 6981  
political subdivision to furnish services and facilities of the 6982  
department in the administration of a merit program or other 6983  
functions related to human resources that include, but are not 6984  
limited to, providing competitive examinations for positions in 6985  
the classified service. The agreement shall provide that the 6986  
department shall be reimbursed for the reasonable costs of those 6987  
services and facilities as determined by the director. 6988

(D) All moneys received by the department as reimbursement 6989  
for ~~payroll~~, a merit program, or other human resources services 6990  
performed and facilities furnished under this section, such as 6991  
competitive examinations administered, shall be paid into the 6992  
state treasury to the credit of the human resources services fund, 6993  
which is hereby created. 6994

(E) In counties of the state in which are located cities 6995  
having municipal civil service commissions, the director of 6996  
administrative services may designate the municipal civil service 6997  
commission of the largest city within the county as the director's 6998  
agent for the purpose of carrying out the provisions of sections 6999  
124.01 to 124.64 of the Revised Code, within the county, that the 7000  
director designates. Each municipal civil service commission 7001  
designated as an agent of the director shall render to the 7002  
director, at the end of each month, an itemized statement of the 7003  
cost incurred by the commission for work done as the agent of the 7004  
director, and the director, after approving that statement, shall 7005  
pay the total amount of it to the treasurer of the municipal 7006  
corporation in the same manner as other expenses of the department 7007  
of administrative services. 7008

(F) The director of administrative services and the 7009

examiners, inspectors, clerks, and assistants referred to in this 7010  
section shall receive, in addition to their salaries, 7011  
reimbursement for necessary traveling and other expenses incurred 7012  
in the actual discharge of their official duties. The director may 7013  
also incur the necessary expenses for stationery, printing, and 7014  
other supplies incident to the business of the department. 7015

**Sec. 124.11.** The civil service of the state and the several 7016  
counties, cities, civil service townships, city health districts, 7017  
general health districts, and city school districts of the state 7018  
shall be divided into the unclassified service and the classified 7019  
service. 7020

(A) The unclassified service shall comprise the following 7021  
positions, which shall not be included in the classified service, 7022  
and which shall be exempt from all examinations required by this 7023  
chapter: 7024

(1) All officers elected by popular vote or persons appointed 7025  
to fill vacancies in those offices; 7026

(2) All election officers as defined in section 3501.01 of 7027  
the Revised Code; 7028

(3)(a) The members of all boards and commissions, and heads 7029  
of principal departments, boards, and commissions appointed by the 7030  
governor or by and with the governor's consent; 7031

(b) The heads of all departments appointed by a board of 7032  
county commissioners; 7033

(c) The members of all boards and commissions and all heads 7034  
of departments appointed by the mayor, or, if there is no mayor, 7035  
such other similar chief appointing authority of any city or city 7036  
school district; 7037

Except as otherwise provided in division (A)(17) or (C) of 7038  
this section, this chapter does not exempt the chiefs of police 7039

departments and chiefs of fire departments of cities or civil 7040  
service townships from the competitive classified service. 7041

(4) The members of county or district licensing boards or 7042  
commissions and boards of revision, and not more than five deputy 7043  
county auditors; 7044

(5) All officers and employees elected or appointed by either 7045  
or both branches of the general assembly, and employees of the 7046  
city legislative authority engaged in legislative duties; 7047

(6) All commissioned, warrant, and noncommissioned officers 7048  
and enlisted persons in the Ohio organized militia, including 7049  
military appointees in the adjutant general's department; 7050

(7)(a) All presidents, business managers, administrative 7051  
officers, superintendents, assistant superintendents, principals, 7052  
deans, assistant deans, instructors, teachers, and such employees 7053  
as are engaged in educational or research duties connected with 7054  
the public school system, colleges, and universities, as 7055  
determined by the governing body of the public school system, 7056  
colleges, and universities; 7057

(b) The library staff of any library in the state supported 7058  
wholly or in part at public expense. 7059

(8) Four clerical and administrative support employees for 7060  
each of the elective state officers, four clerical and 7061  
administrative support employees for each board of county 7062  
commissioners and one such employee for each county commissioner, 7063  
and four clerical and administrative support employees for other 7064  
elective officers and each of the principal appointive executive 7065  
officers, boards, or commissions, except for civil service 7066  
commissions, that are authorized to appoint such clerical and 7067  
administrative support employees; 7068

(9) The deputies and assistants of state agencies authorized 7069  
to act for and on behalf of the agency, or holding a fiduciary or 7070

administrative relation to that agency and those persons employed 7071  
by and directly responsible to elected county officials or a 7072  
county administrator and holding a fiduciary or administrative 7073  
relationship to such elected county officials or county 7074  
administrator, and the employees of such county officials whose 7075  
fitness would be impracticable to determine by competitive 7076  
examination, provided that division (A)(9) of this section shall 7077  
not affect those persons in county employment in the classified 7078  
service as of September 19, 1961. Nothing in division (A)(9) of 7079  
this section applies to any position in a county department of job 7080  
and family services created pursuant to Chapter 329. of the 7081  
Revised Code. 7082

(10) Bailiffs, constables, official stenographers, and 7083  
commissioners of courts of record, deputies of clerks of the 7084  
courts of common pleas who supervise or who handle public moneys 7085  
or secured documents, and such officers and employees of courts of 7086  
record and such deputies of clerks of the courts of common pleas 7087  
as the director of administrative services finds it impracticable 7088  
to determine their fitness by competitive examination; 7089

(11) Assistants to the attorney general, special counsel 7090  
appointed or employed by the attorney general, assistants to 7091  
county prosecuting attorneys, and assistants to city directors of 7092  
law; 7093

(12) Such teachers and employees in the agricultural 7094  
experiment stations; such students in normal schools, colleges, 7095  
and universities of the state who are employed by the state or a 7096  
political subdivision of the state in student or intern 7097  
classifications; and such unskilled labor positions as the 7098  
director of administrative services or any municipal civil service 7099  
commission may find it impracticable to include in the competitive 7100  
classified service; provided such exemptions shall be by order of 7101  
the commission or the director, duly entered on the record of the 7102

commission or the director with the reasons for each such 7103  
exemption; 7104

(13) Any physician or dentist who is a full-time employee of 7105  
the department of mental health, the department of mental 7106  
retardation and developmental disabilities, or an institution 7107  
under the jurisdiction of either department; and physicians who 7108  
are in residency programs at the institutions; 7109

(14) Up to twenty positions at each institution under the 7110  
jurisdiction of the department of mental health or the department 7111  
of mental retardation and developmental disabilities that the 7112  
department director determines to be primarily administrative or 7113  
managerial; and up to fifteen positions in any division of either 7114  
department, excluding administrative assistants to the director 7115  
and division chiefs, which are within the immediate staff of a 7116  
division chief and which the director determines to be primarily 7117  
and distinctively administrative and managerial; 7118

(15) Noncitizens of the United States employed by the state, 7119  
or its counties or cities, as physicians or nurses who are duly 7120  
licensed to practice their respective professions under the laws 7121  
of this state, or medical assistants, in mental or chronic disease 7122  
hospitals, or institutions; 7123

(16) Employees of the governor's office; 7124

(17) Fire chiefs and chiefs of police in civil service 7125  
townships appointed by boards of township trustees under section 7126  
505.38 or 505.49 of the Revised Code; 7127

(18) Executive directors, deputy directors, and program 7128  
directors employed by boards of alcohol, drug addiction, and 7129  
mental health services under Chapter 340. of the Revised Code, and 7130  
secretaries of the executive directors, deputy directors, and 7131  
program directors; 7132

(19) Superintendents, and management employees as defined in 7133



section 5126.20 of the Revised Code, of county boards of mental 7134  
retardation and developmental disabilities; 7135

(20) Physicians, nurses, and other employees of a county 7136  
hospital who are appointed pursuant to sections 339.03 and 339.06 7137  
of the Revised Code; 7138

(21) The executive director of the state medical board, who 7139  
is appointed pursuant to division (B) of section 4731.05 of the 7140  
Revised Code; 7141

(22) County directors of job and family services as provided 7142  
in section 329.02 of the Revised Code and administrators appointed 7143  
under section 329.021 of the Revised Code; 7144

(23) A director of economic development who is hired pursuant 7145  
to division (A) of section 307.07 of the Revised Code; 7146

(24) Chiefs of construction and compliance, of operations and 7147  
maintenance, of worker protection, and of licensing and 7148  
certification in the division of ~~industrial compliance~~ labor in 7149  
the department of commerce; 7150

(25) The executive director of a county transit system 7151  
appointed under division (A) of section 306.04 of the Revised 7152  
Code; 7153

(26) Up to five positions at each of the administrative 7154  
departments listed in section 121.02 of the Revised Code and at 7155  
the department of taxation, department of the adjutant general, 7156  
department of education, Ohio board of regents, bureau of workers' 7157  
compensation, industrial commission, state lottery commission, and 7158  
public utilities commission of Ohio that the head of that 7159  
administrative department or of that other state agency determines 7160  
to be involved in policy development and implementation. The head 7161  
of the administrative department or other state agency shall set 7162  
the compensation for employees in these positions at a rate that 7163  
is not less than the minimum compensation specified in pay range 7164

41 but not more than the maximum compensation specified in pay 7165  
range 44 of salary schedule E-2 in section 124.152 of the Revised 7166  
Code. The authority to establish positions in the unclassified 7167  
service under division (A)(26) of this section is in addition to 7168  
and does not limit any other authority that an administrative 7169  
department or state agency has under the Revised Code to establish 7170  
positions, appoint employees, or set compensation. 7171

(27) Employees of the department of agriculture employed 7172  
under section 901.09 of the Revised Code; 7173

(28) For cities, counties, civil service townships, city 7174  
health districts, general health districts, and city school 7175  
districts, the deputies and assistants of elective or principal 7176  
executive officers authorized to act for and in the place of their 7177  
principals or holding a fiduciary relation to their principals; 7178

(29) Employees who receive intermittent or temporary 7179  
appointments under division (B) of section 124.30 of the Revised 7180  
Code; 7181

(30) Employees appointed to administrative staff positions 7182  
for which an appointing authority is given specific statutory 7183  
authority to set compensation; 7184

(31) Employees appointed to highway patrol cadet or highway 7185  
patrol cadet candidate classifications; 7186

(32) Employees placed in the unclassified service by another 7187  
section of the Revised Code. 7188

(B) The classified service shall comprise all persons in the 7189  
employ of the state and the several counties, cities, city health 7190  
districts, general health districts, and city school districts of 7191  
the state, not specifically included in the unclassified service. 7192  
Upon the creation by the board of trustees of a civil service 7193  
township civil service commission, the classified service shall 7194  
also comprise, except as otherwise provided in division (A)(17) or 7195

(C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.

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

(2) The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class for positions in service of the state shall be filled by appointment from lists of applicants registered by the director. Vacancies in the labor class for all other positions shall be filled by appointment from lists of applicants registered by a commission. The director or the commission, as applicable, by rule, shall require an applicant for registration in the labor class to furnish evidence or take tests as the director or commission considers proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity, and experience in the work or employment for which application is made. Laborers who fulfill the

requirements shall be placed on the eligible list for the kind of 7228  
labor or employment sought, and preference shall be given in 7229  
employment in accordance with the rating received from that 7230  
evidence or in those tests. Upon the request of an appointing 7231  
officer, stating the kind of labor needed, the pay and probable 7232  
length of employment, and the number to be employed, the director 7233  
or commission, as applicable, shall certify from the highest on 7234  
the list double the number to be employed; from this number, the 7235  
appointing officer shall appoint the number actually needed for 7236  
the particular work. If more than one applicant receives the same 7237  
rating, priority in time of application shall determine the order 7238  
in which their names shall be certified for appointment. 7239

(C) A municipal or civil service township civil service 7240  
commission may place volunteer firefighters who are paid on a 7241  
fee-for-service basis in either the classified or the unclassified 7242  
civil service. 7243

(D) This division does not apply to persons in the 7244  
unclassified service who have the right to resume positions in the 7245  
classified service under sections 4121.121, 5119.071, 5120.38, 7246  
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 7247  
Code. 7248

An appointing authority whose employees are paid directly by 7249  
warrant of the director of budget and management may appoint a 7250  
person who holds a ~~certified~~ permanent position in the classified 7251  
service within the appointing authority's agency to a position in 7252  
the unclassified service within that agency. A person appointed 7253  
pursuant to this division to a position in the unclassified 7254  
service shall retain the right to resume the position and status 7255  
held by the person in the classified service immediately prior to 7256  
the person's appointment to the position in the unclassified 7257  
service, regardless of the number of positions the person held in 7258  
the unclassified service. An employee's right to resume a position 7259

in the classified service may only be exercised when an appointing 7260  
authority demotes the employee to a pay range lower than the 7261  
employee's current pay range or revokes the employee's appointment 7262  
to the unclassified service. An employee forfeits the right to 7263  
resume a position in the classified service when the employee is 7264  
removed from the position in the unclassified service due to 7265  
incompetence, inefficiency, dishonesty, drunkenness, immoral 7266  
conduct, insubordination, discourteous treatment of the public, 7267  
neglect of duty, violation of this chapter or the rules of the 7268  
director of administrative services, any other failure of good 7269  
behavior, any other acts of misfeasance, malfeasance, or 7270  
nonfeasance in office, or conviction of a felony. An employee also 7271  
forfeits the right to resume a position in the classified service 7272  
upon transfer to a different agency. 7273

Reinstatement to a position in the classified service shall 7274  
be to a position substantially equal to that position in the 7275  
classified service held previously, as certified by the director 7276  
of administrative services. If the position the person previously 7277  
held in the classified service has been placed in the unclassified 7278  
service or is otherwise unavailable, the person shall be appointed 7279  
to a position in the classified service within the appointing 7280  
authority's agency that the director of administrative services 7281  
certifies is comparable in compensation to the position the person 7282  
previously held in the classified service. Service in the position 7283  
in the unclassified service shall be counted as service in the 7284  
position in the classified service held by the person immediately 7285  
prior to the person's appointment to the position in the 7286  
unclassified service. When a person is reinstated to a position in 7287  
the classified service as provided in this division, the person is 7288  
entitled to all rights, status, and benefits accruing to the 7289  
position in the classified service during the person's time of 7290  
service in the position in the unclassified service. 7291

**Sec. 124.134.** (A) Each full-time permanent state employee 7292  
paid in accordance with section 124.152 of the Revised Code and 7293  
those employees listed in divisions (B)(2) and (4) of section 7294  
124.14 of the Revised Code, ~~after service of one year, shall have~~ 7295  
~~earned and will be due upon the attainment of the first year of~~ 7296  
~~employment, and annually thereafter, eighty hours of vacation~~ 7297  
~~leave with full pay. One year of service shall be computed on the~~ 7298  
~~basis of twenty six biweekly pay periods. A full time permanent~~ 7299  
~~state employee with five or more years of service shall have~~ 7300  
~~earned and is entitled to one hundred twenty hours of vacation~~ 7301  
~~leave with full pay. A full time permanent state employee with ten~~ 7302  
~~or more years of service shall have earned and is entitled to one~~ 7303  
~~hundred sixty hours of vacation leave with full pay. A full time~~ 7304  
~~permanent state employee with fifteen or more years of service~~ 7305  
~~shall have earned and is entitled to one hundred eighty hours of~~ 7306  
~~vacation leave with full pay. A full time permanent state employee~~ 7307  
~~with twenty or more years of service shall have earned and is~~ 7308  
~~entitled to two hundred hours of vacation leave with full pay. A~~ 7309  
~~full time permanent state employee with twenty five or more years~~ 7310  
~~of service shall have earned and is entitled to two hundred forty~~ 7311  
~~hours of vacation leave with full pay. Such vacation leave shall~~ 7312  
~~accrue to the employee at the rate of three and one tenth hours~~ 7313  
~~each biweekly period for those entitled to eighty hours per year;~~ 7314  
~~four and six tenths hours each biweekly period for those entitled~~ 7315  
~~to one hundred twenty hours per year; six and two tenths hours~~ 7316  
~~each biweekly period for those entitled to one hundred sixty hours~~ 7317  
~~per year; six and nine tenths hours each biweekly period for those~~ 7318  
~~entitled to one hundred eighty hours per year; seven and~~ 7319  
~~seven tenths hours each biweekly period for those entitled to two~~ 7320  
~~hundred hours per year; and nine and two tenths hours each~~ 7321  
~~biweekly period for those entitled to two hundred forty hours per~~ 7322  
~~year shall be credited with vacation leave with full pay according~~ 7323

to length of service and accruing at a corresponding rate per 7324  
biweekly pay period, as follows: 7325

<u>Length of Service</u>	<u>Accrual Rate Per Pay Period</u>	7326
<u>Less than 4 years</u>	<u>3.1 hours</u>	7327
<u>4 but less than 9 years</u>	<u>4.6 hours</u>	7328
<u>9 but less than 14 years</u>	<u>6.2 hours</u>	7329
<u>14 but less than 19 years</u>	<u>6.9 hours</u>	7330
<u>19 but less than 24 years</u>	<u>7.7 hours</u>	7331
<u>24 years or more</u>	<u>9.2 hours</u>	7332

Fifty-two weeks equal one year of service. 7333

The amount of an employee's service shall be determined in 7334  
accordance with the standard specified in section 9.44 of the 7335  
Revised Code. Credit for prior service, including an increased 7336  
vacation accrual rate and longevity supplement, shall take effect 7337  
during the first pay period that begins immediately following the 7338  
date the director of administrative services approves granting 7339  
credit for that prior service. No employee, other than an employee 7340  
who submits proof of prior service within ninety days after the 7341  
date of the employee's hiring, shall receive any amount of 7342  
vacation leave for the period prior to the date of the director's 7343  
approval of the grant of credit for prior service. 7344

Part-time permanent employees who are paid in accordance with 7345  
section 124.152 of the Revised Code and full-time permanent 7346  
employees subject to this section who are in active pay status for 7347  
less than eighty hours in a pay period shall earn vacation leave 7348  
on a prorated basis. The ratio between the hours worked and the 7349  
vacation hours earned by these classes of employees shall be the 7350  
same as the ratio between the hours worked and the vacation hours 7351  
earned by a full-time permanent employee with the same amount of 7352  
service as provided for in this section. 7353

Vacation leave is not available for use until it appears on 7354  
the employee's earning statement and the compensation described in 7355

the earning statement is available to the employee. An employee 7356  
may begin using accrued vacation leave upon completion of the 7357  
employee's initial probation period. 7358

(B) Employees granted leave under this section shall forfeit 7359  
their right to take or to be paid for any vacation leave to their 7360  
credit which is in excess of the accrual for three years. Any 7361  
excess leave shall be eliminated from the employees' leave 7362  
balance. If an employee's vacation leave credit is at, or will 7363  
reach in the immediately following pay period, the maximum of the 7364  
accrual for three years and the employee has been denied the use 7365  
of vacation leave during the immediately preceding twelve months, 7366  
the employee, at the employee's request, shall be paid in a pay 7367  
period for the vacation leave the employee was denied, up to the 7368  
maximum amount the employee would be entitled to be paid for in 7369  
any pay period. An employee is not entitled to receive payment for 7370  
vacation leave denied in any pay period in which the employee's 7371  
vacation leave credit is not at, or will not reach in the 7372  
immediately following pay period, the maximum of accrual for three 7373  
years. Any vacation leave for which an employee receives payment 7374  
shall be deducted from the employee's vacation leave balance. 7375  
Payment shall not be made for any leave accrued in the same 7376  
calendar year in which the payment is made. 7377

(C) Upon separation from state service, an employee granted 7378  
leave under this section is entitled to compensation at the 7379  
employee's current rate of pay for all unused vacation leave 7380  
accrued under this section or section 124.13 of the Revised Code 7381  
to the employee's credit. In case of transfer of an employee from 7382  
one state agency to another, the employee shall retain the accrued 7383  
and unused vacation leave. In case of the death of an employee, 7384  
the unused vacation leave shall be paid in accordance with section 7385  
2113.04 of the Revised Code, or to the employee's estate. An 7386  
employee serving in a temporary work level who is eligible to 7387



receive compensation under this division shall be compensated at 7388  
the base rate of pay of the employee's normal classification. 7389

**Sec. 124.14.** (A)(1) The director of administrative services 7390  
shall establish, and may modify or rescind, by rule, a job 7391  
classification plan for all positions, offices, and employments 7392  
the salaries of which are paid in whole or in part by the state. 7393  
The director shall group jobs within a classification so that the 7394  
positions are similar enough in duties and responsibilities to be 7395  
described by the same title, to have the same pay assigned with 7396  
equity, and to have the same qualifications for selection applied. 7397  
The director shall, by rule, assign a classification title to each 7398  
classification within the classification plan. However, the 7399  
director shall consider in establishing classifications, including 7400  
classifications with parenthetical titles, and assigning pay 7401  
ranges such factors as duties performed only on one shift, special 7402  
skills in short supply in the labor market, recruitment problems, 7403  
separation rates, comparative salary rates, the amount of training 7404  
required, and other conditions affecting employment. The director 7405  
shall describe the duties and responsibilities of the class, 7406  
establish the qualifications for being employed in each position 7407  
in the class, and file with the secretary of state a copy of 7408  
specifications for all of the classifications. The director shall 7409  
file new, additional, or revised specifications with the secretary 7410  
of state before they are used. 7411

The director shall, by rule, assign each classification, 7412  
either on a statewide basis or in particular counties or state 7413  
institutions, to a pay range established under section 124.15 or 7414  
section 124.152 of the Revised Code. The director may assign a 7415  
classification to a pay range on a temporary basis for a period of 7416  
six months. The director may establish, by rule adopted under 7417  
Chapter 119. of the Revised Code, experimental classification 7418  
plans for some or all employees paid directly by warrant of the 7419

director of budget and management. The rule shall include 7420  
specifications for each classification within the plan and shall 7421  
specifically address compensation ranges, and methods for 7422  
advancing within the ranges, for the classifications, which may be 7423  
assigned to pay ranges other than the pay ranges established under 7424  
section 124.15 or 124.152 of the Revised Code. 7425

(2) The director of administrative services may reassign to a 7426  
proper classification those positions that have been assigned to 7427  
an improper classification. If the compensation of an employee in 7428  
such a reassigned position exceeds the maximum rate of pay for the 7429  
employee's new classification, the employee shall be placed in pay 7430  
step X and shall not receive an increase in compensation until the 7431  
maximum rate of pay for that classification exceeds the employee's 7432  
compensation. 7433

(3) The director may reassign an exempt employee, as defined 7434  
in section 124.152 of the Revised Code, to a bargaining unit 7435  
classification if the director determines that the bargaining unit 7436  
classification is the proper classification for that employee. 7437  
Notwithstanding Chapter 4117. of the Revised Code or instruments 7438  
and contracts negotiated under it, these placements are at the 7439  
director's discretion. 7440

(4) The director shall, by rule, assign related 7441  
classifications, which form a career progression, to a 7442  
classification series. The director shall, by rule, assign each 7443  
classification in the classification plan a five-digit number, the 7444  
first four digits of which shall denote the classification series 7445  
to which the classification is assigned. When a career progression 7446  
encompasses more than ten classifications, the director shall, by 7447  
rule, identify the additional classifications belonging to a 7448  
classification series. The additional classifications shall be 7449  
part of the classification series, notwithstanding the fact that 7450  
the first four digits of the number assigned to the additional 7451

classifications do not correspond to the first four digits of the 7452  
numbers assigned to other classifications in the classification 7453  
series. 7454

(5) The director, ~~in accordance with rules adopted under~~ 7455  
~~Chapter 119. of the Revised Code, shall establish, and may~~ 7456  
establish, modify, or rescind, a classification plan for county 7457  
agencies that elect not to use the services and facilities of a 7458  
county personnel department. The director shall establish any such 7459  
classification plan by means of rules adopted under Chapter 119. 7460  
of the Revised Code. The rules shall include a methodology for the 7461  
establishment of titles unique to county agencies, the use of 7462  
state classification titles and classification specifications for 7463  
common positions, the criteria for a county to meet in 7464  
establishing its own classification plan, and the establishment of 7465  
what constitutes a classification series for county agencies. The 7466  
director may assess a county agency that chooses to use the 7467  
classification plan a usage fee the director determines. All usage 7468  
fees the department of administrative services receives shall be 7469  
paid into the state treasury to the credit of the human resources 7470  
fund created in section 124.07 of the Revised Code. 7471

(B) Division (A) of this section and sections 124.15 and 7472  
124.152 of the Revised Code do not apply to the following persons, 7473  
positions, offices, and employments: 7474

(1) Elected officials; 7475

(2) Legislative employees, employees of the legislative 7476  
service commission, employees in the office of the governor, 7477  
employees who are in the unclassified civil service and exempt 7478  
from collective bargaining coverage in the office of the secretary 7479  
of state, auditor of state, treasurer of state, and attorney 7480  
general, and employees of the supreme court; 7481

(3) Employees of a county children services board that 7482

establishes compensation rates under section 5153.12 of the Revised Code;

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

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

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

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

(2) When the director proposes to reclassify any employee so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The director shall give to the employee affected and to the employee's appointing authority a written notice of the director's determination whether or not to reclassify the position or to reassign the employee to another classification. An employee or appointing authority desiring a

hearing shall file a written request for the hearing with the 7514  
state personnel board of review within thirty days after receiving 7515  
the notice. The board shall set the matter for a hearing and 7516  
notify the employee and appointing authority of the time and place 7517  
of the hearing. The employee, the appointing authority, or any 7518  
authorized representative of the employee who wishes to submit 7519  
facts for the consideration of the board shall be afforded 7520  
reasonable opportunity to do so. After the hearing, the board 7521  
shall consider anew the reclassification and may order the 7522  
reclassification of the employee and require the director to 7523  
assign the employee to such appropriate classification as the 7524  
facts and evidence warrant. As provided in division (A)(1) of 7525  
section 124.03 of the Revised Code, the board may determine the 7526  
most appropriate classification for the position of any employee 7527  
coming before the board, with or without a job audit. The board 7528  
shall disallow any reclassification or reassignment classification 7529  
of any employee when it finds that changes have been made in the 7530  
duties and responsibilities of any particular employee for 7531  
political, religious, or other unjust reasons. 7532

(E)(1) Employees of each county department of job and family 7533  
services shall be paid a salary or wage established by the board 7534  
of county commissioners. The provisions of section 124.18 of the 7535  
Revised Code concerning the standard work week apply to employees 7536  
of county departments of job and family services. A board of 7537  
county commissioners may do either of the following: 7538

(a) Notwithstanding any other section of the Revised Code, 7539  
supplement the sick leave, vacation leave, personal leave, and 7540  
other benefits of any employee of the county department of job and 7541  
family services of that county, if the employee is eligible for 7542  
the supplement under a written policy providing for the 7543  
supplement; 7544

(b) Notwithstanding any other section of the Revised Code, 7545

establish alternative schedules of sick leave, vacation leave, 7546  
personal leave, or other benefits for employees not inconsistent 7547  
with the provisions of a collective bargaining agreement covering 7548  
the affected employees. 7549

(2) Division (E)(1) of this section does not apply to 7550  
employees for whom the state employment relations board 7551  
establishes appropriate bargaining units pursuant to section 7552  
4117.06 of the Revised Code, except in either of the following 7553  
situations: 7554

(a) The employees for whom the state employment relations 7555  
board establishes appropriate bargaining units elect no 7556  
representative in a board-conducted representation election. 7557

(b) After the state employment relations board establishes 7558  
appropriate bargaining units for such employees, all employee 7559  
organizations withdraw from a representation election. 7560

(F)(1) Notwithstanding any contrary provision of sections 7561  
124.01 to 124.64 of the Revised Code, the board of trustees of 7562  
each state university or college, as defined in section 3345.12 of 7563  
the Revised Code, shall carry out all matters of governance 7564  
involving the officers and employees of the university or college, 7565  
including, but not limited to, the powers, duties, and functions 7566  
of the department of administrative services and the director of 7567  
administrative services specified in this chapter. Officers and 7568  
employees of a state university or college shall have the right of 7569  
appeal to the state personnel board of review as provided in this 7570  
chapter. 7571

(2) Each board of trustees shall adopt rules under section 7572  
111.15 of the Revised Code to carry out the matters of governance 7573  
described in division (F)(1) of this section. Until the board of 7574  
trustees adopts those rules, a state university or college shall 7575  
continue to operate pursuant to the applicable rules adopted by 7576

the director of administrative services under this chapter. 7577

(G)(1) Each board of county commissioners may, by a 7578  
resolution adopted by a majority of its members, establish a 7579  
county personnel department to exercise the powers, duties, and 7580  
functions specified in division (G) of this section. As used in 7581  
division (G) of this section, "county personnel department" means 7582  
a county personnel department established by a board of county 7583  
commissioners under division (G)(1) of this section. 7584

(2)(a) Each board of county commissioners, by a resolution 7585  
adopted by a majority of its members, may designate the county 7586  
personnel department of the county to exercise the powers, duties, 7587  
and functions ~~of the department of administrative services and the~~ 7588  
~~director of administrative services~~ specified in sections 124.01 7589  
to 124.64 and Chapter 325. of the Revised Code with regard to 7590  
employees in the service of the county, except for the powers and 7591  
duties of the state personnel board of review, which powers and 7592  
duties shall not be construed as having been modified or 7593  
diminished in any manner by division (G)(2) of this section, with 7594  
respect to the employees for whom the board of county 7595  
commissioners is the appointing authority or co-appointing 7596  
authority. ~~The board of county commissioners shall deliver a~~ 7597  
~~certified copy of the resolution to the director of administrative~~ 7598  
~~services not later than ten working days after the resolution is~~ 7599  
~~adopted, and the director shall inform the board in a writing sent~~ 7600  
~~by certified mail of the date of receipt of the copy of the~~ 7601  
~~resolution.~~ 7602

(b) ~~Upon the director's receipt of the copy of the~~ 7603  
~~resolution, the powers, duties, and functions referred to in~~ 7604  
~~division (G)(2)(a) of this section that may be exercised shall be~~ 7605  
~~vested in and assigned to the county personnel department with~~ 7606  
~~respect to the employees for whom the board of county~~ 7607  
~~commissioners is the appointing authority or co-appointing~~ 7608

authority. 7609

~~(e)~~ Nothing in division (G)(2) of this section shall be 7610  
construed to limit the right of any employee who possesses the 7611  
right of appeal to the state personnel board of review to continue 7612  
to possess that right of appeal. 7613

~~(d)~~(c) Any board of county commissioners that has established 7614  
a county personnel department may contract with the department of 7615  
administrative services, another political subdivision, or an 7616  
appropriate public or private entity to provide competitive 7617  
testing services or other appropriate services. 7618

(3) After the county personnel department of a county has 7619  
~~assumed the powers, duties, and functions of the department of~~ 7620  
~~administrative services and the director of administrative~~ 7621  
~~services~~ been established as described in division (G)(2) of this 7622  
section, any elected official, board, agency, or other appointing 7623  
authority of that county, upon written notification to the 7624  
~~director~~ county personnel department, may elect to use the 7625  
services and facilities of the county personnel department. Upon 7626  
~~the acceptance by the director of that written notification~~ 7627  
receipt of the notification by the county personnel department, 7628  
the county personnel department shall exercise the powers, duties, 7629  
~~and functions of the department of administrative services and the~~ 7630  
~~director~~ as described in division (G)(2) of this section with 7631  
respect to the employees of that elected official, board, agency, 7632  
or other appointing authority. ~~The director shall inform the~~ 7633  
~~elected official, board, agency, or other appointing authority in~~ 7634  
~~a writing sent by certified mail of the date of acceptance of that~~ 7635  
~~written notification. Except for those employees under the~~ 7636  
~~jurisdiction of the county personnel department, the director~~ 7637  
~~shall continue to exercise these powers, duties, and functions~~ 7638  
~~with respect to employees of the county.~~ 7639

~~(4) When at least two years have passed since the creation of~~ 7640



~~a county personnel department, a Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department and return to the department of administrative services for the administration of sections 124.01 to 124.64 and Chapter 325. of the Revised Code. The board shall deliver a certified copy of the resolution to the director of administrative services not later than ten working days after the resolution is adopted, and the director shall inform the board in a writing sent by certified mail of the date of receipt of the copy of the resolution. Upon the director's receipt of the copy of the resolution, all powers, duties, and functions previously vested in and assigned to the county personnel department shall return to the director.~~

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

(6) The director of administrative services may, by rule 7674  
adopted in accordance with Chapter 119. of the Revised Code, ~~shall~~ 7675  
prescribe criteria and procedures for ~~granting to each county~~ 7676  
~~personnel department the powers, duties, and functions of the~~ 7677  
~~department of administrative services and the director as~~ 7678  
~~described in division (G)(2) of this section with respect to the~~ 7679  
~~employees of an elected official, board, agency, or other~~ 7680  
~~appointing authority or co appointing authority. The rules shall~~ 7681  
~~cover the following criteria and procedures:~~ 7682

~~(a) The notification to the department of administrative~~ 7683  
~~services that an elected official, board, agency, or other~~ 7684  
~~appointing authority of a county has elected to use the services~~ 7685  
~~and facilities of the county personnel department; the following:~~ 7686

~~(b)(a)~~ A requirement that each county personnel department, 7687  
in carrying out its duties, adhere to merit system principles with 7688  
regard to employees of county departments of job and family 7689  
services, child support enforcement agencies, and public child 7690  
welfare agencies so that there is no threatened loss of federal 7691  
funding for these agencies, and a requirement that the county be 7692  
financially liable to the state for any loss of federal funds due 7693  
to the action or inaction of the county personnel department. The 7694  
costs associated with audits conducted to monitor compliance with 7695  
division (G)(6)~~(b)(a)~~ of this section shall be ~~borne equally by~~ 7696  
reimbursed to the department of administrative services ~~and the~~ 7697  
county as determined by the director. All money the department 7698  
receives for these audits shall be paid into the state treasury to 7699  
the credit of the human resources fund created in section 124.07 7700  
of the Revised Code. 7701

~~(c) The termination of services and facilities rendered by~~ 7702  
~~the department of administrative services, to include rate~~ 7703  
~~adjustments, time periods for termination, and other related~~ 7704  
~~matters;~~ 7705

~~(d)(b)~~ Authorization for the director of administrative 7706  
services to conduct periodic audits and reviews of county 7707  
personnel departments to guarantee the uniform application of ~~this~~ 7708  
~~granting of the director's powers, duties, and functions exercised~~ 7709  
~~pursuant to division (G)(2)(a) of this section.~~ The costs of the 7710  
audits and reviews shall be ~~borne equally by~~ reimbursed to the 7711  
department of administrative services ~~and~~ as determined by the 7712  
director by the county for which the services are performed. All 7713  
money the department receives shall be paid into the state 7714  
treasury to the credit of the human resources fund created in 7715  
section 124.07 of the Revised Code. 7716

~~(e) The dissemination of audit findings under division 7717  
(G)(6)(d) of this section, any appeals process relating to adverse 7718  
findings by the department, and the methods whereby the county 7719  
personnel program will revert to the authority of the director of 7720  
administrative services due to misuse or nonuniform application of 7721  
the authority granted to the county under division (G)(2) or (3) 7722  
of this section.~~ 7723

(H) The director of administrative services shall establish 7724  
the rate and method of compensation for all employees who are paid 7725  
directly by warrant of the director of budget and management and 7726  
who are serving in positions that the director of administrative 7727  
services has determined impracticable to include in the state job 7728  
classification plan. This division does not apply to elected 7729  
officials, legislative employees, employees of the legislative 7730  
service commission, employees who are in the unclassified civil 7731  
service and exempt from collective bargaining coverage in the 7732  
office of the secretary of state, auditor of state, treasurer of 7733  
state, and attorney general, employees of the courts, employees of 7734  
the bureau of workers' compensation whose compensation the 7735  
administrator of workers' compensation establishes under division 7736  
(B) of section 4121.121 of the Revised Code, or employees of an 7737

appointing authority authorized by law to fix the compensation of 7738  
those employees. 7739

(I) The director shall set the rate of compensation for all 7740  
intermittent, seasonal, temporary, emergency, and casual employees 7741  
in the service of the state who are not considered public 7742  
employees under section 4117.01 of the Revised Code. Those 7743  
employees are not entitled to receive employee benefits. This rate 7744  
of compensation shall be equitable in terms of the rate of 7745  
employees serving in the same or similar classifications. This 7746  
division does not apply to elected officials, legislative 7747  
employees, employees of the legislative service commission, 7748  
employees who are in the unclassified civil service and exempt 7749  
from collective bargaining coverage in the office of the secretary 7750  
of state, auditor of state, treasurer of state, and attorney 7751  
general, employees of the courts, employees of the bureau of 7752  
workers' compensation whose compensation the administrator 7753  
establishes under division (B) of section 4121.121 of the Revised 7754  
Code, or employees of an appointing authority authorized by law to 7755  
fix the compensation of those employees. 7756

**Sec. 124.15.** (A) Board and commission members appointed prior 7757  
to July 1, 1991, shall be paid a salary or wage in accordance with 7758  
the following schedules of rates: 7759

Schedule B 7760

Pay Ranges and Step Values 7761

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	7763
Annually	11897.60	12292.80	12688.00	13124.80	7764
	Step 5	Step 6			7765
Hourly	6.52	6.75			7766
Annually	13561.60	14040.00			7767
	Step 1	Step 2	Step 3	Step 4	7768

24	Hourly	6.00	6.20	6.41	6.63	7769
	Annually	12480.00	12896.00	13332.80	13790.40	7770
		Step 5	Step 6			7771
	Hourly	6.87	7.10			7772
	Annually	14289.60	14768.00			7773
		Step 1	Step 2	Step 3	Step 4	7774
25	Hourly	6.31	6.52	6.75	6.99	7775
	Annually	13124.80	13561.60	14040.00	14539.20	7776
		Step 5	Step 6			7777
	Hourly	7.23	7.41			7778
	Annually	15038.40	15412.80			7779
		Step 1	Step 2	Step 3	Step 4	7780
26	Hourly	6.63	6.87	7.10	7.32	7781
	Annually	13790.40	14289.60	14768.00	15225.60	7782
		Step 5	Step 6			7783
	Hourly	7.53	7.77			7784
	Annually	15662.40	16161.60			7785
		Step 1	Step 2	Step 3	Step 4	7786
27	Hourly	6.99	7.23	7.41	7.64	7787
	Annually	14534.20	15038.40	15412.80	15891.20	7788
		Step 5	Step 6	Step 7		7789
	Hourly	7.88	8.15	8.46		7790
	Annually	16390.40	16952.00	17596.80		7791
		Step 1	Step 2	Step 3	Step 4	7792
28	Hourly	7.41	7.64	7.88	8.15	7793
	Annually	15412.80	15891.20	16390.40	16952.00	7794
		Step 5	Step 6	Step 7		7795
	Hourly	8.46	8.79	9.15		7796
	Annually	17596.80	18283.20	19032.00		7797
		Step 1	Step 2	Step 3	Step 4	7798
29	Hourly	7.88	8.15	8.46	8.79	7799
	Annually	16390.40	16952.00	17596.80	18283.20	7800
		Step 5	Step 6	Step 7		7801

	Hourly	9.15	9.58	10.01		7802
	Annually	19032.00	19926.40	20820.80		7803
		Step 1	Step 2	Step 3	Step 4	7804
30	Hourly	8.46	8.79	9.15	9.58	7805
	Annually	17596.80	18283.20	19032.00	19926.40	7806
		Step 5	Step 6	Step 7		7807
	Hourly	10.01	10.46	10.99		7808
	Annually	20820.80	21756.80	22859.20		7809
		Step 1	Step 2	Step 3	Step 4	7810
31	Hourly	9.15	9.58	10.01	10.46	7811
	Annually	19032.00	19962.40	20820.80	21756.80	7812
		Step 5	Step 6	Step 7		7813
	Hourly	10.99	11.52	12.09		7814
	Annually	22859.20	23961.60	25147.20		7815
		Step 1	Step 2	Step 3	Step 4	7816
32	Hourly	10.01	10.46	10.99	11.52	7817
	Annually	20820.80	21756.80	22859.20	23961.60	7818
		Step 5	Step 6	Step 7	Step 8	7819
	Hourly	12.09	12.68	13.29	13.94	7820
	Annually	25147.20	26374.40	27643.20	28995.20	7821
		Step 1	Step 2	Step 3	Step 4	7822
33	Hourly	10.99	11.52	12.09	12.68	7823
	Annually	22859.20	23961.60	25147.20	26374.40	7824
		Step 5	Step 6	Step 7	Step 8	7825
	Hourly	13.29	13.94	14.63	15.35	7826
	Annually	27643.20	28995.20	30430.40	31928.00	7827
		Step 1	Step 2	Step 3	Step 4	7828
34	Hourly	12.09	12.68	13.29	13.94	7829
	Annually	25147.20	26374.40	27643.20	28995.20	7830
		Step 5	Step 6	Step 7	Step 8	7831
	Hourly	14.63	15.35	16.11	16.91	7832
	Annually	30430.40	31928.00	33508.80	35172.80	7833
		Step 1	Step 2	Step 3	Step 4	7834

35	Hourly	13.29	13.94	14.63	15.35	7835
	Annually	27643.20	28995.20	30430.40	31928.00	7836
		Step 5	Step 6	Step 7	Step 8	7837
	Hourly	16.11	16.91	17.73	18.62	7838
	Annually	33508.80	35172.80	36878.40	38729.60	7839
		Step 1	Step 2	Step 3	Step 4	7840
36	Hourly	14.63	15.35	16.11	16.91	7841
	Annually	30430.40	31928.00	33508.80	35172.80	7842
		Step 5	Step 6	Step 7	Step 8	7843
	Hourly	17.73	18.62	19.54	20.51	7844
	Annually	36878.40	38729.60	40643.20	42660.80	7845

Schedule C 7846

Pay Range and Values 7847

Range	Minimum	Maximum	
41 Hourly	10.44	15.72	7849
Annually	21715.20	32697.60	7850
42 Hourly	11.51	17.35	7851
Annually	23940.80	36088.00	7852
43 Hourly	12.68	19.12	7853
Annually	26374.40	39769.60	7854
44 Hourly	13.99	20.87	7855
Annually	29099.20	43409.60	7856
45 Hourly	15.44	22.80	7857
Annually	32115.20	47424.00	7858
46 Hourly	17.01	24.90	7859
Annually	35380.80	51792.00	7860
47 Hourly	18.75	27.18	7861
Annually	39000.00	56534.40	7862
48 Hourly	20.67	29.69	7863
Annually	42993.60	61755.20	7864
49 Hourly	22.80	32.06	7865
Annually	47424.00	66684.80	7866

(B) The pay schedule of all employees shall be on a biweekly 7867

basis, with amounts computed on an hourly basis. 7868

(C) Part-time employees shall be compensated on an hourly 7869  
basis for time worked, at the rates shown in division (A) of this 7870  
section or in section 124.152 of the Revised Code. 7871

(D) The salary and wage rates in division (A) of this section 7872  
or in section 124.152 of the Revised Code represent base rates of 7873  
compensation and may be augmented by the provisions of section 7874  
124.181 of the Revised Code. In those cases where lodging, meals, 7875  
laundry, or other personal services are furnished an employee in 7876  
the service of the state, the actual costs or fair market value of 7877  
the personal services shall be paid by the employee in such 7878  
amounts and manner as determined by the director of administrative 7879  
services and approved by the director of budget and management, 7880  
and those personal services shall not be considered as a part of 7881  
the employee's compensation. An appointing authority that appoints 7882  
employees in the service of the state, with the approval of the 7883  
director of administrative services and the director of budget and 7884  
management, may establish payments to employees for uniforms, 7885  
tools, equipment, and other requirements of the department and 7886  
payments for the maintenance of them. 7887

The director of administrative services may review collective 7888  
bargaining agreements entered into under Chapter 4117. of the 7889  
Revised Code that cover employees in the service of the state and 7890  
determine whether certain benefits or payments provided to the 7891  
employees covered by those agreements should also be provided to 7892  
employees in the service of the state who are exempt from 7893  
collective bargaining coverage and are paid in accordance with 7894  
section 124.152 of the Revised Code or are listed in division 7895  
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 7896  
the review, the director of administrative services, with the 7897  
approval of the director of budget and management, may provide to 7898  
some or all of these employees any payment or benefit, except for 7899



salary, contained in such a collective bargaining agreement even 7900  
if it is similar to a payment or benefit already provided by law 7901  
to some or all of these employees. Any payment or benefit so 7902  
provided shall not exceed the highest level for that payment or 7903  
benefit specified in such a collective bargaining agreement. The 7904  
director of administrative services shall not provide, and the 7905  
director of budget and management shall not approve, any payment 7906  
or benefit to such an employee under this division unless the 7907  
payment or benefit is provided pursuant to a collective bargaining 7908  
agreement to a state employee who is in a position with similar 7909  
duties as, is supervised by, or is employed by the same appointing 7910  
authority as, the employee to whom the benefit or payment is to be 7911  
provided. 7912

As used in this division, "payment or benefit already 7913  
provided by law" includes, but is not limited to, bereavement, 7914  
personal, vacation, administrative, and sick leave, disability 7915  
benefits, holiday pay, and pay supplements provided under the 7916  
Revised Code, but does not include wages or salary. 7917

(E) New employees paid in accordance with schedule B of 7918  
division (A) of this section or schedule E-1 of section 124.152 of 7919  
the Revised Code shall be employed at the minimum rate established 7920  
for the range unless otherwise provided. Employees with 7921  
qualifications that are beyond the minimum normally required for 7922  
the position and that are determined by the director to be 7923  
exceptional may be employed in, or may be transferred or promoted 7924  
to, a position at an advanced step of the range. Further, in time 7925  
of a serious labor market condition when it is relatively 7926  
impossible to recruit employees at the minimum rate for a 7927  
particular classification, the entrance rate may be set at an 7928  
advanced step in the range by the director of administrative 7929  
services. This rate may be limited to geographical regions of the 7930  
state. Appointments made to an advanced step under the provision 7931

regarding exceptional qualifications shall not affect the step 7932  
assignment of employees already serving. However, anytime the 7933  
hiring rate of an entire classification is advanced to a higher 7934  
step, all incumbents of that classification being paid at a step 7935  
lower than that being used for hiring, shall be advanced beginning 7936  
at the start of the first pay period thereafter to the new hiring 7937  
rate, and any time accrued at the lower step will be used to 7938  
calculate advancement to a succeeding step. If the hiring rate of 7939  
a classification is increased for only a geographical region of 7940  
the state, only incumbents who work in that geographical region 7941  
shall be advanced to a higher step. When an employee in the 7942  
unclassified service changes from one state position to another or 7943  
is appointed to a position in the classified service, or if an 7944  
employee in the classified service is appointed to a position in 7945  
the unclassified service, the employee's salary or wage in the new 7946  
position shall be determined in the same manner as if the employee 7947  
were an employee in the classified service. When an employee in 7948  
the unclassified service who is not eligible for step increases is 7949  
appointed to a classification in the classified service under 7950  
which step increases are provided, future step increases shall be 7951  
based on the date on which the employee last received a pay 7952  
increase. If the employee has not received an increase during the 7953  
previous year, the date of the appointment to the classified 7954  
service shall be used to determine the employee's annual step 7955  
advancement eligibility date. In reassigning any employee to a 7956  
classification resulting in a pay range increase or to a new pay 7957  
range as a result of a promotion, an increase pay range 7958  
adjustment, or other classification change resulting in a pay 7959  
range increase, the director shall assign such employee to the 7960  
step in the new pay range that will provide an increase of 7961  
approximately four per cent if the new pay range can accommodate 7962  
the increase. When an employee is being assigned to a 7963  
classification or new pay range as the result of a class plan 7964

change, if the employee has completed a probationary period, the 7965  
employee shall be placed in a step no lower than step two of the 7966  
new pay range. If the employee has not completed a probationary 7967  
period, the employee may be placed in step one of the new pay 7968  
range. Such new salary or wage shall become effective on such date 7969  
as the director determines. 7970

(F) If employment conditions and the urgency of the work 7971  
require such action, the director of administrative services may, 7972  
upon the application of a department head, authorize payment at 7973  
any rate established within the range for the class of work, for 7974  
work of a casual or intermittent nature or on a project basis. 7975  
Payment at such rates shall not be made to the same individual for 7976  
more than three calendar months in any one calendar year. Any such 7977  
action shall be subject to the approval of the director of budget 7978  
and management as to the availability of funds. This section and 7979  
sections 124.14 and 124.152 of the Revised Code do not repeal any 7980  
authority of any department or public official to contract with or 7981  
fix the compensation of professional persons who may be employed 7982  
temporarily for work of a casual nature or for work on a project 7983  
basis. 7984

(G)(1) Except as provided in ~~division~~ divisions (G)(2) and 7985  
(3) of this section, each state employee paid in accordance with 7986  
schedule B of this section or schedule E-1 of section 124.152 of 7987  
the Revised Code shall be eligible for advancement to succeeding 7988  
steps in the range for the employee's class or grade according to 7989  
the schedule established in this division. Beginning on the first 7990  
day of the pay period within which the employee completes the 7991  
prescribed probationary period in the employee's classification 7992  
with the state, each employee shall receive an automatic salary 7993  
adjustment equivalent to the next higher step within the pay range 7994  
for the employee's class or grade. 7995

~~Each~~ Except as provided in divisions (G)(2) and (3) of this 7996

section, each employee paid in accordance with schedule E-1 of 7997  
section 124.152 of the Revised Code shall be eligible to advance 7998  
to the next higher step until the employee reaches the top step in 7999  
the range for the employee's class or grade, if the employee has 8000  
maintained satisfactory performance in accordance with criteria 8001  
established by the employee's appointing authority. Those step 8002  
advancements shall not occur more frequently than once in any 8003  
twelve-month period. 8004

~~When an employee is promoted or reassigned to a higher pay~~ 8005  
~~range, the employee's step indicator shall return to "0" or be~~ 8006  
~~adjusted to account for a probationary period, as appropriate.~~ 8007  
When an employee is promoted, the step entry date shall be set to 8008  
account for a probationary period. When an employee is reassigned 8009  
to a higher pay range, the step entry date shall be set to allow 8010  
an employee who is not at the highest step of the range to receive 8011  
a step advancement one year from the reassignment date. Step 8012  
advancement shall not be affected by demotion. A promoted employee 8013  
shall advance to the next higher step of the pay range on the 8014  
first day of the pay period in which the required probationary 8015  
period is completed. Step advancement shall become effective at 8016  
the beginning of the pay period within which the employee attains 8017  
the necessary length of service. Time spent on authorized leave of 8018  
absence shall be counted for this purpose. 8019

If determined to be in the best interest of the state 8020  
service, the director of administrative services may, either 8021  
statewide or in selected agencies, adjust the dates on which 8022  
annual step advancements are received by employees paid in 8023  
accordance with schedule E-1 of section 124.152 of the Revised 8024  
Code. 8025

~~(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of~~ 8026  
~~this section, there~~ There shall be a moratorium on annual step 8027  
advancements under division (G)(1) of this section ~~from the pay~~ 8028

~~period beginning June 29, 2003~~ June 21, 2009, through ~~the pay~~ 8029  
~~period ending June 25, 2005~~ June 20, 2011. Step advancements shall 8030  
resume with the pay period beginning ~~June 26, 2005~~ June 21, 2011. 8031  
Upon the resumption of step advancements, there shall be no 8032  
retroactive step advancements for the period the moratorium was in 8033  
effect. The moratorium shall not affect an employee's performance 8034  
evaluation schedule. 8035

~~(ii) During the moratorium under division (G)(2)(a)(i) of~~ 8036  
~~this section, an employee who is hired or promoted and serves a~~ 8037  
~~probationary period in the employee's new position shall advance~~ 8038  
~~to the next step in the employee's pay range upon successful~~ 8039  
~~completion of the employee's probationary period. Thereafter, the~~ 8040  
~~employee is subject to the moratorium. An employee who begins a~~ 8041  
probationary period before June 21, 2009, shall advance to the 8042  
next step in the employee's pay range at the end of probation, and 8043  
then become subject to the moratorium. An employee who is hired, 8044  
promoted, or reassigned to a higher pay range between June 21, 8045  
2009, through June 20, 2011, shall not advance to the next step in 8046  
the employee's pay range until the next anniversary of the 8047  
employee's date of hire, promotion, or reassignment that occurs on 8048  
or after June 21, 2011. 8049

(b) The moratorium under division (G)(2)(a)~~(i)~~ of this 8050  
section shall apply to the employees of the secretary of state, 8051  
the auditor of state, the treasurer of state, and the attorney 8052  
general, who are subject to this section unless the secretary of 8053  
state, the auditor of state, the treasurer of state, or the 8054  
attorney general decides to exempt the office's employees from the 8055  
moratorium and so notifies the director of administrative services 8056  
in writing on or before ~~July 1, 2003~~ July 1, 2009. 8057

(3) Employees in intermittent positions shall be employed at 8058  
the minimum rate established for the pay range for their 8059  
classification and are not eligible for step advancements. 8060

(H) Employees in appointive managerial or professional 8061  
positions paid in accordance with schedule C of this section or 8062  
schedule E-2 of section 124.152 of the Revised Code may be 8063  
appointed at any rate within the appropriate pay range. This rate 8064  
of pay may be adjusted higher or lower within the respective pay 8065  
range at any time the appointing authority so desires as long as 8066  
the adjustment is based on the employee's ability to successfully 8067  
administer those duties assigned to the employee. Salary 8068  
adjustments shall not be made more frequently than once in any 8069  
six-month period under this provision to incumbents holding the 8070  
same position and classification. 8071

(I) When an employee is assigned to duty outside this state, 8072  
the employee may be compensated, upon request of the department 8073  
head and with the approval of the director of administrative 8074  
services, at a rate not to exceed fifty per cent in excess of the 8075  
employee's current base rate for the period of time spent on that 8076  
duty. 8077

(J) Unless compensation for members of a board or commission 8078  
is otherwise specifically provided by law, the director of 8079  
administrative services shall establish the rate and method of 8080  
payment for members of boards and commissions pursuant to the pay 8081  
schedules listed in section 124.152 of the Revised Code. 8082

(K) Regular full-time employees in positions assigned to 8083  
classes within the instruction and education administration series 8084  
under the rules of the director of administrative services, except 8085  
certificated employees on the instructional staff of the state 8086  
school for the blind or the state school for the deaf, whose 8087  
positions are scheduled to work on the basis of an academic year 8088  
rather than a full calendar year, shall be paid according to the 8089  
pay range assigned by such rules but only during those pay periods 8090  
included in the academic year of the school where the employee is 8091  
located. 8092

(1) Part-time or substitute teachers or those whose period of employment is other than the full academic year shall be compensated for the actual time worked at the rate established by this section.

(2) Employees governed by this division are exempt from sections 124.13 and 124.19 of the Revised Code.

(3) Length of service for the purpose of determining eligibility for step advancements as provided by division (G) of this section and for the purpose of determining eligibility for longevity pay supplements as provided by division (E) of section 124.181 of the Revised Code shall be computed on the basis of one full year of service for the completion of each academic year.

(L) The superintendent of the state school for the deaf and the superintendent of the state school for the blind shall, subject to the approval of the superintendent of public instruction, carry out both of the following:

(1) Annually, between the first day of April and the last day of June, establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of that superintendent's respective school constructed as follows:

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year

that begins on the ensuing first day of July, teacher salary 8124  
schedules with the highest minimum salaries for a teacher with a 8125  
bachelor's degree and no experience; 8126

(c) Divide the sum of such six highest minimum salaries by 8127  
ten thousand five hundred sixty; 8128

(d) Multiply each per cent determined in division (L)(1)(a) 8129  
of this section by the quotient obtained in division (L)(1)(c) of 8130  
this section; 8131

(e) One hundred five per cent of each product thus obtained 8132  
shall be the hourly rate for the corresponding level of training, 8133  
experience, or other professional qualification in the schedule 8134  
for the ensuing fiscal year. 8135

(2) Annually, assign each certificated employee on the 8136  
instructional staff of the superintendent's respective school to 8137  
an hourly rate on the schedule that is commensurate with the 8138  
employee's training, experience, and other professional 8139  
qualifications. 8140

If an employee is employed on the basis of an academic year, 8141  
the employee's annual salary shall be calculated by multiplying 8142  
the employee's assigned hourly rate times one thousand seven 8143  
hundred sixty. If an employee is not employed on the basis of an 8144  
academic year, the employee's annual salary shall be calculated in 8145  
accordance with the following formula: 8146

(a) Multiply the number of days the employee is required to 8147  
work pursuant to the employee's contract by eight; 8148

(b) Multiply the product of division (L)(2)(a) of this 8149  
section by the employee's assigned hourly rate. 8150

Each employee shall be paid an annual salary in biweekly 8151  
installments. The amount of each installment shall be calculated 8152  
by dividing the employee's annual salary by the number of biweekly 8153



installments to be paid during the year. 8154

Sections 124.13 and 124.19 of the Revised Code do not apply 8155  
to an employee who is paid under this division. 8156

As used in this division, "academic year" means the number of 8157  
days in each school year that the schools are required to be open 8158  
for instruction with pupils in attendance. Upon completing an 8159  
academic year, an employee paid under this division shall be 8160  
deemed to have completed one year of service. An employee paid 8161  
under this division is eligible to receive a pay supplement under 8162  
division (L)(1), (2), or (3) of section 124.181 of the Revised 8163  
Code for which the employee qualifies, but is not eligible to 8164  
receive a pay supplement under division (L)(4) or (5) of that 8165  
section. An employee paid under this division is eligible to 8166  
receive a pay supplement under division (L)(6) of section 124.181 8167  
of the Revised Code for which the employee qualifies, except that 8168  
the supplement is not limited to a maximum of five per cent of the 8169  
employee's regular base salary in a calendar year. 8170

(M) Division (A) of this section does not apply to "exempt 8171  
employees," as defined in section 124.152 of the Revised Code, who 8172  
are paid under that section. 8173

Notwithstanding any other provisions of this chapter, when an 8174  
employee transfers between bargaining units or transfers out of or 8175  
into a bargaining unit, the director of administrative services 8176  
shall establish the employee's compensation and adjust the maximum 8177  
leave accrual schedule as the director deems equitable. 8178

**Sec. 124.152.** (A)(1) Except as provided in divisions (A)(2) 8179  
and (3) of this section, each exempt employee shall be paid a 8180  
salary or wage in accordance with schedule E-1 or schedule E-2 of 8181  
division (B), ~~(C), or (D)~~ of this section, ~~as applicable.~~ 8182

(2) Each exempt employee who holds a position in the 8183

unclassified civil service pursuant to division (A)(26) or (30) of 8184  
section 124.11 of the Revised Code may be paid a salary or wage in 8185  
accordance with schedule E-1, schedule E-1 for step seven only, or 8186  
schedule E-2 of division (B), or (C), ~~(D), (E), (F), or (G)~~ of 8187  
this section, as applicable. 8188

(3)(a) Except as provided in division (A)(3)(b) of this 8189  
section, each exempt employee who was paid a salary or wage at 8190  
step 7 in the employee's pay range on June 28, 2003, in accordance 8191  
with the applicable schedule E-1 of former section 124.152 of the 8192  
Revised Code and who continued to be so paid on June 29, 2003, 8193  
shall be paid a salary or wage in the corresponding pay range in 8194  
schedule E-1 for step seven only of division ~~(E), (F), or (G)~~ (C) 8195  
of this section, ~~as applicable~~, for as long as the employee 8196  
remains in the position the employee held as of July 1, 2003. 8197

(b) Except as provided in division (A)(3)(c) of this section, 8198  
if an exempt employee who is being paid a salary or wage in 8199  
accordance with schedule E-1 for step seven only of division ~~(E),~~ 8200  
~~(F), or (G)~~ (C) of this section, ~~as applicable~~, moves to another 8201  
position, the employee shall not receive a salary or wage for that 8202  
position or any other position in the future in accordance with 8203  
that schedule. 8204

(c) If an exempt employee who is being paid a salary or wage 8205  
in accordance with schedule E-1 for step seven only of division 8206  
~~(E), (F), or (G)~~ (C) of this section, ~~as applicable~~, moves to 8207  
another position assigned to pay range 12 or above, the appointing 8208  
authority may assign the employee to be paid a salary or wage in 8209  
the appropriate pay range for that position in accordance with the 8210  
~~applicable~~ schedule E-1 for step seven only of division (C) of 8211  
this section, provided that the appointing authority so notifies 8212  
the director of administrative services in writing at the time the 8213  
employee is appointed to that position. 8214

~~(B) Beginning on the first day of the pay period that~~ 8215

~~includes July 1, 2006, each exempt employee who must be paid in~~ 8216  
~~accordance with schedule E-1 or schedule E-2 of this section shall~~ 8217  
~~be paid a salary or wage in accordance with the following schedule~~ 8218  
~~of rates:~~ 8219

~~Schedule E-1~~ 8220

~~Pay Ranges and Step Values~~ 8221

		<del>Step</del>	<del>Step</del>	<del>Step</del>	<del>Step</del>	<del>Step</del>	<del>Step</del>	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			8224
	Annually	19552	20426	21299	22214			8225
2	Hourly	11.40	11.88	12.40	12.94			8226
	Annually	23712	24710	25792	26915			8227
3	Hourly	11.94	12.48	13.03	13.60			8228
	Annually	24835	25958	27102	28288			8229
4	Hourly	12.54	13.10	13.72	14.34			8230
	Annually	26083	27248	28538	29827			8231
5	Hourly	13.15	13.75	14.34	14.97			8232
	Annually	27352	28600	29827	31138			8233
6	Hourly	13.86	14.43	15.07	15.69			8234
	Annually	28829	30014	31346	32635			8235
7	Hourly	14.72	15.27	15.88	16.44	17.08		8236
	Annually	30618	31762	33030	34195	35526		8237
8	Hourly	15.56	16.24	16.95	17.71	18.46		8238
	Annually	32365	33779	35256	36837	38397		8239
9	Hourly	16.60	17.46	18.32	19.23	20.21		8240
	Annually	34528	36317	38106	39998	42037		8241
10	Hourly	17.91	18.89	19.90	21.05	22.18		8242
	Annually	37253	39291	41392	43784	46134		8243
11	Hourly	19.50	20.64	21.84	23.06	24.38		8244
	Annually	40560	42931	45427	47965	50710		8245
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	8246
	Annually	44741	47258	49795	52562	55494	58510	8247

13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	8248
	Annually	49317	52021	54891	57824	61069	64397	8249
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	8250
	Annually	54246	57304	60382	63690	67288	71032	8251
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	8252
	Annually	59571	62920	66477	70138	74027	78104	8253
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	8254
	Annually	65686	69326	73154	77251	81515	86174	8255
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	8256
	Annually	72384	76378	80662	85114	89856	94869	8257
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	8258
	Annually	79768	84178	88920	93808	99008	104541	8259
Schedule E-2								8260
	Range			Minimum			Maximum	8261
41	Hourly			16.23			34.77	8262
	Annually			33758			72322	8263
42	Hourly			17.89			38.41	8264
	Annually			37211			79893	8265
43	Hourly			19.70			42.30	8266
	Annually			40976			87984	8267
44	Hourly			21.73			46.21	8268
	Annually			45198			96117	8269
45	Hourly			24.01			50.44	8270
	Annually			49941			104915	8271
46	Hourly			26.43			55.13	8272
	Annually			54974			114670	8273
47	Hourly			29.14			60.16	8274
	Annually			60611			125133	8275
48	Hourly			32.14			65.65	8276
	Annually			66851			136552	8277
49	Hourly			35.44			70.89	8278
	Annually			73715			147451	8279
(C) Beginning on the first day of the pay period that								8280

~~includes July 1, 2007, each exempt employee who must be paid in~~ 8281  
~~accordance with schedule E-1 or schedule E-2 of this section shall~~ 8282  
~~be paid a salary or wage in accordance with the following schedule~~ 8283  
~~of rates:~~ 8284

~~Schedule E-1~~ 8285

~~Pay Ranges and Step Values~~ 8286

		<del>Step</del>	<del>Step</del>	<del>Step</del>	<del>Step</del>	<del>Step</del>	<del>Step</del>	
	Range	1	2	3	4	5	6	
1	Hourly	9.73	10.16	10.60	11.05			8289
	Annually	20238	21133	22048	22984			8290
2	Hourly	11.80	12.30	12.83	13.39			8291
	Annually	24544	25584	26686	27851			8292
3	Hourly	12.36	12.92	13.49	14.08			8293
	Annually	25709	26874	28059	29286			8294
4	Hourly	12.98	13.56	14.20	14.84			8295
	Annually	26998	28205	29536	30867			8296
5	Hourly	13.61	14.23	14.84	15.49			8297
	Annually	28309	29598	30867	32219			8298
6	Hourly	14.35	14.94	15.60	16.24			8299
	Annually	29848	31075	32448	33779			8300
7	Hourly	15.24	15.80	16.44	17.02	17.68		8301
	Annually	31699	32864	34195	35402	36774		8302
8	Hourly	16.10	16.81	17.54	18.33	19.11		8303
	Annually	33488	34965	36483	38126	39749		8304
9	Hourly	17.18	18.07	18.96	19.90	20.92		8305
	Annually	35734	37586	39437	41392	43514		8306
10	Hourly	18.54	19.55	20.60	21.79	22.96		8307
	Annually	38563	40664	42848	45323	47757		8308
11	Hourly	20.18	21.36	22.60	23.87	25.23		8309
	Annually	41974	44429	47008	49650	52478		8310
12	Hourly	22.26	23.52	24.78	26.15	27.61	29.11	8311
	Annually	46301	48922	51542	54392	57429	60549	8312

13	Hourly	24.54	25.89	27.31	28.77	30.39	32.04	8313
	Annually	51043	53851	56805	59842	63211	66643	8314
14	Hourly	26.99	28.51	30.05	31.69	33.48	35.35	8315
	Annually	56139	59301	62504	65915	69638	73528	8316
15	Hourly	29.64	31.31	33.08	34.90	36.84	38.86	8317
	Annually	61651	65125	68806	72592	76627	80829	8318
16	Hourly	32.69	34.50	36.40	38.44	40.56	42.88	8319
	Annually	67995	71760	75712	79955	84365	89190	8320
17	Hourly	36.02	38.01	40.14	42.35	44.71	47.21	8321
	Annually	74922	79061	83491	88088	92997	98197	8322
18	Hourly	39.69	41.89	44.25	46.68	49.27	52.02	8323
	Annually	82555	87131	92040	97094	102482	108202	8324
	Schedule E-2							8325
	Range			Minimum			Maximum	8326
41	Hourly			16.23			35.99	8327
	Annually			33758			74859	8328
42	Hourly			17.89			39.75	8329
	Annually			37211			82680	8330
43	Hourly			19.70			43.78	8331
	Annually			40976			91062	8332
44	Hourly			21.73			47.83	8333
	Annually			45198			99486	8334
45	Hourly			24.01			52.21	8335
	Annually			49941			108597	8336
46	Hourly			26.43			57.06	8337
	Annually			54974			118685	8338
47	Hourly			29.14			62.27	8339
	Annually			60611			129522	8340
48	Hourly			32.14			67.95	8341
	Annually			66851			141336	8342
49	Hourly			35.44			73.37	8343
	Annually			73715			152610	8344

(D) Beginning on the first day of the pay period that 8345

includes July 1, 2008, each exempt employee who must be paid in 8346  
accordance with schedule E-1 or schedule E-2 of this section shall 8347  
be paid a salary or wage in accordance with the following schedule 8348  
of rates: 8349

Schedule E-1 8350

Pay Ranges and Step Values 8351

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	10.07	10.52	10.97	11.44			8352
	Annually	20946	21882	22818	23795			8353
2	Hourly	12.21	12.73	13.28	13.86			8354
	Annually	25397	26478	27622	28829			8355
3	Hourly	12.79	13.37	13.96	14.57			8356
	Annually	26603	27810	29037	30306			8357
4	Hourly	13.43	14.03	14.70	15.36			8358
	Annually	27934	29182	30576	31949			8359
5	Hourly	14.09	14.73	15.36	16.03			8360
	Annually	29307	30638	31949	33342			8361
6	Hourly	14.85	15.46	16.15	16.81			8362
	Annually	30888	32157	33592	34965			8363
7	Hourly	15.77	16.35	17.02	17.62	18.30		8364
	Annually	32802	34008	35402	36650	38064		8365
8	Hourly	16.66	17.40	18.15	18.97	19.78		8366
	Annually	34653	36192	37752	39458	41142		8367
9	Hourly	17.78	18.70	19.62	20.60	21.65		8368
	Annually	36982	38896	40810	42848	45032		8369
10	Hourly	19.19	20.23	21.32	22.55	23.76		8370
	Annually	39915	42078	44346	46904	49421		8371
11	Hourly	20.89	22.11	23.39	24.71	26.11		8372
	Annually	43451	45989	48651	51397	54309		8373
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	8374
	Annually	47923	50627	53352	56306	59446	62670	8375





~~includes July 1, 2006, each exempt employee who must be paid in 8411  
accordance with schedule E-1 for step seven only shall be paid a 8412  
salary or wage in accordance with the following schedule of rates: 8413~~

~~Schedule E-1 for Step Seven Only 8414~~

~~Pay Ranges and Step Seven Values 8415~~

~~Range 8416~~

~~12 Hourly 29.68 8417~~

~~Annually 61734 8418~~

~~13 Hourly 32.66 8419~~

~~Annually 67933 8420~~

~~14 Hourly 36.01 8421~~

~~Annually 74901 8422~~

~~15 Hourly 39.61 8423~~

~~Annually 82389 8424~~

~~16 Hourly 43.70 8425~~

~~Annually 90896 8426~~

~~17 Hourly 48.13 8427~~

~~Annually 100110 8428~~

~~18 Hourly 53.02 8429~~

~~Annually 110282 8430~~

~~(F) Beginning on the first day of the pay period that 8431~~

~~includes July 1, 2007, each exempt employee who must be paid in 8432~~

~~accordance with schedule E-1 for step seven only shall be paid a 8433~~

~~salary or wage in accordance with the following schedule of rates: 8434~~

~~Schedule E-1 for Step Seven Only 8435~~

~~Pay Ranges and Step Values 8436~~

~~Range 8437~~

~~12 Hourly 30.72 8438~~

~~Annually 63898 8439~~

~~13 Hourly 33.80 8440~~

~~Annually 70304 8441~~

~~14 Hourly 37.27 8442~~

	<del>Annually</del>	<del>77522</del>	8443
15	Hourly	41.00	8444
	<del>Annually</del>	<del>85280</del>	8445
16	Hourly	45.23	8446
	<del>Annually</del>	<del>94078</del>	8447
17	Hourly	49.81	8448
	<del>Annually</del>	<del>103605</del>	8449
18	Hourly	54.88	8450
	<del>Annually</del>	<del>114150</del>	8451

~~(G)~~(C) Beginning on the first day of the pay period that 8452  
includes July 1, 2008, each exempt employee who must be paid in 8453  
accordance with salary schedule E-1 for step seven only shall be 8454  
paid a salary or wage in accordance with the following schedule of 8455  
rates: 8456

Schedule E-1 for Step Seven Only 8457

Pay Ranges and Step Values 8458

	Range		8459
12	Hourly	31.80	8460
	Annually	66144	8461
13	Hourly	34.98	8462
	Annually	72758	8463
14	Hourly	38.57	8464
	Annually	80226	8465
15	Hourly	42.44	8466
	Annually	88275	8467
16	Hourly	46.81	8468
	Annually	97365	8469
17	Hourly	51.55	8470
	Annually	107224	8471
18	Hourly	56.80	8472
	Annually	118144	8473

~~(H)~~(D) As used in this section, "exempt employee" means a 8474

permanent full-time or permanent part-time employee paid directly 8475  
by warrant of the director of budget and management whose position 8476  
is included in the job classification plan established under 8477  
division (A) of section 124.14 of the Revised Code but who is not 8478  
considered a public employee for the purposes of Chapter 4117. of 8479  
the Revised Code. As used in this section, "exempt employee" also 8480  
includes a permanent full-time or permanent part-time employee of 8481  
the secretary of state, auditor of state, treasurer of state, or 8482  
attorney general who has not been placed in an appropriate 8483  
bargaining unit by the state employment relations board. 8484

**Sec. 124.18.** (A) Forty hours shall be the standard work week 8485  
for all employees whose salary or wage is paid in whole or in part 8486  
by the state or by any state-supported college or university. When 8487  
any employee whose salary or wage is paid in whole or in part by 8488  
the state or by any state-supported college or university is 8489  
required by an authorized administrative authority to be in an 8490  
active pay status more than forty hours in any calendar week, the 8491  
employee shall be compensated for such time over forty hours, 8492  
except as otherwise provided in this section, at one and one-half 8493  
times the employee's regular rate of pay. The use of sick leave or 8494  
any leave used in lieu of sick leave shall not be considered to be 8495  
active pay status for the purposes of earning overtime or 8496  
compensatory time by employees whose wages are paid directly by 8497  
warrant of the director of budget and management. A flexible-hours 8498  
employee is not entitled to compensation for overtime work unless 8499  
the employee's authorized administrative authority required the 8500  
employee to be in active pay status for more than forty hours in a 8501  
calendar week, regardless of the number of hours the employee 8502  
works on any day in the same calendar week. 8503

Such compensation for overtime work shall be paid no later 8504  
than at the conclusion of the next succeeding pay period. 8505

If the employee elects to take compensatory time off in lieu of overtime pay for any overtime worked, such compensatory time shall be granted by the employee's administrative superior, on a time and one-half basis, at a time mutually convenient to the employee and the administrative superior. Compensatory time is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.

An employee may accrue compensatory time to a maximum of two hundred forty hours, except that public safety employees and other employees who meet the criteria established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, may accrue a maximum of four hundred eighty hours of compensatory time. An employee shall be paid at the employee's regular rate of pay for any hours of compensatory time accrued in excess of these maximum amounts if the employee has not used the compensatory time within ~~one~~ three hundred ~~eighty~~ sixty-five days after it is granted, if the employee transfers to another agency of the state, or if a change in the employee's status exempts the employee from the payment of overtime compensation. Upon the termination of employment, any employee with accrued but unused compensatory time shall be paid for that time at a rate that is the greater of the employee's final regular rate of pay or the employee's average regular rate of pay during the employee's last three years of employment with the state.

No overtime, as described in this section, can be paid unless it has been authorized by the authorized administrative authority. Employees may be exempted from the payment of compensation as required by this section only under the criteria for exemption from the payment of overtime compensation established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. With the approval of the director

of administrative services, the appointing authority may establish 8538  
a policy to grant compensatory time or to pay compensation to 8539  
state employees who are exempt from overtime compensation. With 8540  
the approval of the board of county commissioners, a county human 8541  
services department may establish a policy to grant compensatory 8542  
time or to pay compensation to employees of the department who are 8543  
exempt from overtime compensation. 8544

(B)(1) An employee, whose salary or wage is paid in whole or 8545  
in part by the state, shall be paid for the holidays declared in 8546  
section 124.19 of the Revised Code and shall not be required to 8547  
work on those holidays, unless, in the opinion of the employee's 8548  
responsible administrative authority, failure to work on those 8549  
holidays would impair the public service. ~~An~~ 8550

(2) An employee paid directly by warrant of the director of 8551  
budget and management who is scheduled to work on a holiday the 8552  
first day of January, the commemoration of memorial day, the 8553  
fourth day of July, the fourth Thursday in November, or the 8554  
twenty-fifth day of December and who does not report to work the 8555  
day before, the day of, or the day after the holiday due to an 8556  
illness of the employee or of a member of the employee's immediate 8557  
family shall not receive holiday pay as provided by this division, 8558  
unless the employee can provide documentation of extenuating 8559  
circumstances that prohibited the employee from so reporting to 8560  
work. ~~An~~ If the employee works a shift between the employee's 8561  
scheduled shift and the holiday, the employee shall be paid for 8562  
the holiday. 8563

(3) An employee also shall not be paid for a holiday unless 8564  
the employee was in active pay status on the scheduled work day 8565  
immediately preceding the holiday, except that an employee need 8566  
not be in active pay status on that work day in order to be paid 8567  
for the holiday if the employee is participating in a mandatory or 8568  
voluntary cost savings day under section 124.392 of the Revised 8569

Code. 8570

~~(2)~~(4) If any of the holidays declared in section 124.19 of 8571  
the Revised Code falls on Saturday, the Friday immediately 8572  
preceding shall be observed as the holiday. If any of the holidays 8573  
declared in section 124.19 of the Revised Code falls on Sunday, 8574  
the Monday immediately succeeding shall be observed as the 8575  
holiday. Employees whose work schedules are based on the 8576  
requirements of a seven-days-a-week work operation shall observe 8577  
holidays on the actual days specified in section 124.19 of the 8578  
Revised Code. 8579

~~(3)~~(5) If an employee's work schedule is other than Monday 8580  
through Friday, the employee shall be entitled to eight hours of 8581  
holiday pay for holidays observed on the employee's day off 8582  
regardless of the day of the week on which they are observed. 8583

~~(4)~~(6) A full-time permanent employee is entitled to a 8584  
minimum of eight hours of pay for each holiday regardless of the 8585  
employee's work shift and work schedule. A flexible-hours 8586  
employee, who is normally scheduled to work in excess of eight 8587  
hours on a day on which a holiday falls, either shall be required 8588  
to work an alternate schedule for that week or shall receive 8589  
additional holiday pay for the hours the employee is normally 8590  
scheduled to work. Such an alternate schedule may require a 8591  
flexible-hours employee to work five shifts consisting of eight 8592  
hours each during the week including the holiday, and, in that 8593  
case, the employee shall receive eight hours of holiday pay for 8594  
the day the holiday is observed. 8595

~~(5) Part-time (7) Except as provided under section 124.392 of 8596  
the Revised Code, part-time permanent employees shall receive four 8597  
hours of holiday pay on a pro-rated basis, based upon the daily 8598  
average of actual hours worked, excluding overtime hours worked, 8599  
in the previous calendar quarter. The figure shall be calculated 8600  
for the preceding calendar quarter on the first day of January, 8601~~

~~April, July, and October of each year~~ regardless of the employee's 8602  
work shift and work schedule. 8603

~~(6)~~(8) When an employee who is eligible for overtime pay 8604  
under this section is required by the employee's responsible 8605  
administrative authority to work on the day observed as a holiday, 8606  
the employee shall be entitled to pay for such time worked at one 8607  
and one-half times the employee's regular rate of pay in addition 8608  
to the employee's regular pay, or to be granted compensatory time 8609  
off at time and one-half thereafter, at the employee's option. 8610  
Payment at such rate shall be excluded in the calculation of hours 8611  
in active pay status. 8612

(C) Each appointing authority may designate the number of 8613  
employees in an agency who are flexible-hours employees. The 8614  
appointing authority may establish for each flexible-hours 8615  
employee a specified minimum number of hours to be worked each day 8616  
that is consistent with the "Federal Fair Labor Standards Act of 8617  
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 8618

(D) This section shall be uniformly administered for 8619  
employees as defined in section 124.01 of the Revised Code and by 8620  
the personnel departments of state-supported colleges and 8621  
universities for employees of state-supported colleges and 8622  
universities. If employees are not paid directly by warrant of the 8623  
director of budget and management, the political subdivision shall 8624  
determine whether the use of sick leave shall be considered to be 8625  
active pay status for purposes of those employees earning overtime 8626  
or compensatory time. 8627

(E) Policies relating to the payment of overtime pay or the 8628  
granting of compensatory time off shall be adopted by the chief 8629  
administrative officer of the house of representatives for 8630  
employees of the house of representatives, by the clerk of the 8631  
senate for employees of the senate, and by the director of the 8632  
legislative service commission for all other legislative 8633

employees. 8634

(F) As used in this section, "regular rate of pay" means the 8635  
base rate of pay an employee receives plus any pay supplements 8636  
received pursuant to section 124.181 of the Revised Code. 8637

**Sec. 124.181.** (A) Except as provided in ~~division~~ divisions 8638  
(M) and (P) of this section, any employee paid in accordance with 8639  
schedule B of section 124.15 or schedule E-1 or schedule E-1 for 8640  
step seven only of section 124.152 of the Revised Code is eligible 8641  
for the pay supplements provided in this section upon application 8642  
by the appointing authority substantiating the employee's 8643  
qualifications for the supplement and with the approval of the 8644  
director of administrative services except as provided in division 8645  
(E) of this section. 8646

(B)(1) Except as provided in section 124.183 of the Revised 8647  
Code, in computing any of the pay supplements provided in this 8648  
section for an employee paid in accordance with schedule B of 8649  
section 124.15 of the Revised Code, the classification salary base 8650  
shall be the minimum hourly rate of the pay range, provided in 8651  
that section, in which the employee is assigned at the time of 8652  
computation. 8653

(2) Except as provided in section 124.183 of the Revised 8654  
Code, in computing any of the pay supplements provided in this 8655  
section for an employee paid in accordance with schedule E-1 of 8656  
section 124.152 of the Revised Code, the classification salary 8657  
base shall be the minimum hourly rate of the pay range, provided 8658  
in that section, in which the employee is assigned at the time of 8659  
computation. 8660

(3) Except as provided in section 124.183 of the Revised 8661  
Code, in computing any of the pay supplements provided in this 8662  
section for an employee paid in accordance with schedule E-1 for 8663  
step seven only of section 124.152 of the Revised Code, the 8664



classification salary base shall be the minimum hourly rate in the 8665  
corresponding pay range, provided in schedule E-1 of that section, 8666  
to which the employee is assigned at the time of the computation. 8667

(C) The effective date of any pay supplement, except as 8668  
provided in section 124.183 of the Revised Code or unless 8669  
otherwise provided in this section, shall be determined by the 8670  
director. 8671

(D) The director shall, by rule, establish standards 8672  
regarding the administration of this section. 8673

(E)(1) Except as otherwise provided in this division, 8674  
beginning on the first day of the pay period within which the 8675  
employee completes five years of total service with the state 8676  
government or any of its political subdivisions, each employee in 8677  
positions paid in accordance with schedule B of section 124.15 of 8678  
the Revised Code or in accordance with schedule E-1 or schedule 8679  
E-1 for step seven only of section 124.152 of the Revised Code 8680  
shall receive an automatic salary adjustment equivalent to two and 8681  
one-half per cent of the classification salary base, to the 8682  
nearest whole cent. Each employee shall receive thereafter an 8683  
annual adjustment equivalent to one-half of one per cent of the 8684  
employee's classification salary base, to the nearest whole cent, 8685  
for each additional year of qualified employment until a maximum 8686  
of ten per cent of the employee's classification salary base is 8687  
reached. The granting of longevity adjustments shall not be 8688  
affected by promotion, demotion, or other changes in 8689  
classification held by the employee, nor by any change in pay 8690  
range for the employee's class or grade. Longevity pay adjustments 8691  
shall become effective at the beginning of the pay period within 8692  
which the employee completes the necessary length of service, 8693  
except that when an employee requests credit for prior service, 8694  
the effective date of the prior service credit and of any 8695  
longevity adjustment shall be the first day of the pay period 8696

following approval of the credit by the director of administrative 8697  
services. No employee, other than an employee who submits proof of 8698  
prior service within ninety days after the date of the employee's 8699  
hiring, shall receive any longevity adjustment for the period 8700  
prior to the director's approval of a prior service credit. Time 8701  
spent on authorized leave of absence shall be counted for this 8702  
purpose. 8703

(2) An employee who has retired in accordance with the 8704  
provisions of any retirement system offered by the state and who 8705  
is employed by the state or any political subdivision of the state 8706  
on or after June 24, 1987, shall not have prior service with the 8707  
state or any political subdivision of the state counted for the 8708  
purpose of determining the amount of the salary adjustment 8709  
provided under this division. 8710

(3) There shall be a moratorium on employees' receipt under 8711  
this division of credit for service with the state government or 8712  
any of its political subdivisions during the period from July 1, 8713  
2003, through June 30, 2005. In calculating the number of years of 8714  
total service under this division, no credit shall be included for 8715  
service during the moratorium. The moratorium shall apply to the 8716  
employees of the secretary of state, the auditor of state, the 8717  
treasurer of state, and the attorney general, who are subject to 8718  
this section unless the secretary of state, the auditor of state, 8719  
the treasurer of state, or the attorney general decides to exempt 8720  
the office's employees from the moratorium and so notifies the 8721  
director of administrative services in writing on or before July 8722  
1, 2003. 8723

If an employee is exempt from the moratorium, receives credit 8724  
for a period of service during the moratorium, and takes a 8725  
position with another entity in the state government or any of its 8726  
political subdivisions, either during or after the moratorium, and 8727  
if that entity's employees are or were subject to the moratorium, 8728

the employee shall continue to retain the credit. However, if the moratorium is in effect upon the taking of the new position, the employee shall cease receiving additional credit as long as the employee is in the position, until the moratorium expires.

(F) When an exceptional condition exists that creates a temporary or a permanent hazard for one or more positions in a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code, a special hazard salary adjustment may be granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into standard conditions of: some unusual hazard not common to the class; considerable unusual hazard not common to the class; and exceptional hazard not common to the class.

(1) A hazardous salary adjustment of five per cent of the employee's classification salary base may be applied in the case of some unusual hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the unusual hazard condition.

(2) A hazardous salary adjustment of seven and one-half per cent of the employee's classification salary base may be applied in the case of some considerable hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the considerable hazard condition.

(3) A hazardous salary adjustment of ten per cent of the employee's classification salary base may be applied in the case of some exceptional hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, when

the employee was subject to the exceptional hazard condition. 8761

(4) Each claim for temporary hazard pay shall be submitted as 8762  
a separate payment and shall be subject to an administrative audit 8763  
by the director as to the extent and duration of the employee's 8764  
exposure to the hazardous condition. 8765

(G) When a full-time employee whose salary or wage is paid 8766  
directly by warrant of the director of budget and management and 8767  
who also is eligible for overtime under the "Fair Labor Standards 8768  
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 8769  
ordered by the appointing authority to report back to work after 8770  
termination of the employee's regular work schedule and the 8771  
employee reports, the employee shall be paid for such time. The 8772  
employee shall be entitled to four hours at the employee's total 8773  
rate of pay or overtime compensation for the actual hours worked, 8774  
whichever is greater. This division does not apply to work that is 8775  
a continuation of or immediately preceding an employee's regular 8776  
work schedule. 8777

(H) When a certain position or positions paid in accordance 8778  
with schedule B of section 124.15 of the Revised Code or in 8779  
accordance with schedule E-1 or schedule E-1 for step seven only 8780  
of section 124.152 of the Revised Code require the ability to 8781  
speak or write a language other than English, a special pay 8782  
supplement may be granted to attract bilingual individuals, to 8783  
encourage present employees to become proficient in other 8784  
languages, or to retain qualified bilingual employees. The 8785  
bilingual pay supplement provided in this division may be granted 8786  
in the amount of five per cent of the employee's classification 8787  
salary base for each required foreign language and shall remain in 8788  
effect as long as the bilingual requirement exists. 8789

(I) The director of administrative services may establish a 8790  
shift differential for employees. The differential shall be paid 8791  
to employees in positions working in other than the regular or 8792

first shift. In those divisions or agencies where only one shift 8793  
prevails, no shift differential shall be paid regardless of the 8794  
hours of the day that are worked. The director and the appointing 8795  
authority shall designate which positions shall be covered by this 8796  
division. 8797

(J) Whenever an employee is assigned to work in a higher 8798  
level position for a continuous period of more than two weeks but 8799  
no more than two years because of a vacancy, the employee's pay 8800  
may be established at a rate that is approximately four per cent 8801  
above the employee's current base rate for the period the employee 8802  
occupies the position, provided that this temporary occupancy is 8803  
approved by the director. Employees paid under this division shall 8804  
continue to receive any of the pay supplements due them under 8805  
other divisions of this section based on the step one base rate 8806  
for their normal classification. 8807

(K) If a certain position, or positions, within a class paid 8808  
in accordance with schedule B of section 124.15 of the Revised 8809  
Code or in accordance with schedule E-1 or schedule E-1 for step 8810  
seven only of section 124.152 of the Revised Code are mandated by 8811  
state or federal law or regulation or other regulatory agency or 8812  
other certification authority to have special technical 8813  
certification, registration, or licensing to perform the functions 8814  
which are under the mandate, a special professional achievement 8815  
pay supplement may be granted. This special professional 8816  
achievement pay supplement shall not be granted when all 8817  
incumbents in all positions in a class require a license as 8818  
provided in the classification description published by the 8819  
department of administrative services; to licensees where no 8820  
special or extensive training is required; when certification is 8821  
granted upon completion of a stipulated term of in-service 8822  
training; when an appointing authority has required certification; 8823  
or any other condition prescribed by the director. 8824

(1) Before this supplement may be applied, evidence as to the 8825  
requirement must be provided by the agency for each position 8826  
involved, and certification must be received from the director as 8827  
to the director's concurrence for each of the positions so 8828  
affected. 8829

(2) The professional achievement pay supplement provided in 8830  
this division shall be granted in an amount up to ten per cent of 8831  
the employee's classification salary base and shall remain in 8832  
effect as long as the mandate exists. 8833

(L) Those employees assigned to teaching supervisory, 8834  
principal, assistant principal, or superintendent positions who 8835  
have attained a higher educational level than a basic bachelor's 8836  
degree may receive an educational pay supplement to remain in 8837  
effect as long as the employee's assignment and classification 8838  
remain the same. 8839

(1) An educational pay supplement of two and one-half per 8840  
cent of the employee's classification salary base may be applied 8841  
upon the achievement of a bachelor's degree plus twenty quarter 8842  
hours of postgraduate work. 8843

(2) An educational pay supplement of an additional five per 8844  
cent of the employee's classification salary base may be applied 8845  
upon achievement of a master's degree. 8846

(3) An educational pay supplement of an additional two and 8847  
one-half per cent of the employee's classification salary base may 8848  
be applied upon achievement of a master's degree plus thirty 8849  
quarter hours of postgraduate work. 8850

(4) An educational pay supplement of five per cent of the 8851  
employee's classification salary base may be applied when the 8852  
employee is performing as a master teacher. 8853

(5) An educational pay supplement of five per cent of the 8854  
employee's classification salary base may be applied when the 8855

employee is performing as a special education teacher. 8856

(6) Those employees in teaching supervisory, principal, 8857  
assistant principal, or superintendent positions who are 8858  
responsible for specific extracurricular activity programs shall 8859  
receive overtime pay for those hours worked in excess of their 8860  
normal schedule, at their straight time hourly rate up to a 8861  
maximum of five per cent of their regular base salary in any 8862  
calendar year. 8863

(M)(1) A state agency, board, or commission may establish a 8864  
supplementary compensation schedule for those licensed physicians 8865  
employed by the agency, board, or commission in positions 8866  
requiring a licensed physician. The supplementary compensation 8867  
schedule, together with the compensation otherwise authorized by 8868  
this chapter, shall provide for the total compensation for these 8869  
employees to range appropriately, but not necessarily uniformly, 8870  
for each classification title requiring a licensed physician, in 8871  
accordance with a schedule approved by the state controlling 8872  
board. The individual salary levels recommended for each such 8873  
physician employed shall be approved by the director. 8874  
Notwithstanding section 124.11 of the Revised Code, such personnel 8875  
are in the unclassified civil service. 8876

(2) The director of administrative services may approve 8877  
supplementary compensation for the director of health, if the 8878  
director is a licensed physician, in accordance with a 8879  
supplementary compensation schedule approved under division (M)(1) 8880  
of this section or in accordance with another supplementary 8881  
compensation schedule the director of administrative services 8882  
considers appropriate. The supplementary compensation shall not 8883  
exceed twenty per cent of the director of health's base rate of 8884  
pay. 8885

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 8886  
117.42, and 131.02 of the Revised Code, the state shall not 8887

institute any civil action to recover and shall not seek 8888  
reimbursement for overpayments made in violation of division (E) 8889  
of this section or division (C) of section 9.44 of the Revised 8890  
Code for the period starting after June 24, 1987, and ending on 8891  
October 31, 1993. 8892

(O) Employees of the office of the treasurer of state who are 8893  
exempt from collective bargaining coverage may be granted a merit 8894  
pay supplement of up to one and one-half per cent of their step 8895  
rate. The rate at which this supplement is granted shall be based 8896  
on performance standards established by the treasurer of state. 8897  
Any supplements granted under this division shall be administered 8898  
on an annual basis. 8899

(P) Intermittent employees appointed under section 124.30 of 8900  
the Revised Code are not eligible for the pay supplements provided 8901  
by this section. 8902

**Sec. 124.183.** (A) As used in this section, "active payroll" 8903  
means ~~when an employee is actively working; on military, workers'~~ 8904  
~~compensation, occupational injury, or disability leave; or on an~~ 8905  
approved leave of absence conditions under which an employee is in 8906  
active pay status or eligible to receive pay for an approved leave 8907  
of absence including, but not limited to, occupational injury 8908  
leave, disability leave, or workers' compensation. 8909

(B)~~(1) Each permanent employee paid in accordance with~~ 8910  
~~schedule E-1 of section 124.152 of the Revised Code who was~~ 8911  
~~appointed on or before March 6, 2003, and remains continuously on~~ 8912  
~~the active payroll through November 14, 2004, shall receive a~~ 8913  
~~one-time pay supplement. The supplement shall be a two per cent~~ 8914  
~~lump-sum payment that is based on the annualization of the top~~ 8915  
~~step of the pay range in schedule E-1 that the employee is in on~~ 8916  
~~November 14, 2004.~~ 8917

~~(2) Each permanent employee paid in accordance with schedule~~ 8918



~~E-1 for step seven only of section 124.152 of the Revised Code who  
was appointed on or before March 6, 2003, and remains continuously  
on the active payroll through November 14, 2004, shall receive a  
one-time pay supplement. The supplement shall be a two per cent  
lump sum payment that is based on the annualization of step 6 of  
the pay range in schedule E-1 of section 124.152 of the Revised  
Code that corresponds with the pay range in schedule E-1 for step  
seven only that the employee is in on November 14, 2004.~~

~~(3) Each permanent employee paid under schedule E-2 of  
section 124.152 of the Revised Code who was appointed on or before  
March 6, 2003, and remains continuously on the active payroll  
through November 14, 2004, shall receive a one-time pay  
supplement. The supplement shall be a two per cent lump sum  
payment that is based upon the annualization of the maximum hourly  
rate of the pay range in schedule E-2 that the employee is in on  
November 14, 2004.~~

~~(C) Each permanent employee who is exempt from collective  
bargaining, is not covered by division (B) of this section, was  
appointed on or before March 6, 2003, and remains continuously on  
the active payroll through November 14, 2004, shall receive a  
one-time pay supplement. The supplement shall be a two per cent  
lump sum payment that is based upon the annualization of the base  
rate of the employee's pay on November 14, 2004.~~

~~(D) A part-time employee who is eligible to receive a  
one-time pay supplement under division (B) or (C) of this section  
shall have the employee's one-time pay supplement pro-rated based  
on the number of hours worked in the twenty-six pay periods prior  
to November 14, 2004.~~

~~An employee who is eligible to receive a one-time pay  
supplement under division (B) or (C) of this section and was on a  
voluntary leave of absence shall have the employee's one-time pay  
supplement pro-rated based on the number of hours worked in the~~

~~twenty six pay periods prior to November 14, 2004.~~ 8951

~~(E) A one time pay supplement under this section shall be~~ 8952

~~paid in the employee's first paycheck in December of 2004.~~ 8953

~~(F) This section applies only to employees who are eligible~~ 8954

~~to receive personal leave under section 124.386 of the Revised~~ 8955

~~Code.~~ 8956

~~(C)(1) Employees who are in active payroll status on July 30,~~ 8957

~~2011, shall receive a one-time pay supplement in the earnings~~ 8958

~~statements they receive on August 26, 2011. Full-time employees~~ 8959

~~shall receive a one-time pay supplement equivalent to thirty-two~~ 8960

~~hours of personal leave or a one-time pay supplement equivalent to~~ 8961

~~half the hours of personal leave the employee lost during the~~ 8962

~~moratorium under division (A) of section 124.386 of the Revised~~ 8963

~~Code, whichever is less. Part-time employees shall receive a~~ 8964

~~one-time pay supplement equivalent to sixteen hours of personal~~ 8965

~~leave.~~ 8966

~~(2) Employees who are not in active payroll status on July~~ 8967

~~30, 2011, due to military leave or an absence taken under the~~ 8968

~~federal Family and Medical Leave Act are eligible to receive the~~ 8969

~~one-time pay supplement.~~ 8970

~~(D) Notwithstanding any provision of law to the contrary, a~~ 8971

~~one-time pay supplement under this section shall not be subject to~~ 8972

~~withholding for deposit into any state retirement system.~~ 8973

~~Notwithstanding any provision of law to the contrary, a one-time~~ 8974

~~pay supplement under this section shall not be used for~~ 8975

~~calculation purposes in determining an employee's retirement~~ 8976

~~benefits in any state retirement system.~~ 8977

~~(G)(1) This section does not apply to employees of the~~ 8978

~~general assembly, legislative agencies, or the supreme court.~~ 8979

~~(2)(E) This section does not apply to employees of the~~ 8980

~~secretary of state, the auditor of state, the treasurer of state,~~ 8981

or the attorney general unless the secretary of state, the auditor 8982  
of state, the treasurer of state, or the attorney general ~~decides~~ 8983  
~~that the office's employees should be eligible for the one-time~~ 8984  
~~pay supplement and so notifies~~ participated in the moratorium 8985  
under division (H) of section 124.386 of the Revised Code and 8986  
notified the director of administrative services in writing on or 8987  
before ~~July 1, 2004~~ July 1, 2009, of the decision to participate 8988  
in the one-time pay supplement. 8989

**Sec. 124.22.** Rules establishing educational requirements as a 8990  
condition of taking a civil service examination shall only be 8991  
adopted with respect to positions for which educational 8992  
requirements are expressly imposed by a section of the Revised 8993  
Code or federal requirements or for which the director determines 8994  
that the educational requirements are job-related. An applicant 8995  
for a civil service examination must be a United States citizen or 8996  
~~have legally declared the intention of becoming a United States~~ 8997  
~~citizen~~ a valid permanent resident card. 8998

**Sec. 124.23.** (A) All applicants for positions and places in 8999  
the classified service shall be subject to examination, except for 9000  
applicants for positions as professional or certified service and 9001  
paraprofessional employees of county boards of mental retardation 9002  
and developmental disabilities, who shall be hired in the manner 9003  
provided in section 124.241 of the Revised Code. 9004

(B) Any examination administered under this section shall be 9005  
public and be open to all citizens of the United States and those 9006  
persons who have legally declared their intentions of becoming 9007  
United States citizens, ~~within certain limitations to be~~ 9008  
~~determined by.~~ For examinations administered for positions in the 9009  
service of the state, the director of administrative services may 9010  
determine certain limitations as to citizenship, age, experience, 9011  
education, health, habit, and moral character. ~~Any~~ 9012

(C) Any person who has completed service in the uniformed 9013  
services, who has been honorably discharged from the uniformed 9014  
services or transferred to the reserve with evidence of 9015  
satisfactory service, and who is a resident of this state and any 9016  
member of the national guard or a reserve component of the armed 9017  
forces of the United States who has completed more than one 9018  
hundred eighty days of active duty service pursuant to an 9019  
executive order of the president of the United States or an act of 9020  
the congress of the United States may file with the director a 9021  
certificate of service or honorable discharge, and, upon this 9022  
filing, the person shall receive additional credit of twenty per 9023  
cent of the person's total grade given in the regular examination 9024  
in which the person receives a passing grade. 9025

As used in this division, "service in the uniformed services" 9026  
and "uniformed services" have the same meanings as in the 9027  
"Uniformed Services Employment and Reemployment Rights Act of 9028  
1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 9029

~~(C)~~(D) An examination may include an evaluation of such 9030  
factors as education, training, capacity, knowledge, manual 9031  
dexterity, and physical or psychological fitness. An examination 9032  
shall consist of one or more tests in any combination. Tests may 9033  
be written, oral, physical, demonstration of skill, or an 9034  
evaluation of training and experiences and shall be designed to 9035  
fairly test the relative capacity of the persons examined to 9036  
discharge the particular duties of the position for which 9037  
appointment is sought. Tests may include structured interviews, 9038  
assessment centers, work simulations, examinations of knowledge, 9039  
skills, and abilities, and any other acceptable testing methods. 9040  
If minimum or maximum requirements are established for any 9041  
examination, they shall be specified in the examination 9042  
announcement. 9043

~~(D)~~(E) The director of administrative services shall have 9044

control of all examinations administered for positions in the 9045  
service of the state and all other examinations the director 9046  
administers as provided in section 124.07 of the Revised Code, 9047  
except as otherwise provided in sections 124.01 to 124.64 of the 9048  
Revised Code. ~~No~~ 9049

(F) No questions in any examination shall relate to political 9050  
or religious opinions or affiliations. No credit for seniority, 9051  
efficiency, or any other reason shall be added to an applicant's 9052  
examination grade unless the applicant achieves at least the 9053  
minimum passing grade on the examination without counting that 9054  
extra credit. 9055

~~(E)~~(G) Except as otherwise provided in sections 124.01 to 9056  
124.64 of the Revised Code, the director of administrative 9057  
services shall give reasonable notice of the time, place, and 9058  
general scope of every competitive examination for appointment ~~to~~ 9059  
~~a position in the civil service~~ that the director administers for 9060  
positions in the service of the state. The director shall send 9061  
written, printed, or electronic notices of every examination to be 9062  
conducted for positions in the ~~state~~ classified civil service of 9063  
the state to each agency of the type the director of job and 9064  
family services specifies and, in the case of a county in which no 9065  
such agency is located, to the clerk of the court of common pleas 9066  
of that county and to the clerk of each city located within that 9067  
county. Those notices shall be posted in conspicuous public places 9068  
in the designated agencies or the courthouse, and city hall of the 9069  
cities, of the counties in which no designated agency is located 9070  
for at least two weeks preceding any examination involved, and in 9071  
a conspicuous place in the office of the director of 9072  
administrative services for at least two weeks preceding any 9073  
examination involved. In case of examinations limited by the 9074  
director to a district, county, city, or department, the director 9075  
shall provide by rule for adequate publicity of an examination in 9076

the district, county, city, or department within which competition 9077  
is permitted. 9078

**Sec. 124.27.** (A) The head of a department, office, or 9079  
institution, in which a position in the classified service is to 9080  
be filled, shall notify the director of administrative services of 9081  
the fact, and the director shall, except as otherwise provided in 9082  
this section and sections 124.30 and 124.31 of the Revised Code, 9083  
certify to the appointing authority the names and addresses of the 9084  
ten candidates standing highest on the eligible list for the class 9085  
or grade to which the position belongs, except that the director 9086  
may certify less than ten names if ten names are not available. 9087  
When less than ten names are certified to an appointing authority, 9088  
appointment from that list shall not be mandatory. When a position 9089  
in the classified service in the department of mental health or 9090  
the department of mental retardation and developmental 9091  
disabilities is to be filled, the director of administrative 9092  
services shall make such certification to the appointing authority 9093  
within seven working days of the date the eligible list is 9094  
requested. 9095

(B) The appointing authority shall notify the director of a 9096  
position in the classified service to be filled, and the 9097  
appointing authority shall fill the vacant position by appointment 9098  
of one of the ten persons certified by the director. If more than 9099  
one position is to be filled, the director may certify a group of 9100  
names from the eligible list, and the appointing authority shall 9101  
appoint in the following manner: beginning at the top of the list, 9102  
each time a selection is made, it must be from one of the first 9103  
ten candidates remaining on the list who is willing to accept 9104  
consideration for the position. If an eligible list becomes 9105  
exhausted, and until a new list can be created, or when no 9106  
eligible list for a position exists, names may be certified from 9107  
eligible lists most appropriate for the group or class in which 9108

the position to be filled is classified. A person who is certified 9109  
from an eligible list more than three times to the same appointing 9110  
authority for the same or similar positions may be omitted from 9111  
future certification to that appointing authority, provided that 9112  
certification for a temporary appointment shall not be counted as 9113  
one of those certifications. Every person who qualifies for 9114  
veteran's preference under section 124.23 of the Revised Code, who 9115  
is a resident of this state, and whose name is on the eligible 9116  
list for a position shall be entitled to preference in original 9117  
appointments to any such competitive position in the civil service 9118  
of the state and its civil divisions over all other persons 9119  
eligible for those appointments and standing on the relevant 9120  
eligible list with a rating equal to that of the person qualifying 9121  
for veteran's preference. Appointments to all positions in the 9122  
classified service, that are not filled by promotion, transfer, or 9123  
reduction, as provided in sections 124.01 to 124.64 of the Revised 9124  
Code and the rules of the director prescribed under those 9125  
sections, shall be made only from those persons whose names are 9126  
certified to the appointing authority, and no employment, except 9127  
as provided in those sections, shall be otherwise given in the 9128  
classified service of this state or any political subdivision of 9129  
the state. 9130

(C) All original and promotional appointments, including 9131  
appointments made pursuant to section 124.30 of the Revised Code, 9132  
but not intermittent appointments, shall be for a probationary 9133  
period, not less than sixty days nor more than one year, to be 9134  
fixed by the rules of the director, except as provided in section 9135  
124.231 of the Revised Code, and except for original appointments 9136  
to a police department as a police officer or to a fire department 9137  
as a firefighter which shall be for a probationary period of one 9138  
year. No appointment or promotion is final until the appointee has 9139  
satisfactorily served the probationary period. If the service of 9140  
the probationary employee is unsatisfactory, the employee may be 9141

removed or reduced at any time during the probationary period. If 9142  
the appointing authority decides to remove a probationary employee 9143  
in the service of the state, the appointing authority shall 9144  
communicate to the director the reason for that decision. A 9145  
probationary employee duly removed or reduced in position for 9146  
unsatisfactory service does not have the right to appeal the 9147  
removal or reduction under section 124.34 of the Revised Code. 9148

**Sec. 124.321.** (A) Whenever it becomes necessary for an 9149  
appointing authority to reduce its work force, the appointing 9150  
authority shall lay off employees or abolish their positions in 9151  
accordance with sections 124.321 to 124.327 of the Revised Code 9152  
and. If the affected work force is in the service of the state, 9153  
the reduction shall also be in compliance with the rules of the 9154  
director of administrative services. 9155

(B)(1) Employees may be laid off as a result of a lack of 9156  
funds within an appointing authority. For appointing authorities 9157  
that employ persons whose salary or wage is paid by warrant of the 9158  
director of budget and management, the director of budget and 9159  
management shall be responsible for determining, consistent with 9160  
the rules adopted under division (B)(3) of this section, whether a 9161  
lack of funds exists. For appointing authorities that employ 9162  
persons whose salary or wage is paid other than by warrant of the 9163  
director of budget and management, the appointing authority itself 9164  
shall determine whether a lack of funds exists ~~and shall file a~~ 9165  
~~statement of rationale and supporting documentation with the~~ 9166  
~~director of administrative services prior to sending the layoff~~ 9167  
~~notice.~~ 9168

(2) As used in this division, a "lack of funds" means an 9169  
appointing authority has a current or projected deficiency of 9170  
funding to maintain current, or to sustain projected, levels of 9171  
staffing and operations. This section does not require any 9172



transfer of money between funds in order to offset a deficiency or 9173  
projected deficiency of funding for programs funded by the federal 9174  
government, special revenue accounts, or proprietary accounts. 9175  
Whenever a program receives funding through a grant or similar 9176  
mechanism, a lack of funds shall be presumed for the positions 9177  
assigned to and the employees who work under the grant or similar 9178  
mechanism if, for any reason, the funding is reduced or withdrawn. 9179

9180

(3) The director of budget and management shall adopt rules, 9181  
under Chapter 119. of the Revised Code, for agencies whose 9182  
employees are paid by warrant of the director of budget and 9183  
management, for determining whether a lack of funds exists. 9184

(C)(1) Employees may be laid off as a result of lack of work 9185  
within an appointing authority. For appointing authorities whose 9186  
employees are paid by warrant of the director of budget and 9187  
management, the director of administrative services shall 9188  
determine, consistent with the rules adopted under division (F) of 9189  
this section, whether a lack of work exists. All other appointing 9190  
authorities shall themselves determine whether a lack of work 9191  
exists ~~and shall file a statement of rationale and supporting~~ 9192  
~~documentation with the director of administrative services prior~~ 9193  
~~to sending the layoff notice.~~ 9194

(2) As used in this division, a "lack of work" means an 9195  
appointing authority has a current or projected decrease in 9196  
workload that requires a reduction of current or projected 9197  
staffing levels in its organization or structure. The 9198  
determination of a lack of work shall indicate the current or 9199  
projected decrease in workload and whether the current or 9200  
projected staffing levels of the appointing authority will be 9201  
excessive. 9202

(D)(1) Employees may be laid off as a result of abolishment 9203  
of positions. As used in this division, "abolishment" means the 9204

deletion of a position or positions from the organization or 9205  
structure of an appointing authority. 9206

For purposes of this division, an appointing authority may 9207  
abolish positions for any one or any combination of the following 9208  
reasons: as a result of a reorganization for the efficient 9209  
operation of the appointing authority, for reasons of economy, or 9210  
for lack of work. 9211

(2)(a) Reasons of economy permitting an appointing authority 9212  
to abolish a position and to lay off the holder of that position 9213  
under this division shall be determined at the time the appointing 9214  
authority proposes to abolish the position. The reasons of economy 9215  
shall be based on the appointing authority's estimated amount of 9216  
savings with respect to salary, benefits, and other matters 9217  
associated with the abolishment of the position, except that the 9218  
reasons of economy associated with the position's abolishment 9219  
instead may be based on the appointing authority's estimated 9220  
amount of savings with respect to salary and benefits only, if: 9221

(i) Either the appointing authority's operating appropriation 9222  
has been reduced by an executive or legislative action, or the 9223  
appointing authority has a current or projected deficiency in 9224  
funding to maintain current or projected levels of staffing and 9225  
operations; and 9226

(ii) In the case of a position in the service of the state, 9227  
it files a notice of the position's abolishment with the director 9228  
of administrative services within one year of the occurrence of 9229  
the applicable circumstance described in division (D)(2)(a)(i) of 9230  
this section. 9231

(b) The following principles apply when a circumstance 9232  
described in division (D)(2)(a)(i) of this section would serve to 9233  
authorize an appointing authority to abolish a position and to lay 9234  
off the holder of the position under this division based on the 9235

appointing authority's estimated amount of savings with respect to 9236  
salary and benefits only: 9237

(i) The position's abolishment shall be done in good faith 9238  
and not as a subterfuge for discipline. 9239

(ii) If a circumstance affects a specific program only, the 9240  
appointing authority only may abolish a position within that 9241  
program. 9242

(iii) If a circumstance does not affect a specific program 9243  
only, the appointing authority may identify a position that it 9244  
considers appropriate for abolishment based on the reasons of 9245  
economy. 9246

(3) Each appointing authority shall determine itself whether 9247  
any position should be abolished. An appointing authority 9248  
abolishing any position in the service of the state shall file a 9249  
statement of rationale and supporting documentation with the 9250  
director of administrative services prior to sending the notice of 9251  
abolishment. 9252

If an abolishment results in a reduction of the work force, 9253  
the appointing authority shall follow the procedures for laying 9254  
off employees, subject to the following modifications: 9255

(a) The employee whose position has been abolished shall have 9256  
the right to fill an available vacancy within the employee's 9257  
classification. 9258

(b) If the employee whose position has been abolished has 9259  
more retention points than any other employee serving in the same 9260  
classification, the employee with the fewest retention points 9261  
shall be displaced. 9262

(c) If the employee whose position has been abolished has the 9263  
fewest retention points in the classification, the employee shall 9264  
have the right to fill an available vacancy in a lower 9265

classification in the classification series. 9266

(d) If the employee whose position has been abolished has the 9267  
fewest retention points in the classification, the employee shall 9268  
displace the employee with the fewest retention points in the next 9269  
or successively lower classification in the classification series. 9270

(E) Notwithstanding any contrary provision of the 9271  
displacement procedure described in section 124.324 of the Revised 9272  
Code for employees to displace other employees during a layoff, 9273  
the director of administrative services or a county appointing 9274  
authority may establish a paper lay-off process under which 9275  
employees who are to be laid off or displaced may be required, 9276  
before the date of their paper layoff, to preselect their options 9277  
for displacing other employees. 9278

(F) The director of administrative services shall adopt rules 9279  
under Chapter 119. of the Revised Code for the determination of 9280  
lack of work within an appointing authority, for the abolishment 9281  
of positions by an appointing authority, and for the 9282  
implementation of this section as it relates to positions in the 9283  
service of the state. 9284

**Sec. 124.324.** (A) A laid-off employee has the right to 9285  
displace the employee with the fewest retention points in the 9286  
following order: 9287

(1) Within the classification and appointment category from 9288  
which the employee was laid off; 9289

(2) Within the classification series and appointment category 9290  
from which the employee was laid off; 9291

(3) Within the classification and appointment category the 9292  
employee held immediately prior to holding the classification from 9293  
which the employee was laid off, except that the employee may not 9294  
displace employees in a classification if the employee does not 9295

meet the minimum qualifications of the classification or if the 9296  
employee last held the classification more than three years prior 9297  
to the date on which the employee was laid off. 9298

If, after exercising displacement rights, an employee is 9299  
subject to further layoff action, the employee's displacement 9300  
rights shall be in accordance with the classification from which 9301  
the employee was first laid off. 9302

The director of administrative services shall verify the 9303  
calculation of the retention points of all employees in the 9304  
service of the state in an affected classification in accordance 9305  
with section 124.325 of the Revised Code. 9306

(B) Following the order of layoff as stated in section 9307  
124.323 of the Revised Code, an employee laid off in the 9308  
classified civil service shall displace another employee within 9309  
the same appointing authority or independent institution and 9310  
layoff jurisdiction in the following manner: 9311

(1) Each laid-off employee possessing more retention points 9312  
shall displace the employee with the fewest retention points in 9313  
the next lower classification or successively lower classification 9314  
in the same classification series. 9315

(2) Any employee displaced by an employee possessing more 9316  
retention points shall displace the employee with the fewest 9317  
retention points in the next lower classification or successively 9318  
lower classification in the same classification series. This 9319  
process shall continue, if necessary, until the employee with the 9320  
fewest retention points in the lowest classification of the 9321  
classification series of the same appointing authority or 9322  
independent institution has been reached and, if necessary, laid 9323  
off. 9324

(C) Employees shall notify the appointing authority of their 9325  
intention to exercise their displacement rights, within five days 9326

after receiving notice of layoff. This division does not apply if 9327  
the director of administrative services has established a paper 9328  
lay-off process pursuant to division (E) of section 124.321 of the 9329  
Revised Code that includes a different notification requirement 9330  
for employees exercising their displacement rights under that 9331  
process. 9332

(D) No employee shall displace an employee for whose position 9333  
or classification there are certain position-specific minimum 9334  
qualifications, as established by the appointing authority and 9335  
reviewed for validity by the department of administrative 9336  
services, or as established by bona fide occupational 9337  
qualification, unless the employee desiring to displace another 9338  
employee possesses the requisite position-specific minimum 9339  
qualifications for the position or classification. 9340

(E) If an employee exercising displacement rights must 9341  
displace an employee in another county within the same layoff 9342  
district, the displacement shall not be construed to be a 9343  
transfer. 9344

(F) The director of administrative services shall adopt rules 9345  
under Chapter 119. of the Revised Code for the implementation of 9346  
this section as it relates to positions in the service of the 9347  
state. 9348

**Sec. 124.325.** (A) Retention points to reflect the length of 9349  
continuous service and efficiency in service for all employees 9350  
affected by a layoff shall be verified by the director of 9351  
administrative services for positions in the service of the state. 9352

(B) An employee's length of continuous service will be 9353  
carried from one layoff jurisdiction to another so long as no 9354  
break in service occurs between transfers or appointments. 9355

(C) If two or more employees have an identical number of 9356

retention points, employees having the shortest period of 9357  
continuous service shall be laid off first. 9358

(D)(1) As used in this division, "affected employee" means a 9359  
city employee who becomes a county employee, or a county employee 9360  
who becomes a city employee, as the result of any of the 9361  
following: 9362

(a) The merger of a city and a county office; 9363

(b) The merger of city and county functions or duties; 9364

(c) The transfer of functions or duties between a city and 9365  
county. 9366

(2) For purposes of this section, the new employer of any 9367  
affected employee shall treat the employee's prior service with a 9368  
former employer as if it had been served with the new employer. 9369

(E) The director of administrative services shall adopt rules 9370  
in accordance with Chapter 119. of the Revised Code to establish a 9371  
system for the assignment of retention points for each employee in 9372  
the service of the state in a classification affected by a layoff 9373  
and for determining, in those instances where employees in the 9374  
service of the state have identical retention points, which 9375  
employee shall be laid off first. 9376

**Sec. 124.34.** (A) The tenure of every officer or employee in 9377  
the classified service of the state and the counties, civil 9378  
service townships, cities, city health districts, general health 9379  
districts, and city school districts of the state, holding a 9380  
position under this chapter, shall be during good behavior and 9381  
efficient service. No officer or employee shall be reduced in pay 9382  
or position, fined, suspended, or removed, or have the officer's 9383  
or employee's longevity reduced or eliminated, except as provided 9384  
in section 124.32 of the Revised Code, and for incompetency, 9385  
inefficiency, dishonesty, drunkenness, immoral conduct, 9386

insubordination, discourteous treatment of the public, neglect of 9387  
duty, violation of any policy or work rule of the officer's or 9388  
employee's appointing authority, violation of this chapter or the 9389  
rules of the director of administrative services or the 9390  
commission, any other failure of good behavior, any other acts of 9391  
misfeasance, malfeasance, or nonfeasance in office, or conviction 9392  
of a felony. The denial of a one-time pay supplement or a bonus to 9393  
an officer or employee is not a reduction in pay for purposes of 9394  
this section. 9395

This section does not apply to any modifications or 9396  
reductions in pay authorized by section 124.392 of the Revised 9397  
Code. 9398

An appointing authority may require an employee who is 9399  
suspended to report to work to serve the suspension. An employee 9400  
serving a suspension in this manner shall continue to be 9401  
compensated at the employee's regular rate of pay for hours 9402  
worked. The disciplinary action shall be recorded in the 9403  
employee's personnel file in the same manner as other disciplinary 9404  
actions and has the same effect as a suspension without pay for 9405  
the purpose of recording disciplinary actions. 9406

A finding by the appropriate ethics commission, based upon a 9407  
preponderance of the evidence, that the facts alleged in a 9408  
complaint under section 102.06 of the Revised Code constitute a 9409  
violation of Chapter 102., section 2921.42, or section 2921.43 of 9410  
the Revised Code may constitute grounds for dismissal. Failure to 9411  
file a statement or falsely filing a statement required by section 9412  
102.02 of the Revised Code may also constitute grounds for 9413  
dismissal. The tenure of an employee in the career professional 9414  
service of the department of transportation is subject to section 9415  
5501.20 of the Revised Code. 9416

Conviction of a felony is a separate basis for reducing in 9417  
pay or position, suspending, or removing an officer or employee, 9418



even if the officer or employee has already been reduced in pay or 9419  
position, suspended, or removed for the same conduct that is the 9420  
basis of the felony. An officer or employee may not appeal to the 9421  
state personnel board of review or the commission any disciplinary 9422  
action taken by an appointing authority as a result of the 9423  
officer's or employee's conviction of a felony. If an officer or 9424  
employee removed under this section is reinstated as a result of 9425  
an appeal of the removal, any conviction of a felony that occurs 9426  
during the pendency of the appeal is a basis for further 9427  
disciplinary action under this section upon the officer's or 9428  
employee's reinstatement. 9429

A person convicted of a felony immediately forfeits the 9430  
person's status as a classified employee in any public employment 9431  
on and after the date of the conviction for the felony. If an 9432  
officer or employee is removed under this section as a result of 9433  
being convicted of a felony or is subsequently convicted of a 9434  
felony that involves the same conduct that was the basis for the 9435  
removal, the officer or employee is barred from receiving any 9436  
compensation after the removal notwithstanding any modification or 9437  
disaffirmance of the removal, unless the conviction for the felony 9438  
is subsequently reversed or annulled. 9439

Any person removed for conviction of a felony is entitled to 9440  
a cash payment for any accrued but unused sick, personal, and 9441  
vacation leave as authorized by law. If subsequently reemployed in 9442  
the public sector, the person shall qualify for and accrue these 9443  
forms of leave in the manner specified by law for a newly 9444  
appointed employee and shall not be credited with prior public 9445  
service for the purpose of receiving these forms of leave. 9446

As used in this division, "felony" means any of the 9447  
following: 9448

(1) A felony that is an offense of violence as defined in 9449  
section 2901.01 of the Revised Code; 9450

(2) A felony that is a felony drug abuse offense as defined 9451  
in section 2925.01 of the Revised Code; 9452

(3) A felony under the laws of this or any other state or the 9453  
United States that is a crime of moral turpitude; 9454

(4) A felony involving dishonesty, fraud, or theft; 9455

(5) A felony that is a violation of section 2921.05, 2921.32, 9456  
or 2921.42 of the Revised Code. 9457

(B) In case of a reduction, a suspension of more than forty 9458  
~~or more~~ work hours in the case of an employee exempt from the 9459  
payment of overtime compensation, a suspension of more than 9460  
twenty-four ~~or more~~ work hours in the case of an employee required 9461  
to be paid overtime compensation, a fine of more than forty ~~or~~ 9462  
~~more~~ hours' pay in the case of an employee exempt from the payment 9463  
of overtime compensation, a fine of more than twenty-four ~~or more~~ 9464  
hours' pay in the case of an employee required to be paid overtime 9465  
compensation, or removal, except for the reduction or removal of a 9466  
probationary employee, the appointing authority shall serve the 9467  
employee with a copy of the order of reduction, fine, suspension, 9468  
or removal, which order shall state the reasons for the action. 9469

9470  
Within ten days following the date on which the order is 9471  
served or, in the case of an employee in the career professional 9472  
service of the department of transportation, within ten days 9473  
following the filing of a removal order, the employee, except as 9474  
otherwise provided in this section, may file an appeal of the 9475  
order in writing with the state personnel board of review or the 9476  
commission. For purposes of this section, the date on which an 9477  
order is served is the date of hand delivery of the order or the 9478  
date of delivery of the order by certified United States mail, 9479  
whichever occurs first. If an appeal is filed, the board or 9480  
commission shall forthwith notify the appointing authority and 9481

shall hear, or appoint a trial board to hear, the appeal within 9482  
thirty days from and after its filing with the board or 9483  
commission. The board, commission, or trial board may affirm, 9484  
disaffirm, or modify the judgment of the appointing authority. 9485  
However, in an appeal of a removal order based upon a violation of 9486  
a last chance agreement, the board, commission, or trial board may 9487  
only determine if the employee violated the agreement and thus 9488  
affirm or disaffirm the judgment of the appointing authority. 9489

In cases of removal or reduction in pay for disciplinary 9490  
reasons, either the appointing authority or the officer or 9491  
employee may appeal from the decision of the state personnel board 9492  
of review or the commission, and any such appeal shall be to the 9493  
court of common pleas of the county in which the appointing 9494  
authority is located, or to the court of common pleas of Franklin 9495  
county, as provided by section 119.12 of the Revised Code. 9496

(C) In the case of the suspension for any period of time, or 9497  
a fine, demotion, or removal, of a chief of police, a chief of a 9498  
fire department, or any member of the police or fire department of 9499  
a city or civil service township, who is in the classified civil 9500  
service, the appointing authority shall furnish the chief or 9501  
member with a copy of the order of suspension, fine, demotion, or 9502  
removal, which order shall state the reasons for the action. The 9503  
order shall be filed with the municipal or civil service township 9504  
civil service commission. Within ten days following the filing of 9505  
the order, the chief or member may file an appeal, in writing, 9506  
with the commission. If an appeal is filed, the commission shall 9507  
forthwith notify the appointing authority and shall hear, or 9508  
appoint a trial board to hear, the appeal within thirty days from 9509  
and after its filing with the commission, and it may affirm, 9510  
disaffirm, or modify the judgment of the appointing authority. An 9511  
appeal on questions of law and fact may be had from the decision 9512  
of the commission to the court of common pleas in the county in 9513

which the city or civil service township is situated. The appeal 9514  
shall be taken within thirty days from the finding of the 9515  
commission. 9516

(D) A violation of division (A)(7) of section 2907.03 of the 9517  
Revised Code is grounds for termination of employment of a 9518  
nonteaching employee under this section. 9519

(E) As used in this section, "last chance agreement" means an 9520  
agreement signed by both an appointing authority and an officer or 9521  
employee of the appointing authority that describes the type of 9522  
behavior or circumstances that, if it occurs, will automatically 9523  
lead to removal of the officer or employee without the right of 9524  
appeal to the state personnel board of review or the appropriate 9525  
commission. 9526

**Sec. 124.381.** ~~Each~~ (A)(1) Each employee paid in accordance 9527  
with section 124.152 of the Revised Code and each employee listed 9528  
in division (B)(2) or (4) of section 124.14 of the Revised Code, 9529  
including an employee who is not eligible for occupational injury 9530  
leave under division (A)(2) of this section, shall receive salary 9531  
continuation not to exceed four hundred eighty hours at the 9532  
employee's total rate of pay for absence as a result of injury 9533  
incurred during the performance of, or arising out of, state 9534  
employment. An employee is ineligible to receive salary 9535  
continuation until the implementation date established in rules 9536  
adopted under division (C)(1) of this section. In any case when an 9537  
employee's absence as a result of such an injury extends beyond 9538  
four hundred eighty hours, the employee immediately becomes 9539  
subject to sections 124.382 and 124.385 of the Revised Code 9540  
regarding sick leave and disability leave benefits. 9541

(2) Each employee of the department of rehabilitation and 9542  
correction, the department of mental health, the department of 9543  
mental retardation and developmental disabilities, or the Ohio 9544

~~veteran's home agency~~ department of veterans services, or each 9545  
employee of the department of education who works at the Ohio 9546  
schools for the deaf and blind, and each employee of the 9547  
department of youth services as established in division (A) of 9548  
section 124.14 of the Revised Code who ~~suffers bodily injury~~ 9549  
~~inflicted by an inmate, patient, client, youth, or student in the~~ 9550  
~~facilities~~ sustains a qualifying physical condition inflicted by a 9551  
ward of these agencies during the time the employee is lawfully 9552  
carrying out the assigned duties of the employee's position shall 9553  
be paid occupational injury leave at the employee's total rate of 9554  
pay during the period the employee is disabled as a result of that 9555  
~~injury~~ qualifying physical condition, but in no case to exceed ~~one~~ 9556  
~~hundred twenty work days~~ nine hundred sixty hours, in lieu of 9557  
workers' compensation. Pay made according to this ~~section~~ division 9558  
shall not be charged to the employee's accumulation of sick leave 9559  
credit. In any case when an employee's disability as a result of 9560  
such a qualifying physical condition extends beyond nine hundred 9561  
sixty hours, the employee immediately becomes subject to sections 9562  
124.382 and 124.385 of the Revised Code regarding sick leave and 9563  
disability leave benefits. 9564

(B) An employee who is receiving salary continuation or 9565  
occupational injury leave under division (A)(1) or (2) of this 9566  
section is not eligible for other paid leave, including holiday 9567  
pay, while receiving benefits under either division. While an 9568  
employee is receiving salary continuation or occupational injury 9569  
leave under division (A)(1) or (2) of this section, vacation leave 9570  
credit ceases to accrue to the employee under section 124.134 of 9571  
the Revised Code, but sick leave credit and personal leave credit 9572  
continue to accrue to the employee under sections 124.382 and 9573  
124.386 of the Revised Code. 9574

(C)(1) The director of administrative services shall adopt 9575  
rules for the administration of both the salary continuation 9576

program and the occupational injury leave program. The rules shall 9577  
include, but not be limited to, provisions for determining a 9578  
disability, for filing a claim for leave under this section, and 9579  
for allowing or denying claims for the leave. 9580

~~During the time an employee is receiving injury compensation 9581  
as provided in this section, the employee shall be exempt from the 9582  
accumulation of vacation leave credit under section 124.134 of the 9583  
Revised Code but shall continue to receive sick leave credit and 9584  
personal leave credit under sections 124.382 and 124.386 of the 9585  
Revised Code. 9586~~

~~In any case when an employee's disability, as covered by this 9587  
section, extends beyond one hundred twenty work days, the employee 9588  
shall immediately become subject to sections 124.382 and 124.385 9589  
of the Revised Code regarding sick leave and disability leave 9590  
benefits. 9591~~

(2) The director also may adopt rules for the payment of 9592  
health benefits while an employee is on workers' compensation 9593  
leave. 9594

(D) An appointing authority may apply to the director of 9595  
administrative services to grant salary continuation under 9596  
division (A)(1) of this section or occupational injury leave in 9597  
accordance with under division (A)(2) of this section to law 9598  
enforcement personnel employed by the agency. 9599

**Sec. 124.382.** (A) As used in this section and sections 9600  
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 9601

(1) "Pay period" means the fourteen-day period of time during 9602  
which the payroll is accumulated, as determined by the director of 9603  
administrative services. 9604

(2) "Active pay status" means the conditions under which an 9605  
employee is eligible to receive pay, and includes, but is not 9606

limited to, vacation leave, sick leave, personal leave, 9607  
bereavement leave, and administrative leave. 9608

(3) "No pay status" means the conditions under which an 9609  
employee is ineligible to receive pay and includes, but is not 9610  
limited to, leave without pay, leave of absence, and disability 9611  
leave. 9612

(4) "Disability leave" means the leave granted pursuant to 9613  
section 124.385 of the Revised Code. 9614

(5) "Full-time permanent employee" means an employee whose 9615  
regular hours of duty total eighty hours in a pay period in a 9616  
state agency and whose appointment is not for a limited period of 9617  
time. 9618

(6) "Base rate of pay" means the rate of pay established 9619  
under schedule B or C of section 124.15 of the Revised Code or 9620  
under schedule E-1, schedule E-1 for step seven only, or schedule 9621  
E-2 of section 124.152 of the Revised Code, plus any supplement 9622  
provided under section 124.181 of the Revised Code, plus any 9623  
supplements enacted into law which are added to schedule B or C of 9624  
section 124.15 of the Revised Code or to schedule E-1, schedule 9625  
E-1 for step seven only, or schedule E-2 of section 124.152 of the 9626  
Revised Code. 9627

(7) "Part-time permanent employee" means an employee whose 9628  
regular hours of duty total less than eighty hours in a pay period 9629  
in a state agency and whose appointment is not for a limited 9630  
period of time. 9631

(B) Each full-time permanent and part-time permanent employee 9632  
whose salary or wage is paid directly by warrant of the director 9633  
of budget and management shall be credited with sick leave of 9634  
three and one-tenth hours for each completed eighty hours of 9635  
service, excluding overtime hours worked. Sick leave is not 9636  
available for use until it appears on the employee's earning 9637

statement and the compensation described in the earning statement 9638  
is available to the employee. 9639

(C) Any sick leave credit provided pursuant to division (B) 9640  
of this section, remaining as of the last day of the pay period 9641  
preceding the first paycheck the employee receives in December, 9642  
shall be converted pursuant to section 124.383 of the Revised 9643  
Code. 9644

(D) Employees may use sick leave, provided a credit balance 9645  
is available, upon approval of the responsible administrative 9646  
officer of the employing unit, for absence due to personal 9647  
illness, pregnancy, injury, exposure to contagious disease that 9648  
could be communicated to other employees, and illness, injury, or 9649  
death in the employee's immediate family. When sick leave is used, 9650  
it shall be deducted from the employee's credit on the basis of 9651  
absence from previously scheduled work in such increments of an 9652  
hour and at such a compensation rate as the director of 9653  
administrative services determines. The appointing authority of 9654  
each employing unit may require an employee to furnish a 9655  
satisfactory, signed statement to justify the use of sick leave. 9656

If, after having utilized the credit provided by this 9657  
section, an employee utilizes sick leave that was accumulated 9658  
prior to November 15, 1981, compensation for such sick leave used 9659  
shall be at a rate as the director determines. 9660

(E)(1) The previously accumulated sick leave balance of an 9661  
employee who has been separated from the public service, for which 9662  
separation payments pursuant to section 124.384 of the Revised 9663  
Code have not been made, shall be placed to the employee's credit 9664  
upon the employee's reemployment in the public service, if the 9665  
reemployment takes place within ten years of the date on which the 9666  
employee was last terminated from public service. 9667

(2) The previously accumulated sick leave balance of an 9668



employee who has separated from a school district shall be placed 9669  
to the employee's credit upon the employee's appointment as an 9670  
unclassified employee of the state department of education, if all 9671  
of the following apply: 9672

(a) The employee accumulated the sick leave balance while 9673  
employed by the school district. 9674

(b) The employee did not receive any separation payments for 9675  
the sick leave balance. 9676

(c) The employee's employment with the department takes place 9677  
within ten years after the date on which the employee separated 9678  
from the school district. 9679

(F) An employee who transfers from one public agency to 9680  
another shall be credited with the unused balance of the 9681  
employee's accumulated sick leave. 9682

(G) The director of administrative services shall establish 9683  
procedures to uniformly administer this section. No sick leave may 9684  
be granted to a state employee upon or after the employee's 9685  
retirement or termination of employment. 9686

(H) As used in this division, "active payroll" means 9687  
conditions under which an employee is in active pay status or 9688  
eligible to receive pay for an approved leave of absence, 9689  
including, but not limited to, occupational injury leave, 9690  
disability leave, or workers' compensation. 9691

(1) Employees who are in active payroll status on June 18, 9692  
2011, shall receive a one-time credit of additional sick leave in 9693  
the pay period that begins on July 1, 2011. Full-time employees 9694  
shall receive a one-time credit of thirty-two hours of additional 9695  
sick leave or a credit of additional sick leave equivalent to half 9696  
the hours of personal leave the employee lost during the 9697  
moratorium under division (A) of section 124.386 of the Revised 9698  
Code, whichever is less. Part-time employees shall receive a 9699

one-time credit of sixteen hours of additional sick leave. 9700

(2) Employees who are not in active payroll status due to 9701  
military leave or an absence taken in accordance with the federal 9702  
"Family and Medical Leave Act" are eligible to receive the 9703  
one-time additional sick leave credit. 9704

(3) The one-time additional sick leave credit does not apply 9705  
to employees of the secretary of state, auditor of state, 9706  
treasurer of state, or attorney general unless the secretary of 9707  
state, auditor of state, treasurer of state, or attorney general 9708  
participated in the moratorium under division (H) of section 9709  
124.386 of the Revised Code and notified the director of 9710  
administrative services on or before July 1, 2009, of the decision 9711  
to participate in the one-time additional sick leave credit. 9712

**Sec. 124.385.** (A) An employee is eligible for disability 9713  
leave benefits under this section if the employee has completed 9714  
one year of continuous state service immediately prior to the date 9715  
of the disability and if any of the following applies: 9716

(1) The employee is a full-time permanent employee and is 9717  
eligible for sick leave credit pursuant to division (B) of section 9718  
124.382 of the Revised Code. 9719

(2) The employee is a part-time permanent employee who has 9720  
worked at least fifteen hundred hours within the twelve-month 9721  
period immediately preceding the date of disability and is 9722  
eligible for sick leave credit under division (B) of section 9723  
124.382 of the Revised Code. 9724

(3) The employee is a full-time permanent or part-time 9725  
permanent employee, is on disability leave or leave of absence for 9726  
medical reasons, and would be eligible for sick leave credit 9727  
pursuant to division (B) of section 124.382 of the Revised Code 9728  
except that the employee is in no pay status due to the employee's 9729

medical condition. 9730

(B) The director of administrative services, by rule adopted 9731  
in accordance with Chapter 119. of the Revised Code, shall 9732  
establish a disability leave program. The rule shall include, but 9733  
shall not be limited to, the following: 9734

(1) Procedures to be followed for determining disability; 9735

(2) Provisions for the allowance of disability leave due to 9736  
illness or injury; 9737

(3) Provisions for the continuation of service credit for 9738  
employees granted disability leave, including service credit 9739  
towards retirement, as provided by the applicable statute; 9740

(4) The establishment of a minimum level of benefit and of a 9741  
waiting period before benefits begin; 9742

(5) Provisions setting a maximum length of benefit and 9743  
requiring that employees eligible to apply for disability 9744  
retirement shall do so prior to completing the first six months of 9745  
their period of disability. The director's rules shall indicate 9746  
those employees required to apply for disability retirement. If an 9747  
employee is approved to receive disability retirement, the 9748  
employee shall receive the retirement benefit and a supplement 9749  
payment that equals a percentage of the employee's base rate of 9750  
pay and that, when added to the retirement benefit, equals no more 9751  
than the percentage of pay received by employees after the first 9752  
six months of disability. This supplemental payment shall not be 9753  
considered earnable salary, compensation, or salary, and is not 9754  
subject to contributions, under Chapter 145., 742., 3307., 3309., 9755  
or 5505. of the Revised Code. 9756

(6) Provisions that allow employees to utilize available sick 9757  
leave, personal leave, compensatory time, or vacation leave 9758  
balances to supplement the benefits payable under this section. 9759  
The balances used to supplement the benefits, plus any amount 9760

contributed by the state as provided in division (D) of this 9761  
section, shall be paid at the employee's base rate of pay in an 9762  
amount sufficient to give employees up to one hundred per cent of 9763  
pay for time on disability. 9764

(7) Procedures for appealing denial of payment of a claim, 9765  
including the following: 9766

(a) A maximum of thirty days to file an appeal by the 9767  
employee; 9768

(b) A maximum of fifteen days for the parties to select a 9769  
third-party opinion pursuant to division (F) of this section, 9770  
unless an extension is agreed to by the parties; 9771

(c) A maximum of thirty days for the third party to render an 9772  
opinion. 9773

(8) Provisions for approving leave of absence for medical 9774  
reasons where an employee is in no pay status because the employee 9775  
has used all the employee's sick leave, personal leave, vacation 9776  
leave, and compensatory time; 9777

(9) Provisions for precluding the payment of benefits if the 9778  
injury for which the benefits are sought is covered by a workers' 9779  
compensation plan; 9780

(10) Provisions for precluding the payment of benefits in 9781  
order to ensure that benefits are provided in a consistent manner. 9782

(C) Except as provided in division (B)(6) of this section, 9783  
time off for an employee granted disability leave is not 9784  
chargeable to any other leave granted by other sections of the 9785  
Revised Code. 9786

(D) While an employee is on an approved disability leave, the 9787  
employer's and employee's share of health, life, and other 9788  
insurance benefits shall be paid by the state, and the retirement 9789  
contribution shall be paid as follows: 9790

(1) The employer's share shall be paid by the state. 9791

(2) For the first three months, the employee's share shall be 9792  
paid by the employee. 9793

(3) After the first three months, the employee's share shall 9794  
be paid by the state. 9795

(E) The approval for disability leave shall be made by the 9796  
director, upon recommendation by the appointing authority. The 9797  
director may delegate to any appointing authority the authority to 9798  
approve disability benefits for a standard recovery period. 9799

(F) If a request for disability leave is denied based on a 9800  
medical determination, the director shall obtain a medical opinion 9801  
from a third party. The decision of the third party is binding. 9802

(G) The rule adopted by the director under division (B) of 9803  
this section shall not deny disability leave benefits for an 9804  
illness or injury to an employee who is a veteran of the United 9805  
States armed forces because the employee contracted the illness or 9806  
received the injury in the course of or as a result of military 9807  
service and the illness or injury is or may be covered by a 9808  
compensation plan administered by the United States department of 9809  
veterans affairs. 9810

**Sec. 124.386.** (A) Each full-time permanent employee paid in 9811  
accordance with section 124.152 of the Revised Code and those 9812  
full-time permanent employees listed in divisions (B)(2) and (4) 9813  
of section 124.14 of the Revised Code shall be credited with 9814  
thirty-two hours of personal leave each year. Each part-time 9815  
permanent employee paid in accordance with section 124.152 of the 9816  
Revised Code and those part-time permanent employees listed in 9817  
divisions (B)(2) and (4) of section 124.14 of the Revised Code 9818  
shall receive a pro-rated personal leave credit as determined by 9819  
rule of the director of administrative services. The credit shall 9820

be made to each eligible employee in the first pay the employee 9821  
receives in December. Employees, upon giving reasonable notice to 9822  
the responsible administrative officer of the appointing 9823  
authority, may use personal leave for absence due to mandatory 9824  
court appearances, legal or business matters, family emergencies, 9825  
unusual family obligations, medical appointments, weddings, 9826  
religious holidays not listed in section 124.19 of the Revised 9827  
Code, or any other matter of a personal nature. Personal leave may 9828  
not be used on a holiday when an employee is scheduled to work. 9829

Personal leave is not available for use until it appears on 9830  
the employee's earning statement and the compensation described in 9831  
the earning statement is available to the employee. 9832

There shall be a moratorium on personal leave accrual 9833  
beginning with the credit employees would have received in 9834  
December 2009. Personal leave accrual shall resume with employees 9835  
receiving credit in December 2011 and there shall be no 9836  
retroactive grant of credit for the period the moratorium was in 9837  
effect. 9838

(B) When personal leave is used, it shall be deducted from 9839  
the unused balance of the employee's personal leave on the basis 9840  
of absence in such increments of an hour as the director of 9841  
administrative services determines. Compensation for personal 9842  
leave shall be equal to the employee's base rate of pay. 9843

(C) A newly appointed full-time permanent employee or a 9844  
~~nonfull-time~~ non-full-time employee who receives a full-time 9845  
permanent appointment shall be credited with personal leave of 9846  
thirty-two hours, less one and two-tenths hours for each pay 9847  
period that has elapsed following the first paycheck the employee 9848  
receives in December, until the first day of the pay period during 9849  
which the appointment was effective. 9850

(D) The director of administrative services shall allow 9851

employees to elect one of the following options with respect to 9852  
the unused balance of personal leave: 9853

(1) Carry forward the balance. The maximum credit that shall 9854  
be available to an employee at any one time is forty hours. 9855

(2) Convert the balance to accumulated sick leave, to be used 9856  
in the manner provided by section 124.382 of the Revised Code; 9857

(3) Receive a cash benefit. The cash benefit shall equal one 9858  
hour of the employee's base rate of pay for every hour of unused 9859  
credit that is converted. An employee serving in a temporary work 9860  
level who elects to convert unused personal leave to cash shall do 9861  
so at the base rate of pay of the employee's normal 9862  
classification. Such cash benefit shall not be subject to 9863  
contributions to any of the retirement systems, either by the 9864  
employee or the employer. 9865

There shall be a moratorium on the payment for conversion of 9866  
unused personal leave until December 2011. 9867

(E) A full-time permanent employee who separates from state 9868  
service or becomes ineligible to be credited with leave under this 9869  
section shall receive a reduction of personal leave credit of one 9870  
and two-tenths hours for each pay period that remains beginning 9871  
with the first pay period following the date of separation or the 9872  
effective date of the employee's ineligibility until the pay 9873  
period preceding the next base pay period. After calculation of 9874  
the reduction of an employee's personal leave credit, the employee 9875  
is entitled to compensation for any remaining personal leave 9876  
credit at the employee's current base rate of pay. If the 9877  
reduction results in a number of hours less than zero, the cash 9878  
equivalent value of such number of hours shall be deducted from 9879  
any compensation that remains payable to the employee, or from the 9880  
cash conversion value of any vacation or sick leave that remains 9881  
credited to the employee. An employee serving in a temporary work 9882

level who is eligible to receive compensation under this section 9883  
shall be compensated at the base rate of pay of the employee's 9884  
normal classification. 9885

(F) An employee who transfers from one public agency to 9886  
another public agency in which the employee is eligible for the 9887  
credit provided under this section shall be credited with the 9888  
unused balance of personal leave. 9889

(G) The director of administrative services shall establish 9890  
procedures to uniformly administer this section. No personal leave 9891  
may be granted to a state employee upon or after retirement or 9892  
termination of employment. 9893

(H) The moratoria imposed under divisions (A) and (D)(3) of 9894  
this section shall apply to employees of the secretary of state, 9895  
auditor of state, treasurer of state, and attorney general who are 9896  
subject to this section unless the secretary of state, auditor of 9897  
state, treasurer of state, or attorney general decides to exempt 9898  
the office's employees from the moratoria and so notifies the 9899  
director of administrative services in writing on or before July 9900  
1, 2009. 9901

**Sec. 124.392.** (A) As used in this section, ~~"exempt:~~ 9902

(1) "Exempt employee" has the same meaning as in section 9903  
124.152 of the Revised Code. 9904

(2) "Fiscal emergency" means a fiscal emergency declared by 9905  
the governor under section 126.05 of the Revised Code. 9906

(B) The director of administrative services may establish a 9907  
voluntary cost savings program for exempt employees. ~~The 9908~~

(C) The director of administrative services shall establish a 9909  
mandatory cost savings program applicable to exempt employees. 9910  
Subject to division (C)(1) of this section, the program may 9911  
include, but is not limited to, a loss of pay or loss of holiday 9912



pay as determined by the director. The program may be administered 9913  
differently among exempt employees based on their classifications, 9914  
appointment categories, appointing authorities, or other relevant 9915  
distinctions. 9916

(1) Each full-time exempt employee shall participate in the 9917  
program for a total of eighty hours of mandatory cost savings in 9918  
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 9919  
employee shall participate in the program by not receiving holiday 9920  
pay during both fiscal year 2010 and fiscal year 2011. Each 9921  
employee of the secretary of state, auditor of state, treasurer of 9922  
state, and attorney general shall participate in the program 9923  
unless the secretary of state, auditor of state, treasurer of 9924  
state, or attorney general decides to exempt the officer's 9925  
employees from the program and so notifies the director of 9926  
administrative services in writing on or before July 1, 2009. 9927

(2) After June 30, 2011, the director of administrative 9928  
services, in consultation with the director of budget and 9929  
management, may implement mandatory cost savings days applicable 9930  
to exempt employees in the event of a fiscal emergency. Each 9931  
employee of the secretary of state, auditor of state, treasurer of 9932  
state, and attorney general shall participate in the mandatory 9933  
cost savings days unless the secretary of state, auditor of state, 9934  
treasurer of state, or attorney general decides to exempt the 9935  
officer's employees from the mandatory cost savings days and so 9936  
notifies the director of administrative services in the manner the 9937  
director of administrative services prescribes by rule adopted 9938  
under this section. 9939

(D) The director shall adopt rules in accordance with Chapter 9940  
119. of the Revised Code to provide for the administration of the 9941  
program mandatory cost savings program and days. 9942

**Sec. 124.81.** (A) Except as provided in division ~~(E)~~(F) of 9943

this section, the department of administrative services in 9944  
consultation with the superintendent of insurance shall negotiate 9945  
with and, in accordance with the competitive selection procedures 9946  
of Chapter 125. of the Revised Code, contract with one or more 9947  
insurance companies authorized to do business in this state, for 9948  
the issuance of one of the following: 9949

(1) A policy of group life insurance covering all state 9950  
employees who are paid directly by warrant of the state auditor, 9951  
including elected state officials; 9952

(2) A combined policy, or coordinated policies of one or more 9953  
insurance companies or health insuring corporations in combination 9954  
with one or more insurance companies providing group life and 9955  
health, medical, hospital, dental, or surgical insurance, or any 9956  
combination thereof, covering all such employees; 9957

(3) A policy that may include, but is not limited to, 9958  
hospitalization, surgical, major medical, dental, vision, and 9959  
medical care, disability, hearing aids, prescription drugs, group 9960  
life, life, sickness, and accident insurance, group legal 9961  
services, or a combination of the above benefits for some or all 9962  
of the employees paid in accordance with section 124.152 of the 9963  
Revised Code and for some or all of the employees listed in 9964  
divisions (B)(2) and (4) of section 124.14 of the Revised Code, 9965  
and their immediate dependents. 9966

(B) The department of administrative services in consultation 9967  
with the superintendent of insurance shall negotiate with and, in 9968  
accordance with the competitive selection procedures of Chapter 9969  
125. of the Revised Code, contract with one or more insurance 9970  
companies authorized to do business in this state, for the 9971  
issuance of a policy of group life insurance covering all 9972  
municipal and county court judges. The amount of such coverage 9973  
shall be an amount equal to the aggregate salary set forth for 9974  
each municipal court judge in sections 141.04 and 1901.11 of the 9975

Revised Code, and set forth for each county court judge in 9976  
sections 141.04 and 1907.16 of the Revised Code. On and after the 9977  
effective date of the policy of group life insurance coverage, a 9978  
municipal or county court judge is ineligible for life insurance 9979  
coverage from a county or other political subdivision. 9980

(C) If a state employee uses all accumulated sick leave and 9981  
then goes on an extended medical disability, the policyholder 9982  
shall continue at no cost to the employee the coverage of the 9983  
group life insurance for such employee for the period of such 9984  
extended leave, but not beyond three years. 9985

~~(C)~~(D) If a state employee insured under a group life 9986  
insurance policy as provided in division (A) of this section is 9987  
laid off pursuant to section 124.32 of the Revised Code, such 9988  
employee by request to the policyholder, made no later than the 9989  
effective date of the layoff, may elect to continue the employee's 9990  
group life insurance for the one-year period through which the 9991  
employee may be considered to be on laid-off status by paying the 9992  
policyholder through payroll deduction or otherwise twelve times 9993  
the monthly premium computed at the existing average rate for the 9994  
group life case for the amount of the employee's insurance 9995  
thereunder at the time of the employee's layoff. The policyholder 9996  
shall pay the premiums to the insurance company at the time of the 9997  
next regular monthly premium payment for the actively insured 9998  
employees and furnish the company appropriate data as to such 9999  
laid-off employees. At the time an employee receives written 10000  
notice of a layoff, the policyholder shall also give such employee 10001  
written notice of the opportunity to continue group life insurance 10002  
in accordance with this division. When such laid-off employee is 10003  
reinstated for active work before the end of the one-year period, 10004  
the employee shall be reclassified as insured again as an active 10005  
employee under the group and appropriate refunds for the number of 10006  
full months of unearned premium payment shall be made by the 10007

policyholder. 10008

~~(D)~~(E) This section does not affect the conversion rights of 10009  
an insured employee when the employee's group insurance terminates 10010  
under the policy. 10011

~~(E)~~(F) Notwithstanding division (A) of this section, the 10012  
department may provide benefits equivalent to those that may be 10013  
paid under a policy issued by an insurance company, or the 10014  
department may, to comply with a collectively bargained contract, 10015  
enter into an agreement with a jointly administered trust fund 10016  
which receives contributions pursuant to a collective bargaining 10017  
agreement entered into between this state, or any of its political 10018  
subdivisions, and any collective bargaining representative of the 10019  
employees of this state or any political subdivision for the 10020  
purpose of providing for self-insurance of all risk in the 10021  
provision of fringe benefits similar to those that may be paid 10022  
pursuant to division (A) of this section, and the jointly 10023  
administered trust fund may provide through the self-insurance 10024  
method specific fringe benefits as authorized by the rules of the 10025  
board of trustees of the jointly administered trust fund. Amounts 10026  
from the fund may be used to pay direct and indirect costs that 10027  
are attributable to consultants or a third-party administrator and 10028  
that are necessary to administer this section. Benefits provided 10029  
under this section include, but are not limited to, 10030  
hospitalization, surgical care, major medical care, disability, 10031  
dental care, vision care, medical care, hearing aids, prescription 10032  
drugs, group life insurance, sickness and accident insurance, 10033  
group legal services, or a combination of the above benefits, for 10034  
the employees and their immediate dependents. 10035

~~(F)~~(G) Notwithstanding any other provision of the Revised 10036  
Code, any public employer, including the state, and any of its 10037  
political subdivisions, including, but not limited to, any county, 10038  
county hospital, municipal corporation, township, park district, 10039

school district, state institution of higher education, public or 10040  
special district, state agency, authority, commission, or board, 10041  
or any other branch of public employment, and any collective 10042  
bargaining representative of employees of the state or any 10043  
political subdivision may agree in a collective bargaining 10044  
agreement that any mutually agreed fringe benefit including, but 10045  
not limited to, hospitalization, surgical care, major medical 10046  
care, disability, dental care, vision care, medical care, hearing 10047  
aids, prescription drugs, group life insurance, sickness and 10048  
accident insurance, group legal services, or a combination 10049  
thereof, for employees and their dependents be provided through a 10050  
mutually agreed upon contribution to a jointly administered trust 10051  
fund. Amounts from the fund may be used to pay direct and indirect 10052  
costs that are attributable to consultants or a third-party 10053  
administrator and that are necessary to administer this section. 10054  
The amount, type, and structure of fringe benefits provided under 10055  
this division is subject to the determination of the board of 10056  
trustees of the jointly administered trust fund. Notwithstanding 10057  
any other provision of the Revised Code, competitive bidding does 10058  
not apply to the purchase of fringe benefits for employees under 10059  
this division through a jointly administered trust fund. 10060

Sec. 124.821. The health care spending account fund is hereby 10061  
created in the state treasury. The director of administrative 10062  
services shall use money in the fund to make payments with regard 10063  
to the participation of state employees in flexible spending 10064  
accounts for certain nonreimbursed medical and dental expenses 10065  
under section 125 of the Internal Revenue Code. All investment 10066  
earnings on money in the fund shall be credited to the fund. 10067

Sec. 124.822. The dependent care spending account fund is 10068  
hereby created in the state treasury. The director of 10069  
administrative services shall use money in the fund to make 10070

payments with regard to the participation of state employees in 10071  
flexible spending accounts for work-related dependent care 10072  
expenses under section 125 of the Internal Revenue Code. All 10073  
investment earnings on money in the fund shall be credited to the 10074  
fund. 10075

**Sec. 124.86.** There is hereby created in the state treasury 10076  
the employee educational development fund, to be used to pay the 10077  
state administrative costs of any education program undertaken 10078  
pursuant to specific collective bargaining agreements identified 10079  
in uncodified law governing expenditure of the fund. The director 10080  
of administrative services shall establish, and shall obtain the 10081  
approval of the director of budget and management for, a charge 10082  
for each such program that is sufficient only to recover those 10083  
costs. All money collected from such a charge shall be deposited 10084  
to the credit of the fund, and all interest earned on the fund 10085  
shall accrue to the fund. The director of administrative services 10086  
shall administer the fund in accordance with the respective 10087  
collective bargaining agreements and may adopt rules for the 10088  
purpose of this administration. 10089

**Sec. 125.081.** (A) From the purchases that the department of 10090  
administrative services is required by law to make through 10091  
competitive selection, the director of administrative services 10092  
shall select a number of such purchases, the aggregate value of 10093  
which equals approximately fifteen per cent of the estimated total 10094  
value of all such purchases to be made in the current fiscal year. 10095  
The director shall set aside the purchases selected for 10096  
competition only by minority business enterprises, as defined in 10097  
division (E)(1) of section 122.71 of the Revised Code. The 10098  
competitive selection procedures for such purchases set aside 10099  
shall be the same as for all other purchases the department is 10100

required to make through competitive selection, except that only 10101  
minority business enterprises certified by the equal employment 10102  
opportunity coordinator of the department of administrative 10103  
services in accordance with the rules adopted under division 10104  
(B)(1) of section 123.151 of the Revised Code and listed by the 10105  
director under division (B) of section 125.08 of the Revised Code 10106  
shall be qualified to compete. 10107

(B) To the extent that any agency of the state, including 10108  
state universities as defined in section 3345.011 of the Revised 10109  
Code and the Ohio housing finance agency, the third frontier 10110  
commission, the clean Ohio council, and the Ohio school facilities 10111  
commission, other than the department of administrative services, 10112  
the legislative and judicial branches, boards of elections, and 10113  
the adjutant general, is authorized to make purchases, the agency 10114  
shall set aside a number of purchases, the aggregate value of 10115  
which equals approximately fifteen per cent of the aggregate value 10116  
of such purchases for the current fiscal year for competition by 10117  
minority business enterprises only. The procedures for such 10118  
purchases shall be the same as for all other such purchases made 10119  
by the agency, except that only minority business enterprises 10120  
certified by the equal employment opportunity coordinator in 10121  
accordance with rules adopted under division (B)(1) of section 10122  
123.151 of the Revised Code shall be qualified to compete. 10123

In awarding contracts under division (A) or (B) of this 10124  
section, the department of administrative services or another 10125  
state agency shall comply with section 123.154 of the Revised 10126  
Code. 10127

(C) In the case of purchases set aside under division (A) or 10128  
(B) of this section, if no bid is submitted by a minority business 10129  
enterprise, the purchase shall be made according to usual 10130  
procedures. The contracting agency shall from time to time set 10131  
aside such additional purchases for which only minority business 10132

enterprises may compete, as are necessary to replace those 10133  
purchases previously set aside for which no minority business 10134  
enterprises bid and to ensure that, in any fiscal year, the 10135  
aggregate amount of contracts awarded to minority business 10136  
enterprises will equal approximately fifteen per cent of the total 10137  
amount of contracts awarded by the agency. 10138

(D) The provisions of this section shall not preclude any 10139  
minority business enterprise from competing for any other state 10140  
purchases that are not specifically set aside for minority 10141  
business enterprises. 10142

(E) No funds of any state agency shall be expended in any 10143  
fiscal year for any purchase for which competitive selection is 10144  
required, until the director of the department of administrative 10145  
services certifies to the equal employment opportunity 10146  
coordinator, the clerk of the senate, and the clerk of the house 10147  
of representatives of the general assembly that approximately 10148  
fifteen per cent of the aggregate amount of the projected 10149  
expenditure for such purchases in the fiscal year has been set 10150  
aside as provided for in this section. 10151

(F) Any person who intentionally misrepresents self as 10152  
owning, controlling, operating, or participating in a minority 10153  
business enterprise for the purpose of obtaining contracts, 10154  
subcontracts, or any other benefits under this section shall be 10155  
guilty of theft by deception as provided for in section 2913.02 of 10156  
the Revised Code. 10157

Sec. 125.20. (A) Within one hundred eighty days after the 10158  
effective date of this section, the director of administrative 10159  
services shall establish an electronic site accessible through the 10160  
internet to publish the following: 10161

(1) A database containing each state employee's year-to-date 10162  
gross pay and pay from the most recent pay period. The database 10163



shall contain searchable fields including the name of the agency, 10164  
position title, and employee name. 10165

(2) A database containing agency expenditures for goods and 10166  
services that shall contain searchable fields including the name 10167  
of the agency, expenditure amount, category of good or service for 10168  
which an expenditure is made, and contractor or vendor name; 10169

(3) A database containing tax credits issued by the director 10170  
of development to business entities that shall contain searchable 10171  
fields, including the name under which the tax credit is known, 10172  
the name of the entity receiving the credit, and the county in 10173  
which the credit recipient's principal place of business in this 10174  
state is located. 10175

(B) Daily, each executive agency shall provide to the 10176  
department of administrative services information to be published 10177  
in the databases under division (A) of this section. The director 10178  
of administrative services may adopt rules governing the means by 10179  
which information is submitted and databases are updated. 10180

**Sec. 125.22.** (A) The department of administrative services 10181  
shall establish the central service agency to perform ~~routine~~ and 10182  
provide support for the following boards and commissions: 10183

(1) Architects board; 10184

(2) Barber board; 10185

(3) State chiropractic board; 10186

(4) State board of cosmetology; 10187

(5) Accountancy board; 10188

(6) State dental board; 10189

(7) State board of optometry; 10190

(8) Ohio occupational therapy, physical therapy, and athletic 10191  
trainers board; 10192

(9) State board of registration for professional engineers and surveyors;	10193 10194
(10) State board of sanitarian registration;	10195
(11) Board of embalmers and funeral directors;	10196
(12) State board of psychology;	10197
(13) Ohio optical dispensers board;	10198
(14) Board of speech- <u>language</u> pathology and audiology;	10199
(15) Counselor, social worker, and marriage and family therapist board;	10200 10201
(16) State veterinary medical licensing board;	10202
(17) Ohio board of dietetics;	10203
(18) Commission on Hispanic-Latino affairs;	10204
(19) Ohio respiratory care board;	10205
(20) <del>Ohio commission on African American males;</del>	10206
<del>(21)</del> Chemical dependency professionals board;	10207
<u>(21) State medical board;</u>	10208
<u>(22) Board of nursing;</u>	10209
<u>(23) State board of pharmacy;</u>	10210
<u>(24) Ohio medical transportation board;</u>	10211
<u>(25) Ohio athletic commission;</u>	10212
<u>(26) Board of motor vehicle collision repair;</u>	10213
<u>(27) Manufactured homes commission;</u>	10214
<u>(28) Board of orthotics, prosthetics, and pedorthics;</u>	10215
<u>(29) State board of career colleges and schools.</u>	10216
(B)(1) <del>Notwithstanding any other section of the Revised Code</del>	10217
<u>On or before June 30, 2010, the agency, in conjunction with the</u>	10218

individual boards and commissions named in division (A) of the 10219  
section, shall develop and implement specific service level 10220  
agreements and agency specific addendums to perform and provide 10221  
~~the following routine~~ support services for ~~the~~ those boards and 10222  
commissions ~~named in division (A) of this section unless the~~ 10223  
~~controlling board exempts a board or commission from this~~ 10224  
~~requirement on the recommendation of the director of~~ 10225  
administrative services. The service level agreements may provide 10226  
for all or some of the following services: 10227

(a) ~~Preparing~~ Making recommendations regarding and preparing 10228  
and processing of payroll and other personnel documents; 10229

(b) Preparing and processing vouchers, purchase orders, 10230  
encumbrances, and other accounting documents; 10231

(c) Maintaining ledgers of accounts and balances; 10232

(d) Preparing and monitoring budgets and allotment plans in 10233  
consultation with the boards and commissions; 10234

(e) Other routine support services that the ~~director of~~ 10235  
~~administrative services considers~~ agency and the boards and 10236  
commissions consider appropriate to achieve efficiency. 10237

(2) The agency may perform and provide other services which a 10238  
board or commission named in division (A) of this section 10239  
delegates to the agency and the agency accepts. 10240

(3) The agency may perform and provide any service for any 10241  
professional or occupational licensing board not named in division 10242  
(A) of this section or any commission if the board or commission 10243  
requests such service and the agency accepts. 10244

(C) The director of administrative services shall be the 10245  
appointing authority for the agency. 10246

(D) The agency shall determine the fees to be charged to the 10247  
boards and commissions, which shall be in proportion to the 10248

services performed or provided for each board or commission. All 10249  
services shall be documented in the service level agreements and 10250  
addendums signed by the agency and the boards and commissions. 10251

(E) Each board or commission named in division (A) of this 10252  
section and any other board or commission requesting services from 10253  
the agency shall pay these fees to the agency from the general 10254  
revenue fund maintenance account of the board or commission or 10255  
from such other fund as the operating expenses of the board or 10256  
commission are paid. Any amounts set aside for a fiscal year by a 10257  
board or commission to allow for the payment of fees shall be used 10258  
only for the services performed or provided by the agency in that 10259  
fiscal year. All receipts collected by the agency shall be 10260  
deposited in the state treasury to the credit of the central 10261  
service agency fund, which is hereby created. All expenses 10262  
incurred by the agency in performing or providing services for the 10263  
boards or commissions shall be paid from the fund. 10264

(F) ~~Nothing in this section shall be construed as a grant of~~ 10265  
~~authority for the~~ The central service agency ~~to~~ may initiate or 10266  
deny those personnel or fiscal actions ~~for the boards and~~ 10267  
~~commissions~~ that are addressed in a service level agreement or 10268  
addendum, subject to the terms and conditions of the agreement or 10269  
addendum. The central service agency may in writing initiate or 10270  
deny personnel or fiscal actions that are contrary to state law or 10271  
policy. The state law or policy shall be stated in the initiation 10272  
or denial. 10273

**Sec. 125.24.** With respect to any contract entered into under 10274  
this chapter, which is made by the state or in whole or in part 10275  
supported by state funds, a contractor shall comply with any 10276  
regulation or ordinance that relates to the health, safety, 10277  
status, and welfare of employees and that is enacted by the 10278  
political subdivision in which the contract is to be performed. 10279

Sec. 125.831. As used in sections 125.831 to 125.834 of the Revised Code:

(A) "Alternative fuel" means any of the following fuels used in a motor vehicle:

- (1) E85 blend fuel;
- (2) Blended biodiesel;
- (3) Natural gas;
- (4) Liquefied petroleum gas;
- (5) Hydrogen;
- (6) Compressed air;
- (7) Any power source, including electricity;
- ~~(7)~~(8) Any fuel not described in divisions (A)(1) to ~~(6)~~(7) of this section that the United States department of energy determines, by final rule, to be substantially not petroleum, and that would yield substantial energy security and environmental benefits.

(B) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents that meets the American society for testing and materials specification for biodiesel fuel (B100) blend stock distillate fuels and any other standards that the director of administrative services adopts by rule.

(C) "Blended biodiesel" means a blend of biodiesel with petroleum based diesel fuel in which the resultant product contains not less than twenty per cent biodiesel that meets the American society for testing and materials specification for blended diesel fuel and any other standards that the director of administrative services adopts by rule.

(D) "Diesel fuel" means any liquid fuel that is capable of

use in discrete form or as a blend component in the operation of 10309  
engines of the diesel type. 10310

(E) "E85 blend fuel" means fuel containing eighty-five per 10311  
cent or more ethanol as defined in section 5733.46 of the Revised 10312  
Code or containing any other percentage of not less than seventy 10313  
per cent ethanol if the United States department of energy 10314  
determines, by rule, that the lower percentage is necessary to 10315  
provide for the requirements of cold start, safety, or vehicle 10316  
functions, and that meets the American society for testing and 10317  
materials specification for E85 blend fuel and any other standards 10318  
that the director of administrative services adopts by rule. 10319

(F) "Law enforcement officer" means an officer, agent, or 10320  
employee of a state agency upon whom, by statute, a duty to 10321  
conserve the peace or to enforce all or certain laws is imposed 10322  
and the authority to arrest violators is conferred, within the 10323  
limits of that statutory duty and authority, but does not include 10324  
such an officer, agent, or employee if that duty and authority is 10325  
location specific. 10326

(G)(1) "Motor vehicle" means any automobile, car minivan, 10327  
cargo van, passenger van, sport utility vehicle, or pickup truck 10328  
with a gross vehicle weight of under twelve thousand pounds. 10329

(2) "Motor vehicle" does not include, except for the purposes 10330  
of division (C) of section 125.832 of the Revised Code, any 10331  
vehicle described in division (G)(1) of this section that is used 10332  
by a law enforcement officer and law enforcement agency or any 10333  
vehicle that is so described and that is equipped with specialized 10334  
equipment that is not normally found in such a vehicle and that is 10335  
used to carry out a state agency's specific and specialized duties 10336  
and responsibilities. 10337

(H) "Specialized equipment" does not include standard mobile 10338  
radios with no capabilities other than voice communication, 10339

exterior and interior lights, or roof-mounted caution lights. 10340

(I) "State agency" means every organized body, office, board, 10341  
authority, commission, or agency established by the laws of the 10342  
state for the exercise of any governmental or quasi-governmental 10343  
function of state government regardless of the funding source for 10344  
that entity, other than any state institution of higher education, 10345  
the office of the governor, lieutenant governor, auditor of state, 10346  
treasurer of state, secretary of state, or attorney general, the 10347  
general assembly or any legislative agency, the courts or any 10348  
judicial agency, or any state retirement system or retirement 10349  
program established by or referenced in the Revised Code. 10350

(J) "State institution of higher education" has the same 10351  
meaning as in section 3345.011 of the Revised Code. 10352

**Sec. 126.05.** On or before the tenth day of each month, the 10353  
director of budget and management shall furnish to the governor 10354  
statements in such form as the governor requires showing the 10355  
condition of the general revenue fund. The statements shall 10356  
provide a summary of the status of appropriations to enable the 10357  
governor to exercise and maintain effective supervision and 10358  
control over the expenditures of the state. The director shall 10359  
also furnish statements the governor requests showing the 10360  
condition of any other fund. 10361

If the governor ascertains that the available revenue 10362  
receipts and balances for the general revenue fund for the current 10363  
fiscal year will in all probability be less than the 10364  
appropriations for the year, ~~he~~ the governor shall issue such 10365  
orders to the state agencies as will prevent their expenditures 10366  
and incurred obligations from exceeding such revenue receipts and 10367  
balances. 10368

If the governor ascertains that the available revenue 10369  
receipts and balances for any fund other than the general revenue 10370

fund for the current fiscal year will in all probability be less 10371  
than the appropriations for the year, ~~he~~ the governor may issue 10372  
such orders to the state agencies as will prevent their 10373  
expenditures and incurred obligations from exceeding such revenue 10374  
receipts and balances. 10375

If the governor determines that the available revenue 10376  
receipts and balances in any fund or across funds will likely be 10377  
less than the appropriations for the year, the governor may 10378  
declare a fiscal emergency and may issue such orders as necessary 10379  
to the director of budget and management to reduce expenditures, 10380  
or to the director of administrative services to implement 10381  
personnel actions consistent therewith, including, but not limited 10382  
to, mandatory cost savings days under section 124.392 of the 10383  
Revised Code. 10384

As used in this section, "expenditures and incurred 10385  
obligations" includes all moneys expended or obligated pursuant to 10386  
appropriations by the general assembly that are calculated and 10387  
distributed pursuant to a distribution formula in law. 10388

**Sec. 126.21.** (A) The director of budget and management shall 10389  
do all of the following: 10390

(1) Keep all necessary accounting records; 10391

(2) Prescribe and maintain the accounting system of the state 10392  
and establish appropriate accounting procedures and charts of 10393  
accounts; 10394

(3) Establish procedures for the use of written, electronic, 10395  
optical, or other communications media for approving and reviewing 10396  
payment vouchers; 10397

(4) Reconcile, in the case of any variation between the 10398  
amount of any appropriation and the aggregate amount of items of 10399  
the appropriation, with the advice and assistance of the state 10400



agency affected by it and the legislative service commission, 10401  
totals so as to correspond in the aggregate with the total 10402  
appropriation. In the case of a conflict between the item and the 10403  
total of which it is a part, the item shall be considered the 10404  
intended appropriation. 10405

(5) Evaluate on an ongoing basis and, if necessary, recommend 10406  
improvements to the internal controls used in state agencies; 10407

(6) Authorize the establishment of petty cash accounts. The 10408  
director may withdraw approval for any petty cash account and 10409  
require the officer in charge to return to the state treasury any 10410  
unexpended balance shown by the officer's accounts to be on hand. 10411  
Any officer who is issued a warrant for petty cash shall render a 10412  
detailed account of the expenditures of the petty cash and shall 10413  
report when requested the balance of petty cash on hand at any 10414  
time. 10415

(7) Process orders, invoices, vouchers, claims, and payrolls 10416  
and prepare financial reports and statements; 10417

(8) Perform extensions, reviews, and compliance checks prior 10418  
to or after approving a payment as the director considers 10419  
necessary; 10420

(9) Issue the official comprehensive annual financial report 10421  
of the state. The report shall cover all funds of the state 10422  
reporting entity and shall include basic financial statements and 10423  
required supplementary information prepared in accordance with 10424  
generally accepted accounting principles and other information as 10425  
the director provides. All state agencies, authorities, 10426  
institutions, offices, retirement systems, and other component 10427  
units of the state reporting entity as determined by the director 10428  
shall furnish the director whatever financial statements and other 10429  
information the director requests for the report, in the form, at 10430  
the times, covering the periods, and with the attestation the 10431

director prescribes. The information for state institutions of 10432  
higher education, as defined in section 3345.011 of the Revised 10433  
Code, shall be submitted to the chancellor by the Ohio board of 10434  
regents. The board shall establish a due date by which each such 10435  
institution shall submit the information to the board, but no such 10436  
date shall be later than one hundred twenty days after the end of 10437  
the state fiscal year unless a later date is approved by the 10438  
director. 10439

(B) In addition to the director's duties under division (A) 10440  
of this section, the director may establish and administer one or 10441  
more state payment card programs that permit or require state 10442  
agencies to use a payment card to purchase equipment, materials, 10443  
supplies, or services in accordance with guidelines issued by the 10444  
director. The chief administrative officer of a state agency that 10445  
uses a payment card for such purposes shall ensure that purchases 10446  
made with the card are made in accordance with the guidelines 10447  
issued by the director and do not exceed the unexpended, 10448  
unencumbered, unobligated balance in the appropriation to be 10449  
charged for the purchase. State agencies may participate in only 10450  
those state payment card programs that the director establishes 10451  
pursuant to this section. 10452

(C) In addition to the director's duties under divisions (A) 10453  
and (B) of this section, the director may enter into any contract 10454  
or agreement necessary for and incidental to the performance of 10455  
the director's duties or the duties of the office of budget and 10456  
management. 10457

(D) In consultation with the director of administrative 10458  
services, the director may appoint and fix the compensation of 10459  
employees of the office of budget and management whose primary 10460  
duties include the consolidation of statewide financing functions 10461  
and common transactional processes. 10462

Sec. 126.35. (A) The director of budget and management shall 10463  
draw warrants against the treasurer of state pursuant to all 10464  
requests for payment that the director has approved under section 10465  
126.07 of the Revised Code. 10466

(B) Unless ~~the director of job and family services has~~ 10467  
~~provided for the making of payments~~ a cash assistance payment is 10468  
to be made by electronic benefit transfer, ~~if a financial~~ 10469  
~~institution and account have been designated by the participant or~~ 10470  
~~recipient,~~ payment by the director of budget and management to a 10471  
participant in the Ohio works first program pursuant to Chapter 10472  
5107. of the Revised Code ~~or,~~ a recipient of disability financial 10473  
assistance pursuant to Chapter 5115. of the Revised Code, or a 10474  
recipient of cash assistance provided under the refugee assistance 10475  
program established under section 5101.49 of the Revised Code 10476  
shall be made by direct deposit to the account of the participant 10477  
or recipient in the financial institution designated under section 10478  
329.03 of the Revised Code. Payment by the director of budget and 10479  
management to a recipient of benefits distributed through the 10480  
medium of electronic benefit transfer pursuant to section 5101.33 10481  
of the Revised Code shall be by electronic benefit transfer. 10482  
Payment by the director of budget and management as compensation 10483  
to an employee of the state who has, pursuant to section 124.151 10484  
of the Revised Code, designated a financial institution and 10485  
account for the direct deposit of such payments shall be made by 10486  
direct deposit to the account of the employee. Payment to any 10487  
other payee who has designated a financial institution and account 10488  
for the direct deposit of such payment may be made by direct 10489  
deposit to the account of the payee in the financial institution 10490  
as provided in section 9.37 of the Revised Code. Accounts 10491  
maintained by the director of budget and management or the 10492  
director's agent in a financial institution for the purpose of 10493  
effectuating payment by direct deposit or electronic benefit 10494

transfer shall be maintained in accordance with section 135.18 of 10495  
the Revised Code. 10496

(C) All other payments from the state treasury shall be made 10497  
by paper warrants or by direct deposit payable to the respective 10498  
payees. The director of budget and management may mail the paper 10499  
warrants to the respective payees or distribute them through other 10500  
state agencies, whichever the director determines to be the better 10501  
procedure. 10502

(D) If the average per transaction cost the director of 10503  
budget and management incurs in making direct deposits for a state 10504  
agency exceeds the average per transaction cost the director 10505  
incurs in drawing paper warrants for all public offices during the 10506  
same period of time, the director may certify the difference in 10507  
cost and the number of direct deposits for the agency to the 10508  
director of administrative services. The director of 10509  
administrative services shall reimburse the director of budget and 10510  
management for such additional costs and add the amount to the 10511  
processing charge assessed upon the state agency. 10512

**Sec. 127.16.** (A) Upon the request of either a state agency or 10513  
the director of budget and management and after the controlling 10514  
board determines that an emergency or a sufficient economic reason 10515  
exists, the controlling board may approve the making of a purchase 10516  
without competitive selection as provided in division (B) of this 10517  
section. 10518

(B) Except as otherwise provided in this section, no state 10519  
agency, using money that has been appropriated to it directly, 10520  
shall: 10521

(1) Make any purchase from a particular supplier, that would 10522  
amount to fifty thousand dollars or more when combined with both 10523  
the amount of all disbursements to the supplier during the fiscal 10524  
year for purchases made by the agency and the amount of all 10525

outstanding encumbrances for purchases made by the agency from the 10526  
supplier, unless the purchase is made by competitive selection or 10527  
with the approval of the controlling board; 10528

(2) Lease real estate from a particular supplier, if the 10529  
lease would amount to seventy-five thousand dollars or more when 10530  
combined with both the amount of all disbursements to the supplier 10531  
during the fiscal year for real estate leases made by the agency 10532  
and the amount of all outstanding encumbrances for real estate 10533  
leases made by the agency from the supplier, unless the lease is 10534  
made by competitive selection or with the approval of the 10535  
controlling board. 10536

(C) Any person who authorizes a purchase in violation of 10537  
division (B) of this section shall be liable to the state for any 10538  
state funds spent on the purchase, and the attorney general shall 10539  
collect the amount from the person. 10540

(D) Nothing in division (B) of this section shall be 10541  
construed as: 10542

(1) A limitation upon the authority of the director of 10543  
transportation as granted in sections 5501.17, 5517.02, and 10544  
5525.14 of the Revised Code; 10545

(2) Applying to medicaid provider agreements under Chapter 10546  
5111. of the Revised Code or payments or provider agreements under 10547  
the disability medical assistance program established under 10548  
Chapter 5115. of the Revised Code; 10549

(3) Applying to the purchase of examinations from a sole 10550  
supplier by a state licensing board under Title XLVII of the 10551  
Revised Code; 10552

(4) Applying to entertainment contracts for the Ohio state 10553  
fair entered into by the Ohio expositions commission, provided 10554  
that the controlling board has given its approval to the 10555  
commission to enter into such contracts and has approved a total 10556

budget amount for such contracts as agreed upon by commission 10557  
action, and that the commission causes to be kept itemized records 10558  
of the amounts of money spent under each contract and annually 10559  
files those records with the clerk of the house of representatives 10560  
and the clerk of the senate following the close of the fair; 10561

(5) Limiting the authority of the chief of the division of 10562  
mineral resources management to contract for reclamation work with 10563  
an operator mining adjacent land as provided in section 1513.27 of 10564  
the Revised Code; 10565

(6) Applying to investment transactions and procedures of any 10566  
state agency, except that the agency shall file with the board the 10567  
name of any person with whom the agency contracts to make, broker, 10568  
service, or otherwise manage its investments, as well as the 10569  
commission, rate, or schedule of charges of such person with 10570  
respect to any investment transactions to be undertaken on behalf 10571  
of the agency. The filing shall be in a form and at such times as 10572  
the board considers appropriate. 10573

(7) Applying to purchases made with money for the per cent 10574  
for arts program established by section 3379.10 of the Revised 10575  
Code; 10576

(8) Applying to purchases made by the rehabilitation services 10577  
commission of services, or supplies, that are provided to persons 10578  
with disabilities, or to purchases made by the commission in 10579  
connection with the eligibility determinations it makes for 10580  
applicants of programs administered by the social security 10581  
administration; 10582

(9) Applying to payments by the department of job and family 10583  
services under section 5111.13 of the Revised Code for group 10584  
health plan premiums, deductibles, coinsurance, and other 10585  
cost-sharing expenses; 10586

(10) Applying to any agency of the legislative branch of the 10587

state government;	10588
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	10589 10590 10591
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	10592 10593 10594 10595
(13) Applying to dues or fees paid for membership in an organization or association;	10596 10597
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	10598 10599
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	10600 10601 10602 10603
(16) Applying to purchases of tickets for passenger air transportation;	10604 10605
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	10606 10607 10608
(18) Applying to the judicial branch of state government;	10609
(19) Applying to purchases of liquor for resale by the division of liquor control;	10610 10611
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	10612 10613 10614
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal	10615 10616 10617

service;	10618
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	10619 10620 10621
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	10622 10623
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	10624 10625 10626 10627
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	10628 10629 10630
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	10631 10632 10633 10634 10635
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	10636 10637 10638
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	10639 10640 10641
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	10642 10643 10644 10645 10646 10647



(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education; 10648  
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(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code, the children's health insurance program part II provided for under section 5101.51 of the Revised Code, or the children's health insurance program part III provided for under section 5101.52 of the Revised Code, or the children's buy-in program provided for under sections 5101.5211 to 5101.5216 of the Revised Code; 10653  
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(32) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code; 10662  
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(33) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code; 10666  
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(34) Applying to ~~reimbursements paid to the United States department of veterans affairs for pharmaceutical and patient supply purchases made on behalf of the Ohio veterans' home agency~~ purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs; 10669  
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~~(35) Applying to agreements entered into with terminal distributors of dangerous drugs under section 173.79 of the Revised Code;~~ 10675  
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~~(36)~~ Applying to payments by the superintendent of the bureau 10678

of criminal identification and investigation to the federal bureau 10679  
of investigation for criminal records checks pursuant to section 10680  
109.572 of the Revised Code. 10681

(E) When determining whether a state agency has reached the 10682  
cumulative purchase thresholds established in divisions (B)(1) and 10683  
(2) of this section, all of the following purchases by such agency 10684  
shall not be considered: 10685

(1) Purchases made through competitive selection or with 10686  
controlling board approval; 10687

(2) Purchases listed in division (D) of this section; 10688

(3) For the purposes of the threshold of division (B)(1) of 10689  
this section only, leases of real estate. 10690

(F) As used in this section, "competitive selection," 10691  
"purchase," "supplies," and "services" have the same meanings as 10692  
in section 125.01 of the Revised Code. 10693

**Sec. 131.33.** (A) No state agency shall incur an obligation 10694  
which exceeds the agency's current appropriation authority. 10695  
~~Unexpended~~ Except as provided in division (D) of this section, 10696  
unexpended balances of appropriations shall, at the close of the 10697  
period for which the appropriations are made, revert to the funds 10698  
from which the appropriations were made, except that the director 10699  
of budget and management shall transfer such unexpended balances 10700  
from the first fiscal year to the second fiscal year of an 10701  
agency's appropriations to the extent necessary for voided 10702  
warrants to be reissued pursuant to division (C) of section 126.37 10703  
of the Revised Code. 10704

Except as provided in this section, appropriations made to a 10705  
specific fiscal year shall be expended only to pay liabilities 10706  
incurred within that fiscal year. 10707

(B) All payrolls shall be charged to the allotments of the 10708

fiscal quarters in which the applicable payroll vouchers are 10709  
certified by the director of budget and management in accordance 10710  
with section 126.07 of the Revised Code. As used in this ~~section~~ 10711  
division, "payrolls" means any payment made in accordance with 10712  
section 125.21 of the Revised Code. 10713

(C) Legal liabilities from prior fiscal years for which there 10714  
is no reappropriation authority shall be discharged from the 10715  
unencumbered balances of current appropriations. 10716

(D)(1) Federal grant funds obligated by the department of job 10717  
and family services for financial allocations to county family 10718  
services agencies and local workforce investment boards may, at 10719  
the discretion of the director of job and family services, be 10720  
available for expenditure for the duration of the federal grant 10721  
period of obligation and liquidation, as follows: 10722

(a) At the end of the state fiscal year, all unexpended 10723  
county family services agency and local workforce investment board 10724  
financial allocations obligated from federal grant funds may 10725  
continue to be valid for expenditure during subsequent state 10726  
fiscal years. 10727

(b) The financial allocations described in division (D)(1)(a) 10728  
of this section shall be reconciled at the end of the federal 10729  
grant period of availability or as required by federal law, 10730  
regardless of the state fiscal year of the appropriation. 10731

(2) The director of job and family services may adopt rules 10732  
in accordance with section 111.15 of the Revised Code, as if they 10733  
were internal management rules, as necessary to implement division 10734  
(D) of this section. 10735

(3) As used in division (D) of this section: 10736

(a) "County family services agency" has the same meaning as 10737  
in section 307.981 of the Revised Code. 10738

(b) "Local workforce investment board" means a local 10739  
workforce investment board established under section 117 of the 10740  
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832, 10741  
as amended. 10742

**Sec. 133.06.** (A) A school district shall not incur, without a 10743  
vote of the electors, net indebtedness that exceeds an amount 10744  
equal to one-tenth of one per cent of its tax valuation, except as 10745  
provided in divisions (G) and (H) of this section and in division 10746  
(C) of section 3313.372 of the Revised Code, or as prescribed in 10747  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 10748  
division (J) of this section. 10749

(B) Except as provided in divisions (E), (F), and (I) of this 10750  
section, a school district shall not incur net indebtedness that 10751  
exceeds an amount equal to nine per cent of its tax valuation. 10752

(C) A school district shall not submit to a vote of the 10753  
electors the question of the issuance of securities in an amount 10754  
that will make the district's net indebtedness after the issuance 10755  
of the securities exceed an amount equal to four per cent of its 10756  
tax valuation, unless the superintendent of public instruction, 10757  
acting under policies adopted by the state board of education, and 10758  
the tax commissioner, acting under written policies of the 10759  
commissioner, consent to the submission. A request for the 10760  
consents shall be made at least one hundred five days prior to the 10761  
election at which the question is to be submitted. 10762

The superintendent of public instruction shall certify to the 10763  
district the superintendent's and the tax commissioner's decisions 10764  
within thirty days after receipt of the request for consents. 10765

If the electors do not approve the issuance of securities at 10766  
the election for which the superintendent of public instruction 10767  
and tax commissioner consented to the submission of the question, 10768  
the school district may submit the same question to the electors 10769

on the date that the next special election may be held under 10770  
section 3501.01 of the Revised Code without submitting a new 10771  
request for consent. If the school district seeks to submit the 10772  
same question at any other subsequent election, the district shall 10773  
first submit a new request for consent in accordance with this 10774  
division. 10775

(D) In calculating the net indebtedness of a school district, 10776  
none of the following shall be considered: 10777

(1) Securities issued to acquire school buses and other 10778  
equipment used in transporting pupils or issued pursuant to 10779  
division (D) of section 133.10 of the Revised Code; 10780

(2) Securities issued under division (F) of this section, 10781  
under section 133.301 of the Revised Code, and, to the extent in 10782  
excess of the limitation stated in division (B) of this section, 10783  
under division (E) of this section; 10784

(3) Indebtedness resulting from the dissolution of a joint 10785  
vocational school district under section 3311.217 of the Revised 10786  
Code, evidenced by outstanding securities of that joint vocational 10787  
school district; 10788

(4) Loans, evidenced by any securities, received under 10789  
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 10790  
Revised Code; 10791

(5) Debt incurred under section 3313.374 of the Revised Code; 10792

(6) Debt incurred pursuant to division (B)(5) of section 10793  
3313.37 of the Revised Code to acquire computers and related 10794  
hardware; 10795

(7) Debt incurred under section 3318.042 of the Revised Code. 10796

(E) A school district may become a special needs district as 10797  
to certain securities as provided in division (E) of this section. 10798

(1) A board of education, by resolution, may declare its 10799

school district to be a special needs district by determining both 10800  
of the following: 10801

(a) The student population is not being adequately serviced 10802  
by the existing permanent improvements of the district. 10803

(b) The district cannot obtain sufficient funds by the 10804  
issuance of securities within the limitation of division (B) of 10805  
this section to provide additional or improved needed permanent 10806  
improvements in time to meet the needs. 10807

(2) The board of education shall certify a copy of that 10808  
resolution to the superintendent of public instruction with a 10809  
statistical report showing all of the following: 10810

(a) A history of and a projection of the growth of the 10811  
student population; 10812

(b) The history of and a projection of the growth of the tax 10813  
valuation; 10814

(c) The projected needs; 10815

(d) The estimated cost of permanent improvements proposed to 10816  
meet such projected needs. 10817

(3) The superintendent of public instruction shall certify 10818  
the district as an approved special needs district if the 10819  
superintendent finds both of the following: 10820

(a) The district does not have available sufficient 10821  
additional funds from state or federal sources to meet the 10822  
projected needs. 10823

(b) The projection of the potential average growth of tax 10824  
valuation during the next five years, according to the information 10825  
certified to the superintendent and any other information the 10826  
superintendent obtains, indicates a likelihood of potential 10827  
average growth of tax valuation of the district during the next 10828  
five years of an average of not less than three per cent per year. 10829

The findings and certification of the superintendent shall be 10830  
conclusive. 10831

(4) An approved special needs district may incur net 10832  
indebtedness by the issuance of securities in accordance with the 10833  
provisions of this chapter in an amount that does not exceed an 10834  
amount equal to the greater of the following: 10835

(a) Nine per cent of the sum of its tax valuation plus an 10836  
amount that is the product of multiplying that tax valuation by 10837  
the percentage by which the tax valuation has increased over the 10838  
tax valuation on the first day of the sixtieth month preceding the 10839  
month in which its board determines to submit to the electors the 10840  
question of issuing the proposed securities; 10841

(b) Nine per cent of the sum of its tax valuation plus an 10842  
amount that is the product of multiplying that tax valuation by 10843  
the percentage, determined by the superintendent of public 10844  
instruction, by which that tax valuation is projected to increase 10845  
during the next ten years. 10846

(F) A school district may issue securities for emergency 10847  
purposes, in a principal amount that does not exceed an amount 10848  
equal to three per cent of its tax valuation, as provided in this 10849  
division. 10850

(1) A board of education, by resolution, may declare an 10851  
emergency if it determines both of the following: 10852

(a) School buildings or other necessary school facilities in 10853  
the district have been wholly or partially destroyed, or condemned 10854  
by a constituted public authority, or that such buildings or 10855  
facilities are partially constructed, or so constructed or planned 10856  
as to require additions and improvements to them before the 10857  
buildings or facilities are usable for their intended purpose, or 10858  
that corrections to permanent improvements are necessary to remove 10859  
or prevent health or safety hazards. 10860

(b) Existing fiscal and net indebtedness limitations make 10861  
adequate replacement, additions, or improvements impossible. 10862

(2) Upon the declaration of an emergency, the board of 10863  
education may, by resolution, submit to the electors of the 10864  
district pursuant to section 133.18 of the Revised Code the 10865  
question of issuing securities for the purpose of paying the cost, 10866  
in excess of any insurance or condemnation proceeds received by 10867  
the district, of permanent improvements to respond to the 10868  
emergency need. 10869

(3) The procedures for the election shall be as provided in 10870  
section 133.18 of the Revised Code, except that: 10871

(a) The form of the ballot shall describe the emergency 10872  
existing, refer to this division as the authority under which the 10873  
emergency is declared, and state that the amount of the proposed 10874  
securities exceeds the limitations prescribed by division (B) of 10875  
this section; 10876

(b) The resolution required by division (B) of section 133.18 10877  
of the Revised Code shall be certified to the county auditor and 10878  
the board of elections at least seventy-five days prior to the 10879  
election; 10880

(c) The county auditor shall advise and, not later than 10881  
sixty-five days before the election, confirm that advice by 10882  
certification to, the board of education of the information 10883  
required by division (C) of section 133.18 of the Revised Code; 10884

(d) The board of education shall then certify its resolution 10885  
and the information required by division (D) of section 133.18 of 10886  
the Revised Code to the board of elections not less than sixty 10887  
days prior to the election. 10888

(4) Notwithstanding division (B) of section 133.21 of the 10889  
Revised Code, the first principal payment of securities issued 10890  
under this division may be set at any date not later than sixty 10891



months after the earliest possible principal payment otherwise 10892  
provided for in that division. 10893

(G) The board of education may contract with an architect, 10894  
professional engineer, or other person experienced in the design 10895  
and implementation of energy conservation measures for an analysis 10896  
and recommendations pertaining to installations, modifications of 10897  
installations, or remodeling that would significantly reduce 10898  
energy consumption in buildings owned by the district. The report 10899  
shall include estimates of all costs of such installations, 10900  
modifications, or remodeling, including costs of design, 10901  
engineering, installation, maintenance, repairs, and debt service, 10902  
and estimates of the amounts by which energy consumption and 10903  
resultant operational and maintenance costs, as defined by the 10904  
Ohio school facilities commission, would be reduced. 10905

If the board finds after receiving the report that the amount 10906  
of money the district would spend on such installations, 10907  
modifications, or remodeling is not likely to exceed the amount of 10908  
money it would save in energy and resultant operational and 10909  
maintenance costs over the ensuing fifteen years, the board may 10910  
submit to the commission a copy of its findings and a request for 10911  
approval to incur indebtedness to finance the making or 10912  
modification of installations or the remodeling of buildings for 10913  
the purpose of significantly reducing energy consumption. 10914

If the commission determines that the board's findings are 10915  
reasonable, it shall approve the board's request. Upon receipt of 10916  
the commission's approval, the district may issue securities 10917  
without a vote of the electors in a principal amount not to exceed 10918  
nine-tenths of one per cent of its tax valuation for the purpose 10919  
of making such installations, modifications, or remodeling, but 10920  
the total net indebtedness of the district without a vote of the 10921  
electors incurred under this and all other sections of the Revised 10922  
Code, except section 3318.052 of the Revised Code, shall not 10923

exceed one per cent of the district's tax valuation. 10924

So long as any securities issued under division (G) of this 10925  
section remain outstanding, the board of education shall monitor 10926  
the energy consumption and resultant operational and maintenance 10927  
costs of buildings in which installations or modifications have 10928  
been made or remodeling has been done pursuant to division (G) of 10929  
this section and shall maintain and annually update a report 10930  
documenting the reductions in energy consumption and resultant 10931  
operational and maintenance cost savings attributable to such 10932  
installations, modifications, or remodeling. The report shall be 10933  
certified by an architect or engineer independent of any person 10934  
that provided goods or services to the board in connection with 10935  
the energy conservation measures that are the subject of the 10936  
report. The resultant operational and maintenance cost savings 10937  
shall be certified by the school district treasurer. The report 10938  
shall be made available to the commission upon request. 10939

(H) With the consent of the superintendent of public 10940  
instruction, a school district may incur without a vote of the 10941  
electors net indebtedness that exceeds the amounts stated in 10942  
divisions (A) and (G) of this section for the purpose of paying 10943  
costs of permanent improvements, if and to the extent that both of 10944  
the following conditions are satisfied: 10945

(1) The fiscal officer of the school district estimates that 10946  
receipts of the school district from payments made under or 10947  
pursuant to agreements entered into pursuant to section 725.02, 10948  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 10949  
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 10950  
Code, or distributions under division (C) of section 5709.43 of 10951  
the Revised Code, or any combination thereof, are, after 10952  
accounting for any appropriate coverage requirements, sufficient 10953  
in time and amount, and are committed by the proceedings, to pay 10954  
the debt charges on the securities issued to evidence that 10955

indebtedness and payable from those receipts, and the taxing 10956  
authority of the district confirms the fiscal officer's estimate, 10957  
which confirmation is approved by the superintendent of public 10958  
instruction; 10959

(2) The fiscal officer of the school district certifies, and 10960  
the taxing authority of the district confirms, that the district, 10961  
at the time of the certification and confirmation, reasonably 10962  
expects to have sufficient revenue available for the purpose of 10963  
operating such permanent improvements for their intended purpose 10964  
upon acquisition or completion thereof, and the superintendent of 10965  
public instruction approves the taxing authority's confirmation. 10966

The maximum maturity of securities issued under division (H) 10967  
of this section shall be the lesser of twenty years or the maximum 10968  
maturity calculated under section 133.20 of the Revised Code. 10969

(I) A school district may incur net indebtedness by the 10970  
issuance of securities in accordance with the provisions of this 10971  
chapter in excess of the limit specified in division (B) or (C) of 10972  
this section when necessary to raise the school district portion 10973  
of the basic project cost and any additional funds necessary to 10974  
participate in a project under Chapter 3318. of the Revised Code, 10975  
including the cost of items designated by the Ohio school 10976  
facilities commission as required locally funded initiatives and 10977  
the cost for site acquisition. The school facilities commission 10978  
shall notify the superintendent of public instruction whenever a 10979  
school district will exceed either limit pursuant to this 10980  
division. 10981

(J) A school district whose portion of the basic project cost 10982  
of its classroom facilities project under sections 3318.01 to 10983  
3318.20 of the Revised Code is greater than or equal to one 10984  
hundred million dollars may incur without a vote of the electors 10985  
net indebtedness in an amount up to two per cent of its tax 10986  
valuation through the issuance of general obligation securities in 10987

order to generate all or part of the amount of its portion of the 10988  
basic project cost if the controlling board has approved the 10989  
school facilities commission's conditional approval of the project 10990  
under section 3318.04 of the Revised Code. The school district 10991  
board and the Ohio school facilities commission shall include the 10992  
dedication of the proceeds of such securities in the agreement 10993  
entered into under section 3318.08 of the Revised Code. No state 10994  
moneys shall be released for a project to which this section 10995  
applies until the proceeds of any bonds issued under this section 10996  
that are dedicated for the payment of the school district portion 10997  
of the project are first deposited into the school district's 10998  
project construction fund. 10999

Sec. 135.03. Any national bank, any bank doing business under 11000  
authority granted by the superintendent of financial institutions, 11001  
or any bank doing business under authority granted by the 11002  
regulatory authority of another state of the United States, 11003  
~~located in this state and any bank as defined by section 1101.01~~ 11004  
~~of the Revised Code, subject to inspection by the superintendent~~ 11005  
~~of financial institutions,~~ is eligible to become a public 11006  
depository, subject to sections 135.01 to 135.21 of the Revised 11007  
Code. No bank shall receive or have on deposit at any one time 11008  
public moneys, including public moneys as defined in section 11009  
135.31 of the Revised Code, in an aggregate amount in excess of 11010  
thirty per cent of its total assets, as shown in its latest report 11011  
to the ~~superintendent of financial institutions or~~ comptroller of 11012  
the currency, the superintendent of financial institutions, the 11013  
federal deposit insurance corporation, or the board of governors 11014  
of the federal reserve system. 11015

~~Any domestic association as defined in section 1151.01 of the~~ 11016  
~~Revised Code, or any savings bank as defined in section 1161.01 of~~ 11017  
~~the Revised Code,~~ federal savings association, any savings and 11018  
loan association or savings bank doing business under authority 11019

granted by the superintendent of financial institutions, or any 11020  
savings and loan association or savings bank doing business under 11021  
authority granted by the regulatory authority of another state of 11022  
the United States, located in this state, and authorized to accept 11023  
deposits is eligible to become a public depository, subject to 11024  
sections 135.01 to 135.21 of the Revised Code. No ~~domestic~~ savings 11025  
association, savings and loan association, or savings bank shall 11026  
receive or have on deposit at any one time public moneys, 11027  
including public moneys as defined in section 135.31 of the 11028  
Revised Code, in an aggregate amount in excess of thirty per cent 11029  
of its total assets, as shown in its latest report to the 11030  
~~superintendent of financial institutions or federal home loan bank~~  
~~board office of thrift supervision, the superintendent of~~ 11031  
financial institutions, the federal deposit insurance corporation, 11032  
or the board of governors of the federal reserve system. 11033  
11034

**Sec. 135.06.** Each eligible institution desiring to be a 11035  
public depository of the inactive deposits of the public moneys of 11036  
the state or of the inactive deposits of the public moneys of the 11037  
subdivision shall, not more than thirty days prior to the date 11038  
fixed by section 135.12 of the Revised Code for the designation of 11039  
such public depositories, make application therefor in writing to 11040  
the proper governing board. Such application shall specify the 11041  
maximum amount of such public moneys which the applicant desires 11042  
to receive and have on deposit as an inactive deposit at any one 11043  
time during the period covered by the designation, provided that, 11044  
~~where such applicant is a bank,~~ it shall not apply for more than 11045  
thirty per cent of its total assets as revealed by its latest 11046  
report to the superintendent of ~~banks or~~ financial institutions, 11047  
the comptroller of the currency, ~~and provided that where such~~ 11048  
~~applicant is a building and loan association, it shall not apply~~ 11049  
~~for more than thirty per cent of its total assets as revealed by~~ 11050  
~~its latest report to the superintendent of building and loan~~ 11051

~~associations or the federal home loan bank board~~ the office of 11052  
thrift supervision, the federal deposit insurance corporation, or 11053  
the board of governors of the federal reserve system, and the rate 11054  
of interest which the applicant, ~~whether it be a bank or a~~ 11055  
~~building and loan association,~~ will pay thereon, subject to the 11056  
limitations of sections 135.01 to 135.21 of the Revised Code. Each 11057  
application shall be accompanied by a financial statement of the 11058  
applicant, under oath of its cashier, treasurer, or other officer, 11059  
in such detail as to show the capital funds of the applicant, as 11060  
of the date of its latest report to the superintendent ~~of banks,~~ 11061  
~~superintendent of building and loan associations, federal home~~ 11062  
~~loan bank board, or~~ of financial institutions, the comptroller of 11063  
the currency, the office of thrift supervision, the federal 11064  
deposit insurance corporation, or the board of governors of the 11065  
federal reserve system, and adjusted to show any changes therein 11066  
made prior to the date of the application. Such application may be 11067  
combined with an application for designation as a public 11068  
depository of active deposits, interim deposits, or both. 11069

11070

**Sec. 135.08.** Each eligible institution desiring to be a 11071  
public depository of interim deposits of the public moneys of the 11072  
state or of the interim deposits of the public moneys of the 11073  
subdivision shall, not more than thirty days prior to the date 11074  
fixed by section 135.12 of the Revised Code for the designation of 11075  
public depositories, make application therefor in writing to the 11076  
proper governing board. Such application shall specify the maximum 11077  
amount of such public moneys which the applicant desires to 11078  
receive and have on deposit as interim deposits at any one time 11079  
during the period covered by the designation, provided that, ~~where~~ 11080  
~~such applicant is a bank,~~ it shall not apply for more than thirty 11081  
per cent of its total assets as revealed by its latest report to 11082  
the superintendent of ~~banks or~~ financial institutions, the 11083

comptroller of the currency, and ~~provided that where such~~ 11084  
~~applicant is a building and loan association, it shall not apply~~ 11085  
~~for more than thirty per cent of its total assets as revealed by~~ 11086  
~~its latest report to the superintendent of building and loan~~ 11087  
~~associations or the federal home loan bank board~~ the office of 11088  
thrift supervision, the federal deposit insurance corporation, or 11089  
the board of governors of the federal reserve system, and the rate 11090  
of interest which the applicant, ~~whether it be a bank or a~~ 11091  
~~building and loan association,~~ will pay thereon, subject to the 11092  
limitations of sections 135.01 to 135.21 of the Revised Code. 11093

Each application shall be accompanied by a financial 11094  
statement of the applicant, under oath of its cashier, treasurer, 11095  
or other officer, in such detail as to show the capital funds of 11096  
the applicant, as of the date of its latest report to the 11097  
superintendent of ~~banks, superintendent of building and loan~~ 11098  
~~associations, federal home loan bank board, or~~ financial 11099  
institutions, the comptroller of the currency, the office of 11100  
thrift supervision, the federal deposit insurance corporation, or 11101  
the board of governors of the federal reserve system, and adjusted 11102  
to show any changes therein made prior to the date of the 11103  
application. Such application may be combined with an application 11104  
for designation as a public depository of inactive deposits, 11105  
active deposits, or both. 11106

**Sec. 135.32.** (A) Any national bank, any bank doing business 11107  
under authority granted by the superintendent of financial 11108  
institutions, or any bank doing business under authority granted 11109  
by the regulatory authority of another state of the United States, 11110  
located in this state ~~and any bank as defined in section 1101.01~~ 11111  
~~of the Revised Code, subject to inspection by the superintendent~~ 11112  
~~of financial institutions,~~ is eligible to become a public 11113  
depository, subject to sections 135.31 to 135.40 of the Revised 11114  
Code. No bank shall receive or have on deposit at any one time 11115

public moneys, including public moneys as defined in section 11116  
135.01 of the Revised Code, in an aggregate amount in excess of 11117  
thirty per cent of its total assets, as shown in its latest report 11118  
to the ~~superintendent of financial institutions or~~ comptroller of 11119  
the currency, the superintendent of financial institutions, the 11120  
federal deposit insurance corporation, or the board of governors 11121  
of the federal reserve system. 11122

(B) Any ~~domestic association as defined in section 1151.01 of~~ 11123  
~~the Revised Code, or any savings bank as defined in section~~ 11124  
~~1161.01 of the Revised Code,~~ federal savings association, any 11125  
savings and loan association or savings bank doing business under 11126  
authority granted by the superintendent of financial institutions, 11127  
or any savings and loan association or savings bank doing business 11128  
under authority granted by the regulatory authority of another 11129  
state of the United States, located in this state, and authorized 11130  
to accept deposits is eligible to become a public depository, 11131  
subject to sections 135.31 to 135.40 of the Revised Code. No 11132  
~~domestic~~ savings association, savings and loan association, or 11133  
savings bank shall receive or have on deposit at any one time 11134  
public moneys, including public moneys as defined in section 11135  
135.01 of the Revised Code, in an aggregate amount in excess of 11136  
thirty per cent of its total assets, as shown in its latest report 11137  
to the ~~superintendent of financial institutions or federal home~~ 11138  
~~loan bank board~~ the office of thrift supervision, the 11139  
superintendent of financial institutions, the federal deposit 11140  
insurance corporation, or the board of governors of the federal 11141  
reserve system. 11142

**Sec. 141.04.** (A) The annual salaries of the chief justice of 11143  
the supreme court and of the justices and judges named in this 11144  
section payable from the state treasury are as follows, rounded to 11145  
the nearest fifty dollars: 11146



(1) For the chief justice of the supreme court, the following amounts effective in the following years:	11147 11148
(a) Beginning January 1, 2000, one hundred twenty-four thousand nine hundred dollars;	11149 11150
(b) Beginning January 1, 2001, one hundred twenty-eight thousand six hundred fifty dollars;	11151 11152
(c) After 2001, the amount determined under division (E)(1) of this section.	11153 11154
(2) For the justices of the supreme court, the following amounts effective in the following years:	11155 11156
(a) Beginning January 1, 2000, one hundred seventeen thousand two hundred fifty dollars;	11157 11158
(b) Beginning January 1, 2001, one hundred twenty thousand seven hundred fifty dollars;	11159 11160
(c) After 2001, the amount determined under division (E)(1) of this section.	11161 11162
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	11163 11164
(a) Beginning January 1, 2000, one hundred nine thousand two hundred fifty dollars;	11165 11166
(b) Beginning January 1, 2001, one hundred twelve thousand five hundred fifty dollars;	11167 11168
(c) After 2001, the amount determined under division (E)(1) of this section.	11169 11170
(4) For the judges of the courts of common pleas, the following amounts effective in the following years:	11171 11172
(a) Beginning January 1, 2000, one hundred thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant	11173 11174 11175

to section 141.05 of the Revised Code; 11176

(b) Beginning January 1, 2001, one hundred three thousand 11177  
five hundred dollars, reduced by an amount equal to the annual 11178  
compensation paid to that judge from the county treasury pursuant 11179  
to section 141.05 of the Revised Code; 11180

(c) After 2001, the aggregate annual salary amount determined 11181  
under division (E)(2) of this section reduced by an amount equal 11182  
to the annual compensation paid to that judge from the county 11183  
treasury pursuant to section 141.05 of the Revised Code. 11184

(5) For the full-time judges of a municipal court or the 11185  
part-time judges of a municipal court of a territory having a 11186  
population of more than fifty thousand, the following amounts 11187  
effective in the following years, which amounts shall be in 11188  
addition to all amounts received pursuant to divisions (B)(1)(a) 11189  
and (2) of section 1901.11 of the Revised Code from municipal 11190  
corporations and counties: 11191

(a) Beginning January 1, 2000, thirty-two thousand six 11192  
hundred fifty dollars; 11193

(b) Beginning January 1, 2001, thirty-five thousand five 11194  
hundred dollars; 11195

(c) After 2001, the amount determined under division (E)(3) 11196  
of this section. 11197

(6) For judges of a municipal court designated as part-time 11198  
judges by section 1901.08 of the Revised Code, other than 11199  
part-time judges to whom division (A)(5) of this section applies, 11200  
and for judges of a county court, the following amounts effective 11201  
in the following years, which amounts shall be in addition to any 11202  
amounts received pursuant to division (A) of section 1901.11 of 11203  
the Revised Code from municipal corporations and counties or 11204  
pursuant to division (A) of section 1907.16 of the Revised Code 11205  
from counties: 11206

(a) Beginning January 1, 2000, eighteen thousand eight hundred dollars;	11207 11208
(b) Beginning January 1, 2001, twenty thousand four hundred fifty dollars;	11209 11210
(c) After 2001, the amount determined under division (E)(4) of this section.	11211 11212
(B) Except as provided in section 1901.121 of the Revised Code, except as otherwise provided in this division, and except for the compensation to which the judges described in division (A)(5) of this section are entitled pursuant to divisions (B)(1)(a) and (2) of section 1901.11 of the Revised Code, the annual salary of the chief justice of the supreme court and of each justice or judge listed in division (A) of this section shall be paid in equal monthly installments from the state treasury. If the chief justice of the supreme court or any justice or judge listed in division (A)(2), (3), or (4) of this section delivers a written request to be paid biweekly to the administrative director of the supreme court prior to the first day of January of any year, the annual salary of the chief justice or the justice or judge that is listed in division (A)(2), (3), or (4) of this section shall be paid, during the year immediately following the year in which the request is delivered to the administrative director of the supreme court, biweekly from the state treasury.	11213 11214 11215 11216 11217 11218 11219 11220 11221 11222 11223 11224 11225 11226 11227 11228 11229
(C) Upon the death of the chief justice or a justice of the supreme court during that person's term of office, an amount shall be paid in accordance with section 2113.04 of the Revised Code, or to that person's estate. The amount shall equal the amount of the salary that the chief justice or justice would have received during the remainder of the unexpired term or an amount equal to the salary of office for two years, whichever is less.	11230 11231 11232 11233 11234 11235 11236
(D) Neither the chief justice of the supreme court nor any	11237

justice or judge of the supreme court, the court of appeals, the 11238  
court of common pleas, or the probate court shall hold any other 11239  
office of trust or profit under the authority of this state or the 11240  
United States. 11241

(E)(1) Each ~~calendar~~ year from 2002 through 2008, the annual 11242  
salaries of the chief justice of the supreme court and of the 11243  
justices and judges named in divisions (A)(2) and (3) of this 11244  
section shall be increased by an amount equal to the adjustment 11245  
percentage for that year multiplied by the compensation paid the 11246  
preceding year pursuant to division (A)(1), (2), or (3) of this 11247  
section. 11248

(2) Each ~~calendar~~ year from 2002 through 2008, the aggregate 11249  
annual salary payable under division (A)(4) of this section to the 11250  
judges named in that division shall be increased by an amount 11251  
equal to the adjustment percentage for that year multiplied by the 11252  
aggregate compensation paid the preceding year pursuant to 11253  
division (A)(4) of this section and section 141.05 of the Revised 11254  
Code. 11255

(3) Each ~~calendar~~ year from 2002 through 2008, the salary 11256  
payable from the state treasury under division (A)(5) of this 11257  
section to the judges named in that division shall be increased by 11258  
an amount equal to the adjustment percentage for that year 11259  
multiplied by the aggregate compensation paid the preceding year 11260  
pursuant to division (A)(5) of this section and division (B)(1)(a) 11261  
of section 1901.11 of the Revised Code. 11262

(4) Each ~~calendar~~ year from 2002 through 2008, the salary 11263  
payable from the state treasury under division (A)(6) of this 11264  
section to the judges named in that division shall be increased by 11265  
an amount equal to the adjustment percentage for that year 11266  
multiplied by the aggregate compensation paid the preceding year 11267  
pursuant to division (A)(6) of this section and division (A) of 11268  
section 1901.11 of the Revised Code from municipal corporations 11269

and counties or division (A) of section 1907.16 of the Revised Code from counties. 11270  
11271

(F) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available. 11272  
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(G) As used in this section: 11281

(1) The "adjustment percentage" for a year is the lesser of the following: 11282  
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(a) Three per cent; 11284

(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent. 11285  
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(2) "Consumer price index" has the same meaning as in section 101.27 of the Revised Code. 11289  
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(3) "Salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering the chief justice of the supreme court or a justice or judge named in this section and paid on the chief justice's or the justice's or judge's behalf by a governmental entity. 11291  
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**Sec. 145.012.** (A) "Public employee," as defined in division (A) of section 145.01 of the Revised Code, does not include any person: 11297  
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11299

(1) Who is employed by a private, temporary-help service and performs services under the direction of a public employer or is employed on a contractual basis as an independent contractor under a personal service contract with a public employer;	11300 11301 11302 11303
(2) Who is an emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency;	11304 11305 11306
(3) Who is employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;	11307 11308 11309
(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code;	11310 11311 11312 11313
(5) Who is employed as an election worker and paid less than five hundred dollars per calendar year for that service;	11314 11315
(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:	11316 11317 11318 11319 11320
(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;	11321 11322 11323
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	11324 11325 11326 11327
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension	11328 11329

fund to the public employees retirement system. 11330

(7) Who is a member of the board of health of a city or 11331  
general health district, which pursuant to sections 3709.051 and 11332  
3709.07 of the Revised Code includes a combined health district, 11333  
and whose compensation for attendance at meetings of the board is 11334  
set forth in division (B) of section 3709.02 or division (B) of 11335  
section 3709.05 of the Revised Code, as appropriate; 11336

(8) Who participates in an alternative retirement plan 11337  
established under Chapter 3305. of the Revised Code; 11338

(9) Who is a member of the board of directors of a sanitary 11339  
district established under Chapter 6115. of the Revised Code; 11340

(10) Who is a member of the unemployment compensation 11341  
advisory council. 11342

(B) No inmate of a correctional institution operated by the 11343  
department of rehabilitation and correction, no patient in a 11344  
hospital for the mentally ill or criminally insane operated by the 11345  
department of mental health, no resident in an institution for the 11346  
mentally retarded operated by the department of mental retardation 11347  
and developmental disabilities, no resident admitted as a patient 11348  
of a veterans' home operated under Chapter 5907. of the Revised 11349  
Code, and no resident of a county home shall be considered as a 11350  
public employee for the purpose of establishing membership or 11351  
calculating service credit or benefits under this chapter. Nothing 11352  
in this division shall be construed to affect any service credit 11353  
attained by any person who was a public employee before becoming 11354  
an inmate, patient, or resident at any institution listed in this 11355  
division, or the payment of any benefit for which such a person or 11356  
such a person's beneficiaries otherwise would be eligible. 11357

11358

**Sec. 145.298.** (A) As used in this section: 11359

(1) "State employing unit" means an employing unit described 11360  
in division (A)(2) of section 145.297 of the Revised Code. 11361

(2) "State institution" means a state correctional facility, 11362  
a state institution for the mentally ill, or a state institution 11363  
for the care, treatment, and training of the mentally retarded. 11364

(B) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal 11365  
to close a state institution or lay off, within a six-month 11366  
period, a number of persons employed at an institution that equals 11367  
or exceeds the lesser of fifty or ten per cent of the persons 11368  
employed at the institution, the employing unit responsible for 11369  
the institution's operation shall establish a retirement incentive 11370  
plan for persons employed at the institution. 11371

(2) On and after July 1, 2009, in the event of a proposal to 11372  
close a state institution or lay off, within a six-month period, a 11373  
number of persons employed at an institution that equals or 11374  
exceeds the lesser of two hundred or thirty per cent of the 11375  
persons employed at the institution, the employing unit 11376  
responsible for the institution's operation shall establish a 11377  
retirement incentive plan for persons employed at the institution. 11378

(C) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal, 11379  
other than ~~a proposal~~ the proposals described in division (B) of 11380  
this section, to lay off, within a six-month period, a number of 11381  
employees of a state employing unit that equals or exceeds the 11382  
lesser of fifty or ten per cent of the employing unit's employees, 11383  
the employing unit shall establish a retirement incentive plan for 11384  
employees of the employing unit. 11385

(2) On and after July 1, 2009, in the event of a proposal, 11386  
other than the proposals described in division (B) of this 11387  
section, to lay off, within a six-month period, a number of 11388  
employees of a state employing unit that equals or exceeds the 11389  
lesser of two hundred or thirty per cent of the employing unit's 11390



employees, the employing unit shall establish a retirement 11391  
incentive plan for employees of the employing unit. 11392

(D)(1) A retirement incentive plan established under this 11393  
section shall be consistent with the requirements of section 11394  
145.297 of the Revised Code, except as provided in division (D)(2) 11395  
of this section and except that the plan shall go into effect at 11396  
the time the layoffs or proposed closings are announced and shall 11397  
remain in effect until the date of the layoffs or closings. 11398

(2) A retirement incentive plan established under this 11399  
section due to the proposed closing of a state institution by the 11400  
department of mental health prior to July 1, 1997, shall be 11401  
consistent with the requirements of section 145.297 of the Revised 11402  
Code, except as follows: 11403

(a) The employing unit shall purchase at least three years of 11404  
service credit for each participating employee, except that it 11405  
shall not purchase more service credit than the amount allowed by 11406  
division (D) of section 145.297 of the Revised Code; 11407

(b) The plan shall go into effect at the time the proposed 11408  
closing is announced and shall remain in effect at least until the 11409  
date of the closing. 11410

(3) If the employing unit already has a retirement incentive 11411  
plan in effect, the plan shall remain in effect at least until the 11412  
date of the layoffs or closings. The employing unit may revise the 11413  
existing plan to provide greater benefits, but if it revises the 11414  
plan, it shall give written notice of the changes to all employees 11415  
who have elected to participate in the original plan, and it shall 11416  
provide the greater benefits to all employees who participate in 11417  
the plan, whether their elections to participate were made before 11418  
or after the date of the revision. 11419

**Sec. 148.02.** The Ohio public employees deferred compensation 11420

board shall be comprised of a member of the house of 11421  
representatives and a member of the senate, who shall not be of 11422  
the same political party, each to be appointed to serve at the 11423  
pleasure of the member's respective leadership, and the members of 11424  
the public employees retirement board as constituted by section 11425  
145.04 of the Revised Code, who are hereby created as a separate 11426  
legal entity for the purpose of administering a deferred 11427  
compensation system for all eligible employees. The public 11428  
employees retirement board may utilize its employees and property 11429  
in the administration of the system on behalf of the Ohio public 11430  
employees deferred compensation board, in consideration of a 11431  
reasonable service charge to be applied in a nondiscriminatory 11432  
manner to all amounts of compensation deferred under this system. 11433

The Ohio public employees deferred compensation board may 11434  
exercise the same powers granted by section 145.09 of the Revised 11435  
Code necessary to its functions. The attorney general shall be the 11436  
legal adviser of the board. The treasurer of state shall be the 11437  
custodian of contributions into the deferred compensation program. 11438

**Sec. 148.04.** (A) The Ohio public employees deferred 11439  
compensation board shall initiate, plan, expedite, and, subject to 11440  
an appropriate assurance of the approval of the internal revenue 11441  
service, promulgate and offer to all eligible employees, and 11442  
thereafter administer on behalf of all participating employees and 11443  
continuing members, and alter as required, a program for deferral 11444  
of compensation, including a reasonable number of options to the 11445  
employee for the investment of deferred funds, ~~including life~~ 11446  
~~insurance, annuities, variable annuities, pooled investment funds~~ 11447  
~~managed by the board, or other forms of investment approved by the~~ 11448  
~~board,~~ always in such form as will assure the desired tax 11449  
treatment of such funds. The members of the board are the trustees 11450  
of any deferred funds and shall discharge their duties with 11451  
respect to the funds solely in the interest of and for the 11452

exclusive benefit of participating employees, continuing members, 11453  
and their beneficiaries. With respect to such deferred funds, 11454  
section 148.09 of the Revised Code shall apply to claims against 11455  
participating employees or continuing members and their employers. 11456

(B)(1) Whenever an individual becomes employed in a position 11457  
paid by warrant of the director of budget and management, the 11458  
individual's employer shall do both of the following at the time 11459  
the employee completes the employee's initial employment 11460  
paperwork: 11461

(a) Provide information to the employee either verbally or in 11462  
writing regarding the benefits of long-term savings through 11463  
deferred compensation; 11464

(b) Secure, in writing, the employee's election to 11465  
participate or not participate in a deferred compensation program 11466  
offered by the board. 11467

If the employee elects to participate in the deferred 11468  
compensation program, the employee also shall execute a 11469  
participation agreement to become a member of the program. 11470

An election regarding participation under this section shall 11471  
be made in such manner and form as is prescribed by the Ohio 11472  
public employees deferred compensation program and shall be filed 11473  
with the program. 11474

The employer shall forward each election completed under this 11475  
division to the deferred compensation program not later than 11476  
thirty days after the date on which the employee's employment 11477  
begins. 11478

(2) Every employer of an eligible employee shall contract 11479  
with the employee upon the employee's application for 11480  
participation in a deferred compensation program offered by the 11481  
board. ~~Every retirement system serving an eligible employee shall 11482~~  
~~serve as collection agent for compensation deferred by any of its 11483~~

~~members and account for and deliver such sums to the board.~~ 11484

(C) The board shall, subject to any applicable contract 11485  
provisions, undertake to obtain as favorable conditions of tax 11486  
treatment as possible, both in the initial programs and any 11487  
permitted alterations of them or additions to them, as to such 11488  
matters as terms of distribution, designation of beneficiaries, 11489  
withdrawal upon disability, financial hardship, or termination of 11490  
public employment, and other optional provisions. 11491

(D) In no event shall the total of the amount of deferred 11492  
compensation to be set aside under a deferred compensation program 11493  
and the employee's nondeferred income for any year exceed the 11494  
total annual salary or compensation under the existing salary 11495  
schedule or classification plan applicable to the employee in that 11496  
year. 11497

Such a deferred compensation program shall be in addition to 11498  
any retirement or any other benefit program provided by law for 11499  
employees of this state. The board shall adopt rules pursuant to 11500  
Chapter 119. of the Revised Code to provide any necessary 11501  
standards or conditions for the administration of its programs, 11502  
including any limits on the portion of a participating employee's 11503  
compensation that may be deferred in order to avoid adverse 11504  
treatment of the program by the internal revenue service or the 11505  
occurrence of deferral, withholding, or other deductions in excess 11506  
of the compensation available for any pay period. 11507

Any income deferred under such a plan shall continue to be 11508  
included as regular compensation for the purpose of computing the 11509  
contributions to and benefits from the retirement system of such 11510  
employee. Any sum so deferred shall not be included in the 11511  
computation of any federal and state income taxes withheld on 11512  
behalf of any such employee. 11513

(E) This section does not limit the authority of any 11514

municipal corporation, county, township, park district, 11515  
conservancy district, sanitary district, health district, public 11516  
library, county law library, public institution of higher 11517  
education, or school district to provide separate authorized plans 11518  
or programs for deferring compensation of their officers and 11519  
employees in addition to the program for the deferral of 11520  
compensation offered by the board. Any municipal corporation, 11521  
township, public institution of higher education, or school 11522  
district that offers such plans or programs shall include a 11523  
reasonable number of options to its officers or employees for the 11524  
investment of the deferred funds, including annuities, variable 11525  
annuities, regulated investment trusts, or other forms of 11526  
investment approved by the municipal corporation, township, public 11527  
institution of higher education, or school district, that will 11528  
assure the desired tax treatment of the funds. 11529

Sec. 148.05. (A)(1) As used in this division, "personal 11530  
history record" means information maintained by the Ohio public 11531  
employees deferred compensation board on an individual who is a 11532  
participating employee or continuing member that includes the 11533  
address, telephone number, social security number, record of 11534  
contributions, records of benefits, correspondence with the Ohio 11535  
public employees deferred compensation program, or other 11536  
information the board determines to be confidential. 11537

(2) The records of the board shall be open to public 11538  
inspection, except that the following shall be excluded, except 11539  
with the written authorization of the individual concerned: 11540

(a) Information pertaining to an individual's participant 11541  
account; 11542

(b) The individual's personal history record. 11543

(B)(1) All medical reports, records, and recommendations of a 11544  
participating employee or a continuing member that are in the 11545

possession of the board are privileged. 11546

(2) All tax information of a participating employee, continuing member, or former participant or member that is in the possession of the board shall be confidential to the extent the information is confidential under Title LVII or any other provision of the Revised Code. 11547  
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(C) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information: 11552  
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(1) If a participating employee, continuing member, or former participant or member is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record or participant account. 11555  
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(2) Pursuant to a court or administrative order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section. 11563  
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(3) Pursuant to an administrative subpoena issued by a state agency, the board shall furnish the information required by the subpoena. 11567  
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(4) The board shall comply with orders issued under section 3105.87 of the Revised Code. 11570  
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(D) A statement that contains information obtained from the program's records that is signed by the executive director or the director's designee and to which the board's official seal is affixed, or copies of the program's records to which the signature and seal are attached, shall be received as true copies of the 11572  
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board's records in any court or before any officer of this state. 11577  
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Sec. 149.308. There is hereby created in the state treasury 11579  
the Ohio historical society income tax contribution fund, which 11580  
shall consist of money contributed to it under section 5747.113 of 11581  
the Revised Code and of contributions made directly to it. Any 11582  
person may contribute directly to the fund in addition to or 11583  
independently of the income tax refund contribution system 11584  
established in section 5747.113 of the Revised Code. 11585

The Ohio historical society shall use money credited to the 11586  
fund in furtherance of the public functions with which the society 11587  
is charged under section 149.30 of the Revised Code. 11588

**Sec. 149.43.** (A) As used in this section: 11589

(1) "Public record" means records kept by any public office, 11590  
including, but not limited to, state, county, city, village, 11591  
township, and school district units, and records pertaining to the 11592  
delivery of educational services by an alternative school in this 11593  
state kept by the nonprofit or for-profit entity operating the 11594  
alternative school pursuant to section 3313.533 of the Revised 11595  
Code. "Public record" does not mean any of the following: 11596

(a) Medical records; 11597

(b) Records pertaining to probation and parole proceedings or 11598  
to proceedings related to the imposition of community control 11599  
sanctions and post-release control sanctions; 11600

(c) Records pertaining to actions under section 2151.85 and 11601  
division (C) of section 2919.121 of the Revised Code and to 11602  
appeals of actions arising under those sections; 11603

(d) Records pertaining to adoption proceedings, including the 11604  
contents of an adoption file maintained by the department of 11605

health under section 3705.12 of the Revised Code;	11606
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	11607 11608 11609 11610 11611 11612
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	11613 11614 11615
(g) Trial preparation records;	11616
(h) Confidential law enforcement investigatory records;	11617
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	11618 11619
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	11620 11621
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	11622 11623 11624 11625
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	11626 11627 11628 11629
(m) Intellectual property records;	11630
(n) Donor profile records;	11631
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	11632 11633
(p) Peace officer, parole officer, prosecuting attorney,	11634



assistant prosecuting attorney, correctional employee, youth 11635  
services employee, firefighter, or EMT residential and familial 11636  
information; 11637

(q) In the case of a county hospital operated pursuant to 11638  
Chapter 339. of the Revised Code or a municipal hospital operated 11639  
pursuant to Chapter 749. of the Revised Code, information that 11640  
constitutes a trade secret, as defined in section 1333.61 of the 11641  
Revised Code; 11642

(r) Information pertaining to the recreational activities of 11643  
a person under the age of eighteen; 11644

(s) Records provided to, statements made by review board 11645  
members during meetings of, and all work products of a child 11646  
fatality review board acting under sections 307.621 to 307.629 of 11647  
the Revised Code, and child fatality review data submitted by the 11648  
child fatality review board to the department of health or a 11649  
national child death review database, other than the report 11650  
prepared pursuant to division (A) of section 307.626 of the 11651  
Revised Code; 11652

(t) Records provided to and statements made by the executive 11653  
director of a public children services agency or a prosecuting 11654  
attorney acting pursuant to section 5153.171 of the Revised Code 11655  
other than the information released under that section; 11656

(u) Test materials, examinations, or evaluation tools used in 11657  
an examination for licensure as a nursing home administrator that 11658  
the board of examiners of nursing home administrators administers 11659  
under section 4751.04 of the Revised Code or contracts under that 11660  
section with a private or government entity to administer; 11661

(v) Records the release of which is prohibited by state or 11662  
federal law; 11663

(w) Proprietary information of or relating to any person that 11664  
is submitted to or compiled by the Ohio venture capital authority 11665

created under section 150.01 of the Revised Code; 11666

(x) Information reported and evaluations conducted pursuant 11667  
to section 3701.072 of the Revised Code; 11668

(y) Financial statements and data any person submits for any 11669  
purpose to the Ohio housing finance agency or the controlling 11670  
board in connection with applying for, receiving, or accounting 11671  
for financial assistance from the agency, and information that 11672  
identifies any individual who benefits directly or indirectly from 11673  
financial assistance from the agency; 11674

(z) Records listed in section 5101.29 of the Revised Code. 11675

(aa) Discharges recorded with a county recorder under section 11676  
317.24 of the Revised Code, as specified in division (B)(2) of 11677  
that section. 11678

(2) "Confidential law enforcement investigatory record" means 11679  
any record that pertains to a law enforcement matter of a 11680  
criminal, quasi-criminal, civil, or administrative nature, but 11681  
only to the extent that the release of the record would create a 11682  
high probability of disclosure of any of the following: 11683

(a) The identity of a suspect who has not been charged with 11684  
the offense to which the record pertains, or of an information 11685  
source or witness to whom confidentiality has been reasonably 11686  
promised; 11687

(b) Information provided by an information source or witness 11688  
to whom confidentiality has been reasonably promised, which 11689  
information would reasonably tend to disclose the source's or 11690  
witness's identity; 11691

(c) Specific confidential investigatory techniques or 11692  
procedures or specific investigatory work product; 11693

(d) Information that would endanger the life or physical 11694  
safety of law enforcement personnel, a crime victim, a witness, or 11695

a confidential information source. 11696

(3) "Medical record" means any document or combination of 11697  
documents, except births, deaths, and the fact of admission to or 11698  
discharge from a hospital, that pertains to the medical history, 11699  
diagnosis, prognosis, or medical condition of a patient and that 11700  
is generated and maintained in the process of medical treatment. 11701

(4) "Trial preparation record" means any record that contains 11702  
information that is specifically compiled in reasonable 11703  
anticipation of, or in defense of, a civil or criminal action or 11704  
proceeding, including the independent thought processes and 11705  
personal trial preparation of an attorney. 11706

(5) "Intellectual property record" means a record, other than 11707  
a financial or administrative record, that is produced or 11708  
collected by or for faculty or staff of a state institution of 11709  
higher learning in the conduct of or as a result of study or 11710  
research on an educational, commercial, scientific, artistic, 11711  
technical, or scholarly issue, regardless of whether the study or 11712  
research was sponsored by the institution alone or in conjunction 11713  
with a governmental body or private concern, and that has not been 11714  
publicly released, published, or patented. 11715

(6) "Donor profile record" means all records about donors or 11716  
potential donors to a public institution of higher education 11717  
except the names and reported addresses of the actual donors and 11718  
the date, amount, and conditions of the actual donation. 11719

(7) "Peace officer, parole officer, prosecuting attorney, 11720  
assistant prosecuting attorney, correctional employee, youth 11721  
services employee, firefighter, or EMT residential and familial 11722  
information" means any information that discloses any of the 11723  
following about a peace officer, parole officer, prosecuting 11724  
attorney, assistant prosecuting attorney, correctional employee, 11725  
youth services employee, firefighter, or EMT: 11726

(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's employer from the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A)(7) and (B)(9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(5) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a

lawfully constituted fire department of a municipal corporation, 11790  
township, fire district, or village. 11791

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 11792  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 11793  
medical services for a public emergency medical service 11794  
organization. "Emergency medical service organization," 11795  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 11796  
section 4765.01 of the Revised Code. 11797

(8) "Information pertaining to the recreational activities of 11798  
a person under the age of eighteen" means information that is kept 11799  
in the ordinary course of business by a public office, that 11800  
pertains to the recreational activities of a person under the age 11801  
of eighteen years, and that discloses any of the following: 11802

(a) The address or telephone number of a person under the age 11803  
of eighteen or the address or telephone number of that person's 11804  
parent, guardian, custodian, or emergency contact person; 11805

(b) The social security number, birth date, or photographic 11806  
image of a person under the age of eighteen; 11807

(c) Any medical record, history, or information pertaining to 11808  
a person under the age of eighteen; 11809

(d) Any additional information sought or required about a 11810  
person under the age of eighteen for the purpose of allowing that 11811  
person to participate in any recreational activity conducted or 11812  
sponsored by a public office or to use or obtain admission 11813  
privileges to any recreational facility owned or operated by a 11814  
public office. 11815

(9) "Community control sanction" has the same meaning as in 11816  
section 2929.01 of the Revised Code. 11817

(10) "Post-release control sanction" has the same meaning as 11818  
in section 2967.01 of the Revised Code. 11819

(11) "Redaction" means obscuring or deleting any information 11820  
that is exempt from the duty to permit public inspection or 11821  
copying from an item that otherwise meets the definition of a 11822  
"record" in section 149.011 of the Revised Code. 11823

(12) "Designee" and "elected official" have the same meanings 11824  
as in section 109.43 of the Revised Code. 11825

(B)(1) Upon request and subject to division (B)(8) of this 11826  
section, all public records responsive to the request shall be 11827  
promptly prepared and made available for inspection to any person 11828  
at all reasonable times during regular business hours. Subject to 11829  
division (B)(8) of this section, upon request, a public office or 11830  
person responsible for public records shall make copies of the 11831  
requested public record available at cost and within a reasonable 11832  
period of time. If a public record contains information that is 11833  
exempt from the duty to permit public inspection or to copy the 11834  
public record, the public office or the person responsible for the 11835  
public record shall make available all of the information within 11836  
the public record that is not exempt. When making that public 11837  
record available for public inspection or copying that public 11838  
record, the public office or the person responsible for the public 11839  
record shall notify the requester of any redaction or make the 11840  
redaction plainly visible. A redaction shall be deemed a denial of 11841  
a request to inspect or copy the redacted information, except if 11842  
federal or state law authorizes or requires a public office to 11843  
make the redaction. 11844

(2) To facilitate broader access to public records, a public 11845  
office or the person responsible for public records shall organize 11846  
and maintain public records in a manner that they can be made 11847  
available for inspection or copying in accordance with division 11848  
(B) of this section. A public office also shall have available a 11849  
copy of its current records retention schedule at a location 11850  
readily available to the public. If a requester makes an ambiguous 11851

or overly broad request or has difficulty in making a request for 11852  
copies or inspection of public records under this section such 11853  
that the public office or the person responsible for the requested 11854  
public record cannot reasonably identify what public records are 11855  
being requested, the public office or the person responsible for 11856  
the requested public record may deny the request but shall provide 11857  
the requester with an opportunity to revise the request by 11858  
informing the requester of the manner in which records are 11859  
maintained by the public office and accessed in the ordinary 11860  
course of the public office's or person's duties. 11861

(3) If a request is ultimately denied, in part or in whole, 11862  
the public office or the person responsible for the requested 11863  
public record shall provide the requester with an explanation, 11864  
including legal authority, setting forth why the request was 11865  
denied. If the initial request was provided in writing, the 11866  
explanation also shall be provided to the requester in writing. 11867  
The explanation shall not preclude the public office or the person 11868  
responsible for the requested public record from relying upon 11869  
additional reasons or legal authority in defending an action 11870  
commenced under division (C) of this section. 11871

(4) Unless specifically required or authorized by state or 11872  
federal law or in accordance with division (B) of this section, no 11873  
public office or person responsible for public records may limit 11874  
or condition the availability of public records by requiring 11875  
disclosure of the requester's identity or the intended use of the 11876  
requested public record. Any requirement that the requester 11877  
disclose the requestor's identity or the intended use of the 11878  
requested public record constitutes a denial of the request. 11879

(5) A public office or person responsible for public records 11880  
may ask a requester to make the request in writing, may ask for 11881  
the requester's identity, and may inquire about the intended use 11882  
of the information requested, but may do so only after disclosing 11883



to the requester that a written request is not mandatory and that 11884  
the requester may decline to reveal the requester's identity or 11885  
the intended use and when a written request or disclosure of the 11886  
identity or intended use would benefit the requester by enhancing 11887  
the ability of the public office or person responsible for public 11888  
records to identify, locate, or deliver the public records sought 11889  
by the requester. 11890

(6) If any person chooses to obtain a copy of a public record 11891  
in accordance with division (B) of this section, the public office 11892  
or person responsible for the public record may require that 11893  
person to pay in advance the cost involved in providing the copy 11894  
of the public record in accordance with the choice made by the 11895  
person seeking the copy under this division. The public office or 11896  
the person responsible for the public record shall permit that 11897  
person to choose to have the public record duplicated upon paper, 11898  
upon the same medium upon which the public office or person 11899  
responsible for the public record keeps it, or upon any other 11900  
medium upon which the public office or person responsible for the 11901  
public record determines that it reasonably can be duplicated as 11902  
an integral part of the normal operations of the public office or 11903  
person responsible for the public record. When the person seeking 11904  
the copy makes a choice under this division, the public office or 11905  
person responsible for the public record shall provide a copy of 11906  
it in accordance with the choice made by the person seeking the 11907  
copy. Nothing in this section requires a public office or person 11908  
responsible for the public record to allow the person seeking a 11909  
copy of the public record to make the copies of the public record. 11910

(7) Upon a request made in accordance with division (B) of 11911  
this section and subject to division (B)(6) of this section, a 11912  
public office or person responsible for public records shall 11913  
transmit a copy of a public record to any person by United States 11914  
mail or by any other means of delivery or transmission within a 11915

reasonable period of time after receiving the request for the 11916  
copy. The public office or person responsible for the public 11917  
record may require the person making the request to pay in advance 11918  
the cost of postage if the copy is transmitted by United States 11919  
mail or the cost of delivery if the copy is transmitted other than 11920  
by United States mail, and to pay in advance the costs incurred 11921  
for other supplies used in the mailing, delivery, or transmission. 11922

Any public office may adopt a policy and procedures that it 11923  
will follow in transmitting, within a reasonable period of time 11924  
after receiving a request, copies of public records by United 11925  
States mail or by any other means of delivery or transmission 11926  
pursuant to this division. A public office that adopts a policy 11927  
and procedures under this division shall comply with them in 11928  
performing its duties under this division. 11929

In any policy and procedures adopted under this division, a 11930  
public office may limit the number of records requested by a 11931  
person that the office will transmit by United States mail to ten 11932  
per month, unless the person certifies to the office in writing 11933  
that the person does not intend to use or forward the requested 11934  
records, or the information contained in them, for commercial 11935  
purposes. For purposes of this division, "commercial" shall be 11936  
narrowly construed and does not include reporting or gathering 11937  
news, reporting or gathering information to assist citizen 11938  
oversight or understanding of the operation or activities of 11939  
government, or nonprofit educational research. 11940

(8) A public office or person responsible for public records 11941  
is not required to permit a person who is incarcerated pursuant to 11942  
a criminal conviction or a juvenile adjudication to inspect or to 11943  
obtain a copy of any public record concerning a criminal 11944  
investigation or prosecution or concerning what would be a 11945  
criminal investigation or prosecution if the subject of the 11946  
investigation or prosecution were an adult, unless the request to 11947

inspect or to obtain a copy of the record is for the purpose of 11948  
acquiring information that is subject to release as a public 11949  
record under this section and the judge who imposed the sentence 11950  
or made the adjudication with respect to the person, or the 11951  
judge's successor in office, finds that the information sought in 11952  
the public record is necessary to support what appears to be a 11953  
justiciable claim of the person. 11954

(9) Upon written request made and signed by a journalist on 11955  
or after December 16, 1999, a public office, or person responsible 11956  
for public records, having custody of the records of the agency 11957  
employing a specified peace officer, parole officer, prosecuting 11958  
attorney, assistant prosecuting attorney, correctional employee, 11959  
youth services employee, firefighter, or EMT shall disclose to the 11960  
journalist the address of the actual personal residence of the 11961  
peace officer, parole officer, prosecuting attorney, assistant 11962  
prosecuting attorney, correctional employee, youth services 11963  
employee, firefighter, or EMT and, if the peace officer's, parole 11964  
officer's, prosecuting attorney's, assistant prosecuting 11965  
attorney's, correctional employee's, youth services employee's, 11966  
firefighter's, or EMT's spouse, former spouse, or child is 11967  
employed by a public office, the name and address of the employer 11968  
of the peace officer's, parole officer's, prosecuting attorney's, 11969  
assistant prosecuting attorney's, correctional employee's, youth 11970  
services employee's, firefighter's, or EMT's spouse, former 11971  
spouse, or child. The request shall include the journalist's name 11972  
and title and the name and address of the journalist's employer 11973  
and shall state that disclosure of the information sought would be 11974  
in the public interest. 11975

As used in this division, "journalist" means a person engaged 11976  
in, connected with, or employed by any news medium, including a 11977  
newspaper, magazine, press association, news agency, or wire 11978  
service, a radio or television station, or a similar medium, for 11979

the purpose of gathering, processing, transmitting, compiling, 11980  
editing, or disseminating information for the general public. 11981

(C)(1) If a person allegedly is aggrieved by the failure of a 11982  
public office or the person responsible for public records to 11983  
promptly prepare a public record and to make it available to the 11984  
person for inspection in accordance with division (B) of this 11985  
section or by any other failure of a public office or the person 11986  
responsible for public records to comply with an obligation in 11987  
accordance with division (B) of this section, the person allegedly 11988  
aggrieved may commence a mandamus action to obtain a judgment that 11989  
orders the public office or the person responsible for the public 11990  
record to comply with division (B) of this section, that awards 11991  
court costs and reasonable attorney's fees to the person that 11992  
instituted the mandamus action, and, if applicable, that includes 11993  
an order fixing statutory damages under division (C)(1) of this 11994  
section. The mandamus action may be commenced in the court of 11995  
common pleas of the county in which division (B) of this section 11996  
allegedly was not complied with, in the supreme court pursuant to 11997  
its original jurisdiction under Section 2 of Article IV, Ohio 11998  
Constitution, or in the court of appeals for the appellate 11999  
district in which division (B) of this section allegedly was not 12000  
complied with pursuant to its original jurisdiction under Section 12001  
3 of Article IV, Ohio Constitution. 12002

If a requestor transmits a written request by hand delivery 12003  
or certified mail to inspect or receive copies of any public 12004  
record in a manner that fairly describes the public record or 12005  
class of public records to the public office or person responsible 12006  
for the requested public records, except as otherwise provided in 12007  
this section, the requestor shall be entitled to recover the 12008  
amount of statutory damages set forth in this division if a court 12009  
determines that the public office or the person responsible for 12010  
public records failed to comply with an obligation in accordance 12011

with division (B) of this section. 12012

The amount of statutory damages shall be fixed at one hundred 12013  
dollars for each business day during which the public office or 12014  
person responsible for the requested public records failed to 12015  
comply with an obligation in accordance with division (B) of this 12016  
section, beginning with the day on which the requester files a 12017  
mandamus action to recover statutory damages, up to a maximum of 12018  
one thousand dollars. The award of statutory damages shall not be 12019  
construed as a penalty, but as compensation for injury arising 12020  
from lost use of the requested information. The existence of this 12021  
injury shall be conclusively presumed. The award of statutory 12022  
damages shall be in addition to all other remedies authorized by 12023  
this section. 12024

The court may reduce an award of statutory damages or not 12025  
award statutory damages if the court determines both of the 12026  
following: 12027

(a) That, based on the ordinary application of statutory law 12028  
and case law as it existed at the time of the conduct or 12029  
threatened conduct of the public office or person responsible for 12030  
the requested public records that allegedly constitutes a failure 12031  
to comply with an obligation in accordance with division (B) of 12032  
this section and that was the basis of the mandamus action, a 12033  
well-informed public office or person responsible for the 12034  
requested public records reasonably would believe that the conduct 12035  
or threatened conduct of the public office or person responsible 12036  
for the requested public records did not constitute a failure to 12037  
comply with an obligation in accordance with division (B) of this 12038  
section; 12039

(b) That a well-informed public office or person responsible 12040  
for the requested public records reasonably would believe that the 12041  
conduct or threatened conduct of the public office or person 12042  
responsible for the requested public records would serve the 12043

public policy that underlies the authority that is asserted as 12044  
permitting that conduct or threatened conduct. 12045

(2)(a) If the court issues a writ of mandamus that orders the 12046  
public office or the person responsible for the public record to 12047  
comply with division (B) of this section and determines that the 12048  
circumstances described in division (C)(1) of this section exist, 12049  
the court shall determine and award to the relator all court 12050  
costs. 12051

(b) If the court renders a judgment that orders the public 12052  
office or the person responsible for the public record to comply 12053  
with division (B) of this section, the court may award reasonable 12054  
attorney's fees subject to reduction as described in division 12055  
(C)(2)(c) of this section. The court shall award reasonable 12056  
attorney's fees, subject to reduction as described in division 12057  
(C)(2)(c) of this section when either of the following applies: 12058

(i) The public office or the person responsible for the 12059  
public records failed to respond affirmatively or negatively to 12060  
the public records request in accordance with the time allowed 12061  
under division (B) of this section. 12062

(ii) The public office or the person responsible for the 12063  
public records promised to permit the relator to inspect or 12064  
receive copies of the public records requested within a specified 12065  
period of time but failed to fulfill that promise within that 12066  
specified period of time. 12067

(c) Court costs and reasonable attorney's fees awarded under 12068  
this section shall be construed as remedial and not punitive. 12069  
Reasonable attorney's fees shall include reasonable fees incurred 12070  
to produce proof of the reasonableness and amount of the fees and 12071  
to otherwise litigate entitlement to the fees. The court may 12072  
reduce an award of attorney's fees to the relator or not award 12073  
attorney's fees to the relator if the court determines both of the 12074

following: 12075

(i) That, based on the ordinary application of statutory law 12076  
and case law as it existed at the time of the conduct or 12077  
threatened conduct of the public office or person responsible for 12078  
the requested public records that allegedly constitutes a failure 12079  
to comply with an obligation in accordance with division (B) of 12080  
this section and that was the basis of the mandamus action, a 12081  
well-informed public office or person responsible for the 12082  
requested public records reasonably would believe that the conduct 12083  
or threatened conduct of the public office or person responsible 12084  
for the requested public records did not constitute a failure to 12085  
comply with an obligation in accordance with division (B) of this 12086  
section; 12087

(ii) That a well-informed public office or person responsible 12088  
for the requested public records reasonably would believe that the 12089  
conduct or threatened conduct of the public office or person 12090  
responsible for the requested public records as described in 12091  
division (C)(2)(c)(i) of this section would serve the public 12092  
policy that underlies the authority that is asserted as permitting 12093  
that conduct or threatened conduct. 12094

(D) Chapter 1347. of the Revised Code does not limit the 12095  
provisions of this section. 12096

(E)(1) To ensure that all employees of public offices are 12097  
appropriately educated about a public office's obligations under 12098  
division (B) of this section, all elected officials or their 12099  
appropriate designees shall attend training approved by the 12100  
attorney general as provided in section 109.43 of the Revised 12101  
Code. In addition, all public offices shall adopt a public records 12102  
policy in compliance with this section for responding to public 12103  
records requests. In adopting a public records policy under this 12104  
division, a public office may obtain guidance from the model 12105  
public records policy developed and provided to the public office 12106

by the attorney general under section 109.43 of the Revised Code. 12107  
Except as otherwise provided in this section, the policy may not 12108  
limit the number of public records that the public office will 12109  
make available to a single person, may not limit the number of 12110  
public records that it will make available during a fixed period 12111  
of time, and may not establish a fixed period of time before it 12112  
will respond to a request for inspection or copying of public 12113  
records, unless that period is less than eight hours. 12114

(2) The public office shall distribute the public records 12115  
policy adopted by the public office under division (E)(1) of this 12116  
section to the employee of the public office who is the records 12117  
custodian or records manager or otherwise has custody of the 12118  
records of that office. The public office shall require that 12119  
employee to acknowledge receipt of the copy of the public records 12120  
policy. The public office shall create a poster that describes its 12121  
public records policy and shall post the poster in a conspicuous 12122  
place in the public office and in all locations where the public 12123  
office has branch offices. The public office may post its public 12124  
records policy on the internet web site of the public office if 12125  
the public office maintains an internet web site. A public office 12126  
that has established a manual or handbook of its general policies 12127  
and procedures for all employees of the public office shall 12128  
include the public records policy of the public office in the 12129  
manual or handbook. 12130

(F)(1) The bureau of motor vehicles may adopt rules pursuant 12131  
to Chapter 119. of the Revised Code to reasonably limit the number 12132  
of bulk commercial special extraction requests made by a person 12133  
for the same records or for updated records during a calendar 12134  
year. The rules may include provisions for charges to be made for 12135  
bulk commercial special extraction requests for the actual cost of 12136  
the bureau, plus special extraction costs, plus ten per cent. The 12137  
bureau may charge for expenses for redacting information, the 12138



release of which is prohibited by law. 12139

(2) As used in division (F)(1) of this section: 12140

(a) "Actual cost" means the cost of depleted supplies, 12141  
records storage media costs, actual mailing and alternative 12142  
delivery costs, or other transmitting costs, and any direct 12143  
equipment operating and maintenance costs, including actual costs 12144  
paid to private contractors for copying services. 12145

(b) "Bulk commercial special extraction request" means a 12146  
request for copies of a record for information in a format other 12147  
than the format already available, or information that cannot be 12148  
extracted without examination of all items in a records series, 12149  
class of records, or data base by a person who intends to use or 12150  
forward the copies for surveys, marketing, solicitation, or resale 12151  
for commercial purposes. "Bulk commercial special extraction 12152  
request" does not include a request by a person who gives 12153  
assurance to the bureau that the person making the request does 12154  
not intend to use or forward the requested copies for surveys, 12155  
marketing, solicitation, or resale for commercial purposes. 12156

(c) "Commercial" means profit-seeking production, buying, or 12157  
selling of any good, service, or other product. 12158

(d) "Special extraction costs" means the cost of the time 12159  
spent by the lowest paid employee competent to perform the task, 12160  
the actual amount paid to outside private contractors employed by 12161  
the bureau, or the actual cost incurred to create computer 12162  
programs to make the special extraction. "Special extraction 12163  
costs" include any charges paid to a public agency for computer or 12164  
records services. 12165

(3) For purposes of divisions (F)(1) and (2) of this section, 12166  
"surveys, marketing, solicitation, or resale for commercial 12167  
purposes" shall be narrowly construed and does not include 12168  
reporting or gathering news, reporting or gathering information to 12169

assist citizen oversight or understanding of the operation or 12170  
activities of government, or nonprofit educational research. 12171

**Sec. 150.01.** (A) As used in this chapter: 12172

(1) "Authority" means the Ohio venture capital authority 12173  
created under section 150.02 of the Revised Code. 12174

(2) "Issuer" means a port authority organized and existing 12175  
under applicable provisions of Chapter 4582. of the Revised Code 12176  
that, pursuant to an agreement entered into under division (E) of 12177  
section 150.02 of the Revised Code, issues or issued obligations 12178  
to fund one or more loans to the program fund. 12179

(3) "Lender" means any person that lends money to the program 12180  
fund as provided in this chapter and includes any lender and any 12181  
trustee. 12182

~~(3)~~(4) "Loss" means a loss incurred with respect to a 12183  
lender's loan to the program fund. Such a loss is incurred only if 12184  
and to the extent a program administrator fails to satisfy its 12185  
obligations to the lender to make timely payments of principal or 12186  
interest as provided in the loan agreement between the lender and 12187  
the program administrator. "Loss" does not include either of the 12188  
following: 12189

(a) Any loss incurred by the program fund, including a loss 12190  
attributable to any investment made by a program administrator; 12191

(b) Any loss of the capital required to be provided by a 12192  
program administrator, or income accruing to that capital, under 12193  
the agreement entered into under division (B) of section 150.05 of 12194  
the Revised Code. 12195

~~(4)~~(5) "Ohio-based business enterprise" means a person that 12196  
is engaged in business, that employs at least one individual on a 12197  
full-time or part-time basis at a place of business in this state, 12198  
including a person engaged in business if that person is a 12199

self-employed individual, and that is in the seed or early stage 12200  
of business development requiring initial or early stage funding 12201  
or is an established business enterprise developing new methods or 12202  
technologies. 12203

~~(5)~~(6) "Ohio-based venture capital fund" means a venture 12204  
capital fund having its principal office in this state, where the 12205  
majority of the fund's staff are employed and where at least one 12206  
investment professional is employed who has at least five years of 12207  
experience in venture capital investment. 12208

~~(6)~~(7) "Ohio co-investment fund" means an Ohio-based venture 12209  
capital fund managed by the program administrator or a fund 12210  
manager appointed by the program administrator that is capitalized 12211  
exclusively by program fund investments in accordance with the 12212  
investment policy adopted under section 150.03 of the Revised 12213  
Code. 12214

(8) "Program fund" means the fund created under section 12215  
150.03 of the Revised Code. 12216

(9) "Research and development purposes" has the same meaning 12217  
as used in Section 2p of Article VIII, Ohio Constitution, and 12218  
includes the development of sites and facilities in this state for 12219  
and in support of those research and development purposes. 12220

(10) "Trustee" means a trust company or a bank with corporate 12221  
trust powers, in either case having a place of business in this 12222  
state and acting in its capacity as a trustee pursuant to a trust 12223  
agreement under which an issuer issues obligations to fund loans 12224  
to the program fund. 12225

(B) The general assembly declares that its purpose in 12226  
enacting Chapter 150. of the Revised Code is to increase the 12227  
amount of private investment capital available in this state for 12228  
Ohio-based business enterprises in the seed or early stages of 12229  
business development and requiring initial or early stage funding, 12230

as well as established Ohio-based business enterprises developing 12231  
new methods or technologies, including the promotion of research 12232  
and development purposes, thereby increasing employment, creating 12233  
additional wealth, and otherwise benefiting the economic welfare 12234  
of the people of this state. Accordingly, it is the intention of 12235  
the general assembly that the program fund make its investments in 12236  
support of Ohio-based business enterprises and that the Ohio 12237  
venture capital authority focus its investment policy principally 12238  
on venture capital funds investing in such Ohio-based business 12239  
enterprises. The general assembly finds and determines that this 12240  
chapter and the investment policy, and actions taken under and 12241  
consistent therewith, will promote and implement the public 12242  
purposes of Section 2p of Article VIII, Ohio Constitution. 12243

**Sec. 150.02.** (A) There is hereby created the Ohio venture 12244  
capital authority, which shall exercise the powers and perform the 12245  
duties prescribed by this chapter. The exercise by the authority 12246  
of its powers and duties is hereby declared to be an essential 12247  
state governmental function. The authority is subject to all laws 12248  
generally applicable to state agencies and public officials, 12249  
including, but not limited to, Chapter 119. and sections 121.22 12250  
and 149.43 of the Revised Code, to the extent those laws do not 12251  
conflict with this chapter. 12252

(B) The authority shall consist of ~~nine~~ three voting members, 12253  
one of whom shall be the director of development or the director's 12254  
designee, and two of whom shall be appointed by the governor. 12255  
~~Seven of the members shall be appointed by the governor, with the~~ 12256  
~~advice and consent of the senate, from among the general public.~~ 12257  
~~All appointed members shall have experience in the field of~~ 12258  
~~banking, investments, commercial law, or industry relevant to the~~ 12259  
~~purpose of the Ohio venture capital program as stated in section~~ 12260  
~~150.01 of the Revised Code. The director of development and tax~~ 12261  
~~commissioner or their designees shall be ex officio, nonvoting~~ 12262

~~members.~~ 12263

~~Initial gubernatorial appointees to the authority shall serve 12264  
staggered terms, with one term expiring on January 31, 2004, two 12265  
terms expiring on January 31, 2005, two terms expiring on January 12266  
31, 2006, and two terms expiring on January 31, 2007. Thereafter, 12267  
terms of office for all appointees shall be for four years, with 12268  
each term ending on the same day of the same month as did the term 12269  
that it succeeds. A vacancy on the authority shall be filled in 12270  
the same manner as the original appointment, except that a person 12271  
appointed to fill a vacancy shall be appointed to the remainder of 12272  
the unexpired term. Any appointed member of the authority is 12273  
eligible for reappointment.~~ 12274

~~A member of the authority may be removed by the member's 12275  
appointing authority for misfeasance, malfeasance, willful neglect 12276  
of duty, or other cause, after notice and a public hearing, unless 12277  
the notice and hearing are waived in writing by the member.~~ 12278

~~(C) Members of the authority shall serve without 12279  
compensation, but shall receive their reasonable and necessary 12280  
expenses incurred in the conduct of authority business. The 12281  
governor shall designate a member of the authority to serve as 12282  
chairperson. A majority of the ~~voting~~ members of the authority 12283  
constitutes a quorum, and the affirmative vote of a majority of 12284  
the voting members present is necessary for any action taken by 12285  
the authority. A vacancy in the voting membership of the authority 12286  
does not impair the right of a quorum to exercise all rights and 12287  
perform all duties of the authority.~~ 12288

~~(D) The department of development shall provide the authority 12289  
with office space and such technical assistance as the authority 12290  
requires.~~ 12291

~~(E) The authority and an issuer may cooperate in promoting 12292  
the public purposes of the Ohio venture capital program as stated 12293~~

in section 150.01 of the Revised Code and shall enter into such 12294  
agreements as the authority and the issuer shall deem appropriate, 12295  
with a view to cooperative action and safeguarding of the 12296  
respective interests of the parties thereto. Any agreement shall 12297  
provide for the rights, duties, and responsibilities of the 12298  
parties and any limitations thereon, shall provide for the terms 12299  
on which any tax credits to be issued to the issuer or a trustee 12300  
pursuant to section 150.07 of the Revised Code shall be issued and 12301  
claimed, and shall provide terms as may be mutually satisfactory 12302  
to the parties including, but not limited to, requirements for 12303  
reporting, and a plan, prepared by the program administrator and 12304  
acceptable to the authority and the issuer, designed to evidence 12305  
and ensure compliance with division (D) of section 150.03 of the 12306  
Revised Code and Section 2p of Article VIII, Ohio Constitution. 12307

Sec. 150.021. (A) There is hereby created the Ohio venture 12308  
capital advisory board that, upon request of the Ohio venture 12309  
capital authority, shall provide general advice to the authority 12310  
on various issues relevant to the purpose of the Ohio venture 12311  
capital program as stated in section 150.01 of the Revised Code, 12312  
including, but not limited to, the following: 12313

(1) Strategic planning, investment policy, and investment 12314  
prohibitions for programs that may be implemented by the 12315  
authority; 12316

(2) Budget and investment targets, investment processes, and 12317  
other aspects of the professional management and administration of 12318  
programs implemented by the authority; 12319

(3) Metrics and methods of measuring the progress and impact 12320  
of programs administered by the authority; and 12321

(4) Qualifications and standards for evaluating the 12322  
performance of the program administrator and other professionals 12323  
and advisors that may be selected and retained to provide services 12324

in connection with programs administered by the authority. 12325

(B) The authority shall not request, and the advisory board shall not offer to the authority, advice about the selection or retention of any specific professional service provider, contractor, or other agent that has been or may be retained by the authority, or about any specific investment that may be considered or has been made by the program administrator. 12326  
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(C) The advisory board shall be composed of seven members who shall be appointed by the governor, with the advice and consent of the senate, from among the general public. All appointed members shall have experience with businesses in the seed or early stages of development or investments in such businesses. At least three members of the advisory board shall, on account of their vocations, employment, or affiliations, have experience investing in or managing investments in businesses in the seed or early stages of development. At least two members of the advisory board shall, on account of their vocations, employment, or affiliations, have experience providing professional services to individuals or funds investing in or managing investments in businesses in the seed or early stages of development or to businesses in the seed or early stages of development with respect to the process of seeking and obtaining such investments. The other members of the advisory board may, on account of their vocations, employment, or affiliations, have experience generally in investing in or managing investments in businesses or providing professional services to entities whose primary business is investing in or managing investments in businesses or to businesses with respect to the process of seeking and obtaining investment financing. 12332  
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Initial gubernatorial appointees to the board shall serve staggered terms, with two terms expiring on January 31, 2010, two terms expiring on January 31, 2011, and three terms expiring on January 31, 2012. Thereafter, terms of office for all appointees 12353  
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shall be for three years, with each term ending on the same day of 12357  
the same month as did the term that it succeeds. All members of 12358  
the board shall serve at the pleasure of the governor. A vacancy 12359  
on the advisory board shall be filled in the same manner as the 12360  
original appointment, except that a person appointed to fill a 12361  
vacancy shall be appointed to the remainder of the unexpired term. 12362  
Any member of the advisory board is eligible for reappointment. 12363

(D) The governor shall designate a member of the advisory 12364  
board to serve as chairperson. A majority of all members of the 12365  
advisory board constitutes a quorum, and no recommendation shall 12366  
be made or advice given by the board without the affirmative vote 12367  
of a majority of the members. 12368

(E) Members of the advisory board shall serve without 12369  
compensation, but shall receive their reasonable and necessary 12370  
expenses incurred in the conduct of board business. The department 12371  
of development shall provide office space and facilities for the 12372  
advisory board. 12373

**Sec. 150.03.** Within ninety days after ~~the effective date of~~ 12374  
~~this section~~ April 9, 2003, the authority shall establish, and 12375  
subsequently may modify as it considers necessary, a written 12376  
investment policy governing the investment of money from the 12377  
program fund, which is hereby created. The program fund shall 12378  
consist of the proceeds of loans acquired by a program 12379  
administrator. The authority is subject to Chapter 119. of the 12380  
Revised Code with respect to the establishment or modification of 12381  
the policy. The policy shall meet all the following requirements: 12382

(A) It is consistent with the purpose of the program stated 12383  
in section 150.01 of the Revised Code. 12384

(B) Subject to divisions (C), (D), and (E) of this section, 12385  
it permits the investment of money from the program fund in 12386  
private, for-profit venture capital funds, including funds of 12387



funds, that invest in enterprises in the seed or early stage of 12388  
business development or established business enterprises 12389  
developing new methods or technologies, and that demonstrate 12390  
potential to generate high levels of successful investment 12391  
performance. 12392

(C) It specifies that, exclusive of any program fund money 12393  
invested in an Ohio co-investment fund, a program administrator or 12394  
fund manager employed by the program administrator shall invest 12395  
not less than seventy-five per cent of program fund money under 12396  
its investment authority in Ohio-based venture capital funds. 12397

(D) It specifies ~~that~~ all of the following: 12398

(1) That not less than an amount equal to fifty per cent of 12399  
program fund money invested in any venture capital fund ~~be~~ is 12400  
invested by the venture capital fund in Ohio-based business 12401  
enterprises; 12402

(2) That one hundred per cent of program fund money invested 12403  
in any Ohio co-investment fund is invested by the Ohio 12404  
co-investment fund in Ohio-based business enterprises; and 12405

(3) That, commencing with the first program fund investment 12406  
in each venture capital fund, the aggregate amount invested in 12407  
Ohio-based business enterprises by all venture capital funds in 12408  
which the program fund has invested is not less than the aggregate 12409  
amount of all program fund money invested in those venture capital 12410  
funds. 12411

(E) It specifies that a program administrator or fund manager 12412  
employed by the program administrator shall not invest money from 12413  
the program fund in a venture capital fund to the extent that the 12414  
total amount of program fund money invested in the venture capital 12415  
fund, ~~when combined with any program fund money invested in a~~ 12416  
~~venture capital fund under the same management as that venture~~ 12417  
~~capital fund,~~ exceeds the lesser of the following: 12418

(1) <u>In the case of an Ohio co-investment fund, the lesser of</u>	12419
<u>the following:</u>	12420
<u>(a) One hundred million dollars;</u>	12421
<u>(b) Fifty per cent of the total amount of capital committed</u>	12422
<u>to all venture capital funds by the program fund.</u>	12423
(2) <u>In the case of any venture capital fund that is not an</u>	12424
<u>Ohio co-investment fund, the lesser of the following:</u>	12425
<u>(a) Ten million dollars;</u>	12426
<del>(2)(a)</del> <u>(b)(i) In the case of an Ohio-based venture capital</u>	12427
fund, fifty per cent of the total amount of capital committed to	12428
the fund from all sources, after accounting for capital committed	12429
from the program fund;	12430
<del>(b)</del> <u>(ii) In the case of any other venture capital fund, twenty</u>	12431
per cent of the total amount of capital committed to the fund from	12432
all sources, after accounting for capital committed from the	12433
program fund.	12434
(F) It specifies that a program administrator or fund manager	12435
employed by the program administrator shall not commit capital	12436
from the program fund to a venture capital fund <u>other than an Ohio</u>	12437
<u>co-investment fund</u> until the venture capital fund receives	12438
commitment of at least the same amount from other investors in the	12439
fund, <u>and shall not permit capital from an Ohio co-investment fund</u>	12440
<u>to be committed to any investment until the Ohio-based business</u>	12441
<u>enterprise in which the investment is to be made receives a</u>	12442
<u>commitment of at least the same amount from other investors that</u>	12443
<u>are independent of and under management independent of the program</u>	12444
<u>administrator and any fund manager employed by the program</u>	12445
<u>administrator.</u>	12446
(G) It specifies the general conditions a private, for-profit	12447
investment fund must meet to be selected as a program	12448

administrator under section 150.05 of the Revised Code, including, 12449  
as a significant selection standard, direct experience managing 12450  
external or nonproprietary capital in private equity fund of funds 12451  
formats. 12452

(H) It specifies the criteria the authority must consider 12453  
when making a determination under division (B)(1) of section 12454  
150.04 of the Revised Code. 12455

(I) It includes investment standards and general limitations 12456  
on allowable investments that the authority considers reasonable 12457  
and necessary to achieve the purposes of this chapter as stated in 12458  
division (B) of section 150.01 of the Revised Code, minimize the 12459  
need for the authority to grant tax credits under section 150.07 12460  
of the Revised Code, ensure compliance of the program 12461  
administrators with all applicable laws of this state and the 12462  
United States, and ensure the safety and soundness of investments 12463  
of money from the program fund. 12464

(J) It prohibits the investment of money from the program 12465  
fund directly in persons other than venture capital funds, except 12466  
for temporary investment in investment grade debt securities or 12467  
temporary deposit in interest-bearing accounts or funds pending 12468  
permanent investment in venture capital funds. 12469

**Sec. 150.04.** (A) The investment policy established or 12470  
modified under section 150.03 of the Revised Code shall specify 12471  
the terms and conditions under which the authority may grant tax 12472  
credits under section 150.07 of the Revised Code, subject to that 12473  
section and division (B) of this section, to provide security 12474  
against lenders' losses. 12475

(B) Nothing in this chapter authorizes the providing of 12476  
security against losses on any bases other than the following: 12477

(1) The application first of moneys of the Ohio venture 12478

capital fund, created under section 150.08 of the Revised Code, 12479  
that the authority, under the criteria in its investment policy, 12480  
determines may be expended without adversely affecting the ability 12481  
of the authority to continue fulfilling the purpose of this 12482  
chapter as stated in section 150.01 of the Revised Code; and then 12483

(2) The granting of tax credits pursuant to section 150.07 of 12484  
the Revised Code, but only to the extent moneys under division 12485  
(B)(1) of this section are insufficient, including to fund 12486  
reserves maintained by or on behalf of an issuer to the extent 12487  
consistent with an agreement between the authority and the issuer 12488  
entered into under division (E) of section 150.02 of the Revised 12489  
Code. 12490

**Sec. 150.05.** (A) The authority shall select, as program 12491  
administrators, not more than two private, for-profit investment 12492  
funds to acquire loans for the program fund and to invest money in 12493  
the program fund as prescribed in the investment policy 12494  
established or modified by the authority in accordance with 12495  
sections 150.03 and 150.04 of the Revised Code. The authority 12496  
shall give equal consideration, in selecting these program 12497  
administrators, to minority owned and controlled investment funds, 12498  
to funds owned and controlled by women, to ventures involving 12499  
minority owned and controlled funds, and to ventures involving 12500  
funds owned and controlled by women that otherwise meet the 12501  
policies and criteria established by the authority. To be eligible 12502  
for selection, an investment fund must be incorporated or 12503  
organized under Chapter 1701., 1705., 1775., 1776., 1782., or 12504  
1783. of the Revised Code, must have an established business 12505  
presence in this state, and must be capitalized in accordance with 12506  
any state and federal laws applicable to the issuance or sale of 12507  
securities. 12508

The authority shall select program administrators only after 12509

soliciting and evaluating requests for proposals as prescribed in 12510  
this section. The authority shall publish a notice of a request 12511  
for proposals in newspapers of general circulation in this state 12512  
once each week for two consecutive weeks before a date specified 12513  
by the authority as the date on which it will begin accepting 12514  
proposals. The notices shall contain a general description of the 12515  
subject of the proposed agreement and the location where the 12516  
request for proposals may be obtained. The request for proposals 12517  
shall include all the following: 12518

(1) Instructions and information to respondents concerning 12519  
the submission of proposals, including the name and address of the 12520  
office where proposals are to be submitted; 12521

(2) Instructions regarding the manner in which respondents 12522  
may communicate with the authority, including the names, titles, 12523  
and telephone numbers of the individuals to whom such 12524  
communications shall be directed; 12525

(3) Description of the performance criteria that will be used 12526  
to evaluate whether a respondent selected by the authority is 12527  
satisfying the authority's investment policy; 12528

(4) Description of the factors and criteria to be considered 12529  
in evaluating respondents' proposals, the relative importance of 12530  
each factor or criterion, and description of the authority's 12531  
evaluation procedure; 12532

(5) Description of any documents that may be incorporated by 12533  
reference into the request for proposals, provided that the 12534  
request specifies where such documents may be obtained and such 12535  
documents are readily available to all interested parties. 12536

After the date specified for receiving proposals, the 12537  
authority shall evaluate submitted proposals. The authority may 12538  
discuss a respondent's proposal with that respondent to clarify or 12539  
revise a proposal or the terms of the agreement. 12540

The authority shall choose for review proposals from at least 12541  
three respondents the authority considers qualified to operate the 12542  
program in the best interests of the investment policy adopted by 12543  
the authority. If three or fewer proposals are submitted, the 12544  
authority shall review each proposal. The authority may cancel a 12545  
request for proposals at any time before entering into an 12546  
agreement with a respondent. The authority shall provide 12547  
respondents fair and equal opportunity for such discussions. The 12548  
authority may terminate discussions with any respondent upon 12549  
written notice to the respondent. 12550

(B) After reviewing the chosen proposals, the authority may 12551  
select not more than two such respondents and enter into a written 12552  
agreement with each of the selected respondents, provided that at 12553  
no time shall there be agreements with more than two persons. 12554

The agreement shall do all of the following: 12555

(1) Specify that borrowing and investing by the program 12556  
administrator will be budgeted to guarantee that no tax credits 12557  
will be granted during the first four years of the Ohio venture 12558  
capital program, and will be structured to ensure that payments of 12559  
principal, interest, or interest equivalent due in any fiscal 12560  
year, when added to such payments due from any other program 12561  
administrator, does not exceed twenty million dollars; 12562

(2) Require investment by the program administrator or the 12563  
fund manager employed by the program administrator to be in 12564  
compliance with the investment policy established or modified in 12565  
accordance with sections 150.03 and 150.04 of the Revised Code 12566  
that is in effect at the time the investment is made, and prohibit 12567  
the program administrator or fund manager from engaging in any 12568  
investment activities other than activities to carry out that 12569  
policy; 12570

(3) Require periodic financial reporting by the program 12571

administrator to the authority, which reporting shall include an 12572  
annual audit by an independent auditor and such other financial 12573  
reporting as is specified in the agreement or otherwise required 12574  
by the authority for the purpose of ensuring that the program 12575  
administrator is carrying out the investment policy; 12576

(4) Specify any like standards or general limitations in 12577  
addition to or in furtherance of investment standards or 12578  
limitations that apply pursuant to division (H) of section 150.03 12579  
of the Revised Code; 12580

(5) Require the program administrator to apply program fund 12581  
revenue first to the payment of principal borrowed by the program 12582  
administrator for investment under the program, then to interest 12583  
related to that principal, and then to amounts necessary to cover 12584  
the program administrator's pro rata share required under division 12585  
(B)(9) of this section; and require the program administrator to 12586  
pay the authority not less than ninety per cent of the amount by 12587  
which program fund revenue attributable to investments under the 12588  
program administrator's investment authority exceeds amounts so 12589  
applied; 12590

(6) Specify the procedures by which the program administrator 12591  
shall certify immediately to the authority the necessity for the 12592  
authority to issue tax credit certificates pursuant to contracts 12593  
entered into under section 150.07 of the Revised Code; 12594

(7) Specify any general limitations regarding the employment 12595  
of a fund manager by the program administrator, in addition to an 12596  
express limitation that the fund manager be a person with 12597  
demonstrated, substantial, successful experience in the design and 12598  
management of seed and venture capital investment programs and in 12599  
capital formation. The fund manager may be, but need not be, an 12600  
equity owner or affiliate of the program administrator. 12601

(8) Specify the terms and conditions under which the 12602

authority or the program administrator may terminate the 12603  
agreement, including in the circumstance that the program 12604  
administrator or fund manager violates the investment policy; 12605

(9) Require the program administrator or fund manager 12606  
employed by the program administrator to provide capital in the 12607  
form of a loan equal to one per cent of the amount of outstanding 12608  
loans by lenders to the program fund. The loan from the program 12609  
administrator or fund manager shall be on the same terms and 12610  
conditions as loans from other lenders, except that the loan from 12611  
the program administrator or fund manager shall not be secured by 12612  
the Ohio venture capital fund or tax credits available to other 12613  
lenders under division (B) of section 150.04 of the Revised Code. 12614  
Such capital shall be placed at the same risk as the proceeds from 12615  
such loans. The program administrator shall receive a pro rata 12616  
share of the net income, including net loss, from the investment 12617  
of money from the program fund, but is not entitled to the 12618  
security against losses provided under section 150.04 of the 12619  
Revised Code. 12620

Sec. 150.051. (A) As used in this section: 12621

(1) "Minority business enterprise" has the meaning defined in 12622  
section 122.71 of the Revised Code. 12623

(2) "Women's business enterprise" means a business, or a 12624  
partnership, corporation, limited liability company, or joint 12625  
venture of any kind, that is owned and controlled by women who are 12626  
United States citizens and residents of this state. 12627

(B) The Ohio venture capital authority shall submit annually 12628  
to the governor and to the general assembly (under section 101.68 12629  
of the Revised Code) a report containing the following 12630  
information: 12631

(1) The name of each program administrator that is a minority 12632



business enterprise or a women's business enterprise with which 12633  
the authority contracts; 12634

(2) The amount of assets managed by program administrators 12635  
that are minority business enterprises or women's business 12636  
enterprises, expressed as a percentage of assets managed by 12637  
program administrators with which the authority has contracted. 12638

(3) Efforts by the authority to increase utilization of 12639  
program administrators that are minority business enterprises or 12640  
women's business enterprises. 12641

**Sec. 150.07.** (A) For the purpose stated in section 150.01 of 12642  
the Revised Code, the authority may authorize a lender to claim 12643  
one of the refundable tax credits allowed under section 5707.031, 12644  
5725.19, 5727.241, 5729.08, 5733.49, or 5747.80 of the Revised 12645  
Code. The credits shall be authorized by a written contract with 12646  
the lender. The contract shall specify the terms under which the 12647  
lender may claim the credit, including the amount of loss, if any, 12648  
the lender must incur before the lender may claim the credit; 12649  
specify that the credit shall not exceed the amount of the loss; 12650  
and specify that the lender may claim the credit only for a loss 12651  
certified by a program administrator to the authority under the 12652  
procedures prescribed under division (B)(6) of section 150.05 of 12653  
the Revised Code. 12654

(B) Tax credits may be authorized at any time after the 12655  
authority establishes the investment policy under section 150.03 12656  
of the Revised Code, but a tax credit so authorized may not be 12657  
claimed until the beginning of the fifth year after the authority 12658  
establishes the investment policy. A tax credit may not be claimed 12659  
after June 30, ~~2026~~ 2036. 12660

(C)(1) Upon receiving certification of a lender's loss from a 12661  
program administrator pursuant to the procedures in the investment 12662  
policy, the authority shall issue a tax credit certificate to the 12663

lender, except as otherwise provided in division (D) of this section. 12664  
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(2) If the lender is a pass-through entity, as defined in section 5733.04 of the Revised Code, then each equity investor in the lender pass-through entity shall be entitled to claim one of the tax credits allowed under division (A) of this section for that equity investor's taxable year in which or with which ends the taxable year of the lender pass-through entity in an amount based on the equity investor's distributive or proportionate share of the credit amount set forth in the certificate issued by the authority. If all equity investors of the lender pass-through entity are not eligible to claim a credit against the same tax set forth in division (A) of this section, then each equity investor may elect to claim a credit against the tax to which the equity investor is subject to in an amount based on the equity investor's distributive or proportionate share of the credit amount set forth in the certificate issued by the authority. 12666  
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(3) The certificate shall state the amount of the credit and the calendar year under section 5707.031, 5725.19, 5727.241, or 5729.08, the tax year under section 5733.49, or the taxable year under section 5747.80 of the Revised Code for which the credit may be claimed. The authority, in conjunction with the tax commissioner, shall develop a system for issuing tax credit certificates for the purpose of verifying that any credit claimed is a credit issued under this section and is properly taken in the year specified in the certificate and in compliance with division (B) of this section. 12681  
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(D) The authority shall not, in any fiscal year, issue tax credit certificates in a total amount exceeding twenty million dollars. 12691  
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(E) Notwithstanding anything in this section or in any other section of this chapter or in Chapter 5707., 5725., 5727., 5729., 12694  
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5733., or 5747. of the Revised Code, an issuer or a trustee on 12696  
behalf of an issuer shall have, subject to the terms of the 12697  
agreement entered into by the issuer and the authority under 12698  
division (E) of section 150.02 of the Revised Code, the right to 12699  
receive and claim the credits authorized under this section and 12700  
solely for those purposes shall be deemed a taxpayer under 12701  
applicable provisions of each such chapter, entitled to file a tax 12702  
return, an amended tax return, or an estimated tax return at such 12703  
times as are permitted or required under the applicable chapter, 12704  
but solely for the purpose of claiming credits issued to the 12705  
issuer or the trustee. Nothing in this section shall require an 12706  
issuer or a trustee to file a tax return under any chapter for any 12707  
purpose other than claiming such credits if the issuer or trustee 12708  
is not otherwise required to make such a filing. 12709

**Sec. 152.09.** (A) As used in sections 152.06 and 152.09 to 12710  
152.33 of the Revised Code: 12711

(1) "Obligations" means bonds, notes, or other evidences of 12712  
obligation, including interest coupons pertaining thereto, issued 12713  
pursuant to sections 152.09 to 152.33 of the Revised Code. 12714

(2) "State agencies" means the state of Ohio and branches, 12715  
officers, boards, commissions, authorities, departments, 12716  
divisions, courts, general assembly, or other units or agencies of 12717  
the state. "State agency" also includes counties, municipal 12718  
corporations, and governmental entities of this state that enter 12719  
into leases with the Ohio building authority pursuant to section 12720  
152.31 of the Revised Code or that are designated by law as state 12721  
agencies for the purpose of performing a state function that is to 12722  
be housed by a capital facility for which the Ohio building 12723  
authority is authorized to issue revenue obligations pursuant to 12724  
sections 152.09 to 152.33 of the Revised Code. 12725

(3) "Bond service charges" means principal, including 12726

mandatory sinking fund requirements for retirement of obligations, 12727  
and interest, and redemption premium, if any, required to be paid 12728  
by the Ohio building authority on obligations. 12729

(4) "Capital facilities" means buildings, structures, and 12730  
other improvements, and equipment, real estate, and interests in 12731  
real estate therefor, within the state, and any one, part of, or 12732  
combination of the foregoing, for housing of branches and agencies 12733  
of state government, including capital facilities for the purpose 12734  
of housing personnel, equipment, or functions, or any combination 12735  
thereof that the state agencies are responsible for housing, for 12736  
which the Ohio building authority is authorized to issue 12737  
obligations pursuant to Chapter 152. of the Revised Code, and 12738  
includes storage and parking facilities related to such capital 12739  
facilities. For purposes of sections 152.10 to 152.15 of the 12740  
Revised Code, "capital facilities" includes community or technical 12741  
college capital facilities. 12742

(5) "Cost of capital facilities" means the costs of 12743  
assessing, planning, acquiring, constructing, reconstructing, 12744  
rehabilitating, remodeling, renovating, enlarging, improving, 12745  
altering, maintaining, equipping, furnishing, repairing, painting, 12746  
decorating, managing, or operating capital facilities, and the 12747  
financing thereof, including the cost of clearance and preparation 12748  
of the site and of any land to be used in connection with capital 12749  
facilities, the cost of participating in capital facilities 12750  
pursuant to section 152.33 of the Revised Code, the cost of any 12751  
indemnity and surety bonds and premiums on insurance, all related 12752  
direct administrative expenses and allocable portions of direct 12753  
costs of the authority and lessee state agencies, cost of 12754  
engineering and architectural services, designs, plans, 12755  
specifications, surveys, and estimates of cost, legal fees, fees 12756  
and expenses of trustees, depositories, and paying agents for the 12757  
obligations, cost of issuance of the obligations and financing 12758

charges and fees and expenses of financial advisers and 12759  
consultants in connection therewith, interest on obligations from 12760  
the date thereof to the time when interest is to be covered from 12761  
sources other than proceeds of obligations, amounts that represent 12762  
the portion of investment earnings to be rebated or to be paid to 12763  
the federal government in order to maintain the exclusion from 12764  
gross income for federal income tax purposes of interest on those 12765  
obligations pursuant to section 148(f) of the Internal Revenue 12766  
Code, amounts necessary to establish reserves as required by the 12767  
resolutions or the obligations, trust agreements, or indentures, 12768  
costs of audits, the reimbursement of all moneys advanced or 12769  
applied by or borrowed from any governmental entity, whether to or 12770  
by the authority or others, from whatever source provided, for the 12771  
payment of any item or items of cost of the capital facilities, 12772  
any share of the cost undertaken by the authority pursuant to 12773  
arrangements made with governmental entities under division (J) of 12774  
section 152.21 of the Revised Code, and all other expenses 12775  
necessary or incident to assessing, planning, or determining the 12776  
feasibility or practicability with respect to capital facilities, 12777  
and such other expenses as may be necessary or incident to the 12778  
assessment, planning, acquisition, construction, reconstruction, 12779  
rehabilitation, remodeling, renovation, enlargement, improvement, 12780  
alteration, maintenance, equipment, furnishing, repair, painting, 12781  
decoration, management, or operation of capital facilities, the 12782  
financing thereof and the placing of the same in use and 12783  
operation, including any one, part of, or combination of such 12784  
classes of costs and expenses. 12785

(6) "Governmental entity" means any state agency, municipal 12786  
corporation, county, township, school district, and any other 12787  
political subdivision or special district in this state 12788  
established pursuant to law, and, except where otherwise 12789  
indicated, also means the United States or any of the states or 12790  
any department, division, or agency thereof, and any agency, 12791

commission, or authority established pursuant to an interstate 12792  
compact or agreement. 12793

(7) "Governing body" means: 12794

(a) In the case of a county, the board of county 12795  
commissioners or other legislative authority; in the case of a 12796  
municipal corporation, the legislative authority; in the case of a 12797  
township, the board of township trustees; in the case of a school 12798  
district, the board of education; 12799

(b) In the case of any other governmental entity, the 12800  
officer, board, commission, authority, or other body having the 12801  
general management of the entity or having jurisdiction or 12802  
authority in the particular circumstances. 12803

(8) "Available receipts" means fees, charges, revenues, 12804  
grants, subsidies, income from the investment of moneys, proceeds 12805  
from the sale of goods or services, and all other revenues or 12806  
receipts received by or on behalf of any state agency for which 12807  
capital facilities are financed with obligations issued under 12808  
Chapter 152. of the Revised Code, any state agency participating 12809  
in capital facilities pursuant to section 152.33 of the Revised 12810  
Code, or any state agency by which the capital facilities are 12811  
constructed or financed; revenues or receipts derived by the 12812  
authority from the operation, leasing, or other disposition of 12813  
capital facilities, and the proceeds of obligations issued under 12814  
Chapter 152. of the Revised Code; and also any moneys appropriated 12815  
by a governmental entity, gifts, grants, donations, and pledges, 12816  
and receipts therefrom, available for the payment of bond service 12817  
charges on such obligations. 12818

(9) "Available community or technical college receipts" means 12819  
all money received by a community or technical college or 12820  
community or technical college district, including income, 12821  
revenues, and receipts from the operation, ownership, or control 12822

of facilities, grants, gifts, donations, and pledges and receipts 12823  
therefrom, receipts from fees and charges, the allocated state 12824  
share of instruction as defined in section 3333.90 of the Revised 12825  
Code, and the proceeds of the sale of obligations, including 12826  
proceeds of obligations issued to refund obligations previously 12827  
issued, but excluding any special fee, and receipts therefrom, 12828  
charged pursuant to division (D) of section 154.21 of the Revised 12829  
Code. 12830

(10) "Community or technical college," "college," "community 12831  
or technical college district," and "district" have the same 12832  
meanings as in section 3333.90 of the Revised Code. 12833

(11) "Community or technical college capital facilities" 12834  
means auxiliary facilities, education facilities, and housing and 12835  
dining facilities, as those terms are defined in section 3345.12 12836  
of the Revised Code, to the extent permitted to be financed by the 12837  
issuance of obligations under division (A)(2) of section 3357.112 12838  
of the Revised Code, that are authorized by sections 3354.121, 12839  
3357.112, and 3358.10 of the Revised Code to be financed by 12840  
obligations issued by a community or technical college district, 12841  
and for which the Ohio building authority is authorized to issue 12842  
obligations pursuant to Chapter 152. of the Revised Code, and 12843  
includes any one, part of, or any combination of the foregoing, 12844  
and further includes site improvements, utilities, machinery, 12845  
furnishings, and any separate or connected buildings, structures, 12846  
improvements, sites, open space and green space areas, utilities, 12847  
or equipment to be used in, or in connection with the operation or 12848  
maintenance of, or supplementing or otherwise related to the 12849  
services or facilities to be provided by, such facilities. 12850

(12) "Cost of community or technical college capital 12851  
facilities" means the costs of acquiring, constructing, 12852  
reconstructing, rehabilitating, remodeling, renovating, enlarging, 12853  
improving, equipping, or furnishing community or technical college 12854

capital facilities, and the financing thereof, including the cost 12855  
of clearance and preparation of the site and of any land to be 12856  
used in connection with community or technical college capital 12857  
facilities, the cost of any indemnity and surety bonds and 12858  
premiums on insurance, all related direct administrative expenses 12859  
and allocable portions of direct costs of the authority, community 12860  
or technical college or community or technical college district, 12861  
cost of engineering, architectural services, design, plans, 12862  
specifications and surveys, estimates of cost, legal fees, fees 12863  
and expenses of trustees, depositories, bond registrars, and 12864  
paying agents for the obligations, cost of issuance of the 12865  
obligations and financing costs and fees and expenses of financial 12866  
advisers and consultants in connection therewith, interest on the 12867  
obligations from the date thereof to the time when interest is to 12868  
be covered by available receipts or other sources other than 12869  
proceeds of the obligations, amounts that represent the portion of 12870  
investment earnings to be rebated or to be paid to the federal 12871  
government in order to maintain the exclusion from gross income 12872  
for federal income tax purposes of interest on those obligations 12873  
pursuant to section 148(f) of the Internal Revenue Code, amounts 12874  
necessary to establish reserves as required by the bond 12875  
proceedings, costs of audits, the reimbursements of all moneys 12876  
advanced or applied by or borrowed from the community or technical 12877  
college, community or technical college district, or others, from 12878  
whatever source provided, including any temporary advances from 12879  
state appropriations, for the payment of any item or items of cost 12880  
of community or technical college facilities, and all other 12881  
expenses necessary or incident to planning or determining 12882  
feasibility or practicability with respect to such facilities, and 12883  
such other expenses as may be necessary or incident to the 12884  
acquisition, construction, reconstruction, rehabilitation, 12885  
remodeling, renovation, enlargement, improvement, equipment, and 12886  
furnishing of community or technical college capital facilities, 12887



the financing thereof and the placing of them in use and 12888  
operation, including any one, part of, or combination of such 12889  
classes of costs and expenses. 12890

(B) Pursuant to the powers granted to the general assembly 12891  
under Section 2i of Article VIII, Ohio Constitution, to authorize 12892  
the issuance of revenue obligations and other obligations, the 12893  
owners or holders of which are not given the right to have excises 12894  
or taxes levied by the general assembly for the payment of 12895  
principal thereof or interest thereon, the Ohio building authority 12896  
may issue obligations, in accordance with Chapter 152. of the 12897  
Revised Code, and shall cause the net proceeds thereof, after any 12898  
deposits of accrued interest for the payment of bond service 12899  
charges and after any deposit of all or such lesser portion as the 12900  
authority may direct of the premium received upon the sale of 12901  
those obligations for the payment of the bond service charges, to 12902  
be applied to the costs of capital facilities designated by or 12903  
pursuant to act of the general assembly for housing state agencies 12904  
as authorized by Chapter 152. of the Revised Code. The authority 12905  
shall provide by resolution for the issuance of such obligations. 12906  
The bond service charges and all other payments required to be 12907  
made by the trust agreement or indenture securing such obligations 12908  
shall be payable solely from available receipts of the authority 12909  
pledged thereto as provided in such resolution. The available 12910  
receipts pledged and thereafter received by the authority are 12911  
immediately subject to the lien of such pledge without any 12912  
physical delivery thereof or further act, and the lien of any such 12913  
pledge is valid and binding against all parties having claims of 12914  
any kind against the authority, irrespective of whether those 12915  
parties have notice thereof, and creates a perfected security 12916  
interest for all purposes of Chapter 1309. of the Revised Code and 12917  
a perfected lien for purposes of any real property interest, all 12918  
without the necessity for separation or delivery of funds or for 12919  
the filing or recording of the resolution, trust agreement, 12920

indenture, or other agreement by which such pledge is created or 12921  
any certificate, statement, or other document with respect 12922  
thereto; and the pledge of such available receipts is effective 12923  
and the money therefrom and thereof may be applied to the purposes 12924  
for which pledged. Every pledge, and every covenant and agreement 12925  
made with respect to the pledge, made in the resolution may 12926  
therein be extended to the benefit of the owners and holders of 12927  
obligations authorized by Chapter 152. of the Revised Code, the 12928  
net proceeds of which are to be applied to the costs of capital 12929  
facilities, and to any trustee therefor, for the further securing 12930  
of the payment of the bond service charges, and all or any rights 12931  
under any agreement or lease made under this section may be 12932  
assigned for such purpose. Obligations may be issued at one time 12933  
or from time to time, and each issue shall be dated, shall mature 12934  
at such time or times as determined by the authority not exceeding 12935  
forty years from the date of issue, and may be redeemable before 12936  
maturity at the option of the authority at such price or prices 12937  
and under such terms and conditions as are fixed by the authority 12938  
prior to the issuance of the obligations. The authority shall 12939  
determine the form of the obligations, fix their denominations, 12940  
establish their interest rate or rates, which may be a variable 12941  
rate or rates, or the maximum interest rate, and establish within 12942  
or without this state a place or places of payment of bond service 12943  
charges. 12944

(C) The obligations shall be signed by the authority 12945  
chairperson, vice-chairperson, and secretary-treasurer, and the 12946  
authority seal shall be affixed. The signatures may be facsimile 12947  
signatures and the seal affixed may be a facsimile seal, as 12948  
provided by resolution of the authority. Any coupons attached may 12949  
bear the facsimile signature of the chairperson. In case any 12950  
officer who has signed any obligations, or caused the officer's 12951  
facsimile signature to be affixed thereto, ceases to be such 12952  
officer before such obligations have been delivered, such 12953

obligations may, nevertheless, be issued and delivered as though 12954  
the person who had signed the obligations or caused the person's 12955  
facsimile signature to be affixed thereto had not ceased to be 12956  
such officer. 12957

Any obligations may be executed on behalf of the authority by 12958  
an officer who, on the date of execution, is the proper officer 12959  
although on the date of such obligations such person was not the 12960  
proper officer. 12961

(D) All obligations issued by the authority shall have all 12962  
the qualities and incidents of negotiable instruments and may be 12963  
issued in coupon or in registered form, or both, as the authority 12964  
determines. Provision may be made for the registration of any 12965  
obligations with coupons attached thereto as to principal alone or 12966  
as to both principal and interest, their exchange for obligations 12967  
so registered, and for the conversion or reconversion into 12968  
obligations with coupons attached thereto of any obligations 12969  
registered as to both principal and interest, and for reasonable 12970  
charges for such registration, exchange, conversion, and 12971  
reconversion. The authority may sell its obligations in any manner 12972  
and for such prices as it determines, except that the authority 12973  
shall sell obligations sold at public or private sale in 12974  
accordance with section 152.091 of the Revised Code. 12975

(E) The obligations of the authority, principal, interest, 12976  
and any proceeds from their sale or transfer, are exempt from all 12977  
taxation within this state. 12978

(F) The authority is authorized to issue revenue obligations 12979  
and other obligations under Section 2i of Article VIII, Ohio 12980  
Constitution, for the purpose of paying the cost of capital 12981  
facilities for housing of branches and agencies of state 12982  
government, including capital facilities for the purpose of 12983  
housing personnel, equipment, or functions, or any combination 12984  
thereof that the state agencies are responsible for housing, as 12985

are authorized by Chapter 152. of the Revised Code, and that are 12986  
authorized by the general assembly by the appropriation of lease 12987  
payments or other moneys for such capital facilities or by any 12988  
other act of the general assembly, but not including the 12989  
appropriation of moneys for feasibility studies for such capital 12990  
facilities. This division does not authorize the authority to 12991  
issue obligations pursuant to Section 2i of Article VIII, Ohio 12992  
Constitution, to pay the cost of capital facilities for mental 12993  
hygiene and retardation, parks and recreation, or state-supported 12994  
or state-assisted institutions of higher education. 12995

(G) The authority is authorized to issue revenue obligations 12996  
under Section 2i of Article VIII, Ohio Constitution, on behalf of 12997  
a community or technical college district and shall cause the net 12998  
proceeds thereof, after any deposits of accrued interest for the 12999  
payment of bond service charges and after any deposit of all or 13000  
such lesser portion as the authority may direct of the premium 13001  
received upon the sale of those obligations for the payment of the 13002  
bond service charges, to be applied to the cost of community or 13003  
technical college capital facilities, provided that the issuance 13004  
of such obligations is subject to the execution of a written 13005  
agreement in accordance with division (C) of section 3333.90 of 13006  
the Revised Code for the withholding and depositing of funds 13007  
otherwise due the district, or the college it operates, in respect 13008  
of its allocated state share of instruction. 13009

The authority shall provide by resolution for the issuance of 13010  
such obligations. The bond service charges and all other payments 13011  
required to be made by the trust agreement or indenture securing 13012  
the obligations shall be payable solely from available community 13013  
or technical college receipts pledged thereto as provided in the 13014  
resolution. The available community or technical college receipts 13015  
pledged and thereafter received by the authority are immediately 13016  
subject to the lien of such pledge without any physical delivery 13017

thereof or further act, and the lien of any such pledge is valid 13018  
and binding against all parties having claims of any kind against 13019  
the authority, irrespective of whether those parties have notice 13020  
thereof, and creates a perfected security interest for all 13021  
purposes of Chapter 1309. of the Revised Code and a perfected lien 13022  
for purposes of any real property interest, all without the 13023  
necessity for separation or delivery of funds or for the filing or 13024  
recording of the resolution, trust agreement, indenture, or other 13025  
agreement by which such pledge is created or any certificate, 13026  
statement, or other document with respect thereto; and the pledge 13027  
of such available community or technical college receipts is 13028  
effective and the money therefrom and thereof may be applied to 13029  
the purposes for which pledged. Every pledge, and every covenant 13030  
and agreement made with respect to the pledge, made in the 13031  
resolution may therein be extended to the benefit of the owners 13032  
and holders of obligations authorized by this division, and to any 13033  
trustee therefor, for the further securing of the payment of the 13034  
bond service charges, and all or any rights under any agreement or 13035  
lease made under this section may be assigned for such purpose. 13036  
Obligations may be issued at one time or from time to time, and 13037  
each issue shall be dated, shall mature at such time or times as 13038  
determined by the authority not exceeding forty years from the 13039  
date of issue, and may be redeemable before maturity at the option 13040  
of the authority at such price or prices and under such terms and 13041  
conditions as are fixed by the authority prior to the issuance of 13042  
the obligations. The authority shall determine the form of the 13043  
obligations, fix their denominations, establish their interest 13044  
rate or rates, which may be a variable rate or rates, or the 13045  
maximum interest rate, and establish within or without this state 13046  
a place or places of payment of bond service charges. 13047

**Sec. 152.10.** The resolution of the Ohio building authority 13048  
authorizing the issuance of authority obligations may contain 13049

provisions which shall be part of the contract with the holders of 13050  
the obligations as to: 13051

(A) Pledging all or such portion as it determines of the 13052  
available receipts of the authority for the payment of bond 13053  
service charges and all other payments required to be made by the 13054  
trust agreement or indenture securing such obligations, or 13055  
restricting the security for a particular issue of obligations to 13056  
specific revenues or receipts of the authority; 13057

(B) The acquisition, construction, reconstruction, equipment, 13058  
furnishing, improvement, operation, alteration, enlargement, 13059  
maintenance, insurance, and repair of capital facilities and sites 13060  
therefor, and the duties of the authority with reference thereto; 13061

(C) Other terms of the obligations; 13062

(D) Limitations on the purposes to which the proceeds of the 13063  
obligations may be applied; 13064

(E) The rate of rentals or other charges for the use of 13065  
capital facilities, the revenues from which are pledged to the 13066  
obligations authorized by such resolution, including limitations 13067  
upon the power of the authority to modify such rentals or other 13068  
charges; 13069

(F) The use of and the expenditures of the revenues of the 13070  
authority in such manner and to such extent as shall be 13071  
determined, which may include provision for the payment of the 13072  
expenses of the operation, maintenance, and repair of capital 13073  
facilities, and the operation and administration of the authority 13074  
so that such expenses shall be paid or provided as a charge prior 13075  
to the payment of bond service charges and all other payments 13076  
required to be made by the trust agreement or indenture securing 13077  
such obligations; 13078

(G) Limitations on the issuance of additional obligations; 13079

(H) The terms of any trust agreement or indenture securing 13080  
the obligations or under which the same may be issued; 13081

(I) Any other or additional agreements with the holders of 13082  
the obligations, or the trustee therefor with respect to the 13083  
operation of the authority and with respect to its property, 13084  
funds, and revenues, and insurance thereof, and of the authority, 13085  
its members, officers, and employees; 13086

(J) The deposit and application of funds and the safeguarding 13087  
of funds on hand or on deposit without regard to Chapter 131. of 13088  
the Revised Code, including any deposits of accrued interest for 13089  
the payment of bond service charges and any deposits of premium 13090  
for the payment of bond service charges or for the application to 13091  
the payment of costs of capital facilities; 13092

(K) Municipal bond insurance, letters of credit, and other 13093  
related agreements, the cost of which may be included in the costs 13094  
of issuance of the obligations, and the pledge, holding, and 13095  
disposition of the proceeds thereof; 13096

(L) A covenant that the state and any using state agency or 13097  
any using community or technical college or community or technical 13098  
college district shall, so long as such obligations are 13099  
outstanding, cause to be charged and collected such revenues and 13100  
receipts of, or from, any such using state agency or any such 13101  
using community or technical college or community or technical 13102  
college district constituting available receipts under the 13103  
resolution sufficient in amount to provide for the payment of bond 13104  
service charges on such obligations and for the establishment and 13105  
maintenance of any reserves, as provided in the resolution for 13106  
such obligations, which covenant shall be controlling 13107  
notwithstanding any other provision of law pertaining to such 13108  
revenues and receipts; provided that no covenant shall require the 13109  
general assembly to appropriate money derived from the levying of 13110  
excises or taxes for the payment of rent or bond service charges. 13111

Sec. 152.12. (A) As used in this section, "prior community or technical college obligations" means bonds or notes previously issued by a community or technical college district under section 3354.121, 3357.112, or 3358.10 of the Revised Code to pay costs of community or technical college capital facilities.

(B) The Ohio building authority may authorize and issue obligations for the refunding of prior obligations or prior community or technical college obligations for any of the following purposes:

~~(A)(1)~~ Refunding any obligations previously issued by the authority or any prior community or technical college obligations, when the revenues pledged for the payment of such obligations are insufficient to pay obligations or prior community or technical college obligations which have matured or are about to mature or to maintain reserve or other funds required by the resolution or trust agreement or indenture;

~~(B)(2)~~ Refunding any obligations previously issued by the authority or any prior community or technical college obligations as an incident to providing funds for reconstructing, equipping, furnishing, improving, extending, or enlarging any capital facilities of the authority or any community or technical college district or community or technical college;

~~(C)(3)~~ Refunding all of the outstanding obligations or prior community or technical college obligations of any issue, both matured and unmatured, when the revenues pledged for the payment of such obligations or prior community or technical college obligations are insufficient to pay obligations which have matured or are about to mature or to maintain reserve or other funds required by the resolution or trust agreement or indenture, if such outstanding obligations or prior community or technical college obligations can be retired by call or at maturity or with



the consent of the holders, whether from the proceeds of the sale 13143  
of the refunding obligations or by exchange for the refunding 13144  
obligations, provided the principal amount of the refunding 13145  
obligations shall not exceed in amount the aggregate of the par 13146  
value of the obligations or prior community or technical college 13147  
obligations to be retired, any redemption premium, past due and 13148  
future interest to the date of maturity or call that cannot 13149  
otherwise be paid, and funds to reconstruct, equip, furnish, 13150  
improve, enlarge, or extend any capital facilities of the 13151  
authority or any community or technical college district or 13152  
community or technical college; 13153

~~(D)~~(4) Refunding any obligations previously issued by the 13154  
authority or any prior community or technical college obligations 13155  
when the refunding obligations will bear interest at a lower rate 13156  
than the obligations or prior community or technical college 13157  
obligations to be refunded, or when the interest cost of the 13158  
refunding obligations computed to the absolute maturity will be 13159  
less than the interest cost of the obligations or prior community 13160  
or technical college obligations to be refunded; 13161

~~(E)~~(5) Refunding any obligations issued pursuant to section 13162  
152.23 of the Revised Code. 13163

(C) Obligations issued pursuant to division ~~(A)~~(B)(1) of this 13164  
section shall mature not later than twenty years after their 13165  
issuance and obligations issued pursuant to division (B)(2), 13166  
~~(C)~~(3), ~~(D)~~(4), or ~~(E)~~(5) of this section shall mature not later 13167  
than forty years after their issuance. Except as provided in this 13168  
section, the terms of issuance and sale of obligations issued 13169  
under this section shall be as provided in ~~Chapter 152. of the~~ 13170  
~~Revised Code~~ this chapter for any other obligations for the 13171  
benefit of state agencies, community or technical colleges, or 13172  
community or technical college districts, as the context requires. 13173  
Obligations authorized under this section shall be deemed to be 13174

issued for those purposes for which such prior obligations or 13175  
prior community or technical college obligations were issued, and 13176  
may be issued in amounts sufficient for funding and retirement of 13177  
prior obligations or prior community or technical college 13178  
obligations, for establishment of reserves as required by the 13179  
refunding obligations or the resolution authorizing such refunding 13180  
obligations or the trust agreement or indenture securing the 13181  
refunding obligations, and for payment of any fees and expenses 13182  
incurred or to be incurred in connection with such issuance and 13183  
such refunding. 13184

**Sec. 152.15.** Obligations issued by the Ohio building 13185  
authority do not, and they shall state that they do not, represent 13186  
or constitute a debt of the state or any political subdivision, 13187  
nor a pledge of the faith and credit of the state or any political 13188  
subdivision. Pursuant to Section 2i of Article VIII, Ohio 13189  
Constitution, such obligations shall not be deemed to be debts or 13190  
bonded indebtedness of the state under other provisions of the 13191  
Ohio Constitution. 13192

The holders or owners of obligations issued by the authority 13193  
shall have no right to have excises or taxes levied by the general 13194  
assembly for the payment of the bond service charges thereon. The 13195  
right of such holders and owners to payment of such bond service 13196  
charges shall be limited to the available receipts or available 13197  
community or technical college receipts pledged thereto in 13198  
accordance with ~~Chapter 152. of the Revised Code~~ this chapter, and 13199  
each such obligation shall bear on its face a statement to that 13200  
effect. Any available receipts or available community or technical 13201  
college receipts may be so pledged only to obligations issued for 13202  
capital facilities which are in whole or in part useful to, 13203  
constructed by, or financed by the department, board, commission, 13204  
authority, community or technical college, community or technical 13205  
college district, or other agency or instrumentality that receives 13206

the available receipts or available community or technical college 13207  
receipts so pledged. 13208

**Sec. 152.33.** (A) The Ohio building authority is authorized 13209  
under Chapter 152. of the Revised Code to issue revenue 13210  
obligations and other obligations to pay the cost of capital 13211  
facilities described in ~~section~~ sections 111.26 and 307.021 of the 13212  
Revised Code and the cost of capital facilities in which one or 13213  
more state agencies are participating with the federal government, 13214  
municipal corporations, counties, or other governmental entities 13215  
or any one or more of them, and in which that portion of the 13216  
facility allocated to the participating state agencies is to be 13217  
used for the purpose stated in division (F) of section 152.09 of 13218  
the Revised Code, when authorized by the general assembly in 13219  
accordance with that division. Such participation may be by 13220  
grants, loans, or contributions to other participating 13221  
governmental entities for any of such capital facilities. Such 13222  
obligations shall be deemed to be issued under sections 152.09 and 13223  
152.23 of the Revised Code and shall conform to all requirements 13224  
of sections 152.09 to 152.17 and 152.23 of the Revised Code. The 13225  
right of holders and owners of obligations issued under this 13226  
section to payment of bond service charges shall be limited to the 13227  
revenues and receipts of the authority derived from rentals or 13228  
other charges for use of the capital facilities constructed with 13229  
the proceeds of the obligations to which such revenues and 13230  
receipts are pledged, including revenues and receipts from or on 13231  
behalf of any participating governmental entity. 13232

(B) Any lease of space by a state agency in a capital 13233  
facility described in division (A) of this section shall conform 13234  
to the requirements of division (D) of section 152.24 of the 13235  
Revised Code. 13236

**Sec. 153.013.** With respect to any contract entered into under 13237

this chapter, which is made by the state or in whole or in part 13238  
supported by state funds, a contractor shall comply with any 13239  
regulation or ordinance that relates to the health, safety, 13240  
status, and welfare of employees and that is enacted by the 13241  
political subdivision in which the contract is to be performed. 13242

**Sec. 156.01.** As used in ~~this chapter~~ sections 156.01 to 13243  
156.05 of the Revised Code: 13244

(A) "Avoided capital costs" means a measured reduction in the 13245  
cost of future equipment or other capital purchases that results 13246  
from implementation of one or more energy or water conservation 13247  
measures, when compared to an established baseline for previous 13248  
such cost. 13249

(B) "Energy conservation measure" means an installation or 13250  
modification of an installation in, or a remodeling of, an 13251  
existing building in order to reduce energy consumption and 13252  
operating costs. The term includes any of the following: 13253

(1) Installation or modification of insulation in the 13254  
building structure and systems within the building; 13255

(2) Installation or modification of storm windows and doors, 13256  
multiglazed windows and doors, and heat absorbing or heat 13257  
reflective glazed and coated window and door systems; installation 13258  
of additional glazing; reductions in glass area; and other window 13259  
and door system modifications that reduce energy consumption and 13260  
operating costs; 13261

(3) Installation or modification of automatic energy control 13262  
systems; 13263

(4) Replacement or modification of heating, ventilating, or 13264  
air conditioning systems; 13265

(5) Application of caulking and weather stripping; 13266

(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	13267 13268 13269 13270 13271
(7) Installation or modification of energy recovery systems;	13272
(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	13273 13274 13275 13276
(9) Any other modification, installation, or remodeling approved by the director of administrative services as an energy conservation measure for one or more buildings owned by the state.	13277 13278 13279
<del>(B)</del> (C) "Energy saving measure" means the acquisition and installation, by purchase, lease, lease-purchase, lease with an option to buy, or installment purchase, of an energy conservation measure and any attendant architectural and engineering consulting services.	13280 13281 13282 13283 13284
<u>(D) "Energy, water, or wastewater cost savings" means a measured reduction in, as applicable, the cost of fuel, energy or water consumption, wastewater production, or stipulated operation or maintenance resulting from the implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such costs, respectively.</u>	13285 13286 13287 13288 13289 13290
<u>(E) "Operating cost savings" means a measured reduction in the cost of stipulated operation or maintenance created by the installation of new equipment or implementation of a new service, when compared with an established baseline for previous such stipulated costs.</u>	13291 13292 13293 13294 13295
<u>(F) "Water conservation measure" means an installation or modification of an installation in, or a remodeling of, an</u>	13296 13297

<u>existing building or the surrounding grounds in order to reduce</u>	13298
<u>water consumption. The term includes any of the following:</u>	13299
<u>(1) Water-conserving fixture, appliance, or equipment, or the</u>	13300
<u>substitution of a nonwater-using fixture, appliance, or equipment;</u>	13301
<u>(2) Water-conserving, landscape irrigation equipment;</u>	13302
<u>(3) Landscaping measure that reduces storm water runoff</u>	13303
<u>demand and capture and hold applied water and rainfall, including</u>	13304
<u>landscape contouring such as the use of a berm, swale, or terrace</u>	13305
<u>and including the use of a soil amendment, including compost, that</u>	13306
<u>increases the water-holding capacity of the soil;</u>	13307
<u>(4) Rainwater harvesting equipment or equipment to make use</u>	13308
<u>of water collected as part of a storm water system installed for</u>	13309
<u>water quality control;</u>	13310
<u>(5) Equipment for recycling or reuse of water originating on</u>	13311
<u>the premises or from another source, including treated, municipal</u>	13312
<u>effluent;</u>	13313
<u>(6) Equipment needed to capture water for nonpotable uses</u>	13314
<u>from any nonconventional, alternate source, including air</u>	13315
<u>conditioning condensate or gray water;</u>	13316
<u>(7) Any other modification, installation, or remodeling</u>	13317
<u>approved by the board of trustees of a state institution of higher</u>	13318
<u>education as defined in section 3345.011 of the Revised Code as a</u>	13319
<u>water conservation measure for one or more buildings or the</u>	13320
<u>surrounding grounds owned by the institution.</u>	13321
<u>(G) "Water saving measure" means the acquisition and</u>	13322
<u>installation, by the purchase, lease, lease-purchase, lease with</u>	13323
<u>an option to buy, or installment purchases of a water conservation</u>	13324
<u>measure and any attendant architectural and engineering consulting</u>	13325
<u>services.</u>	13326
<u>Sec. 156.02. (A) The director of administrative services may</u>	13327

contract with an energy services company, contractor, architect, 13328  
professional engineer, or other person experienced in the design 13329  
and implementation of energy conservation measures for a report 13330  
containing an analysis and recommendations pertaining to the 13331  
implementation of energy conservation measures that would 13332  
significantly reduce energy consumption and operating costs in any 13333  
buildings owned by the state ~~and, upon request of its board of~~ 13334  
~~trustees or managing authority, any building owned by an~~ 13335  
~~institution of higher education as defined in section 3345.12 of~~ 13336  
~~the Revised Code.~~ The report shall include estimates of all costs 13337  
of such measures, including the costs of design, engineering, 13338  
installation, maintenance, repairs, and debt service, and 13339  
estimates of the amounts by which energy consumption and operating 13340  
costs would be reduced. 13341

(B) Upon the request of the board of trustees or managing 13342  
authority of a state institution of higher education as defined in 13343  
section 3345.011 of the Revised Code, the director may contract 13344  
with a water services company, architect, professional engineer, 13345  
contractor, or other person experienced in the design and 13346  
implementation of energy or water conservation measures for a 13347  
report containing an analysis and recommendations pertaining to 13348  
the implementation of energy or water conservation measures that 13349  
result in energy, water, or wastewater cost savings, operating 13350  
cost savings, or avoided capital costs for the institution. The 13351  
report shall include estimates of all costs of such installations, 13352  
including the costs of design, engineering, installation, 13353  
maintenance, repairs, and debt service, and estimates of the 13354  
energy, water, or wastewater cost savings, operating cost savings, 13355  
and avoided capital costs created. 13356

**Sec. 156.03.** (A) If the director of administrative services 13357  
wishes to enter into an installment payment contract pursuant to 13358  
section 156.04 of the Revised Code or any other contract to 13359

implement one or more energy saving measures or, in the case of a 13360  
state institution of higher education pursuant to division (B) of 13361  
section 156.02 of the Revised Code, energy or water saving 13362  
measures, he the director may proceed under Chapter 153. of the 13363  
Revised Code, or, alternatively, he the director may request the 13364  
controlling board to exempt the contract from Chapter 153. of the 13365  
Revised Code. 13366

If the controlling board by a majority vote approves an 13367  
exemption, that chapter shall not apply to the contract and 13368  
instead the director shall request proposals from at least three 13369  
parties for the implementation of the energy or water saving 13370  
measures. Prior to providing any interested party a copy of any 13371  
such request, the director shall advertise, in a newspaper of 13372  
general circulation in the county where the contract is to be 13373  
performed, ~~his~~ the director's intent to request proposals for the 13374  
implementation of the energy or water saving measures. The notice 13375  
shall invite interested parties to submit proposals for 13376  
consideration and shall be published at least thirty days prior to 13377  
the date for accepting proposals. 13378

(B) Upon receiving the proposals, the director shall analyze 13379  
them and, after considering the cost estimates of each proposal 13380  
and the availability of funds to pay for each with current 13381  
appropriations or by financing the cost of each through an 13382  
installment payment contract under section 156.04 of the Revised 13383  
Code, may select one or more proposals or reject all proposals. In 13384  
selecting proposals, the director shall select the one or more 13385  
proposals most likely to result in the greatest savings when the 13386  
cost of the proposal is compared to the reduced energy and 13387  
operating costs that will result from implementing the proposal. 13388  
However, in the case of a state institution of higher education 13389  
pursuant to division (B) of section 156.02 of the Revised Code, 13390  
the director shall select the one or more proposals most likely to 13391



result in the greatest energy, water, or wastewater savings, 13392  
operating costs savings, and avoided capital costs created. 13393

(C)(1) No contract shall be awarded to implement energy 13394  
saving measures under this section, other than in the case of a 13395  
state institution of higher education, unless the director finds 13396  
that one or both of the following circumstances exists, as 13397  
applicable: 13398

~~(A)(a)~~ In the case of a contract for a cogeneration system 13399  
described in division (H) of section 156.01 of the Revised Code, 13400  
the cost of the contract is not likely to exceed the amount of 13401  
money that would be saved in energy and operating costs over no 13402  
more than five years; 13403

~~(B)(b)~~ In the case of any contract for any energy saving 13404  
measure other than a cogeneration system, the cost of the contract 13405  
is not likely to exceed the amount of money that would be saved in 13406  
energy and operating costs over no more than ten years. 13407

(2) In the case of a state institution of higher education 13408  
pursuant to division (B) of section 156.02 of the Revised Code, no 13409  
contract shall be awarded to implement energy or water saving 13410  
measures for the institution under this section unless the 13411  
director finds that both of the following circumstances exists: 13412

(a) Not less than one-fifteenth of the costs of the contract 13413  
shall be paid within two years from the date of purchase; 13414

(b) The remaining balance of the cost of the contract shall 13415  
be paid within fifteen years from the date of purchase. 13416

**Sec. 156.04.** (A) In accordance with this section and section 13417  
156.03 of the Revised Code, the director of administrative 13418  
services may enter into an installment payment contract for the 13419  
implementation of one or more energy or water saving measures. If 13420  
the director wishes an installment payment contract to be exempted 13421

from Chapter 153. of the Revised Code, the director shall proceed 13422  
pursuant to section 156.03 of the Revised Code. 13423

(B)~~(1)~~ Any installment payment contract under this section, 13424  
other than in the case of a state institution of higher education, 13425  
for one or more energy saving measures shall provide that all 13426  
payments, except payments for repairs and obligations on 13427  
termination of the contract prior to its expiration, are to be a 13428  
stated percentage of calculated savings of energy and operating 13429  
costs attributable to the one or more measures over a defined 13430  
period of time and are to be made only to the extent that those 13431  
savings actually occur. No such contract shall contain any of the 13432  
following: 13433

~~(1)(a)~~ A requirement of any additional capital investment or 13434  
contribution of funds, other than funds available from state or 13435  
federal grants; 13436

~~(2)(b)~~ In the case of a contract for an energy saving measure 13437  
that is a cogeneration system described in division (H) of section 13438  
156.01 of the Revised Code, a payment term longer than five years; 13439

~~(3)(c)~~ In the case of a contract for any energy saving 13440  
measure that is not a cogeneration system, a payment term longer 13441  
than ten years. 13442

(2) Any installment payment contract under this section for 13443  
one or more energy or water saving measures for a state 13444  
institution of higher education pursuant to division (B) of 13445  
section 156.02 of the Revised Code, shall provide that all 13446  
payments, except payments for repairs and obligations on 13447  
termination of the contract prior to its expiration, are to be a 13448  
stated percentage of calculated energy, water, or wastewater cost 13449  
savings, operating costs, and avoided capital costs attributable 13450  
to the one or more measures over a defined period of time and are 13451  
to be made only to the extent that those calculated amounts 13452

actually occur. No such contract shall contain either of the 13453  
following: 13454

(a) A requirement of any additional capital investment or 13455  
contribution of funds, other than funds available from state or 13456  
federal grants; 13457

(b) A payment term longer than fifteen years. 13458

(C) Any installment payment contract entered into under this 13459  
section shall terminate no later than the last day of the fiscal 13460  
biennium for which funds have been appropriated to the department 13461  
of administrative services by the general assembly and shall be 13462  
renewed in each succeeding fiscal biennium in which any balance of 13463  
the contract remains unpaid, provided that both an appropriation 13464  
for that succeeding fiscal biennium and the certification required 13465  
by section 126.07 of the Revised Code are made. 13466

**Sec. 166.07.** (A) The director of development, with the 13467  
approval of the controlling board and subject to the other 13468  
applicable provisions of this chapter, may lend moneys in the 13469  
facilities establishment fund to persons for the purpose of paying 13470  
allowable costs of an eligible project if the director determines 13471  
that: 13472

(1) The project is an eligible project and is economically 13473  
sound; 13474

(2) The borrower is unable to finance the necessary allowable 13475  
costs through ordinary financial channels upon comparable terms; 13476

(3) The amount to be lent from the facilities establishment 13477  
fund will not exceed seventy-five per cent of the total allowable 13478  
costs of the eligible project, except that if any part of the 13479  
amount to be lent from the facilities establishment fund is 13480  
derived from the issuance and sale of project financing 13481  
obligations the amount to be lent will not exceed ninety per cent 13482

of the total allowable costs of the eligible project; 13483

(4) The eligible project could not be achieved in the local 13484  
area in which it is to be located if the portion of the project to 13485  
be financed by the loan instead were to be financed by a loan 13486  
guaranteed under section 166.06 of the Revised Code; 13487

(5) The repayment of the loan from the facilities 13488  
establishment fund will be adequately secured by a mortgage, 13489  
assignment, pledge, or lien provided for under section 9.661 of 13490  
the Revised Code, at such level of priority as the director may 13491  
require; 13492

(6) The borrower will hold at least a ten per cent equity 13493  
interest in the eligible project at the time the loan is made. 13494

(B) The determinations of the director under division (A) of 13495  
this section shall be conclusive for purposes of the validity of a 13496  
loan commitment evidenced by a loan agreement signed by the 13497  
director. 13498

(C) In furtherance of the public policy of this chapter, 13499  
there is hereby established the micro-lending program for the 13500  
purpose of paying the allowable costs of eligible projects of 13501  
eligible small businesses. From any amount of the facilities 13502  
establishment fund that the general assembly designates for the 13503  
purpose of the micro-lending program, the director of development 13504  
shall, either directly or indirectly, make loans under this 13505  
section to eligible small businesses. The director shall establish 13506  
eligibility criteria and loan terms for the program that 13507  
supplement eligibility criteria and loan terms otherwise 13508  
prescribed for loans under this section, and may prescribe reduced 13509  
service charges and fees. For the purpose of lending under the 13510  
micro-lending program, the director of development shall give 13511  
precedence to projects of eligible small businesses that foster 13512  
the development of small entrepreneurial enterprises, 13513

notwithstanding the considerations prescribed by divisions 13514  
(A)(1)(a) and (b) of section 166.05 of the Revised Code to the 13515  
extent those considerations otherwise may have the effect of 13516  
disqualifying projects of eligible small businesses. The director 13517  
may enter into agreements with for-profit or non-profit 13518  
organizations in this state to originate and administer loans made 13519  
under the micro-lending program. 13520

(D) Fees, charges, rates of interest, times of payment of 13521  
interest and principal, and other terms, conditions, and 13522  
provisions of and security for loans made from the facilities 13523  
establishment fund pursuant to this section shall be such as the 13524  
director determines to be appropriate and in furtherance of the 13525  
purpose for which the loans are made. The moneys used in making 13526  
such loans shall be disbursed from the facilities establishment 13527  
fund upon order of the director. The director shall give special 13528  
consideration in setting the required job creation ratios and 13529  
interest rates for loans that are for voluntary actions. 13530

~~(D)~~(E) The director may take actions necessary or appropriate 13531  
to collect or otherwise deal with any loan made under this 13532  
section, including any action authorized by section 9.661 of the 13533  
Revised Code. 13534

~~(E)~~(F) The director may fix service charges for the making of 13535  
a loan. Such charges shall be payable at such times and place and 13536  
in such amounts and manner as may be prescribed by the director. 13537

**Sec. 169.08.** (A) Any person claiming a property interest in 13538  
unclaimed funds delivered or reported to the state under Chapter 13539  
169. of the Revised Code, including the office of child support in 13540  
the department of job and family services, pursuant to section 13541  
3123.88 of the Revised Code, may file a claim thereto on the form 13542  
prescribed by the director of commerce. 13543

(B) The director shall consider matters relevant to any claim 13544

filed under division (A) of this section and shall hold a formal 13545  
hearing if requested or considered necessary and receive evidence 13546  
concerning such claim. A finding and decision in writing on each 13547  
claim filed shall be prepared, stating the substance of any 13548  
evidence received or heard and the reasons for allowance or 13549  
disallowance of the claim. The evidence and decision shall be a 13550  
public record. No statute of limitations shall bar the allowance 13551  
of a claim. 13552

(C) For the purpose of conducting any hearing, the director 13553  
may require the attendance of such witnesses and the production of 13554  
such books, records, and papers as the director desires, and the 13555  
director may take the depositions of witnesses residing within or 13556  
without this state in the same manner as is prescribed by law for 13557  
the taking of depositions in civil actions in the court of common 13558  
pleas, and for that purpose the director may issue a subpoena for 13559  
any witness or a subpoena duces tecum to compel the production of 13560  
any books, records, or papers, directed to the sheriff of the 13561  
county where such witness resides or is found, which shall be 13562  
served and returned. The fees of the sheriff shall be the same as 13563  
that allowed in the court of common pleas in criminal cases. 13564  
Witnesses shall be paid the fees and mileage provided for under 13565  
section 119.094 of the Revised Code. Fees and mileage shall be 13566  
paid from the unclaimed funds trust fund. 13567

(D) Interest is not payable to claimants of unclaimed funds 13568  
held by the state. Claims shall be paid from the trust fund. If 13569  
the amount available in the trust fund is not sufficient to pay 13570  
pending claims, or other amounts disburseable from the trust fund, 13571  
the treasurer of state shall certify such fact to the director, 13572  
who shall then withdraw such amount of funds from the mortgage 13573  
accounts as the director determines necessary to reestablish the 13574  
trust fund to a level required to pay anticipated claims but not 13575  
more than ten per cent of the net unclaimed funds reported to 13576

date. 13577

The director ~~shall retain in the trust fund, as a fee for~~ 13578  
~~administering the funds, five per cent of the total amount of~~ 13579  
~~unclaimed funds payable to the claimant and~~ may withdraw the funds 13580  
paid to the director by the holders and deposited by the director 13581  
with the treasurer of state or in a financial institution as agent 13582  
for such funds. Whenever these funds are inadequate to meet the 13583  
requirements for the trust fund, the director shall provide for a 13584  
withdrawal of funds, within a reasonable time, in such amount as 13585  
is necessary to meet the requirements, from financial institutions 13586  
in which such funds were retained or placed by a holder and from 13587  
other holders who have retained funds, in an equitable manner as 13588  
prescribed by the director. In the event that the amount to be 13589  
withdrawn from any one such holder is less than five hundred 13590  
dollars, the amount to be withdrawn shall be at the discretion of 13591  
the director. Such funds may be reimbursed in the amounts 13592  
withdrawn when the trust fund has a surplus over the amount 13593  
required to pay anticipated claims. Whenever the trust fund has a 13594  
surplus over the amount required to pay anticipated claims, the 13595  
director may transfer such surplus to the mortgage accounts. 13596

(E) If a claim which is allowed under this section relates to 13597  
funds which have been retained by the reporting holder, and if the 13598  
funds, on deposit with the treasurer of state pursuant to this 13599  
chapter, are insufficient to pay claims, the director may notify 13600  
such holder in writing of the payment of the claim and such holder 13601  
shall immediately reimburse the state in the amount of such claim. 13602  
The reimbursement shall be credited to the unclaimed funds trust 13603  
fund. 13604

(F) Any person, including the office of child support, 13605  
adversely affected by a decision of the director may appeal such 13606  
decision in the manner provided in Chapter 119. of the Revised 13607  
Code. 13608

In the event the claimant prevails, the claimant shall be 13609  
reimbursed for reasonable attorney's fees and costs. 13610

(G) Notwithstanding anything to the contrary in this chapter, 13611  
any holder who has paid moneys to or entered into an agreement 13612  
with the director pursuant to section 169.05 of the Revised Code 13613  
on certified checks, cashiers' checks, bills of exchange, letters 13614  
of credit, drafts, money orders, or travelers' checks, may make 13615  
payment to any person entitled thereto, including the office of 13616  
child support, and upon surrender of the document, except in the 13617  
case of travelers' checks, and proof of such payment, the director 13618  
shall reimburse the holder for such payment without interest. 13619

**Sec. 173.08.** (A) The resident services coordinator program is 13620  
established in the department of aging to fund resident services 13621  
coordinators. The coordinators shall provide information to 13622  
low-income and special-needs tenants, including the elderly, who 13623  
live in financially assisted rental housing complexes, and assist 13624  
those tenants in identifying and obtaining community and program 13625  
services and other benefits for which they are eligible. 13626

(B) The resident services coordinator program fund is hereby 13627  
created in the state treasury to support the resident services 13628  
coordinator program established pursuant to this section. The fund 13629  
consists of all moneys the department of development sets aside 13630  
pursuant to division (A)~~(4)~~(3) of section 174.02 of the Revised 13631  
Code and moneys the general assembly appropriates to the fund. 13632

**Sec. 173.28.** (A)(1) As used in this division, "incident" 13633  
means the occurrence of a violation with respect to a resident or 13634  
recipient, as those terms are defined in section 173.14 of the 13635  
Revised Code. A violation is a separate incident for each day it 13636  
occurs and for each resident who is subject to it. 13637

In lieu of the fine that may be imposed under division (A) of 13638



section 173.99 of the Revised Code, the director of aging may, 13639  
under Chapter 119. of the Revised Code, fine a long-term care 13640  
provider or other entity, or a person employed by a long-term care 13641  
provider or other entity, for a violation of division (C) of 13642  
section 173.24 of the Revised Code. The fine shall not exceed one 13643  
thousand dollars per incident. 13644

(2) In lieu of the fine that may be imposed under division 13645  
(C) of section 173.99 of the Revised Code, the director may, under 13646  
Chapter 119. of the Revised Code, fine a long-term care provider 13647  
or other entity, or a person employed by a long-term care provider 13648  
or other entity, for violating division (E) of section 173.19 of 13649  
the Revised Code by denying a representative of the office of the 13650  
state long-term care ombudsperson program the access required by 13651  
that division. The fine shall not exceed five hundred dollars for 13652  
each day the violation continued. 13653

(B) On request of the director, the attorney general shall 13654  
bring and prosecute to judgment a civil action to collect any fine 13655  
imposed under division (A)(1) or (2) of this section that remains 13656  
unpaid thirty days after the violator's final appeal is exhausted. 13657

(C) All fines collected under this section shall be deposited 13658  
into the state treasury to the credit of the state long-term care 13659  
ombudsperson program fund created under section 173.26 of the 13660  
Revised Code. 13661

**Sec. 173.35.** (A) As used in this section, "PASSPORT 13662  
administrative agency" means an entity under contract with the 13663  
department of aging to provide administrative services regarding 13664  
the PASSPORT program created under section 173.40 of the Revised 13665  
Code. 13666

(B) The department of aging shall administer the residential 13667  
state supplement program under which the state supplements the 13668  
supplemental security income payments received by aged, blind, or 13669

disabled adults under Title XVI of the "Social Security Act," 49 13670  
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 13671  
supplement payments shall be used for the provision of 13672  
accommodations, supervision, and personal care services to 13673  
supplemental security income recipients who the department 13674  
determines are at risk of needing institutional care. 13675

(C) For an individual to be eligible for residential state 13676  
supplement payments, all of the following must be the case: 13677

(1) Except as provided by division (G) of this section, the 13678  
individual must reside in one of the following: 13679

(a) An adult foster home certified under section 173.36 of 13680  
the Revised Code; 13681

(b) A home or facility, other than a nursing home or nursing 13682  
home unit of a home for the aging, licensed by the department of 13683  
health under Chapter 3721. or 3722. of the Revised Code and 13684  
certified in accordance with standards established by the director 13685  
of aging under division (D)(2) of this section; 13686

~~(c) A community alternative home licensed under section 13687  
3724.03 of the Revised Code and certified in accordance with 13688  
standards established by the director of aging under division 13689  
(D)(2) of this section; 13690~~

~~(d)~~ A residential facility as defined in division 13691  
(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 13692  
the department of mental health and certified in accordance with 13693  
standards established by the director of aging under division 13694  
(D)(2) of this section; 13695

~~(e)~~(d) An apartment or room used to provide community mental 13696  
health housing services certified by the department of mental 13697  
health under section 5119.611 of the Revised Code and approved by 13698  
a board of alcohol, drug addiction, and mental health services 13699  
under division (A)(14) of section 340.03 of the Revised Code and 13700

certified in accordance with standards established by the director 13701  
of aging under division (D)(2) of this section. 13702

(2) Effective July 1, 2000, a PASSPORT administrative agency 13703  
must have determined that the environment in which the individual 13704  
will be living while receiving the payments is appropriate for the 13705  
individual's needs. If the individual is eligible for supplemental 13706  
security income payments or social security disability insurance 13707  
benefits because of a mental disability, the PASSPORT 13708  
administrative agency shall refer the individual to a community 13709  
mental health agency for the community mental health agency to 13710  
issue in accordance with section 340.091 of the Revised Code a 13711  
recommendation on whether the PASSPORT administrative agency 13712  
should determine that the environment in which the individual will 13713  
be living while receiving the payments is appropriate for the 13714  
individual's needs. Division (C)(2) of this section does not apply 13715  
to an individual receiving residential state supplement payments 13716  
on June 30, 2000, until the individual's first eligibility 13717  
redetermination after that date. 13718

(3) The individual satisfies all eligibility requirements 13719  
established by rules adopted under division (D) of this section. 13720

(D)(1) The directors of aging and job and family services 13721  
shall adopt rules in accordance with section 111.15 of the Revised 13722  
Code as necessary to implement the residential state supplement 13723  
program. 13724

To the extent permitted by Title XVI of the "Social Security 13725  
Act," and any other provision of federal law, the director of job 13726  
and family services shall adopt rules establishing standards for 13727  
adjusting the eligibility requirements concerning the level of 13728  
impairment a person must have so that the amount appropriated for 13729  
the program by the general assembly is adequate for the number of 13730  
eligible individuals. The rules shall not limit the eligibility of 13731  
disabled persons solely on a basis classifying disabilities as 13732

physical or mental. The director of job and family services also 13733  
shall adopt rules that establish eligibility standards for aged, 13734  
blind, or disabled individuals who reside in one of the homes or 13735  
facilities specified in division (C)(1) of this section but who, 13736  
because of their income, do not receive supplemental security 13737  
income payments. The rules may provide that these individuals may 13738  
include individuals who receive other types of benefits, 13739  
including, social security disability insurance benefits provided 13740  
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 13741  
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 13742  
section, such payments may be made if funds are available for 13743  
them. 13744

The director of aging shall adopt rules establishing the 13745  
method to be used to determine the amount an eligible individual 13746  
will receive under the program. The amount the general assembly 13747  
appropriates for the program shall be a factor included in the 13748  
method that department establishes. 13749

(2) The director of aging shall adopt rules in accordance 13750  
with Chapter 119. of the Revised Code establishing standards for 13751  
certification of living facilities described in division (C)(1) of 13752  
this section. 13753

The directors of aging and mental health shall enter into an 13754  
agreement to certify facilities that apply for certification and 13755  
meet the standards established by the director of aging under this 13756  
division. 13757

(E) The county department of job and family services of the 13758  
county in which an applicant for the residential state supplement 13759  
program resides shall determine whether the applicant meets income 13760  
and resource requirements for the program. 13761

(F) The department of aging shall maintain a waiting list of 13762  
any individuals eligible for payments under this section but not 13763

receiving them because moneys appropriated to the department for 13764  
the purposes of this section are insufficient to make payments to 13765  
all eligible individuals. An individual may apply to be placed on 13766  
the waiting list even though the individual does not reside in one 13767  
of the homes or facilities specified in division (C)(1) of this 13768  
section at the time of application. The director of aging, by 13769  
rules adopted in accordance with Chapter 119. of the Revised Code, 13770  
shall specify procedures and requirements for placing an 13771  
individual on the waiting list and priorities for the order in 13772  
which individuals placed on the waiting list are to begin to 13773  
receive residential state supplement payments. The rules 13774  
specifying priorities may give priority to individuals placed on 13775  
the waiting list on or after July 1, 2006, who receive 13776  
supplemental security income benefits under Title XVI of the 13777  
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 13778  
amended. The rules shall not affect the place on the waiting list 13779  
of any person who was on the list on July 1, 2006. The rules 13780  
specifying priorities may also set additional priorities based on 13781  
living arrangement, such as whether an individual resides in a 13782  
facility listed in division (C)(1) of this section or has been 13783  
admitted to a nursing facility. 13784

(G) An individual in a licensed or certified living 13785  
arrangement receiving state supplementation on November 15, 1990, 13786  
under former section 5101.531 of the Revised Code shall not become 13787  
ineligible for payments under this section solely by reason of the 13788  
individual's living arrangement as long as the individual remains 13789  
in the living arrangement in which the individual resided on 13790  
November 15, 1990. 13791

(H) The department of aging shall notify each person denied 13792  
approval for payments under this section of the person's right to 13793  
a hearing. On request, the hearing shall be provided by the 13794  
department of job and family services in accordance with section 13795

5101.35 of the Revised Code. 13796

**Sec. 173.392.** (A) The department of aging may pay a person or 13797  
government entity for providing community-based long-term care 13798  
services under a program the department administers, even though 13799  
the person or government entity is not certified under section 13800  
173.391 of the Revised Code, if all of the following are the case: 13801

(1) The person or government entity has a contract with the 13802  
department of aging or the department's designee to provide the 13803  
services in accordance with the contract or has received a grant 13804  
from the department or its designee to provide the services in 13805  
accordance with a grant agreement; 13806

(2) The contract or grant agreement includes detailed 13807  
conditions of participation for providers of services under a 13808  
program the department administers and service standards that the 13809  
person or government entity is required to satisfy; 13810

(3) The person or government entity complies with the 13811  
contract or grant agreement; 13812

(4) The contract or grant is not for medicaid-funded 13813  
services, other than services provided under the PACE program 13814  
administered by the department of aging under section 173.50 of 13815  
the Revised Code. 13816

(B) The director of aging shall adopt rules in accordance 13817  
with Chapter 119. of the Revised Code governing both of the 13818  
following: 13819

(1) Contracts and grant agreements between the department of 13820  
aging or its designee and persons and government entities 13821  
regarding community-based long-term care services provided under a 13822  
program the department administers; 13823

(2) The department's payment for community-based long-term 13824  
care services ~~provided under such a contract~~ this section. 13825

**Sec. 173.40.** There As used in sections 173.40 and 173.401 of 13826  
the Revised Code, "PASSPORT program" means the program created 13827  
under this section. 13828

There is hereby created a ~~medicaid waiver component, as~~ 13829  
~~defined in section 5111.85 of the Revised Code, to be known as the~~ 13830  
preadmission screening system providing options and resources 13831  
today program, or PASSPORT. The PASSPORT program shall provide 13832  
home and community-based services as an alternative to nursing 13833  
facility placement for aged and disabled medicaid recipients. The 13834  
program shall be operated ~~pursuant to a home and community based~~ 13835  
as a separate medicaid waiver granted by component, as defined in 13836  
section 5111.85 of the Revised Code, until the United States 13837  
secretary of health and human services approves the consolidated 13838  
federal medicaid waiver sought under section ~~1915 of the "Social~~ 13839  
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396n, as amended~~ 13840  
5111.861 of the Revised Code. The program shall be part of the 13841  
consolidated federal medicaid waiver sought under that section if 13842  
the United States secretary approves the waiver. The department of 13843  
aging shall administer the program through a contract entered into 13844  
with the department of job and family services under section 13845  
5111.91 of the Revised Code. The director of job and family 13846  
services shall adopt rules under section 5111.85 of the Revised 13847  
Code and the director of aging shall adopt rules in accordance 13848  
with Chapter 119. of the Revised Code to implement the program. 13849

**Sec. 173.401.** (A) As used in this section: 13850

"Area agency on aging" has the same meaning as in section 13851  
173.14 of the Revised Code. 13852

"Long-term care consultation program" means the program the 13853  
department of aging is required to develop under section 173.42 of 13854  
the Revised Code. 13855

"Long-term care consultation program administrator" or 13856  
"administrator" means the department of aging or, if the 13857  
department contracts with an area agency on aging or other entity 13858  
to administer the long-term care consultation program for a 13859  
particular area, that agency or entity. 13860

"Nursing facility" has the same meaning as in section 5111.20 13861  
of the Revised Code. 13862

~~"PASSPORT program" means the program created under section 13863  
173.40 of the Revised Code. 13864~~

"PASSPORT waiver" means the federal medicaid waiver granted 13865  
by the United States secretary of health and human services that 13866  
authorizes the PASSPORT program. 13867

(B) The director of job and family services shall submit to 13868  
the United States secretary of health and human services an 13869  
amendment to the PASSPORT waiver that authorizes additional 13870  
enrollments in the PASSPORT program pursuant to this section. 13871  
Beginning with the month following the month in which the United 13872  
States secretary approves the amendment and each month thereafter, 13873  
each area agency on aging shall determine whether individuals who 13874  
reside in the area that the area agency on aging serves and are on 13875  
a waiting list for the PASSPORT program have been admitted to a 13876  
nursing facility. If an area agency on aging determines that such 13877  
an individual has been admitted to a nursing facility, the agency 13878  
shall notify the long-term care consultation program administrator 13879  
serving the area in which the individual resides about the 13880  
determination. The administrator shall determine whether the 13881  
PASSPORT program is appropriate for the individual and whether the 13882  
individual would rather participate in the PASSPORT program than 13883  
continue residing in the nursing facility. If the administrator 13884  
determines that the PASSPORT program is appropriate for the 13885  
individual and the individual would rather participate in the 13886  
PASSPORT program than continue residing in the nursing facility, 13887



the administrator shall so notify the department of aging. On 13888  
receipt of the notice from the administrator, the department of 13889  
aging shall approve the individual's enrollment in the PASSPORT 13890  
program regardless of the PASSPORT program's waiting list and even 13891  
though the enrollment causes enrollment in the program to exceed 13892  
the limit that would otherwise apply. Each quarter, the department 13893  
of aging shall certify to the director of budget and management 13894  
the estimated increase in costs of the PASSPORT program resulting 13895  
from enrollment of individuals in the PASSPORT program pursuant to 13896  
this section. 13897

~~(C) Not later than the last day of each calendar year, the 13898  
director of job and family services shall submit to the general 13899  
assembly a report regarding the number of individuals enrolled in 13900  
the PASSPORT program pursuant to this section and the costs 13901  
incurred and savings achieved as a result of the enrollments. 13902~~

**Sec. 173.402.** "Choices program" means the program created 13903  
under this section. 13904

There is hereby created the choices program. The program 13905  
shall provide home and community-based services. The choices 13906  
program shall be operated as a separate medicaid waiver component, 13907  
as defined in section 5111.85 of the Revised Code, until the 13908  
United States secretary of health and human services approves the 13909  
consolidated federal medicaid waiver sought under section 5111.861 13910  
of the Revised Code. The program shall be part of the consolidated 13911  
federal medicaid waiver sought under that section if the United 13912  
States secretary approves the waiver. The department of aging 13913  
shall administer the program through a contract entered into with 13914  
the department of job and family services under section 5111.91 of 13915  
the Revised Code. Subject to federal approval, the program shall 13916  
be available statewide. 13917

Sec. 173.403. As used in this section, "medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 13918  
13919  
13920

An individual enrolled in a medicaid waiver component the department of aging administers may not receive any of the following medicaid state plan services unless the services are provided in conjunction with medicaid case management services provided to the individual: 13921  
13922  
13923  
13924  
13925

(A) Home health services; 13926

(B) Private duty nursing services; 13927

(C) Durable medical equipment; 13928

(D) Services of a clinical nurse specialist; 13929

(E) Services of a certified nurse practitioner. 13930

Sec. 173.42. (A) As used in ~~this section~~ sections 173.42 to 173.434 of the Revised Code: 13931  
13932

(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging. 13933  
13934  
13935

(2) "Department of aging-administered medicaid waiver component" means each of the following: 13936  
13937

(a) The PASSPORT program created under section 173.40 of the Revised Code; 13938  
13939

(b) The choices program created under section 173.402 of the Revised Code; 13940  
13941

(c) The assisted living program created under section 5111.89 of the Revised Code; 13942  
13943

(d) Any other medicaid waiver component, as defined in section 5111.85 of the Revised Code, that the department of aging 13944  
13945

administers pursuant to an interagency agreement with the 13946  
department of job and family services under section 5111.91 of the 13947  
Revised Code. 13948

(3) "Home and community-based services covered by medicaid 13949  
components the department of aging administers" means all of the 13950  
following: 13951

(a) Medicaid waiver services available to a participant in a 13952  
department of aging-administered medicaid waiver component; 13953

(b) The following medicaid state plan services available to a 13954  
participant in a department of aging-administered medicaid waiver 13955  
component as specified in rules adopted under section 5111.02 of 13956  
the Revised Code: 13957

(i) Home health services; 13958

(ii) Private duty nursing services; 13959

(iii) Durable medical equipment; 13960

(iv) Services of a clinical nurse specialist; 13961

(v) Services of a certified nurse practitioner. 13962

(c) Services available to a participant of the PACE program. 13963

(4) "Long-term care consultation" or "consultation" means the 13964  
process used to provide services under consultation service made 13965  
available by the department of aging or a program administrator 13966  
through the long-term care consultation program established 13967  
pursuant to this section, including, but not limited to, such 13968  
services as the provision of information about long-term care 13969  
options and costs, the assessment of an individual's functional 13970  
capabilities, and the conduct of all or part of the reviews, 13971  
assessments, and determinations specified in sections 5111.202, 13972  
5111.204, 5119.061, and 5123.021 of the Revised Code and the rules 13973  
adopted under those sections. 13974

+3)(5) "Medicaid" means the medical assistance program 13975

established under Chapter 5111. of the Revised Code. 13976

~~(4)(6)~~ "Nursing facility" has the same meaning as in section 13977  
5111.20 of the Revised Code. 13978

~~(5)(7)~~ "PACE program" means the component of the medicaid 13979  
program the department of aging administers pursuant to section 13980  
173.50 of the Revised Code. 13981

(8) "Program administrator" means an area agency on aging or 13982  
other entity under contract with the department of aging to 13983  
administer the long-term care consultation program in a geographic 13984  
region specified in the contract. 13985

(9) "Representative" means a person acting on behalf of an 13986  
individual seeking a long term care consultation, applying for 13987  
admission to a nursing facility, or residing in a nursing facility 13988  
specified in division (G) of this section. A representative may be 13989  
a family member, attorney, hospital social worker, or any other 13990  
person chosen to act on behalf of the individual. 13991

(B) The department of aging shall develop a long-term care 13993  
consultation program whereby individuals or their representatives 13994  
are provided with long-term care consultations and receive through 13995  
these professional consultations information about options 13996  
available to meet long-term care needs and information about 13997  
factors to consider in making long-term care decisions. The 13998  
long-term care consultations provided under the program may be 13999  
provided at any appropriate time, as permitted or required under 14000  
this section and the rules adopted under it, including either 14001  
prior to or after the individual who is the subject of a 14002  
consultation has been admitted to a nursing facility or granted 14003  
assistance in receiving home and community-based services covered 14004  
by medicaid components the department of aging administers. 14005

(C)(1) The long-term care consultation program shall be 14006

administered by the department of aging, except that the 14007  
department may ~~enter into a contract with an area agency on aging~~ 14008  
~~or other entity selected by the department under which the program~~ 14009  
~~for a particular area is administered by the area agency on aging~~ 14010  
~~or other entity pursuant to the contract~~ have the program 14011  
administered on a regional basis by one or more program 14012  
administrators. The department and each program administrator 14013  
shall administer the program in such a manner that all of the 14014  
following are included: 14015

(a) Coordination and collaboration with respect to all 14016  
available funding sources for long-term care services; 14017

(b) Assessments of individuals regarding their long-term care 14018  
service needs; 14019

(c) Assessments of individuals regarding their on-going 14020  
eligibility for long-term care services; 14021

(d) Procedures for assisting individuals in obtaining access 14022  
to, and coordination of, health and supportive services; 14023

(e) Procedures for monitoring the quality of long-term care 14024  
services and supports and the health and welfare of individuals 14025  
receiving long-term care services and supports; 14026

(f) Priorities for using available resources efficiently and 14027  
effectively. 14028

(2) The procedures specified in division (C)(1)(e) of this 14029  
section shall include procedures for assessing the extent to which 14030  
long-term care services and supports are provided in a culturally 14031  
competent manner. 14032

(D) The program's long-term care consultations ~~provided for~~ 14033  
~~purposes of the program~~ shall be provided by individuals certified 14034  
by the department under section ~~173.43~~ 173.422 of the Revised 14035  
Code. 14036

(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:

(1) The availability of any long-term care options open to the individual;

(2) Sources and methods of both public and private payment for long-term care services;

(3) Factors to consider when choosing among the available programs, services, and benefits;

(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.

(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061, and 5123.021 of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 of the Revised Code.

(G)(1) Unless an exemption specified in division (I) of this section is applicable, each ~~individual in~~ of the following ~~categories~~ shall be provided with a long-term care consultation:

(a) ~~Individuals~~ An individual who ~~apply~~ applies or ~~indicate~~ indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for ~~their~~ the individual's care in a nursing facility;

(b) ~~Nursing facility residents who apply or indicate an intention to apply for medicaid;~~

~~(c) Nursing facility residents who are likely to spend down their resources within six months after admission to a nursing facility to a level at which they are financially eligible for~~

medicaid; 14067

~~(d) Individuals~~ An individual who ~~request~~ requests a 14068  
long-term care consultation; 14069

(c) An individual identified by the department or a program 14070  
administrator as being likely to benefit from a long-term care 14071  
consultation. 14072

(2) In addition to the individuals ~~included in the categories~~ 14073  
specified in division (G)(1) of this section, a long-term care 14074  
~~consultations~~ consultation may be provided to a nursing facility 14075  
~~residents who have not applied and have not indicated an intention~~ 14076  
~~to apply for medicaid~~ resident regardless of the source of payment 14077  
being used for the resident's care in the nursing facility. ~~The~~ 14078  
~~purpose of the consultations provided to these individuals shall~~ 14079  
~~be to determine continued need for nursing facility services, to~~ 14080  
~~provide information on alternative services, and to make referrals~~ 14081  
~~to alternative services.~~ 14082

(H)(1) ~~When~~ Except as provided in division (H)(2) or (3) of 14083  
this section, a long-term care consultation ~~is required to be~~ 14084  
provided pursuant to division (G)~~(1)~~ of this section, ~~the~~ 14085  
~~consultation~~ shall be provided as follows ~~or pursuant to division~~ 14086  
~~(H)(2) or (3) of this section:~~ 14087

(a) If the individual for whom the consultation is being 14088  
provided has applied for medicaid and the consultation is being 14089  
provided concurrently with the assessment required under section 14090  
5111.204 of the Revised Code, the consultation shall be completed 14091  
in accordance with the applicable time frames specified in that 14092  
section for providing a level of care determination based on the 14093  
assessment. 14094

(b) In all other cases, the consultation shall be provided 14095  
not later than five calendar days after the department or ~~the~~ 14096  
program administrator ~~under contract with the department~~ receives 14097

notice of the reason for which the consultation is ~~required~~ to be 14098  
provided pursuant to division (G)~~(1)~~ of this section. 14099

(2) An individual or the individual's representative may 14100  
request that a long-term care consultation be provided on a date 14101  
that is later than the date required under division (H)(1)(a) or 14102  
(b) of this section. 14103

(3) If a long-term care consultation cannot be completed 14104  
within the number of days required by division (H)(1) or (2) of 14105  
this section, the department or ~~the~~ program administrator ~~under~~  
~~contract with the department~~ may do any of the following: 14106  
14107

(a) ~~Exempt~~ In the case of an individual specified in division 14108  
(G)(1) of this section, exempt the individual from the 14109  
consultation pursuant to rules that may be adopted under division 14110  
(L) of this section; 14111

(b) In the case of an applicant for admission to a nursing 14112  
facility, provide the consultation after the individual is 14113  
admitted to the nursing facility; 14114

(c) In the case of a resident of a nursing facility, provide 14115  
the consultation as soon as practicable. 14116

(I) An individual is not required to be provided a long-term 14117  
care consultation under division (G)(1) of this section if any of 14118  
the following apply: 14119

(1) The department or program administrator has attempted to 14120  
provide the consultation, but the individual or the individual's 14121  
representative ~~chooses to forego participation in the consultation~~  
~~pursuant to criteria specified in rules adopted under division (L)~~  
~~of this section~~ refuses to cooperate; 14122  
14123  
14124

(2) The individual is to receive care in a nursing facility 14125  
under a contract for continuing care as defined in section 173.13 14126  
of the Revised Code; 14127



(3) The individual has a contractual right to admission to a nursing facility operated as part of a system of continuing care in conjunction with one or more facilities that provide a less intensive level of services, including a residential care facility licensed under Chapter 3721. of the Revised Code, an adult care facility licensed under Chapter 3722. of the Revised Code, or an independent living arrangement;

(4) The individual is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code;

(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 5111.22, 5111.671, or 5111.672 of the Revised Code;

~~(6) The individual is to be transferred from another nursing facility;~~

~~(7) The individual is to be readmitted to a nursing facility following a period of hospitalization;~~

~~(8) The individual is exempted from the long-term care consultation requirement by the department or the program administrator pursuant to rules that may be adopted under division (L) of this section.~~

(J) ~~At the conclusion of an individual's~~ As part of the long-term care consultation program, the department or ~~the~~ program administrator ~~under contract with the department shall provide the~~ assist an individual or individual's representative with a written summary of options and resources available to meet the individual's needs in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the department of aging administers. ~~Even though the summary may~~

~~specify that a source of long term care other than care in a nursing facility is appropriate and available, the individual is not required to seek an alternative source of long term care and may be admitted to or continue to reside in a nursing facility~~ The assistance shall include providing for the conduct of assessments or other evaluations and the development of individualized plans of care or services under section 173.424 of the Revised Code.

(K) No nursing facility for which an operator has a provider agreement under section 5111.22, 5111.671, or 5111.672 of the Revised Code shall admit ~~or retain~~ any individual as a resident, unless the nursing facility has received evidence that a long-term care consultation has been completed for the individual or division (I) of this section is applicable to the individual.

(L) The director of aging may adopt any rules the director considers necessary for the implementation and administration of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and may specify any or all of the following:

(1) Procedures for providing long-term care consultations pursuant to this section;

(2) Information to be provided through long-term care consultations regarding long-term care services that are available;

(3) ~~Criteria under which an individual or the individual's representative may choose to forego participation in and~~ procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;

(4) Criteria for exempting individuals from the long-term care consultation requirement;

(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission; 14190  
14191  
14192  
14193

(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation; 14194  
14195  
14196

(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility; 14197  
14198  
14199

(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services; 14200  
14201  
14202  
14203

(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section. 14204  
14205

(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the department of health, department of job and family services, or nursing facility holding the data shall grant access to the data on receipt of the request from the department of aging or program administrator. 14206  
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~~(M)~~(N)(1) The director of aging, after providing notice and an opportunity for a hearing, may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code if for any of the following 14217  
14218  
14219  
14220

reasons: 14221

(a) The nursing facility admits ~~or retains~~ an individual, 14222  
without evidence that a long-term care consultation has been 14223  
provided, as required by this section; 14224

(b) The nursing facility denies a person attempting to 14225  
provide a long-term care consultation access to the facility or a 14226  
resident of the facility; 14227

(c) The nursing facility denies the department of aging or 14228  
program administrator access to the facility or a resident of the 14229  
facility, as the department or administrator considers necessary 14230  
to administer the program. 14231

(2) In accordance with section 5111.62 of the Revised Code, 14232  
all fines collected under ~~this~~ division (N)(1) of this section 14233  
shall be deposited into the state treasury to the credit of the 14234  
residents protection fund. 14235

**Sec. 173.421.** As part of the long-term care consultation 14236  
program established under section 173.42 of the Revised Code, the 14237  
department of aging may establish procedures for the conduct of 14238  
periodic or follow-up long-term care consultations for residents 14239  
of nursing facilities, including annual or more frequent 14240  
reassessments of the residents' functional capabilities. If the 14241  
procedures are established, the department or program 14242  
administrator shall assign individuals to nursing facilities to 14243  
serve as care managers within the facilities. The individuals 14244  
assigned shall be individuals who are certified under section 14245  
173.422 of the Revised Code to provide long-term care 14246  
consultations. 14247

**Sec. ~~173.43~~ 173.422.** The department of aging shall certify 14248  
individuals who meet certification requirements established by 14249  
rule to provide long-term care consultations for purposes of 14250

~~section~~ sections 173.42 and 173.421 of the Revised Code. The 14251  
director of aging shall adopt rules in accordance with Chapter 14252  
119. of the Revised Code governing the certification process and 14253  
requirements. The rules shall specify the education, experience, 14254  
or training in long-term care a person must have to qualify for 14255  
certification. 14256

Sec. 173.423. If an individual who is the subject of a 14257  
long-term care consultation is eligible for and elects to receive 14258  
home and community-based services covered by medicaid components 14259  
the department of aging administers, the department of aging or 14260  
program administrator shall monitor the individual by doing either 14261  
or both of the following at least once each year: 14262

(A) Determining whether the services being provided to the 14263  
individual are appropriate; 14264

(B) Determining whether changes in the types of services 14265  
being provided to the individual should be made. 14266

Sec. 173.424. If, under federal law, an individual's 14267  
eligibility for the home and community-based services covered by 14268  
medicaid components the department of aging administers is 14269  
dependent on the conduct of an assessment or other evaluation of 14270  
the individual's needs and capabilities and the development of an 14271  
individualized plan of care or services, the department shall 14272  
develop and implement all procedures necessary to comply with the 14273  
federal law. The procedures shall include the use of long-term 14274  
care consultations. 14275

Sec. 173.425. Annually, the department of aging shall prepare 14276  
a report regarding the individuals who are the subjects of 14277  
long-term care consultations and elect to receive home and 14278  
community-based services covered by medicaid components the 14279  
department of aging administers. The department shall prepare the 14280

report in consultation with the department of job and family services and office of budget and management. Each annual report shall include all of the following information: 14281  
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14283

(A) The total savings achieved by providing home and community-based services covered by medicaid components the department of aging administers rather than services that otherwise would be provided in a nursing facility; 14284  
14285  
14286  
14287

(B) The average number of days that individuals receive home and community-based services covered by medicaid components the department of aging administers before and after receiving nursing facility services; 14288  
14289  
14290  
14291

(C) A categorical analysis of the acuity levels of the individuals who receive home and community-based services covered by medicaid components the department of aging administers; 14292  
14293  
14294

(D) Any other statistical information the department of aging considers appropriate for inclusion in the report. 14295  
14296

**Sec. 173.43.** (A) Subject to section 173.433 of the Revised Code, the department of aging shall enter into an interagency agreement with the department of job and family services under section 5111.91 of the Revised Code under which the department of aging is required to establish for each biennium a unified long-term care budget for home and community-based services covered by medicaid components the department of aging administers. The interagency agreement shall require the department of aging to do all of the following: 14297  
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(1) Administer the unified long-term care budget in accordance with sections 173.43 to 173.434 of the Revised Code and the general assembly's appropriations for home and community-based services covered by medicaid components the department of aging administers for the applicable biennium; 14306  
14307  
14308  
14309  
14310

(2) Contract with each area agency on aging for assistance in the administration of the unified long-term care budget; 14311  
14312

(3) Provide individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers a choice of services that meet the individuals' needs and improve their quality of life; 14313  
14314  
14315  
14316

(4) Provide a continuum of services that meet the life-long needs of individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers. 14317  
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14320

(B) The director of budget and management shall create new appropriation items as necessary for establishment of the unified long-term care budget. 14321  
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**Sec. 173.431.** Subject to section 173.433 of the Revised Code, the department of aging shall ensure that the unified long-term care budget established under section 173.43 of the Revised Code is administered in a manner that provides medicaid coverage of and expands access to all of the following as necessary to meet the needs of individuals receiving home and community-based services covered by medicaid components the department of aging administers: 14324  
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(A) To the extent permitted by the medicaid waivers authorizing department of aging-administered medicaid waiver components, all of the following medicaid waiver services provided under department of aging-administered medicaid waiver components: 14332  
14333  
14334  
14335

(1) Personal care services; 14336  
14337

(2) Home-delivered meals; 14338

(3) Adult day-care; 14339

(4) Homemaker services; 14340

<u>(5) Emergency response services;</u>	14341
<u>(6) Medical equipment and supplies;</u>	14342
<u>(7) Chore services;</u>	14343
<u>(8) Social work counseling;</u>	14344
<u>(9) Nutritional counseling;</u>	14345
<u>(10) Independent living assistance;</u>	14346
<u>(11) Medical transportation;</u>	14347
<u>(12) Nonmedical transportation;</u>	14348
<u>(13) Home care attendant services;</u>	14349
<u>(14) Assisted living services;</u>	14350
<u>(15) Community transition services;</u>	14351
<u>(16) Enhanced community living services;</u>	14352
<u>(17) All other medicaid waiver services provided under</u>	14353
<u>department of aging-administered medicaid waiver components.</u>	14354
<u>(B) All of the following state medicaid plan services as</u>	14355
<u>specified in rules adopted under section 5111.02 of the Revised</u>	14356
<u>Code:</u>	14357
<u>(1) Home health services;</u>	14358
<u>(2) Private duty nursing services;</u>	14359
<u>(3) Durable medical equipment;</u>	14360
<u>(4) Services of a clinical nurse specialist;</u>	14361
<u>(5) Services of a certified nurse practitioner.</u>	14362
<u>(C) The services that the PACE program provides.</u>	14363
<u>Sec. 173.432. Subject to section 173.433 of the Revised Code,</u>	14364
<u>the department of aging or its designee shall provide care</u>	14365
<u>management and authorization services with regard to the state</u>	14366



plan services specified in division (B) of section 173.431 of the 14367  
Revised Code that are provided to participants of department of 14368  
aging-administered medicaid waiver components. 14369

**Sec. 173.433.** (A) The director of job and family services 14370  
shall do one or more of the following as necessary for the 14371  
implementation of sections 173.43 to 173.432 of the Revised Code: 14372

(1) Submit one or more state medicaid plan amendments to the 14373  
United States secretary of health and human services; 14374

(2) Request one or more federal medicaid waivers from the 14375  
United States secretary; 14376

(3) Submit one or more federal medicaid waiver amendments to 14377  
the United States secretary. 14378

(B) No provision of sections 173.43 to 173.432 of the Revised 14379  
Code that requires the approval of the United States secretary of 14380  
health and human services shall be implemented until the United 14381  
States secretary provides the approval. 14382

**Sec. 173.434.** The director of job and family services shall 14383  
adopt rules under section 5111.85 of the Revised Code to authorize 14384  
the director of aging to adopt rules that are needed to implement 14385  
sections 173.43 to 173.432 of the Revised Code. The director of 14386  
aging's rules shall be adopted in accordance with Chapter 119. of 14387  
the Revised Code." 14388

**Sec. 173.50.** (A) Pursuant to a contract entered into with the 14389  
department of job and family services as an interagency agreement 14390  
under section 5111.91 of the Revised Code, the department of aging 14391  
shall carry out the day-to-day administration of the component of 14392  
the medicaid program established under Chapter 5111. of the 14393  
Revised Code known as the program of all-inclusive care for the 14394  
elderly or PACE. The department of aging shall carry out its PACE 14395

administrative duties in accordance with the provisions of the 14396  
interagency agreement and all applicable federal laws, including 14397  
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-4, 14398  
as amended. 14399

(B) The department of aging may adopt rules in accordance 14400  
with Chapter 119. of the Revised Code regarding the PACE program, 14401  
including rules establishing priorities for enrolling in the 14402  
program pursuant to section 173.501 of the Revised Code. The 14403  
department's rules are subject to both of the following: 14404

(1) The rules shall be authorized by rules adopted by the 14405  
department of job and family services. 14406

(2) The rules shall address only those issues that are not 14407  
addressed in rules adopted by the department of job and family 14408  
services for the PACE program. 14409

**Sec. 173.501.** (A) As used in this section: 14410

"Nursing facility" has the same meaning as in section 5111.20 14411  
of the Revised Code. 14412

"PACE provider" has the same meaning as in 42 U.S.C. 14413  
1396u-4(a)(3). 14414

(B) Each month, the department of aging shall determine 14415  
whether individuals who are on a waiting list for the PACE program 14416  
have been admitted to a nursing facility. If the department 14417  
determines that such an individual has been admitted to a nursing 14418  
facility, the department shall notify the PACE provider serving 14419  
the area in which the individual resides about the determination. 14420  
The PACE provider shall determine whether the PACE program is 14421  
appropriate for the individual and whether the individual would 14422  
rather participate in the PACE program than continue residing in 14423  
the nursing facility. If the PACE provider determines that the 14424  
PACE program is appropriate for the individual and the individual 14425

would rather participate in the PACE program than continue 14426  
residing in the nursing facility, the PACE provider shall so 14427  
notify the department of aging. On receipt of the notice from the 14428  
PACE provider, the department of aging shall approve the 14429  
individual's enrollment in the PACE program in accordance with 14430  
priorities established in rules adopted under section 173.50 of 14431  
the Revised Code. Each quarter, the department of aging shall 14432  
certify to the director of budget and management the estimated 14433  
increase in costs of the PACE program resulting from enrollment of 14434  
individuals in the PACE program pursuant to this section. 14435

**Sec. 173.70.** (A) The director of aging may enter into a 14436  
contract with any person under which the person operates a program 14437  
for the provision of outpatient prescription drug discounts to any 14438  
or all of the following: 14439

(1) Individuals who are sixty years of age or older; 14440

(2) Individuals whose family incomes do not exceed three 14441  
hundred per cent of the federal poverty guidelines, as revised 14442  
annually by the United States department of health and human 14443  
services in accordance with section 673(2) of the "Omnibus Budget 14444  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 14445  
amended; 14446

(3) Individuals who are persons with disabilities, as defined 14447  
in section 173.06 of the Revised Code. 14448

(B) The director may disclose to the person under contract 14449  
information that identifies the individuals who participated in 14450  
and individuals who applied for participation in the Ohio's best 14451  
Rx program that was operated under former sections 173.71 to 14452  
173.91 of the Revised Code. 14453

**Sec. 173.99.** (A) A long-term care provider, person employed 14454  
by a long-term care provider, other entity, or employee of such 14455

other entity that violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation.

(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(C) A long-term care provider, other entity, or person employed by a long-term care provider or other entity that violates division (E) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ombudsperson program the access required by that division is subject to a fine not to exceed five hundred dollars for each violation.

(D) Whoever violates division (C) of section 173.44 of the Revised Code is subject to a fine of one hundred dollars.

~~(E) Whoever violates division (B) of section 173.90 of the Revised Code is guilty of a misdemeanor of the first degree.~~

**Sec. 174.02.** (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the department of development for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The department shall administer the fund. The agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the

department shall use the remaining money in the fund for 14487  
implementing and administering its programs and duties under 14488  
sections 174.03 to 174.06 of the Revised Code. Use of all money 14489  
drawn from the fund is subject to the following restrictions: 14490

(1) ~~Not more than six per cent of any current year 14491  
appropriation authority for the fund shall be used for the 14492  
transitional and permanent housing program to make grants to 14493  
municipal corporations, counties, townships, and nonprofit 14494  
organizations for the acquisition, rehabilitation, renovation, 14495  
construction, conversion, operation, and cost of supportive 14496  
services for new and existing transitional and permanent housing 14497  
for homeless persons. 14498~~

~~(2)(a) Not more than five per cent of the current year 14499  
appropriation authority for the fund shall be allocated between 14500  
grants to community development corporations for the community 14501  
development corporation grant program and grants and loans to the 14502  
Ohio community development finance fund, a private nonprofit 14503  
corporation. 14504~~

(b) In any year in which the amount in the fund exceeds one 14505  
hundred thousand dollars and at least that much is allocated for 14506  
the uses described in this section, not less than one hundred 14507  
thousand dollars shall be used to provide training, technical 14508  
assistance, and capacity building assistance to nonprofit 14509  
development organizations. 14510

~~(3)(2) Not more than seven ten per cent of any current year 14511  
appropriation authority for the fund shall be used for the 14512  
emergency shelter housing grants program to make grants to 14513  
private, nonprofit organizations and municipal corporations, 14514  
counties, and townships for emergency shelter housing for the 14515  
homeless and emergency shelter facilities serving unaccompanied 14516  
youth seventeen years of age and younger. The grants shall be 14517  
distributed pursuant to rules the director adopts and qualify as 14518~~

matching funds for funds obtained pursuant to the McKinney Act, 14519  
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 14520

~~(4)~~(3) In any fiscal year in which the amount in the fund 14521  
exceeds the amount awarded pursuant to division (A)~~(2)~~(1)(b) of 14522  
this section by at least two hundred fifty thousand dollars, at 14523  
least two hundred fifty thousand dollars from the fund shall be 14524  
provided to the department of aging for the resident services 14525  
coordinator program as established in section 173.08 of the 14526  
Revised Code. 14527

~~(5)~~(4) Of all current year appropriation authority for the 14528  
fund, not more than five per cent shall be used for 14529  
administration. 14530

~~(6)~~(5) Not less than forty-five per cent of the funds awarded 14531  
during any one fiscal year shall be for grants and loans to 14532  
nonprofit organizations under section 174.03 of the Revised Code. 14533

~~(7)~~(6) Not less than fifty per cent of the funds awarded 14534  
during any one fiscal year, excluding the amounts awarded pursuant 14535  
to divisions (A)(1) ~~and (2)~~, and ~~(3)~~ of this section, shall be 14536  
for grants and loans for activities that provide housing and 14537  
housing assistance to families and individuals in rural areas and 14538  
small cities that are not eligible to participate as a 14539  
participating jurisdiction under the "HOME Investment Partnerships 14540  
Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 14541

~~(8) No money in the fund shall be used to pay for any legal 14542  
services other than the usual and customary legal services 14543  
associated with the acquisition of housing. 14544~~

~~(9)~~(7) Money in the fund may be used as matching money for 14545  
federal funds received by the state, counties, municipal 14546  
corporations, and townships for the activities listed in section 14547  
174.03 of the Revised Code. 14548

(B) If, after the second quarter of any year, it appears to 14549

the director that the full amount of the money in the fund 14550  
designated in that year for activities that provide housing and 14551  
housing assistance to families and individuals in rural areas and 14552  
small cities under division (A) of this section will not be used 14553  
for that purpose, the director may reallocate all or a portion of 14554  
that amount for other housing activities. In determining whether 14555  
or how to reallocate money under this division, the director may 14556  
consult with and shall receive advice from the housing trust fund 14557  
advisory committee. 14558

**Sec. 174.03.** (A) The department of development and the Ohio 14559  
housing finance agency shall each develop programs under which, in 14560  
accordance with rules adopted under this section, they may make 14561  
grants, loans, loan guarantees, and loan subsidies to counties, 14562  
municipal corporations, townships, local housing authorities, and 14563  
nonprofit organizations and may make loans, loan guarantees, and 14564  
loan subsidies to private developers and private lenders to assist 14565  
in activities that provide housing and housing assistance for 14566  
specifically targeted low- and moderate-income families and 14567  
individuals. There is no minimum housing project size for awards 14568  
under this division for any project that is developed for a 14569  
special needs population and that is supported by a social service 14570  
agency where the housing project is located. Activities for which 14571  
grants, loans, loan guarantees, and loan subsidies may be made 14572  
under this section include all of the following: 14573

(1) Acquiring, financing, constructing, leasing, 14574  
rehabilitating, remodeling, improving, and equipping publicly or 14575  
privately owned housing; 14576

(2) Providing supportive services related to housing and the 14577  
homeless, including housing counseling. Not more than twenty per 14578  
cent of the current year appropriation authority for the low- and 14579  
moderate-income housing trust fund that remains after the award of 14580

funds made pursuant to divisions (A)(1), and (A)(2), ~~and (A)(3)~~ of 14581  
section 174.02 of the Revised Code, shall be awarded in any fiscal 14582  
year for supportive services. 14583

(3) Providing rental assistance payments or other project 14584  
operating subsidies that lower tenant rents; 14585

(4) Improving the quality of life of tenants by providing 14586  
education for tenants and residents of manufactured home 14587  
communities regarding their rights and responsibilities, planning 14588  
and implementing activities designed to improve conflict 14589  
resolution and the capacity of tenants to negotiate and mediate 14590  
with landlords, and developing tenant and resident councils and 14591  
organizations; 14592

(5) Promoting capacity building initiatives related to the 14593  
creation of county housing trust funds. 14594

~~(B) Activities listed under division (A) of this section may 14595  
include emergency shelter care programs for unaccompanied youth 14596  
seventeen years of age and younger.~~ 14597

~~(C)~~ Grants, loans, loan guarantees, and loan subsidies may be 14598  
made to counties, municipal corporations, townships, and nonprofit 14599  
organizations for the additional purposes of providing technical 14600  
assistance, design and finance services and consultation, and 14601  
payment of pre-development and administrative costs related to any 14602  
of the activities listed above. 14603

~~(D)~~(C) In developing programs under this section, the 14604  
department and the agency shall invite, accept, and consider 14605  
public comment, and recommendations from the housing trust fund 14606  
advisory committee created under section 174.06 of the Revised 14607  
Code, on how the programs should be designed to most effectively 14608  
benefit low- and moderate-income families and individuals. The 14609  
programs developed under this section shall respond collectively 14610  
to housing and housing assistance needs of low- and 14611



moderate-income families and individuals statewide. 14612

~~(E)~~(D) The department and the agency, in accordance with 14613  
Chapter 119. of the Revised Code, shall each adopt rules to 14614  
administer programs developed under this section. The rules shall 14615  
prescribe procedures and forms that counties, municipal 14616  
corporations, townships, local housing authorities, and nonprofit 14617  
organizations shall use in applying for grants, loans, loan 14618  
guarantees, and loan subsidies and that private developers and 14619  
private lenders shall use in applying for loans, loan guarantees, 14620  
and loan subsidies; eligibility criteria for the receipt of funds; 14621  
procedures for reviewing and granting or denying applications; 14622  
procedures for paying out funds; conditions on the use of funds; 14623  
procedures for monitoring the use of funds; and procedures under 14624  
which a recipient shall be required to repay funds that are 14625  
improperly used. The rules shall do both of the following: 14626

(1) Require each recipient of a grant or loan made from the 14627  
low- and moderate-income housing trust fund for activities that 14628  
provide, or assist in providing, a rental housing project, to 14629  
reasonably ensure that the rental housing project will remain 14630  
affordable to those families and individuals targeted for the 14631  
rental housing project for the useful life of the rental housing 14632  
project or for thirty years, whichever is longer; 14633

(2) Require each recipient of a grant or loan made from the 14634  
low- and moderate-income housing trust fund for activities that 14635  
provide, or assist in providing, a housing project to prepare and 14636  
implement a plan to reasonably assist any families and individuals 14637  
displaced by the housing project in obtaining decent affordable 14638  
housing. 14639

~~(F)~~(E) In prescribing eligibility criteria and conditions for 14640  
the use of funds, neither the department nor the agency is limited 14641  
to the criteria and conditions specified in this section and each 14642  
may prescribe additional eligibility criteria and conditions that 14643

relate to the purposes for which grants, loans, loan guarantees, 14644  
and loan subsidies may be made. However, the department and agency 14645  
are limited by the following specifically targeted low- and 14646  
moderate-income guidelines: 14647

(1) Not less than seventy-five per cent of the money granted 14648  
and loaned under this section in any fiscal year shall be for 14649  
activities that provide affordable housing and housing assistance 14650  
to families and individuals whose incomes are equal to or less 14651  
than fifty per cent of the median income for the county in which 14652  
they live, as determined by the department under section 174.04 of 14653  
the Revised Code. 14654

(2) Any money granted and loaned under this section in any 14655  
fiscal year that is not granted or loaned pursuant to division 14656  
(F)(1) of this section shall be for activities that provide 14657  
affordable housing and housing assistance to families and 14658  
individuals whose incomes are equal to or less than eighty per 14659  
cent of the median income for the county in which they live, as 14660  
determined by the department under section 174.04 of the Revised 14661  
Code. 14662

~~(G)~~(F) In making grants, loans, loan guarantees, and loan 14663  
subsidies under this section, the department and the agency shall 14664  
give preference to viable projects and activities that benefit 14665  
those families and individuals whose incomes are equal to or less 14666  
than thirty-five per cent of the median income for the county in 14667  
which they live, as determined by the department under section 14668  
174.04 of the Revised Code. 14669

~~(H)~~(G) The department and the agency shall monitor the 14670  
programs developed under this section to ensure that money granted 14671  
and loaned under this section is not used in a manner that 14672  
violates division (H) of section 4112.02 of the Revised Code or 14673  
discriminates against families with children. 14674

**Sec. 174.06.** (A) There is hereby created the housing trust 14675  
fund advisory committee. The committee consists of fourteen 14676  
members the governor appoints as follows to represent 14677  
organizations committed to housing and housing assistance for low- 14678  
and moderate-income persons: 14679

(1) One member to represent lenders. 14680

(2) One member to represent for-profit builders and 14681  
developers. 14682

(3) One member to represent the families and individuals 14683  
included in the income groups targeted for housing and housing 14684  
assistance under divisions (E) and (F) and ~~(G)~~ of section 174.03 14685  
of the Revised Code. 14686

(4) One member to represent religious, civic, or social 14687  
service organizations. 14688

(5) One member to represent counties. 14689

(6) One member to represent municipal corporations. 14690

(7) One member to represent townships. 14691

(8) One member to represent local housing authorities. 14692

(9) One member to represent fair housing organizations. 14693

(10) Three members to represent nonprofit organizations. 14694

(11) One member to represent real estate brokers licensed 14695  
under Chapter 4735. of the Revised Code. 14696

(12) One member to represent the for-profit rental housing 14697  
industry. 14698

(B)(1) Terms of office are for four years, with each term 14699  
ending on the same day of the same month as did the term that it 14700  
succeeds. Each member shall hold office from the date of 14701  
appointment until the end of the term for which the member was 14702

appointed. Vacancies shall be filled in the manner prescribed for 14703  
the original appointment. A member appointed to fill a vacancy 14704  
occurring prior to the expiration of a term shall hold office for 14705  
the remainder of that term. A member shall continue in office 14706  
subsequent to the expiration of a term until a successor takes 14707  
office or until a period of sixty days has elapsed, whichever 14708  
occurs first. 14709

(2) The governor may remove a member for misfeasance, 14710  
malfeasance, or willful neglect of duty. 14711

(C)(1) The committee shall select a chairperson from among 14712  
its members. The committee shall meet at least once each calendar 14713  
year and upon the call of the chair. Members of the committee 14714  
serve without compensation, but shall be reimbursed for reasonable 14715  
and necessary expenses incurred in the discharge of duties. 14716

(2) The department of development shall provide the committee 14717  
with a meeting place, supplies, and staff assistance as the 14718  
committee requests. 14719

(D) The committee shall assist the department and the Ohio 14720  
housing finance agency in defining housing needs and priorities, 14721  
recommend to the department and agency at least annually how the 14722  
programs developed under section 174.02 of the Revised Code should 14723  
be designed to most effectively benefit low- and moderate-income 14724  
persons, consider an allocation of funds for projects of fifteen 14725  
units or less, and advise the director of development on whether 14726  
and how to reallocate money in the low- and moderate-income 14727  
housing trust fund under division (B) of section 174.02 of the 14728  
Revised Code. 14729

**Sec. 176.05.** (A)(1) Notwithstanding any provision of law to 14730  
the contrary, the rate of wages payable for the various 14731  
occupations covered by sections 4115.03 to 4115.16 of the Revised 14732  
Code to persons employed on a project who are not any of the 14733

following shall be determined according to this section:	14734
(a) Qualified volunteers;	14735
(b) Persons required to participate in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code except those engaged in paid employment or subsidized employment pursuant to the activity;	14736 14737 14738 14739 14740
(c) <del>Food-stamp</del> <u>Supplemental nutrition assistance program</u> benefit recipients required to participate in employment and training activities established by rules adopted under section 5101.54 of the Revised Code.	14741 14742 14743 14744
An association representing the general contractors or subcontractors that engage in the business of residential construction in a certain locality shall negotiate with the applicable building and construction trades council in that locality an agreement or understanding that sets forth the residential prevailing rate of wages, payable on projects in that locality, for each of the occupations employed on those projects.	14745 14746 14747 14748 14749 14750 14751
(2) Notwithstanding any residential prevailing rate of wages established prior to July 1, 1995, if, by October 1, 1995, the parties are unable to agree under division (A)(1) of this section as to the rate of wages payable for each occupation covered by sections 4115.03 to 4115.16 of the Revised Code, the director of commerce shall establish the rate of wages payable for each occupation.	14752 14753 14754 14755 14756 14757 14758
(3) The residential prevailing rate of wages established under division (A)(1) or (2) of this section shall not be equal to or greater than the prevailing rate of wages determined by the director pursuant to sections 4115.03 to 4115.16 of the Revised Code for any of the occupations covered by those sections.	14759 14760 14761 14762 14763
(B) Except for the prevailing rate of wages determined by the	14764

director pursuant to sections 4115.03 to 4115.16 of the Revised Code, those sections and section 4115.99 of the Revised Code apply to projects.

(C) The residential prevailing rate of wages established under division (A) of this section is not payable to any individual or member of that individual's family who provides labor in exchange for acquisition of the property for homeownership or who provides labor in place of or as a supplement to any rental payments for the property.

(D) For the purposes of this section:

(1) "Project" means any construction, rehabilitation, remodeling, or improvement of residential housing, whether on a single or multiple site for which a person, as defined in section 1.59 of the Revised Code, or municipal corporation, county, or township receives financing, that is financed in whole or in part from state moneys or pursuant to this chapter, section 133.51 or 307.698 of the Revised Code, or Chapter 174. or 175. of the Revised Code, except for any of the following:

(a) The single-family mortgage revenue bonds homeownership program under Chapter 175. of the Revised Code, including owner-occupied dwellings of one to four units;

(b) Projects consisting of fewer than six units developed by any entity that is not a nonprofit organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;

(c) Projects of fewer than twenty-five units developed by any nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;

(d) Programs undertaken by any municipal corporation, county, or township, including lease-purchase programs, using mortgage revenue bond financing;

(e) Any individual project, that is sponsored or developed by 14796  
a nonprofit organization that is exempt from federal income tax 14797  
under section 501(c)(3) of the Internal Revenue Code, for which 14798  
the federal government or any of its agencies furnishes by loan, 14799  
grant, low-income housing tax credit, or insurance more than 14800  
twelve per cent of the costs of the project. For purposes of 14801  
division (D)(2)(e) of this section, the value of the low-income 14802  
housing tax credits shall be calculated as the proceeds from the 14803  
sale of the tax credits, less the costs of the sale. 14804

As used in division (D)(1)(e) of this section, "sponsored" 14805  
means that a general partner of a limited partnership owning the 14806  
project or a managing member of a limited liability company owning 14807  
the project is either a nonprofit organization that is exempt from 14808  
federal income tax under section 501(c)(3) of the Internal Revenue 14809  
Code or a person, as defined in section 1.59 of the Revised Code, 14810  
or a limited liability company in which such a nonprofit 14811  
organization maintains controlling interest. For purposes of this 14812  
division, a general partner of a limited partnership that is a 14813  
nonprofit organization described under this division is not 14814  
required to be the sole general partner in the limited 14815  
partnership, and a managing member of a limited liability company 14816  
that is a nonprofit organization described under this division is 14817  
not required to be the sole managing member in the limited 14818  
liability company. 14819

Nothing in division (D)(1)(e) of this section shall be 14820  
construed as permitting unrelated projects to be combined for the 14821  
sole purpose of determining the total percentage of project costs 14822  
furnished by the federal government or any of its agencies. 14823

(2) A "project" is a "public improvement" and the state or a 14824  
political subdivision that undertakes or participates in the 14825  
financing of a project is a "public authority," as both of the 14826  
last two terms are defined in section 4115.03 of the Revised Code. 14827

(3) "Qualified volunteers" are volunteers who are working 14828  
without compensation for a nonprofit organization that is exempt 14829  
from federal income tax under section 501(c)(3) of the Internal 14830  
Revenue Code, and that is providing housing or housing assistance 14831  
only to families and individuals in a county whose incomes are not 14832  
greater than one hundred forty per cent of the median income of 14833  
that county as determined under section 174.04 of the Revised 14834  
Code. 14835

**Sec. 307.626.** (A) By the first day of April of each year, the 14836  
person convening the child fatality review board shall prepare and 14837  
submit to the Ohio department of health a report that ~~includes all~~ 14838  
~~of~~ summarizes the following information with respect to ~~each the~~ 14839  
child ~~death~~ deaths that ~~was~~ were reviewed by the review board in 14840  
the previous calendar year: 14841

- (1) The cause of death; 14842
- (2) Factors contributing to death; 14843
- (3) Age; 14844
- (4) Sex; 14845
- (5) Race; 14846
- (6) The geographic location of death; 14847
- (7) The year of death. 14848

The report shall specify the number of child deaths that ~~have~~ 14849  
~~not been reviewed since the effective date of this section~~ were 14850  
not reviewed during the previous calendar year. 14851

The report may include recommendations for actions that might 14852  
prevent other deaths, as well as any other information the review 14853  
board determines should be included. 14854

(B) Reports prepared under division (A) of this section shall 14855  
be considered public records under section 149.43 of the Revised 14856



Code. 14857

(C) The child fatality review board shall submit individual 14858  
data with respect to each child death review into the Ohio 14859  
department of health child death review database or the national 14860  
child death review database. The individual data shall include the 14861  
information specified in division (A) of this section and any 14862  
other information the board considers relevant to the review. 14863  
Individual data related to a child death review that is contained 14864  
in the Ohio department of health child death review database is 14865  
not a public record under section 149.43 of the Revised Code. 14866

**Sec. 307.629.** (A) Except as provided in sections 5153.171 to 14867  
5153.173 of the Revised Code, any information, document, or report 14868  
presented to a child fatality review board, all statements made by 14869  
review board members during meetings of the review board, ~~and~~ all 14870  
work products of the review board, and child fatality review data 14871  
submitted by the child fatality review board to the department of 14872  
health or a national child death review database, other than the 14873  
report prepared pursuant to division (A) of section 307.626 of the 14874  
Revised Code, are confidential and shall be used by the review 14875  
board ~~and,~~ its members, and the department of health only in the 14876  
exercise of the proper functions of the review board and the 14877  
department. 14878

(B) No person shall permit or encourage the unauthorized 14879  
dissemination of the confidential information described in 14880  
division (A) of this section. 14881

(C) Whoever violates division (B) of this section is guilty 14882  
of a misdemeanor of the second degree. 14883

**Sec. 307.79.** (A) The board of county commissioners may adopt, 14884  
amend, and rescind rules establishing technically feasible and 14885  
economically reasonable standards to achieve a level of management 14886

and conservation practices that will abate wind or water erosion 14887  
of the soil or abate the degradation of the waters of the state by 14888  
soil sediment in conjunction with land grading, excavating, 14889  
filling, or other soil disturbing activities on land used or being 14890  
developed for nonfarm commercial, industrial, residential, or 14891  
other nonfarm purposes, and establish criteria for determination 14892  
of the acceptability of those management and conservation 14893  
practices. The rules shall be designed to implement the applicable 14894  
areawide waste treatment management plan prepared under section 14895  
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 14896  
(1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of 14897  
the storm water program of the national pollutant discharge 14898  
elimination system established in 40 C.F.R. Part 122. The rules to 14899  
implement phase II of the storm water program of the national 14900  
pollutant discharge elimination system shall not be inconsistent 14901  
with, more stringent than, or broader in scope than the rules or 14902  
regulations adopted by the environmental protection agency under 14903  
40 C.F.R. Part 122. The rules adopted under this section shall not 14904  
apply inside the limits of municipal corporations or the limits of 14905  
townships with a limited home rule government that have adopted 14906  
rules under section 504.21 of the Revised Code, to lands being 14907  
used in a strip mine operation as defined in section 1513.01 of 14908  
the Revised Code, or to land being used in a surface mine 14909  
operation as defined in section 1514.01 of the Revised Code. 14910

14911  
The rules adopted under this section may require persons to 14912  
file plans governing erosion control, sediment control, and water 14913  
management before clearing, grading, excavating, filling, or 14914  
otherwise wholly or partially disturbing one or more contiguous 14915  
acres of land owned by one person or operated as one development 14916  
unit for the construction of nonfarm buildings, structures, 14917  
utilities, recreational areas, or other similar nonfarm uses. If 14918  
the rules require plans to be filed, the rules shall do all of the 14919

following:	14920
(1) Designate the board itself, its employees, or another agency or official to review and approve or disapprove the plans;	14921 14922
(2) Establish procedures and criteria for the review and approval or disapproval of the plans;	14923 14924
(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved;	14925 14926 14927 14928
(4) Establish procedures for the issuance of the permits;	14929
(5) Establish procedures under which a person may appeal the denial of a permit.	14930 14931
Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections.	14932 14933 14934 14935 14936
No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water <del>conservation</del> <u>resources</u> in the department of natural resources.	14937 14938 14939 14940 14941 14942 14943
(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board. The board of county commissioners shall cause to be published, in a newspaper of general circulation in the county, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings. The	14944 14945 14946 14947 14948 14949

proposed rules or amendments shall be made available by the board 14950  
to the public at the board office or other location indicated in 14951  
the notice. The rules or amendments shall take effect on the 14952  
thirty-first day following the date of their adoption. 14953

(C) The board of county commissioners may employ personnel to 14954  
assist in the administration of this section and the rules adopted 14955  
under it. The board also, if the action does not conflict with the 14956  
rules, may delegate duties to review sediment control and water 14957  
management plans to its employees, and may enter into agreements 14958  
with one or more political subdivisions, other county officials, 14959  
or other government agencies, in any combination, in order to 14960  
obtain reviews and comments on plans governing erosion control, 14961  
sediment control, and water management or to obtain other services 14962  
for the administration of the rules adopted under this section. 14963

(D) The board of county commissioners or any duly authorized 14964  
representative of the board may, upon identification to the owner 14965  
or person in charge, enter any land upon obtaining agreement with 14966  
the owner, tenant, or manager of the land in order to determine 14967  
whether there is compliance with the rules adopted under this 14968  
section. If the board or its duly authorized representative is 14969  
unable to obtain such an agreement, the board or representative 14970  
may apply for, and a judge of the court of common pleas for the 14971  
county where the land is located may issue, an appropriate 14972  
inspection warrant as necessary to achieve the purposes of this 14973  
chapter. 14974

(E)(1) If the board of county commissioners or its duly 14975  
authorized representative determines that a violation of the rules 14976  
adopted under this section exists, the board or representative may 14977  
issue an immediate stop work order if the violator failed to 14978  
obtain any federal, state, or local permit necessary for sediment 14979  
and erosion control, earth movement, clearing, or cut and fill 14980  
activity. In addition, if the board or representative determines 14981

such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the board or representative may authorize the issuance of a notice of violation. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the board or its duly authorized representative shall issue a second notice of violation. Except as provided in division (E)(3) of this section, if, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the board or its duly authorized representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the county if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the board or its duly authorize representative shall request, in writing, the prosecuting attorney of the county to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule or stop work order issued under this section shall be considered a separate violation subject to a civil fine.

(2) The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in which it was issued, seeking any equitable or other appropriate relief from that order.

(3) No stop work order shall be issued under this section

against any public highway, transportation, or drainage 15014  
improvement or maintenance project undertaken by a government 15015  
agency or political subdivision in accordance with a statement of 15016  
its standard sediment control policies that is approved by the 15017  
board or the chief of the division of soil and water ~~conservation~~ 15018  
resources in the department of natural resources. 15019

(F) No person shall violate any rule adopted or order issued 15020  
under this section. Notwithstanding division (E) of this section, 15021  
if the board of county commissioners determines that a violation 15022  
of any rule adopted or administrative order issued under this 15023  
section exists, the board may request, in writing, the prosecuting 15024  
attorney of the county to seek an injunction or other appropriate 15025  
relief in the court of common pleas to abate excessive erosion or 15026  
sedimentation and secure compliance with the rules or order. In 15027  
granting relief, the court of common pleas may order the 15028  
construction of sediment control improvements or implementation of 15029  
other control measures and may assess a civil fine of not less 15030  
than one hundred or more than five hundred dollars. Each day of 15031  
violation of a rule adopted or administrative order issued under 15032  
this section shall be considered a separate violation subject to a 15033  
civil fine. 15034

**Sec. 311.17.** Except as provided in a contract entered into 15035  
under division (A) of section 3125.141 of the Revised Code, for 15036  
the services specified in this section, the sheriff shall charge 15037  
the following fees, which the court or its clerk shall tax in the 15038  
bill of costs against the judgment debtor or those legally liable 15039  
therefor for the judgment: 15040

(A) For the service and return of the following writs and 15041  
orders: 15042

(1) Execution: 15043

(a) When money is paid without levy or when no property is 15044

found, <del>twenty</del> <u>thirty</u> dollars;	15045
(b) When levy is made on real property, for the first tract,	15046
twenty-five dollars, and for each additional tract, ten dollars;	15047
(c) When levy is made on goods and chattels, including	15048
inventory, fifty dollars.	15049
(2) Writ of attachment of property, except for purpose of	15050
garnishment, forty dollars;	15051
(3) Writ of attachment for the purpose of garnishment, ten	15052
dollars;	15053
(4) Writ of replevin, forty dollars;	15054
(5) Warrant to arrest, for each person named in the writ, <del>ten</del>	15055
<u>twenty</u> dollars;	15056
(6) Attachment for contempt, for each person named in the	15057
writ, six dollars;	15058
(7) Writ of possession or restitution, sixty dollars;	15059
(8) Subpoena, for each person named in the writ, in either a	15060
civil or criminal case, <del>six</del> <u>ten</u> dollars;	15061
(9) Venire, for each person named in the writ, in either a	15062
civil or criminal case, six dollars;	15063
(10) Summoning each juror, other than on venire, in either a	15064
civil or criminal case, six dollars;	15065
(11) Writ of partition, twenty-five dollars;	15066
(12) Order of sale on partition, for the first tract, fifty	15067
dollars, and for each additional tract, twenty-five dollars;	15068
(13) Other order of sale of real property, for the first	15069
tract, fifty dollars, and for each additional tract, twenty-five	15070
dollars;	15071
(14) Administering oath to appraisers, three dollars each;	15072

(15) Furnishing copies for advertisements, one dollar for each hundred words;	15073 15074
(16) Copy of indictment, for each defendant, five dollars;	15075
(17) All summons, writs, orders, or notices, for the first name, six dollars, and for each additional name, one dollar.	15076 15077
(B) In addition to the fee for service and return:	15078
(1) On each summons, writ, order, or notice, a fee of <del>one dollar</del> <u>two dollars</u> per mile for the first mile, and <del>fifty cents</del> <u>one dollar</u> per mile for each additional mile, going and returning, actual mileage to be charged on each additional name;	15079 15080 15081 15082
(2) Taking bail bond, three dollars;	15083
(3) Jail fees, as follows:	15084
(a) For receiving a prisoner, five dollars each time a prisoner is received, and for discharging or surrendering a prisoner, five dollars each time a prisoner is discharged or surrendered. The departure or return of a prisoner from or to a jail in connection with a program established under section 5147.28 of the Revised Code is not a receipt, discharge, or surrender of the prisoner for purposes of this division.	15085 15086 15087 15088 15089 15090 15091
(b) Taking a prisoner before a judge or court, per day, five dollars;	15092 15093
(c) Calling action, one dollar;	15094
(d) Calling jury, three dollars;	15095
(e) Calling each witness, three dollars;	15096
(f) Bringing prisoner before court on habeas corpus, six dollars.	15097 15098
(4) Poundage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate, one and one-half per cent;	15099 15100 15101



(5) Making and executing a deed of land sold on execution, 15102  
decree, or order of the court, to be paid by the purchaser, fifty 15103  
dollars. 15104

When any of the services described in division (A) or (B) of 15105  
this section are rendered by an officer or employee, whose salary 15106  
or per diem compensation is paid by the county, the applicable 15107  
legal fees and any other extraordinary expenses, including 15108  
overtime, provided for the service shall be taxed in the costs in 15109  
the case and, when collected, shall be paid into the general fund 15110  
of the county. 15111

The sheriff shall charge the same fees for the execution of 15112  
process issued in any other state as the sheriff charges for the 15113  
execution of process of a substantively similar nature that is 15114  
issued in this state. 15115

Sec. 311.32. (A) A sheriff or deputy sheriff who is trained 15116  
in the same manner as uniformed employees of the motor carrier 15117  
enforcement unit created under section 5503.34 of the Revised Code 15118  
may, to the same extent as those employees, enforce compliance 15119  
with any provision of Chapters 4919., 4921., and 4923. of the 15120  
Revised Code or of a rule or order adopted or issued by the 15121  
commission under those chapters regarding commercial motor vehicle 15122  
transportation safety, economic, and hazardous materials 15123  
requirements. 15124

(B)(1) A sheriff or deputy sheriff under division (A) of this 15125  
section shall do both of the following: 15126

(a) Cooperate with the public utilities commission in 15127  
carrying out that division and in enforcing any other applicable 15128  
laws; 15129

(b) Comply with any rules adopted pursuant to section 4919.80 15130  
of the Revised Code. 15131

(2) A uniformed sheriff or deputy sheriff under division (A) 15132  
of this section may stop commercial motor vehicles for the purpose 15133  
of inspecting those vehicles in carrying out that division. 15134

15135

**Sec. 319.301.** (A) ~~This~~ The reductions required by division 15136  
(D) of this section does do not apply to any of the following: 15137

(1) Taxes levied at whatever rate is required to produce a 15138  
specified amount of tax money, including a tax levied under 15139  
section 5705.199 or 5705.211 of the Revised Code, or an amount to 15140  
pay debt charges; 15141

(2) Taxes levied within the one per cent limitation imposed 15142  
by Section 2 of Article XII, Ohio Constitution; 15143

(3) Taxes provided for by the charter of a municipal 15144  
corporation. 15145

(B) As used in this section: 15146

(1) "Real property" includes real property owned by a 15147  
railroad. 15148

(2) "Carryover property" means all real property on the 15149  
current year's tax list except: 15150

(a) Land and improvements that were not taxed by the district 15151  
in both the preceding year and the current year; 15152

(b) Land and improvements that were not in the same class in 15153  
both the preceding year and the current year. 15154

(3) "Effective tax rate" means with respect to each class of 15155  
property: 15156

(a) The sum of the total taxes that would have been charged 15157  
and payable for current expenses against real property in that 15158  
class if each of the district's taxes were reduced for the current 15159  
year under division (D)(1) of this section without regard to the 15160

application of division (E)(3) of this section divided by 15161

(b) The taxable value of all real property in that class. 15162

(4) "Taxes charged and payable" means the taxes charged and 15163  
payable prior to any reduction required by section 319.302 of the 15164  
Revised Code. 15165

(C) The tax commissioner shall make the determinations 15166  
required by this section each year, without regard to whether a 15167  
taxing district has territory in a county to which section 5715.24 15168  
of the Revised Code applies for that year. Separate determinations 15169  
shall be made for each of the two classes established pursuant to 15170  
section 5713.041 of the Revised Code. 15171

(D) With respect to each tax authorized to be levied by each 15172  
taxing district, the tax commissioner, annually, shall do both of 15173  
the following: 15174

(1) Determine by what percentage, if any, the sums levied by 15175  
such tax against the carryover property in each class would have 15176  
to be reduced for the tax to levy the same number of dollars 15177  
against such property in that class in the current year as were 15178  
charged against such property by such tax in the preceding year 15179  
subsequent to the reduction made under this section but before the 15180  
reduction made under section 319.302 of the Revised Code. In the 15181  
case of a tax levied for the first time that is not a renewal of 15182  
an existing tax, the commissioner shall determine by what 15183  
percentage the sums that would otherwise be levied by such tax 15184  
against carryover property in each class would have to be reduced 15185  
to equal the amount that would have been levied if the full rate 15186  
thereof had been imposed against the total taxable value of such 15187  
property in the preceding tax year. A tax or portion of a tax that 15188  
is designated a replacement levy under section 5705.192 of the 15189  
Revised Code is not a renewal of an existing tax for purposes of 15190  
this division. 15191

(2) Certify each percentage determined in division (D)(1) of 15192  
this section, as adjusted under division (E) of this section, and 15193  
the class of property to which that percentage applies to the 15194  
auditor of each county in which the district has territory. The 15195  
auditor, after complying with section 319.30 of the Revised Code, 15196  
shall reduce the sum to be levied by such tax against each parcel 15197  
of real property in the district by the percentage so certified 15198  
for its class. Certification shall be made by the first day of 15199  
September except in the case of a tax levied for the first time, 15200  
in which case certification shall be made within fifteen days of 15201  
the date the county auditor submits the information necessary to 15202  
make the required determination. 15203

(E)(1) As used in division (E)(2) of this section, "pre-1982 15204  
joint vocational taxes" means, with respect to a class of 15205  
property, the difference between the following amounts: 15206

(a) The taxes charged and payable in tax year 1981 against 15207  
the property in that class for the current expenses of the joint 15208  
vocational school district of which the school district is a part 15209  
after making all reductions under this section; 15210

(b) The following percentage of the taxable value of all real 15211  
property in that class: 15212

(i) In 1987, five one-hundredths of one per cent; 15213

(ii) In 1988, one-tenth of one per cent; 15214

(iii) In 1989, fifteen one-hundredths of one per cent; 15215

(iv) In 1990 and each subsequent year, two-tenths of one per 15216  
cent. 15217

If the amount in division (E)(1)(b) of this section exceeds 15218  
the amount in division (E)(1)(a) of this section, the pre-1982 15219  
joint vocational taxes shall be zero. 15220

As used in divisions (E)(2) and (3) of this section, "taxes 15221

charged and payable" has the same meaning as in division (B)(4) of 15222  
this section and excludes any tax charged and payable in 1985 or 15223  
thereafter under sections 5705.194 to 5705.197 or section 5705.199 15224  
~~or~~ 5705.213, or 5705.219 of the Revised Code. 15225

(2) If in the case of a school district other than a joint 15226  
vocational or cooperative education school district any percentage 15227  
required to be used in division (D)(2) of this section for either 15228  
class of property could cause the total taxes charged and payable 15229  
for current expenses to be less than two per cent of the taxable 15230  
value of all real property in that class that is subject to 15231  
taxation by the district, the commissioner shall determine what 15232  
percentages would cause the district's total taxes charged and 15233  
payable for current expenses against that class, after all 15234  
reductions that would otherwise be made under this section, to 15235  
equal, when combined with the pre-1982 joint vocational taxes 15236  
against that class, the lesser of the following: 15237

(a) The sum of the rates at which those taxes are authorized 15238  
to be levied; 15239

(b) Two per cent of the taxable value of the property in that 15240  
class. The auditor shall use such percentages in making the 15241  
reduction required by this section for that class. 15242

(3)(a) If in the case of a joint vocational school district 15243  
any percentage required to be used in division (D)(2) of this 15244  
section for either class of property could cause the total taxes 15245  
charged and payable for current expenses for that class to be less 15246  
than the designated amount, the commissioner shall determine what 15247  
percentages would cause the district's total taxes charged and 15248  
payable for current expenses for that class, after all reductions 15249  
that would otherwise be made under this section, to equal the 15250  
designated amount. The auditor shall use such percentages in 15251  
making the reductions required by this section for that class. 15252

(b) As used in division (E)(3)(a) of this section, the  
designated amount shall equal the taxable value of all real  
property in the class that is subject to taxation by the district  
times the lesser of the following:

(i) Two-tenths of one per cent;

(ii) The district's effective rate plus the following  
percentage for the year indicated:

WHEN COMPUTING THE	ADD THE FOLLOWING	
TAXES CHARGED FOR	PERCENTAGE:	
1987	0.025%	
1988	0.05%	
1989	0.075%	
1990	0.1%	
1991	0.125%	
1992	0.15%	
1993	0.175%	
1994 and thereafter	0.2%	

(F) No reduction shall be made under this section in the rate  
at which any tax is levied.

(G) The commissioner may order a county auditor to furnish  
any information the commissioner needs to make the determinations  
required under division (D) or (E) of this section, and the  
auditor shall supply the information in the form and by the date  
specified in the order. If the auditor fails to comply with an  
order issued under this division, except for good cause as  
determined by the commissioner, the commissioner shall withhold  
from such county or taxing district therein fifty per cent of  
state revenues to local governments pursuant to section 5747.50 of  
the Revised Code or shall direct the department of education to  
withhold therefrom fifty per cent of state revenues to school  
districts pursuant to ~~Chapter~~ Chapters 3306. and 3317. of the  
Revised Code. The commissioner shall withhold the distribution of

such revenues until the county auditor has complied with this 15285  
division, and the department shall withhold the distribution of 15286  
such revenues until the commissioner has notified the department 15287  
that the county auditor has complied with this division. 15288

(H) If the commissioner is unable to certify a tax reduction 15289  
factor for either class of property in a taxing district located 15290  
in more than one county by the last day of November because 15291  
information required under division (G) of this section is 15292  
unavailable, the commissioner may compute and certify an estimated 15293  
tax reduction factor for that district for that class. The 15294  
estimated factor shall be based upon an estimate of the 15295  
unavailable information. Upon receipt of the actual information 15296  
for a taxing district that received an estimated tax reduction 15297  
factor, the commissioner shall compute the actual tax reduction 15298  
factor and use that factor to compute the taxes that should have 15299  
been charged and payable against each parcel of property for the 15300  
year for which the estimated reduction factor was used. The amount 15301  
by which the estimated factor resulted in an overpayment or 15302  
underpayment in taxes on any parcel shall be added to or 15303  
subtracted from the amount due on that parcel in the ensuing tax 15304  
year. 15305

A percentage or a tax reduction factor determined or computed 15306  
by the commissioner under this section shall be used solely for 15307  
the purpose of reducing the sums to be levied by the tax to which 15308  
it applies for the year for which it was determined or computed. 15309  
It shall not be used in making any tax computations for any 15310  
ensuing tax year. 15311

(I) In making the determinations under division (D)(1) of 15312  
this section, the tax commissioner shall take account of changes 15313  
in the taxable value of carryover property resulting from 15314  
complaints filed under section 5715.19 of the Revised Code for 15315  
determinations made for the tax year in which such changes are 15316

reported to the commissioner. Such changes shall be reported to 15317  
the commissioner on the first abstract of real property filed with 15318  
the commissioner under section 5715.23 of the Revised Code 15319  
following the date on which the complaint is finally determined by 15320  
the board of revision or by a court or other authority with 15321  
jurisdiction on appeal. The tax commissioner shall account for 15322  
such changes in making the determinations only for the tax year in 15323  
which the change in valuation is reported. Such a valuation change 15324  
shall not be used to recompute the percentages determined under 15325  
division (D)(1) of this section for any prior tax year. 15326

**Sec. 319.302.** (A)(1) Real property that is not intended 15327  
primarily for use in a business activity shall qualify for a 15328  
partial exemption from real property taxation. For purposes of 15329  
this partial exemption, "business activity" includes all uses of 15330  
real property, except farming; leasing property for farming; 15331  
occupying or holding property improved with single-family, 15332  
two-family, or three-family dwellings; leasing property improved 15333  
with single-family, two-family, or three-family dwellings; or 15334  
holding vacant land that the county auditor determines will be 15335  
used for farming or to develop single-family, two-family, or 15336  
three-family dwellings. For purposes of this partial exemption, 15337  
"farming" does not include land used for the commercial production 15338  
of timber that is receiving the tax benefit under section 5713.23 15339  
or 5713.31 of the Revised Code and all improvements connected with 15340  
such commercial production of timber. 15341

(2) Each year, the county auditor shall review each parcel of 15342  
real property to determine whether it qualifies for the partial 15343  
exemption provided for by this section as of the first day of 15344  
January of the current tax year. 15345

(B) After complying with section 319.301 of the Revised Code, 15346  
the county auditor shall reduce the remaining sums to be levied 15347



against each parcel of real property that is listed on the general 15348  
tax list and duplicate of real and public utility property for the 15349  
current tax year and that qualifies for partial exemption under 15350  
division (A) of this section, and against each manufactured and 15351  
mobile home that is taxed pursuant to division (D)(2) of section 15352  
4503.06 of the Revised Code and that is on the manufactured home 15353  
tax list for the current tax year, by ten per cent, to provide a 15354  
partial exemption for that parcel or home. Except as otherwise 15355  
provided in sections 323.152, 323.158, 505.06, and 715.263 of the 15356  
Revised Code, the amount of the taxes remaining after any such 15357  
reduction shall be the real and public utility property taxes 15358  
charged and payable on each parcel of real property, including 15359  
property that does not qualify for partial exemption under 15360  
division (A) of this section, and the manufactured home tax 15361  
charged and payable on each manufactured or mobile home, and shall 15362  
be the amounts certified to the county treasurer for collection. 15363  
Upon receipt of the real and public utility property tax 15364  
duplicate, the treasurer shall certify to the tax commissioner the 15365  
total amount by which the real property taxes were reduced under 15366  
this section, as shown on the duplicate. Such reduction shall not 15367  
directly or indirectly affect the determination of the principal 15368  
amount of notes that may be issued in anticipation of any tax 15369  
levies or the amount of bonds or notes for any planned 15370  
improvements. If after application of sections 5705.31 and 5705.32 15371  
of the Revised Code and other applicable provisions of law, 15372  
including divisions (F) and (I) of section 321.24 of the Revised 15373  
Code, there would be insufficient funds for payment of debt 15374  
charges on bonds or notes payable from taxes reduced by this 15375  
section, the reduction of taxes provided for in this section shall 15376  
be adjusted to the extent necessary to provide funds from such 15377  
taxes. 15378

(C) The tax commissioner may adopt rules governing the 15379  
administration of the partial exemption provided for by this 15380

section. 15381

(D) The determination of whether property qualifies for 15382  
partial exemption under division (A) of this section is solely for 15383  
the purpose of allowing the partial exemption under division (B) 15384  
of this section. 15385

**Sec. 319.54.** (A) On all moneys collected by the county 15386  
treasurer on any tax duplicate of the county, other than estate 15387  
tax duplicates, and on all moneys received as advance payments of 15388  
personal property and classified property taxes, the county 15389  
auditor, on settlement with the treasurer and tax commissioner, on 15390  
or before the date prescribed by law for such settlement or any 15391  
lawful extension of such date, shall be allowed as compensation 15392  
for the county auditor's services the following percentages: 15393

(1) On the first one hundred thousand dollars, two and 15394  
one-half per cent; 15395

(2) On the next two million dollars, eight thousand three 15396  
hundred eighteen ten-thousandths of one per cent; 15397

(3) On the next two million dollars, six thousand six hundred 15398  
fifty-five ten-thousandths of one per cent; 15399

(4) On all further sums, one thousand six hundred sixty-three 15400  
ten-thousandths of one per cent. 15401

If any settlement is not made on or before the date 15402  
prescribed by law for such settlement or any lawful extension of 15403  
such date, the aggregate compensation allowed to the auditor shall 15404  
be reduced one per cent for each day such settlement is delayed 15405  
after the prescribed date. No penalty shall apply if the auditor 15406  
and treasurer grant all requests for advances up to ninety per 15407  
cent of the settlement pursuant to section 321.34 of the Revised 15408  
Code. The compensation allowed in accordance with this section on 15409  
settlements made before the dates prescribed by law, or the 15410

reduced compensation allowed in accordance with this section on 15411  
settlements made after the date prescribed by law or any lawful 15412  
extension of such date, shall be apportioned ratably by the 15413  
auditor and deducted from the shares or portions of the revenue 15414  
payable to the state as well as to the county, townships, 15415  
municipal corporations, and school districts. 15416

(B) For the purpose of reimbursing county auditors for the 15417  
expenses associated with the increased number of applications for 15418  
reductions in real property taxes under sections 323.152 and 15419  
4503.065 of the Revised Code that ~~results~~ result from the 15420  
amendment of those sections by Am. Sub. H.B. 119 of the 127th 15421  
general assembly, ~~on the first day of August of each year~~ there 15422  
shall be paid from the state's general revenue fund to the county 15423  
treasury, to the credit of the real estate assessment fund created 15424  
by section 325.31 of the Revised Code, an amount equal to one per 15425  
cent of the total annual amount of property tax relief 15426  
reimbursement paid to that county under sections 323.156 and 15427  
4503.068 of the Revised Code for the preceding tax year. Payments 15428  
made under this division shall be made at the same times and in 15429  
the same manner as payments made under section 323.156 of the 15430  
Revised Code. 15431

(C) From all moneys collected by the county treasurer on any 15432  
tax duplicate of the county, other than estate tax duplicates, and 15433  
on all moneys received as advance payments of personal property 15434  
and classified property taxes, there shall be paid into the county 15435  
treasury to the credit of the real estate assessment fund created 15436  
by section 325.31 of the Revised Code, an amount to be determined 15437  
by the county auditor, which shall not exceed the percentages 15438  
prescribed in divisions (C)(1) and (2) of this section. 15439

(1) For payments made after June 30, 2007, and before 2011, 15440  
the following percentages: 15441

(a) On the first five hundred thousand dollars, four per 15442

cent;	15443
(b) On the next five million dollars, two per cent;	15444
(c) On the next five million dollars, one per cent;	15445
(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;	15446 15447
(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.	15448 15449
(2) For payments made in or after 2011, the following percentages:	15450 15451
(a) On the first five hundred thousand dollars, four per cent;	15452 15453
(b) On the next ten million dollars, two per cent;	15454
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	15455 15456
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	15457 15458 15459 15460
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	15461 15462 15463 15464
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:	15465 15466 15467 15468 15469
(1) Four per cent on the first one hundred thousand dollars;	15470
(2) One-half of one per cent on all additional sums.	15471

Such percentages shall be computed upon the amount collected 15472  
and reported at each semiannual settlement, and shall be for the 15473  
use of the general fund of the county. 15474

(F) On all cigarette license moneys collected by the county 15475  
treasurer, the county auditor, on settlement semiannually with the 15476  
treasurer, shall be allowed as compensation for the auditor's 15477  
services in the issuing of such licenses one-half of one per cent 15478  
of such moneys, to be apportioned ratably and deducted from the 15479  
shares of the revenue payable to the county and subdivisions, for 15480  
the use of the general fund of the county. 15481

(G) The county auditor shall charge and receive fees as 15482  
follows: 15483

(1) For deeds of land sold for taxes to be paid by the 15484  
purchaser, five dollars; 15485

(2) For the transfer or entry of land, lot, or part of lot, 15486  
or the transfer or entry on or after January 1, 2000, of a used 15487  
manufactured home or mobile home as defined in section 5739.0210 15488  
of the Revised Code, fifty cents for each transfer or entry, to be 15489  
paid by the person requiring it; 15490

(3) For receiving statements of value and administering 15491  
section 319.202 of the Revised Code, one dollar, or ten cents for 15492  
each one hundred dollars or fraction of one hundred dollars, 15493  
whichever is greater, of the value of the real property 15494  
transferred or, for sales occurring on or after January 1, 2000, 15495  
the value of the used manufactured home or used mobile home, as 15496  
defined in section 5739.0210 of the Revised Code, transferred, 15497  
except no fee shall be charged when the transfer is made: 15498

(a) To or from the United States, this state, or any 15499  
instrumentality, agency, or political subdivision of the United 15500  
States or this state; 15501

(b) Solely in order to provide or release security for a debt 15502

or obligation; 15503

(c) To confirm or correct a deed previously executed and 15504  
recorded or when a current owner on the general tax list of real 15505  
and public utility property and the general duplicate of real and 15506  
public utility property is a peace officer, parole officer, 15507  
prosecuting attorney, assistant prosecuting attorney, correctional 15508  
employee, youth services employee, firefighter, or EMT and is 15509  
changing the current owner name listed on the general tax list of 15510  
real and public utility property and the general duplicate of real 15511  
and public utility property to the initials of the current owner 15512  
as prescribed in division (B)(1) of section 319.28 of the Revised 15513  
Code; 15514

(d) To evidence a gift, in trust or otherwise and whether 15515  
revocable or irrevocable, between husband and wife, or parent and 15516  
child or the spouse of either; 15517

(e) On sale for delinquent taxes or assessments; 15518

(f) Pursuant to court order, to the extent that such transfer 15519  
is not the result of a sale effected or completed pursuant to such 15520  
order; 15521

(g) Pursuant to a reorganization of corporations or 15522  
unincorporated associations or pursuant to the dissolution of a 15523  
corporation, to the extent that the corporation conveys the 15524  
property to a stockholder as a distribution in kind of the 15525  
corporation's assets in exchange for the stockholder's shares in 15526  
the dissolved corporation; 15527

(h) By a subsidiary corporation to its parent corporation for 15528  
no consideration, nominal consideration, or in sole consideration 15529  
of the cancellation or surrender of the subsidiary's stock; 15530

(i) By lease, whether or not it extends to mineral or mineral 15531  
rights, unless the lease is for a term of years renewable forever; 15532

(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars; 15533  
15534  
15535

(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home; 15536  
15537  
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15539  
15540  
15541

(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others; 15542  
15543  
15544  
15545

(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift; 15546  
15547  
15548  
15549

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 15550  
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(o) To a trustee acting on behalf of minor children of the deceased; 15558  
15559

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars; 15560  
15561

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code; 15562  
15563

(r) To or from an organization exempt from federal income 15564  
taxation under section 501(c)(3) of the "Internal Revenue Code of 15565  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 15566  
transfer is without consideration and is in furtherance of the 15567  
charitable or public purposes of such organization; 15568

(s) Among the heirs at law or devisees, including a surviving 15569  
spouse, of a common decedent, when no consideration in money is 15570  
paid or to be paid for the real property or manufactured or mobile 15571  
home; 15572

(t) To a trustee of a trust, when the grantor of the trust 15573  
has reserved an unlimited power to revoke the trust; 15574

(u) To the grantor of a trust by a trustee of the trust, when 15575  
the transfer is made to the grantor pursuant to the exercise of 15576  
the grantor's power to revoke the trust or to withdraw trust 15577  
assets; 15578

(v) To the beneficiaries of a trust if the fee was paid on 15579  
the transfer from the grantor of the trust to the trustee or if 15580  
the transfer is made pursuant to trust provisions which became 15581  
irrevocable at the death of the grantor; 15582

(w) To a corporation for incorporation into a sports facility 15583  
constructed pursuant to section 307.696 of the Revised Code; 15584

(x) Between persons pursuant to section 5302.18 of the 15585  
Revised Code; 15586

(y) From a county land reutilization corporation organized 15587  
under Chapter 1724. of the Revised Code to a third party. 15588

The auditor shall compute and collect the fee. The auditor 15589  
shall maintain a numbered receipt system, as prescribed by the tax 15590  
commissioner, and use such receipt system to provide a receipt to 15591  
each person paying a fee. The auditor shall deposit the receipts 15592  
of the fees on conveyances in the county treasury daily to the 15593



credit of the general fund of the county, except that fees charged 15594  
and received under division (G)(3) of this section for a transfer 15595  
of real property to a county land reutilization corporation shall 15596  
be credited to the county land reutilization corporation fund 15597  
established under section 321.263 of the Revised Code. 15598  
15599

The real property transfer fee provided for in division 15600  
(G)(3) of this section shall be applicable to any conveyance of 15601  
real property presented to the auditor on or after January 1, 15602  
1968, regardless of its time of execution or delivery. 15603

The transfer fee for a used manufactured home or used mobile 15604  
home shall be computed by and paid to the county auditor of the 15605  
county in which the home is located immediately prior to the 15606  
transfer. 15607

**Sec. 321.24.** (A) On or before the fifteenth day of February, 15608  
in each year, the county treasurer shall settle with the county 15609  
auditor for all taxes and assessments that the treasurer has 15610  
collected on the general duplicate of real and public utility 15611  
property at the time of making the settlement. 15612

(B) On or before the thirtieth day of June, in each year, the 15613  
treasurer shall settle with the auditor for all advance payments 15614  
of general personal and classified property taxes that the 15615  
treasurer has received at the time of making the settlement. 15616

(C) On or before the tenth day of August, in each year, the 15617  
treasurer shall settle with the auditor for all taxes and 15618  
assessments that the treasurer has collected on the general 15619  
duplicates of real and public utility property at the time of 15620  
making such settlement, not included in the preceding February 15621  
settlement. 15622

(D) On or before the thirty-first day of October, in each 15623

year, the treasurer shall settle with the auditor for all taxes 15624  
that the treasurer has collected on the general personal and 15625  
classified property duplicates, and for all advance payments of 15626  
general personal and classified property taxes, not included in 15627  
the preceding June settlement, that the treasurer has received at 15628  
the time of making such settlement. 15629

(E) In the event the time for the payment of taxes is 15630  
extended, pursuant to section 323.17 of the Revised Code, the date 15631  
on or before which settlement for the taxes so extended must be 15632  
made, as herein prescribed, shall be deemed to be extended for a 15633  
like period of time. At each such settlement, the auditor shall 15634  
allow to the treasurer, on the moneys received or collected and 15635  
accounted for by the treasurer, the treasurer's fees, at the rate 15636  
or percentage allowed by law, at a full settlement of the 15637  
treasurer. 15638

(F) Within thirty days after the day of each settlement of 15639  
taxes required under divisions (A) and (C) of this section, the 15640  
treasurer shall certify to the tax commissioner any adjustments 15641  
that have been made to the amount certified previously pursuant to 15642  
section 319.302 of the Revised Code and that the settlement has 15643  
been completed. Upon receipt of such certification, the 15644  
commissioner shall provide for payment to the county treasurer 15645  
from the general revenue fund of an amount equal to one-half of 15646  
the amount certified by the treasurer in the preceding tax year 15647  
under section 319.302 of the Revised Code, less one-half of the 15648  
amount computed for all taxing districts in that county for the 15649  
current fiscal year under section 5703.80 of the Revised Code for 15650  
crediting to the property tax administration fund. Such payment 15651  
shall be credited upon receipt to the county's undivided income 15652  
tax fund, and the county auditor shall transfer to the county 15653  
general fund from the amount thereof the total amount of all fees 15654  
and charges which the auditor and treasurer would have been 15655

authorized to receive had such section not been in effect and that 15656  
amount had been levied and collected as taxes. The county auditor 15657  
shall distribute the amount remaining among the various taxing 15658  
districts in the county as if it had been levied, collected, and 15659  
settled as real property taxes. The amount distributed to each 15660  
taxing district shall be reduced by the total of the amounts 15661  
computed for the district under section 5703.80 of the Revised 15662  
Code, but the reduction shall not exceed the amount that otherwise 15663  
would be distributed to the taxing district under this division. 15664  
The tax commissioner shall make available to taxing districts such 15665  
information as is sufficient for a taxing district to be able to 15666  
determine the amount of the reduction in its distribution under 15667  
this section. 15668

(G)(1) Within thirty days after the day of the settlement 15669  
required in division (D) of this section, the county treasurer 15670  
shall notify the tax commissioner that the settlement has been 15671  
completed. Upon receipt of that notification, the commissioner 15672  
shall provide for payment to the county treasurer from the general 15673  
revenue fund of an amount equal to the amount certified under 15674  
former section 319.311 of the Revised Code and paid in the state's 15675  
fiscal year 2003 multiplied by the percentage specified in 15676  
division (G)(2) of this section. The payment shall be credited 15677  
upon receipt to the county's undivided income tax fund, and the 15678  
county auditor shall distribute the amount thereof among the 15679  
various taxing districts of the county as if it had been levied, 15680  
collected, and settled as personal property taxes. The amount 15681  
received by a taxing district under this division shall be 15682  
apportioned among its funds in the same proportion as the current 15683  
year's personal property taxes are apportioned. 15684

(2) Payments required under division (G)(1) of this section 15685  
shall be made at the following percentages of the amount certified 15686  
under former section 319.311 of the Revised Code and paid under 15687

division (G)(1) of this section in the state's fiscal year 2003:	15688
(a) In fiscal year 2004, ninety per cent;	15689
(b) In fiscal year 2005, eighty per cent;	15690
(c) In fiscal year 2006, sixty-four per cent;	15691
(d) In fiscal year 2007, forty per cent;	15692
(e) In fiscal year 2008, thirty-two per cent;	15693
(f) In fiscal year 2009, sixteen per cent.	15694
After fiscal year 2009, no payments shall be made under	15695
division (G)(1) of this section.	15696
(H)(1) On or before the fifteenth day of April each year, the	15697
county treasurer shall settle with the county auditor for all	15698
manufactured home taxes that the county treasurer has collected on	15699
the manufactured home tax duplicate at the time of making the	15700
settlement.	15701
(2) On or before the fifteenth day of September each year,	15702
the county treasurer shall settle with the county auditor for all	15703
remaining manufactured home taxes that the county treasurer has	15704
collected on the manufactured home tax duplicate at the time of	15705
making the settlement.	15706
(3) If the time for payment of such taxes is extended under	15707
section 4503.06 of the Revised Code, the time for making the	15708
settlement as prescribed by divisions (H)(1) and (2) of this	15709
section is extended for a like period of time.	15710
(I) <del>Within thirty days after the day of each settlement of</del>	15711
<del>taxes required under division (H) of this section</del> <u>On or before the</u>	15712
<u>second Monday in September of each year</u> , the county treasurer	15713
shall certify to the tax commissioner <del>any adjustments that have</del>	15714
<del>been made to the amount certified previously</del> <u>the total amount by</u>	15715
<u>which the manufactured home taxes levied in that year were reduced</u>	15716
pursuant to section 319.302 of the Revised Code <del>and that the</del>	15717

~~settlement has been completed. Upon. Within ninety days after the~~ 15718  
receipt of such certification, the commissioner shall provide for 15719  
payment to the county treasurer from the general revenue fund of 15720  
an amount equal to ~~one-half of~~ the amount certified by the 15721  
treasurer ~~in the current tax year under section 319.302 of the~~ 15722  
~~Revised Code.~~ Such payment shall be credited upon receipt to the 15723  
county's undivided income tax fund, and the county auditor shall 15724  
transfer to the county general fund from the amount thereof the 15725  
total amount of all fees and charges that the auditor and 15726  
treasurer would have been authorized to receive had such section 15727  
not been in effect and that amount had been levied and collected 15728  
as manufactured home taxes. The county auditor shall distribute 15729  
the amount remaining among the various taxing districts in the 15730  
county as if it had been levied, collected, and settled as 15731  
manufactured home taxes. 15732

**Sec. 323.156.** (A) Within thirty days after a settlement of 15733  
taxes under divisions (A), and (C), ~~and (H)~~ of section 321.24 of 15734  
the Revised Code, the county treasurer shall certify to the tax 15735  
commissioner one-half of the total amount of taxes on real 15736  
property that were reduced pursuant to section 323.152 of the 15737  
Revised Code for the preceding tax year, ~~and one-half of the total~~ 15738  
~~amount of taxes on manufactured and mobile homes that were reduced~~ 15739  
~~pursuant to division (B) of section 323.152 of the Revised Code~~ 15740  
~~for the current tax year.~~ The commissioner, within thirty days of 15741  
the receipt of such certifications, shall provide for payment to 15742  
the county treasurer, from the general revenue fund, of the amount 15743  
certified, which shall be credited upon receipt to the county's 15744  
undivided income tax fund, and an amount equal to two per cent of 15745  
the amount by which taxes were reduced, which shall be credited 15746  
upon receipt to the county general fund as a payment, in addition 15747  
to the fees and charges authorized by sections 319.54 and 321.26 15748  
of the Revised Code, to the county auditor and treasurer for the 15749

costs of administering the exemption provided under sections 15750  
323.151 to 323.159 of the Revised Code. 15751

(B) On or before the second Monday in September of each year, 15752  
the county treasurer shall certify to the tax commissioner the 15753  
total amount by which the manufactured home taxes levied in that 15754  
year were reduced pursuant to division (B) of section 323.152 of 15755  
the Revised Code, as evidenced by the certificates of reduction 15756  
and the tax duplicate certified to the county treasurer by the 15757  
county auditor. The commissioner, within ninety days after the 15758  
receipt of such certifications, shall provide for payment to the 15759  
county treasurer, from the general revenue fund, of the amount 15760  
certified, which shall be credited upon receipt to the county's 15761  
undivided income tax fund, and an amount equal to two per cent of 15762  
the amount by which taxes were reduced, which shall be credited 15763  
upon receipt to the county general fund as a payment, in addition 15764  
to the fees and charges authorized by sections 319.54 and 321.26 15765  
of the Revised Code, to the county auditor and treasurer for the 15766  
costs of administering the exemption provided under sections 15767  
323.151 to 323.159 of the Revised Code. 15768

(C) Immediately upon receipt of funds into the county 15769  
undivided income tax fund under this section, the auditor shall 15770  
distribute the full amount thereof among the taxing districts in 15771  
the county as though the total had been paid as taxes by each 15772  
person for whom taxes were reduced under sections 323.151 to 15773  
323.159 of the Revised Code. 15774

**Sec. 323.78.** Notwithstanding anything in Chapters 323., 15775  
5721., and 5723. of the Revised Code, if the county treasurer ~~of a~~ 15776  
~~county having a population of more than one million two hundred~~ 15777  
~~thousand as of the most recent decennial census,~~ in any petition 15778  
for foreclosure of abandoned lands, elects to invoke the 15779  
alternative redemption period, then upon any adjudication of 15780

foreclosure by any court or the board of revision in any 15781  
proceeding under section 323.25, sections 323.65 to 323.79, or 15782  
section 5721.18 of the Revised Code, the following apply: 15783

(A) Unless otherwise ordered by a motion of the court or 15784  
board of revision, the petition shall assert, and any notice of 15785  
final hearing shall include, that upon foreclosure of the parcel, 15786  
the equity of redemption in any parcel by its owner shall be 15787  
forever terminated after the expiration of the alternative 15788  
redemption period, that the parcel thereafter may be sold at 15789  
sheriff's sale either by itself or together with other parcels as 15790  
permitted by law; or that the parcel may, by order of the court or 15791  
board of revision, be transferred directly to a municipal 15792  
corporation, township, county, school district, or county land 15793  
reutilization corporation without appraisal and without a sale, 15794  
free and clear of all impositions and any other liens on the 15795  
property, which shall be deemed forever satisfied and discharged. 15796

(B) After the expiration of the alternative redemption period 15797  
following an adjudication of foreclosure, by order of the court or 15798  
board of revision, any equity of redemption is forever 15799  
extinguished, and the parcel may be transferred individually or in 15800  
lots with other tax-foreclosed properties to a municipal 15801  
corporation, township, county, school district, or county land 15802  
reutilization corporation without appraisal and without a sale, 15803  
upon which all impositions and any other liens subordinate to 15804  
liens for impositions due at the time the deed to the property is 15805  
conveyed to a purchaser or transferred to a community development 15806  
organization, county land reutilization corporation, municipal 15807  
corporation, county, township, or school district, shall be deemed 15808  
satisfied and discharged. Other than the order of the court or 15809  
board of revision so ordering the transfer of the parcel, no 15810  
further act of confirmation or other order shall be required for 15811  
such a transfer, or for the extinguishment of any right of 15812

redemption. No such parcel shall be transferred to a county land 15813  
reutilization corporation after two years following the filing of 15814  
its articles of incorporation by the secretary of state. 15815

(C) Upon the expiration of the alternative redemption period 15816  
in cases to which the alternative redemption period has been 15817  
ordered, if no community development organization, county land 15818  
reutilization corporation, municipal corporation, county, 15819  
township, or school district has requested title to the parcel, 15820  
the court or board of revision may order the property sold as 15821  
otherwise provided in Chapters 323. and 5721. of the Revised Code, 15822  
and, failing any bid at any such sale, the parcel shall be 15823  
forfeited to the state and otherwise disposed of pursuant to 15824  
Chapter 5723. of the Revised Code. 15825

**Sec. 329.03.** (A) As used in this section: 15826

~~(1) "Applicant", "applicant" or "recipient" means an any of~~ 15827  
the following: 15828

(1) An applicant for or participant in the Ohio works first 15829  
program established under Chapter 5107. of the Revised Code ~~or an;~~ 15830

(2) An applicant for or recipient of disability financial 15831  
assistance under Chapter 5115. of the Revised Code; 15832

(3) An applicant for or recipient of cash assistance provided 15833  
under the refugee assistance program established under section 15834  
5101.49 of the Revised Code. 15835

~~(2) "Voluntary direct deposit" means a system established~~ 15836  
~~pursuant to this section under which cash assistance payments to~~ 15837  
~~recipients who agree to direct deposit are made by direct deposit~~ 15838  
~~by electronic transfer to an account in a financial institution~~ 15839  
~~designated under this section.~~ 15840

~~(3) "Mandatory direct deposit" means a system established~~ 15841  
~~pursuant to this section under which cash assistance payments to~~ 15842



~~all participants in the Ohio works first program or recipients of  
disability financial assistance, other than those exempt under  
division (E) of this section, are made by direct deposit by  
electronic transfer to an account in a financial institution  
designated under this section.~~

~~(B) A board of county commissioners may by adoption of a  
resolution require the county department of job and family  
services to establish a direct deposit system for distributing  
cash assistance payments under Ohio works first, disability  
financial assistance, or both, unless the director of job and  
family services has provided for those payments to be made by  
electronic benefit transfer pursuant to section 5101.33 of the  
Revised Code. Voluntary or mandatory direct deposit may be applied  
to either of the programs. The resolution shall specify for each  
program for which direct deposit is to be established whether  
direct deposit is voluntary or mandatory. The board may require  
the department to change or terminate direct deposit by adopting a  
resolution to change or terminate it. Within ninety days after  
adopting a resolution under this division, the board shall certify  
one copy of the resolution to the director of job and family  
services and one copy to the office of budget and management. The  
director of job and family services may adopt rules governing  
establishment of direct deposit by county departments of job and  
family services.~~

~~The county department of job and family services shall  
determine what type of account will be used for direct deposit and  
negotiate with financial institutions to determine the charges, if  
any, to be imposed by a financial institution for establishing and  
maintaining such accounts. Under voluntary direct deposit, the  
county department of job and family services may pay all charges  
imposed by a financial institution for establishing and  
maintaining an account in which direct deposits are made for a~~

~~recipient. Under mandatory direct deposit, the county department~~ 15875  
~~of job and family services shall pay all charges imposed by a~~ 15876  
~~financial institution for establishing and maintaining such an~~ 15877  
~~account~~ Each county department of job and family services shall 15878  
establish a direct deposit system under which cash assistance 15879  
payments to recipients who agree to direct deposit are made by 15880  
electronic transfer to an account in a financial institution 15881  
designated under this section. No financial institution shall 15882  
impose any charge for such an account that the institution does 15883  
not impose on its other customers for the same type of account. 15884  
Direct deposit does not affect the exemption of Ohio works first 15885  
and disability financial assistance from attachment, garnishment, 15886  
or other like process afforded by sections 5107.75 and 5115.06 of 15887  
the Revised Code. 15888

(C) ~~The~~ Each county department of job and family services 15889  
shall, ~~within sixty days after a resolution requiring the~~ 15890  
~~establishment of direct deposit is adopted, establish procedures~~ 15891  
~~governing direct deposit.~~ 15892

~~Within one hundred eighty days after the resolution is~~ 15893  
~~adopted, the county department shall~~ do all of the following: 15894

(1) Inform each applicant or recipient that the applicant or 15895  
recipient must choose whether to receive cash assistance payments 15896  
under the direct deposit system established under this section or 15897  
under the electronic benefit transfer system established under 15898  
section 5101.33 of the Revised Code; 15899

(2) Inform each applicant and recipient of the conditions 15900  
under which the applicant or recipient may change the system used 15901  
to receive the cash assistance payments; 15902

(3) Inform each applicant or recipient of the procedures 15903  
governing the direct deposit, including in the case of voluntary 15904  
direct deposit those that prescribe the conditions under which a 15905

~~recipient may change from one method of payment to another system;~~ 15906

~~(2) Obtain (4) If an applicant or recipient chooses to 15907  
receive cash assistance payments under the direct deposit system, 15908  
obtain from ~~each~~ the applicant or recipient an authorization form 15909  
to designate a financial institution equipped for and authorized 15910  
by law to accept direct deposits by electronic transfer and the 15911  
account into which the applicant or recipient wishes the payments 15912  
to be made, ~~or in the case of voluntary direct deposit states the~~ 15913  
~~applicant's or recipient's election to receive such payments in~~ 15914  
~~the form of a paper warrant;~~ 15915~~

(5) If an applicant or recipient chooses to receive cash 15916  
assistance payments under the electronic benefit transfer system 15917  
established under section 5101.33 of the Revised Code, obtain from 15918  
the applicant or recipient a signed form to that effect. 15919

The department may require a recipient to complete a new 15920  
authorization form whenever the department considers it necessary. 15921

A recipient's designation of a financial institution and 15922  
account shall remain in effect until withdrawn in writing or 15923  
dishonored by the financial institution, except that no change may 15924  
be made in the authorization form until the next eligibility 15925  
redetermination of the recipient unless the county department 15926  
~~feels~~ determines that good ~~grounds exist~~ cause exists for an 15927  
earlier change or the financial institution dishonors the 15928  
recipient's account. 15929

(D) An applicant or recipient without an account who ~~either~~ 15930  
~~agrees or is required~~ completes an authorization form to receive 15931  
cash assistance payments by direct deposit shall have ten days 15932  
after receiving the authorization form to designate an account 15933  
suitable for direct deposit. If within the required time the 15934  
applicant or recipient does not make the designation ~~or requests~~ 15935  
~~that the department make the designation, the department~~ recipient 15936

~~shall designate a financial institution and help the recipient to~~ 15937  
~~open an account receive cash assistance payments under the~~ 15938  
~~electronic benefit transfer system established under section~~ 15939  
~~5101.33 of the Revised Code.~~ 15940

~~(E) At the time of giving an applicant or recipient the~~ 15941  
~~authorization form, the county department of job and family~~ 15942  
~~services of a county with mandatory direct deposit shall inform~~ 15943  
~~each applicant or recipient of the basis for exemption and the~~ 15944  
~~right to request exemption from direct deposit.~~ 15945

~~Under mandatory direct deposit, an applicant or recipient who~~ 15946  
~~wishes to receive payments in the form of a paper warrant shall~~ 15947  
~~record on the authorization form a request for exemption under~~ 15948  
~~this division and the basis for the exemption.~~ 15949

~~The department shall exempt from mandatory direct deposit any~~ 15950  
~~recipient who requests exemption and is any of the following:~~ 15951

~~(1) Over age sixty five;~~ 15952

~~(2) Blind or disabled;~~ 15953

~~(3) Likely, in the judgment of the department, to be caused~~ 15954  
~~personal hardship by direct deposit.~~ 15955

~~A recipient granted an exemption under this division shall~~ 15956  
~~receive payments for which the recipient is eligible in the form~~ 15957  
~~of paper warrants.~~ 15958

~~(F) The county department of job and family services shall~~ 15959  
~~bear the full cost of the amount of any replacement warrant issued~~ 15960  
~~to a recipient for whom an authorization form as provided in this~~ 15961  
~~section has not been obtained within one hundred eighty days after~~ 15962  
~~the later of the date the board of county commissioners adopts a~~ 15963  
~~resolution requiring payments of financial assistance by direct~~ 15964  
~~deposit to accounts of recipients of Ohio works first or~~ 15965  
~~disability financial assistance or the date the recipient made~~ 15966

~~application for assistance, and shall not be reimbursed by the~~ 15967  
~~state for any part of the cost. Thereafter, the county department~~ 15968  
~~of job and family services shall continue to bear the full cost of~~ 15969  
~~each replacement warrant issued until the board of county~~ 15970  
~~commissioners requires the county department of job and family~~ 15971  
~~services to obtain from each such recipient the authorization~~ 15972  
~~forms as provided in The director of job and family services may~~ 15973  
~~adopt rules governing direct deposit systems established under~~ 15974  
~~this section.~~ 15975

**Sec. 329.042.** ~~The Each county department of job and family~~ 15976  
~~services shall certify eligible public assistance and nonpublic~~ 15977  
~~assistance households eligible under the "Food Stamp Act of 1964,"~~ 15978  
~~78 Stat. 703, 7 U.S.C.A. 2011, as amended, and for the~~ 15979  
~~supplemental nutrition assistance program in accordance with~~ 15980  
~~federal and state regulations adopted pursuant to such act, law to~~ 15981  
~~enable low-income households to participate in the food stamp~~ 15982  
~~supplemental nutrition assistance program and thereby to purchase~~ 15983  
~~foods having a greater monetary value than is possible under~~ 15984  
~~public assistance standard allowances or other low-income budgets.~~ 15985

~~The Each county department of job and family services shall~~ 15986  
~~administer the distribution of food stamp supplemental nutrition~~ 15987  
~~assistance program benefits under the supervision of the~~ 15988  
~~department of job and family services. The benefits shall be~~ 15989  
~~distributed by a method approved by the department of job and~~ 15990  
~~family services in accordance with the "Food Stamp and Nutrition~~ 15991  
~~Act of 1964," 78 Stat. 703, 2008 (7 U.S.C.A. 2011, as amended, et~~ 15992  
~~seq.) and regulations issued thereunder.~~ 15993

~~The document referred to as the "authorization to participate~~ 15994  
~~card," which shows the face value of the benefits an eligible~~ 15995  
~~household is entitled to receive on presentment of the document,~~ 15996  
~~shall be issued, immediately upon certification, to a household~~ 15997

~~determined under division (C) of section 5101.54 of the Revised Code to be in immediate need of food assistance by being personally handed by a member of the staff of the county department of job and family services to the member of the household in whose name application was made for participation in the program or the authorized representative of such member of the household.~~

**Sec. 329.06.** (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:

(1) Consumers of family services;

(2) The public children services agency;

(3) The child support enforcement agency;

(4) The county family and children first council;

(5) Public and private colleges and universities;

(6) Public entities that provide family services, including boards of health, boards of education, the county board of mental retardation and developmental disabilities, and the board of

alcohol, drug addiction, and mental health services that serves 16028  
the county; 16029

(7) Private nonprofit and for-profit entities that provide 16030  
family services in the county or that advocate for consumers of 16031  
family services in the county, including entities that provide 16032  
services to or advocate for victims of domestic violence; 16033

(8) Labor organizations; 16034

(9) Any other group or entity that has an interest in the 16035  
family services provided in the county, including groups or 16036  
entities that represent any of the county's business, urban, and 16037  
rural sectors. 16038

(B) The county family services planning committee shall do 16039  
all of the following: 16040

(1) Serve as an advisory body to the board of county 16041  
commissioners with regard to the family services provided in the 16042  
county, including assistance under Chapters 5107. and 5108. of the 16043  
Revised Code, publicly funded child care under Chapter 5104. of 16044  
the Revised Code, and social services provided under section 16045  
5101.46 of the Revised Code; 16046

(2) At least once a year, review and analyze the county 16047  
department of job and family services' implementation of the 16048  
programs established under Chapters 5107. and 5108. of the Revised 16049  
Code. In its review, the committee shall use information available 16050  
to it to examine all of the following: 16051

(a) Return of assistance groups to participation in either 16052  
program after ceasing to participate; 16053

(b) Teen pregnancy rates among the programs' participants; 16054

(c) The other types of assistance the programs' participants 16055  
receive, including ~~medical assistance~~ medicaid under Chapter 5111. 16056  
of the Revised Code, publicly funded child care under Chapter 16057

5104. of the Revised Code, ~~food-stamp~~ supplemental nutrition 16058  
assistance program benefits under section 5101.54 of the Revised 16059  
Code, and energy assistance under Chapter 5117. of the Revised 16060  
Code; 16061

(d) Other issues the committee considers appropriate. 16062

The committee shall make recommendations to the board of 16063  
county commissioners and county department of job and family 16064  
services regarding the committee's findings. 16065

(3) Conduct public hearings on proposed county profiles for 16066  
the provision of social services under section 5101.46 of the 16067  
Revised Code; 16068

(4) At the request of the board, make recommendations and 16069  
provide assistance regarding the family services provided in the 16070  
county; 16071

(5) At any other time the committee considers appropriate, 16072  
consult with the board and make recommendations regarding the 16073  
family services provided in the county. The committee's 16074  
recommendations may address the following: 16075

(a) Implementation and administration of family service 16076  
programs; 16077

(b) Use of federal, state, and local funds available for 16078  
family service programs; 16079

(c) Establishment of goals to be achieved by family service 16080  
programs; 16081

(d) Evaluation of the outcomes of family service programs; 16082

(e) Any other matter the board considers relevant to the 16083  
provision of family services. 16084

(C) If there is a committee in existence in a county on 16085  
October 1, 1997, that the board of county commissioners determines 16086  
is capable of fulfilling the responsibilities of a county family 16087



services planning committee, the board may designate the committee 16088  
as the county's family services planning committee and the 16089  
committee shall serve in that capacity. 16090

**Sec. 340.033.** (A) The board of alcohol, drug addiction, and 16091  
mental health services shall serve as the planning agency for 16092  
alcohol and drug addiction services for the county or counties in 16093  
its service district. In accordance with procedures and guidelines 16094  
established by the department of alcohol and drug addiction 16095  
services, the board shall do all of the following: 16096

(1) Assess alcohol and drug addiction service needs and 16097  
evaluate the need for alcohol and drug addiction programs; 16098

(2) According to the needs determined under division (A)(1) 16099  
of this section, set priorities and develop plans for the 16100  
operation of alcohol and drug addiction programs in cooperation 16101  
with other local and regional planning and funding bodies and with 16102  
relevant ethnic organizations; 16103

(3) Submit the plan for alcohol and drug addiction services 16104  
required by section 3793.05 of the Revised Code to the department 16105  
and implement the plan as approved by the department; 16106

(4) Provide to the department information to be included in 16107  
the information system or systems established by the department 16108  
under section 3793.04 of the Revised Code; 16109

(5) Enter into contracts with alcohol and drug addiction 16110  
programs for the provision of alcohol and drug addiction services; 16111

(6) Review and evaluate alcohol and drug addiction programs 16112  
in the district, and conduct program audits; 16113

(7) Prepare and submit to the department an annual report of 16114  
the alcohol and drug addiction programs in the district; 16115

(8) Receive, compile, and transmit to the department 16116  
applications for funding; 16117

(9) Promote, arrange, and implement working agreements with public and private social agencies and with judicial agencies;	16118 16119
(10) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from an alcohol or drug addiction program;	16120 16121 16122
(11) Establish a mechanism for the involvement of persons receiving services in, and obtaining their advice on, matters pertaining to alcohol or drug addiction services;	16123 16124 16125
(12) Recruit and promote local financial support, from private and public sources, for alcohol and drug addiction programs;	16126 16127 16128
(13) Approve fee schedules and related charges, adopt a unit cost schedule, or adopt other methods of payment for services provided by programs under contract pursuant to division (A)(5) of this section, in accordance with guidelines established by the department under section 3793.04 of the Revised Code.	16129 16130 16131 16132 16133
(B) In accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually the board shall audit all alcohol and drug addiction programs provided under contract with the board. The board may contract with private auditors for the performance of these audits. A copy of the fiscal audit report shall be provided to the director of alcohol and drug addiction services, the auditor of state, and the county auditor of each county in the board's district.	16134 16135 16136 16137 16138 16139 16140 16141
(C) In contracting with a program under division (A)(5) of this section, a board shall consider the cost effectiveness of services provided by the program and the program's quality and continuity of care. The board may review cost elements, including salary costs, of the services provided by the program.	16142 16143 16144 16145 16146
A utilization review process shall be established as part of the contract for services. The board may establish this process in	16147 16148

any way that it considers to be the most effective and efficient 16149  
in meeting local needs. 16150

(D) If either the board or a program with which it contracts 16151  
pursuant to division (A)(5) of this section proposes not to renew 16152  
the contract or proposes substantial changes in contract terms on 16153  
renewal of the contract, it shall give the other party to the 16154  
contract written notice at least one hundred twenty days before 16155  
the expiration date of the contract. During the first sixty days 16156  
of this period, both parties shall attempt to resolve any dispute 16157  
through good faith collaboration and negotiation in order that 16158  
services to persons in need will be continued. If the dispute is 16159  
not resolved during this time, either party may notify the 16160  
department of alcohol and drug addiction services. The department 16161  
may require both parties to submit the dispute to a mutually 16162  
agreed upon third party with the cost to be shared by the board 16163  
and the program. At least twenty days before the expiration of the 16164  
contract, unless the board and the program agree to an extension, 16165  
the third party shall issue to the board, program, and department, 16166  
its recommendations for resolution of the dispute. 16167

The department shall adopt rules pursuant to Chapter 119. of 16168  
the Revised Code establishing procedures for this dispute 16169  
resolution process. 16170

(E) Section 307.86 of the Revised Code does not apply to 16171  
contracts entered into pursuant to division (A)(5) of this 16172  
section. 16173

(F)(1) With the prior approval of the department, a board of 16174  
alcohol, drug addiction, and mental health services may operate an 16175  
alcohol or drug addiction program as follows if there is no 16176  
qualified program that is immediately available, willing to 16177  
provide services, and able to obtain certification under Chapter 16178  
3793. of the Revised Code: 16179

(a) In an emergency situation, any board may operate a program in order to provide essential services for the duration of the emergency;

(b) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a program for no longer than one year;

(c) In a service district with a population of less than one hundred thousand, a board may operate a program for no longer than one year, except that such a board may operate a program for longer than one year with the prior approval of the department and the prior approval of the board of county commissioners, or of a majority of the boards of county commissioners if the district is a joint-county district.

(2) The department shall not give a board its approval to operate a program under division (F)(1)(c) of this section unless it determines that the board's program will provide greater administrative efficiency and more or better services than would be available if the board contracted with a program for provision of the services.

(3) The department shall not give a board its approval to operate a program previously operated by a public or private entity unless the board has established to the department's satisfaction that the entity cannot effectively operate the program, or that the entity has requested the board to take over operation of the program.

(4) The department shall review and evaluate the operation of each program operated by a board under this division.

(5) Nothing in this division authorizes a board to administer or direct the daily operation of any program other than a program operated by the board under this division, but a program may contract with a board to receive administrative services or staff

direction from the board under the direction of the governing body 16211  
of the program. 16212

(G) If an investigation conducted pursuant to division 16213  
(A)(10) of this section substantiates a charge of abuse or 16214  
neglect, the board shall take whatever action it determines is 16215  
necessary to correct the situation, including notification of the 16216  
appropriate authorities. On request, the board shall provide 16217  
information about such investigations to the department. 16218

(H) When the board sets priorities and develops plans for the 16219  
operation of alcohol and drug addiction programs under division 16220  
(A)(2) of this section, the board shall consult with the county 16221  
commissioners of the counties in the board's service district 16222  
regarding the services described in section 340.15 of the Revised 16223  
Code and shall give a priority to those services, except that 16224  
those services shall not have priority over services provided to 16225  
pregnant women under programs developed in relation to the mandate 16226  
established in section 3793.15 of the Revised Code. The plans 16227  
shall identify funds the board and public children services 16228  
agencies in the board's service district have available to fund 16229  
jointly the services described in section 340.15 of the Revised 16230  
Code. 16231

**Sec. 343.01.** (A) In order to comply with division (B) of 16232  
section 3734.52 of the Revised Code, the board of county 16233  
commissioners of each county shall do one of the following: 16234

(1) Establish, by resolution, and maintain a county solid 16235  
waste management district under this chapter that consists of all 16236  
the incorporated and unincorporated territory within the county 16237  
except as otherwise provided in division (A) of this section; 16238

(2) With the boards of county commissioners of one or more 16239  
other counties establish, by agreement, and maintain a joint solid 16240  
waste management district under this chapter that consists of all 16241

the incorporated and unincorporated territory within the counties 16242  
forming the joint district except as otherwise provided in 16243  
division (A) of this section. 16244

If a municipal corporation is located in more than one solid 16245  
waste management district, the entire municipal corporation shall 16246  
be considered to be included in and shall be under the 16247  
jurisdiction of the district in which a majority of the population 16248  
of the municipal corporation resides. 16249

A county and joint district established to comply with 16250  
division (B) of section 3734.52 of the Revised Code shall have a 16251  
population of not less than one hundred twenty thousand unless, in 16252  
the instance of a county district, the board of county 16253  
commissioners has obtained an exemption from that requirement 16254  
under division (C)(1) or (2) of that section. Each joint district 16255  
established to comply with an order issued under division (D) of 16256  
that section shall have a population of at least one hundred 16257  
twenty thousand. 16258

(B) The boards of county commissioners of the counties 16259  
establishing a joint district constitute, collectively, the board 16260  
of directors of the joint district, except that if a county with a 16261  
form of legislative authority other than a board of county 16262  
commissioners participates, it shall be represented on the board 16263  
of directors by three persons appointed by the legislative 16264  
authority. 16265

The agreement to establish and maintain a joint district 16266  
shall be ratified by resolution of the board of county 16267  
commissioners of each participating county. Upon ratification, the 16268  
board of directors shall take control of and manage the joint 16269  
district subject to this chapter, except that, in the case of a 16270  
joint district formed pursuant to division (C), (D), or (E) of 16271  
section 343.012 of the Revised Code, the board of directors shall 16272  
take control of and manage the district when the formation of the 16273

district becomes final under the applicable division. A majority 16274  
of the board of directors constitutes a quorum, and a majority 16275  
vote is required for the board to act. 16276

A county participating in a joint district may contribute 16277  
lands or rights or interests therein, money, other personal 16278  
property or rights or interests therein, or services to the 16279  
district. The agreement shall specify any contributions of 16280  
participating counties and the rights of the participating 16281  
counties in lands or personal property, or rights or interests 16282  
therein, contributed to or otherwise acquired by the joint 16283  
district. The agreement may be amended or added to by a majority 16284  
vote of the board of directors, but no amendment or addition shall 16285  
divest a participating county of any right or interest in lands or 16286  
personal property without its consent. 16287

The board of directors may appoint and fix the compensation 16288  
of employees of, accept gifts, devises, and bequests for, and take 16289  
other actions necessary to control and manage the joint district. 16290  
Employees of the district shall be considered county employees for 16291  
the purposes of Chapter 124. of the Revised Code and other 16292  
provisions of state law applicable to employees. Instead of or in 16293  
addition to appointing employees of the district, the board of 16294  
directors may agree to use employees of one or more of the 16295  
participating counties in the service of the joint district and to 16296  
share in their compensation in any manner that may be agreed upon. 16297

The board of directors shall do one of the following: 16298

(1) Designate the county auditor, including any other 16299  
official acting in a capacity similar to a county auditor under a 16300  
county charter, of a county participating in the joint district as 16301  
the fiscal officer of the district, and the county treasurer, or 16302  
other official acting in a capacity similar to a county treasurer 16303  
under a county charter, of that county as the treasurer of the 16304  
district. The designated county officials shall perform any 16305

applicable duties for the district as each typically performs for 16306  
the county of which he the individual is an official, except as 16307  
otherwise may be provided in any bylaws or resolutions adopted by 16308  
the board of directors. The board of directors may pay to that 16309  
county any amount agreed upon by the board of directors and the 16310  
board of county commissioners of that county to reimburse that 16311  
county for the cost properly allocable to the service of its 16312  
officials as fiscal officer and treasurer of the joint district. 16313

(2) Appoint one individual who is neither a county auditor 16314  
nor a county treasurer, and who may be an employee of the 16315  
district, to serve as both the treasurer of the district and its 16316  
fiscal officer. That individual shall act as custodian of the 16317  
funds of the board and the district and shall maintain all 16318  
accounts of the district. Any reference in this chapter or Chapter 16319  
3734. of the Revised Code to a county auditor or county treasurer 16320  
serving as fiscal officer of a district or custodian of any funds 16321  
of a board or district is deemed to refer to an individual 16322  
appointed under division (B)(2) of this section. 16323

The fiscal officer of a district shall establish a general 16324  
fund and any other necessary funds for the district. 16325

(C) A board of county commissioners of a county district or 16326  
board of directors of a joint district may acquire, by purchase or 16327  
lease, construct, improve, enlarge, replace, maintain, and operate 16328  
such solid waste collection systems within their respective 16329  
districts and such solid waste facilities within or outside their 16330  
respective districts as are necessary for the protection of the 16331  
public health. A board of county commissioners may acquire within 16332  
its county real property or any estate, interest, or right 16333  
therein, by appropriation or any other method, for use by a county 16334  
or joint district in connection with such facilities. 16335  
Appropriation proceedings shall be conducted in accordance with 16336  
sections 163.01 to 163.22 of the Revised Code. 16337



(D) The sanitary engineer or sanitary engineering department 16338  
of a county maintaining a district and any sanitary engineer or 16339  
sanitary engineering department of a county in a joint district, 16340  
as determined by the board of directors, in addition to other 16341  
duties assigned to that engineer or department, shall assist the 16342  
board of county commissioners or directors in the performance of 16343  
their duties under this chapter and sections 3734.52 to 3734.575 16344  
of the Revised Code and shall be charged with any other duties and 16345  
services in relation thereto that the board prescribes. A board 16346  
may employ registered professional engineers to assist the 16347  
sanitary engineer in those duties and also may employ financial 16348  
advisers and any other professional services it considers 16349  
necessary to assist it in the construction, financing, and 16350  
maintenance of solid waste collection or other solid waste 16351  
facilities. Such contracts of employment shall not require the 16352  
certificate provided in section 5705.41 of the Revised Code. 16353  
Payment for such services may be made from the general fund or any 16354  
other fund legally available for that use at times that are agreed 16355  
upon or as determined by the board of county commissioners or 16356  
directors, and the funds may be reimbursed from the proceeds of 16357  
bonds or notes issued to pay the cost of any improvement to which 16358  
the services related. 16359

(E)(1) The prosecuting attorney of the county shall serve as 16360  
the legal advisor of a county district and shall provide such 16361  
services to the board of county commissioners of the district as 16362  
are required or authorized to be provided to other county boards 16363  
under Chapter 309. of the Revised Code, except that, if the board 16364  
considers it to be necessary or appropriate, the board, on its own 16365  
initiative, may employ an attorney or other legal counsel on an 16366  
annual basis to serve as the legal advisor of the district in 16367  
place of the prosecuting attorney. When the prosecuting attorney 16368  
is serving as the district's legal advisor and the board considers 16369  
it to be necessary or appropriate, the board, on its own 16370

initiative, may employ an attorney or other legal counsel to 16371  
represent or advise the board regarding a particular matter in 16372  
place of the prosecuting attorney. The employment of an attorney 16373  
or other legal counsel on an annual basis or in a particular 16374  
matter is not subject to or governed by sections 305.14 and 309.09 16375  
of the Revised Code. 16376

Notwithstanding the employment of an attorney or other legal 16377  
counsel on an annual basis to serve as the district's legal 16378  
advisor, the board may require written opinions or instructions 16379  
from the prosecuting attorney under section 309.09 of the Revised 16380  
Code in matters connected with its official duties as though the 16381  
prosecuting attorney were serving as the legal advisor of the 16382  
district. 16383

(2) The board of directors of a joint district may designate 16384  
the prosecuting attorney of one of the counties forming the 16385  
district to serve as the legal advisor of the district. When so 16386  
designated, the prosecuting attorney shall provide such services 16387  
to the joint district as are required or authorized to be provided 16388  
to county boards under Chapter 309. of the Revised Code. The board 16389  
of directors may pay to that county any amount agreed upon by the 16390  
board of directors and the board of county commissioners of that 16391  
county to reimburse that county for the cost properly allocable to 16392  
the services of its prosecuting attorney as the legal advisor of 16393  
the joint district. When that prosecuting attorney is so serving 16394  
and the board considers it to be necessary or appropriate, the 16395  
board, on its own initiative, may employ an attorney or other 16396  
legal counsel to represent or advise the board regarding a 16397  
particular matter in place of the prosecuting attorney. 16398

Instead of designating the prosecuting attorney of one of the 16399  
counties forming the district to be the legal advisor of the 16400  
district, the board of directors may employ on an annual basis an 16401  
attorney or other legal counsel to serve as the district's legal 16402

advisor. Notwithstanding the employment of an attorney or other 16403  
legal counsel as the district's legal advisor, the board of 16404  
directors may require written opinions or instructions from the 16405  
prosecuting attorney of any of the counties forming the district 16406  
in matters connected with the board's official duties, and the 16407  
prosecuting attorney shall provide the written opinion or 16408  
instructions as though ~~he~~ the prosecuting attorney had been 16409  
designated to serve as the district's legal advisor under division 16410  
(E)(2) of this section. 16411

(F) A board of county commissioners may issue bonds or bond 16412  
anticipation notes of the county to pay the cost of preparing 16413  
general and detailed plans and other data required for the 16414  
construction of solid waste facilities in connection with a county 16415  
or joint district. A board of directors of a joint solid waste 16416  
management district may issue bonds or bond anticipation notes of 16417  
the joint solid waste management district to pay the cost of 16418  
preparing general and detailed plans and other data required for 16419  
the construction of solid waste facilities in connection with a 16420  
joint district. The bonds and notes shall be issued in accordance 16421  
with Chapter 133. of the Revised Code, except that the maximum 16422  
maturity of bonds issued for that purpose shall not exceed ten 16423  
years. Bond anticipation notes may be paid from the proceeds of 16424  
bonds issued either to pay the cost of the solid waste facilities 16425  
or to pay the cost of the plans and other data. 16426

(G) To the extent authorized by the solid waste management 16427  
plan of the district approved under section 3734.521 or 3734.55 of 16428  
the Revised Code or subsequent amended plans of the district 16429  
approved under section 3734.521 or 3734.56 of the Revised Code, 16430  
the board of county commissioners of a county district or board of 16431  
directors of a joint district may adopt, publish, and enforce 16432  
rules doing any of the following: 16433

(1) Prohibiting or limiting the receipt of solid wastes 16434

generated outside the district or outside a service area 16435  
prescribed in the solid waste management plan or amended plan, at 16436  
facilities ~~covered by the plan~~ located within the solid waste 16437  
management district, consistent with the projections contained in 16438  
the plan or amended plan under divisions (A)(6) and (7) of section 16439  
3734.53 of the Revised Code, ~~except that~~. However, rules adopted 16440  
by a board under division (G)(1) of this section may be adopted 16441  
and enforced with respect to facilities in the solid waste 16442  
management district that are not owned by a county or the solid 16443  
waste management district only if the board submits an application 16444  
to the director of environmental protection that demonstrates that 16445  
there is insufficient capacity to dispose of all solid wastes that 16446  
are generated within the district at the facilities located within 16447  
the district and the director approves the application. The 16448  
demonstration in the application shall be based on projections 16449  
contained in the plan or amended plan of the district. The 16450  
director shall establish the form of the application. The approval 16451  
or disapproval of such an application by the director is an action 16452  
that is appealable under section 3745.04 of the Revised Code. 16453

In addition, the director of environmental protection may 16454  
issue an order modifying a rule adopted under division (G)(1) of 16455  
this section to allow the disposal in the district of solid wastes 16456  
from another county or joint solid waste management district if 16457  
all of the following apply: 16458

(a) The district in which the wastes were generated does not 16459  
have sufficient capacity to dispose of solid wastes generated 16460  
within it for six months following the date of the director's 16461  
order; 16462

(b) No new solid waste facilities will begin operation during 16463  
those six months in the district in which the wastes were 16464  
generated and, despite good faith efforts to do so, it is 16465  
impossible to site new solid waste facilities within the district 16466

because of its high population density; 16467

(c) The district in which the wastes were generated has made 16468  
good faith efforts to negotiate with other districts to 16469  
incorporate its disposal needs within those districts' solid waste 16470  
management plans, including efforts to develop joint facilities 16471  
authorized under section 343.02 of the Revised Code, and the 16472  
efforts have been unsuccessful; 16473

(d) The district in which the wastes were generated has 16474  
located a facility willing to accept the district's solid wastes 16475  
for disposal within the receiving district; 16476

(e) The district in which the wastes were generated has 16477  
demonstrated to the director that the conditions specified in 16478  
divisions (G)(1)(a) to (d) of this section have been met; 16479

(f) The director finds that the issuance of the order will be 16480  
consistent with the state solid waste management plan and that 16481  
receipt of the out-of-district wastes will not limit the capacity 16482  
of the receiving district to dispose of its in-district wastes to 16483  
less than eight years. 16484

Any order issued under division (G)(1) of this section shall 16485  
not become final until thirty days after it has been served by 16486  
certified mail upon the county or joint solid waste management 16487  
district that will receive the out-of-district wastes. 16488

(2) Governing the maintenance, protection, and use of solid 16489  
waste collection or other solid waste facilities located within 16490  
its district. The rules adopted under division (G)(2) of this 16491  
section shall not establish design standards for solid waste 16492  
facilities and shall be consistent with the solid waste provisions 16493  
of Chapter 3734. of the Revised Code and the rules adopted under 16494  
those provisions. The rules adopted under division (G)(2) of this 16495  
section may prohibit any person, municipal corporation, township, 16496  
or other political subdivision from constructing, enlarging, or 16497

modifying any solid waste facility until general plans and 16498  
specifications for the proposed improvement have been submitted to 16499  
and approved by the board of county commissioners or board of 16500  
directors as complying with the solid waste management plan or 16501  
amended plan of the district. The construction of such a facility 16502  
shall be done under the supervision of the county sanitary 16503  
engineer or, in the case of a joint district, a county sanitary 16504  
engineer designated by the board of directors, and any person, 16505  
municipal corporation, township, or other political subdivision 16506  
proposing or constructing such improvements shall pay to the 16507  
county or joint district all expenses incurred by the board in 16508  
connection therewith. The sanitary engineer may enter upon any 16509  
public or private property for the purpose of making surveys or 16510  
examinations necessary for designing solid waste facilities or for 16511  
supervising the construction, enlargement, modification, or 16512  
operation of any such facilities. No person, municipal 16513  
corporation, township, or other political subdivision shall forbid 16514  
or interfere with the sanitary engineer or ~~his~~ the sanitary 16515  
engineer's authorized assistants entering upon such property for 16516  
that purpose. If actual damage is done to property by the making 16517  
of the surveys and examinations, a board shall pay the reasonable 16518  
value of that damage to the owner of the property damaged, and the 16519  
cost shall be included in the financing of the improvement for 16520  
which the surveys and examinations are made. 16521

(3) Governing the development and implementation of a program 16522  
for the inspection of solid wastes generated outside the 16523  
boundaries of this state that are disposed of at solid waste 16524  
facilities included in the district's solid waste management plan 16525  
or amended plan. A board of county commissioners or board of 16526  
directors or its authorized representative may enter upon the 16527  
premises of any solid waste facility included in the district's 16528  
solid waste management plan or amended plan for the purpose of 16529  
conducting the inspections required or authorized by the rules 16530

adopted under division (G)(3) of this section. No person, 16531  
municipal corporation, township, or other political subdivision 16532  
shall forbid or interfere with a board of county commissioners or 16533  
directors or its authorized representative entering upon the 16534  
premises of any such solid waste facility for that purpose. 16535

(4) Exempting the owner or operator of any existing or 16536  
proposed solid waste facility provided for in the plan or amended 16537  
plan from compliance with any amendment to a township zoning 16538  
resolution adopted under section 519.12 of the Revised Code or to 16539  
a county rural zoning resolution adopted under section 303.12 of 16540  
the Revised Code that rezoned or redistricted the parcel or 16541  
parcels upon which the facility is to be constructed or modified 16542  
and that became effective within two years prior to the filing of 16543  
an application for a permit required under division (A)(2)(a) of 16544  
section 3734.05 of the Revised Code to open a new or modify an 16545  
existing solid waste facility. 16546

(H) A board of county commissioners or board of directors may 16547  
enter into a contract with any person, municipal corporation, 16548  
township, or other political subdivision for the operation and 16549  
maintenance of any solid waste facilities regardless of whether 16550  
the facilities are owned or leased by the county or joint district 16551  
or the contractor. 16552

(I)(1) No person, municipal corporation, township, or other 16553  
political subdivision shall tamper with or damage any solid waste 16554  
facility constructed under this chapter or any apparatus or 16555  
accessory connected therewith or pertaining thereto, fail or 16556  
refuse to comply with the applicable rules adopted by a board of 16557  
county commissioners or directors under division (G)(1), (2), (3), 16558  
or (4) of this section, refuse to permit an inspection or 16559  
examination by a sanitary engineer as authorized under division 16560  
(G)(2) of this section, or refuse to permit an inspection by a 16561  
board of county commissioners or directors or its authorized 16562

representative as required or authorized by rules adopted under 16563  
division (G)(3) of this section. 16564

(2) If the board of county commissioners of a county district 16565  
or board of directors of a joint district has established facility 16566  
designations under section 343.013, 343.014, or 343.015 of the 16567  
Revised Code, or the director has established facility 16568  
designations in the initial or amended plan of the district 16569  
prepared and ordered to be implemented under section 3734.521, 16570  
3734.55, or 3734.56 of the Revised Code, no person, municipal 16571  
corporation, township, or other political subdivision shall 16572  
deliver, or cause the delivery of, any solid wastes generated 16573  
within a county or joint district to any solid waste facility 16574  
other than the facility designated under section 343.013, 343.014, 16575  
or 343.015 of the Revised Code, or in the initial or amended plan 16576  
of the district prepared and ordered to be implemented under 16577  
section 3734.521, 3734.55, or 3734.56 of the Revised Code, as 16578  
applicable. Upon the request of a person or the legislative 16579  
authority of a municipal corporation or township, the board of 16580  
county commissioners of a county district or board of directors of 16581  
a joint district may grant a waiver authorizing the delivery of 16582  
all or any portion of the solid wastes generated in a municipal 16583  
corporation or township to a solid waste facility other than the 16584  
facility designated under section 343.013, 343.014, or 343.015 of 16585  
the Revised Code, or in the initial or amended plan of the 16586  
district prepared and ordered to be implemented under section 16587  
3734.521, 3734.55, or 3734.56 of the Revised Code, as applicable, 16588  
regardless of whether the other facility is located within or 16589  
outside of the district, if the board finds that delivery of those 16590  
solid wastes to the other facility is not inconsistent with the 16591  
projections contained in the district's initial or amended plan 16592  
under divisions (A)(6) and (7) of section 3734.53 of the Revised 16593  
Code as approved or ordered to be implemented and will not 16594  
adversely affect the implementation and financing of the 16595



district's initial or amended plan pursuant to the implementation 16596  
schedule contained in it under divisions (A)(12)(a) to (d) of that 16597  
section. The board shall act on a request for such a waiver within 16598  
ninety days after receiving the request. Upon granting such a 16599  
waiver, the board shall send notice of that fact to the director. 16600  
The notice shall indicate to whom the waiver was granted. Any 16601  
waiver or authorization granted by a board on or before October 16602  
29, 1993, shall continue in force until the board takes action 16603  
concerning the same entity under this division or until action is 16604  
taken under division (G) of section 343.014 of the Revised Code. 16605

(J) Divisions (G)(1) to (4) and (I)(2) of this section do not 16606  
apply to the construction, operation, use, repair, enlargement, or 16607  
modification of either of the following: 16608

(1) A solid waste facility owned by a generator of solid 16609  
wastes when the solid waste facility exclusively disposes of solid 16610  
wastes generated at one or more premises owned by the generator 16611  
regardless of whether the facility is located on a premises where 16612  
the wastes are generated; 16613

(2) A facility that exclusively disposes of wastes that are 16614  
generated from the combustion of coal, or from the combustion of 16615  
primarily coal in combination with scrap tires, that is not 16616  
combined in any way with garbage at one or more premises owned by 16617  
the generator. 16618

(K)(1) A member of the board of county commissioners of a 16619  
county solid waste management district, member of the board of 16620  
directors of a joint solid waste management district, member of 16621  
the board of trustees of a regional solid waste management 16622  
authority managing a county or joint solid waste management 16623  
district, or officer or employee of any solid waste management 16624  
district, for the purposes of sections 102.03, 102.04, 2921.41, 16625  
and 2921.42 of the Revised Code, shall not be considered to be 16626  
directly or indirectly interested in, or improperly influenced by, 16627

any of the following: 16628

(a) A contract entered into under this chapter or section 16629  
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 16630  
the district and any county forming the district, municipal 16631  
corporation or township located within the district, or health 16632  
district having territorial jurisdiction within the district, of 16633  
which that member, officer, or employee also is an officer or 16634  
employee, but only to the extent that any interest or influence 16635  
could arise from ~~his~~ holding public office or employment with the 16636  
political subdivision or health district; 16637

(b) A contract entered into under this chapter or section 16638  
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 16639  
the district and a county planning commission organized under 16640  
section 713.22 of the Revised Code, or regional planning 16641  
commission created under section 713.21 of the Revised Code, 16642  
having territorial jurisdiction within the district, of which that 16643  
member also is a member, officer, or employee, but only to the 16644  
extent that any interest or influence could arise from ~~his~~ holding 16645  
public office or employment with the commission; 16646

(c) An expenditure of money made by the district for the 16647  
benefit of any county forming the district, municipal corporation 16648  
or township located within the district, or health district or 16649  
county or regional planning commission having territorial 16650  
jurisdiction within the district, of which that member also is a 16651  
member, officer, or employee, but only to the extent that any 16652  
interest or influence could arise from ~~his~~ holding public office 16653  
or employment with the political subdivision, health district, or 16654  
commission; 16655

(d) An expenditure of money made for the benefit of the 16656  
district by any county forming the district, municipal corporation 16657  
or township located within the district, or health district or 16658  
county or regional planning commission having territorial 16659

jurisdiction within the district, of which that member also is a 16660  
member, officer, or employee, but only to the extent that any 16661  
interest or influence could arise from ~~his~~ holding public office 16662  
or employment with the political subdivision, health district, or 16663  
commission. 16664

(2) A solid waste management district, county, municipal 16665  
corporation, township, health district, or planning commission 16666  
described or referred to in divisions (K)(1)(a) to (d) of this 16667  
section shall not be construed to be the business associate of a 16668  
person who is concurrently a member of the board of county 16669  
commissioners, directors, or trustees, or an officer or employee, 16670  
of the district and an officer or employee of that municipal 16671  
corporation, county, township, health district, or planning 16672  
commission for the purposes of sections 102.03, 2921.42, and 16673  
2921.43 of the Revised Code. Any person who is concurrently a 16674  
member of the board of county commissioners, directors, or 16675  
trustees, or an officer or employee, of a solid waste management 16676  
district so described or referred to and an officer or employee of 16677  
a county, municipal corporation, township, health district, or 16678  
planning commission so described or referred to may participate 16679  
fully in deliberations concerning and vote on or otherwise 16680  
participate in the approval or disapproval of any contract or 16681  
expenditure of funds described in those divisions as a member of 16682  
the board of county commissioners or directors, or an officer or 16683  
employee, of a county or joint solid waste management district; 16684  
member of the board of trustees, or an officer or employee, of a 16685  
regional solid waste management authority managing a county or 16686  
joint solid waste management district; member of the legislative 16687  
authority, or an officer or employee, of a county forming the 16688  
district; member of the legislative authority, or an officer or 16689  
employee, of a municipal corporation or township located within 16690  
the district; member of the board of health, or an officer or 16691  
employee, of a health district having territorial jurisdiction 16692

within the district; or member of the planning commission, or an officer or employee of a county or regional planning commission having territorial jurisdiction within the district.

(3) Nothing in division (K)(1) or (2) of this section shall be construed to exempt any member of the board of county commissioners, directors, or trustees, or an officer or employee, of a solid waste management district from a conflict of interest arising because of a personal or private business interest.

(4) A member of the board of county commissioners of a county solid waste management district, board of directors of a joint solid waste management district, or board of trustees of a regional solid waste management authority managing a county or joint solid waste management district, or an officer or employee, of any such solid waste management district, neither shall be disqualified from holding any other public office or position of employment nor be required to forfeit any other public office or position of employment by reason of ~~his~~ serving as a member of the board of county commissioners, directors, or trustees, or as an officer or employee, of the district, notwithstanding any requirement to the contrary under the common law of this state or the Revised Code.

(L) As used in this chapter:

(1) "Board of health," "disposal," "health district," "scrap tires," and "solid waste transfer facility" have the same meanings as in section 3734.01 of the Revised Code.

(2) "Change in district composition" and "change" have the same meaning as in section 3734.521 of the Revised Code.

(3)(a) Except as provided in division (L)(3)(b) or (c), and (d), of this section, "solid wastes" has the same meaning as in section 3734.01 of the Revised Code.

(b) If the solid waste management district is not one that

resulted from proceedings for a change in district composition 16724  
under sections 343.012 and 3734.521 of the Revised Code, until 16725  
such time as an amended solid waste management plan is approved 16726  
under section 3734.56 of the Revised Code, "solid wastes" need not 16727  
include scrap tires unless the solid waste management policy 16728  
committee established under section 3734.54 of the Revised Code 16729  
for the district chooses to include the management of scrap tires 16730  
in the district's initial solid waste management plan prepared 16731  
under sections 3734.54 and 3734.55 of the Revised Code. 16732

(c) If the solid waste management district is one resulting 16733  
from proceedings for a change in district composition under 16734  
sections 343.012 and 3734.521 of the Revised Code and if the 16735  
change involves an existing district that is operating under 16736  
either an initial solid waste management plan approved or prepared 16737  
and ordered to be implemented under section 3734.55 of the Revised 16738  
Code or an initial or amended plan approved or prepared and 16739  
ordered to be implemented under section 3734.521 of the Revised 16740  
Code that does not provide for the management of scrap tires and 16741  
scrap tire facilities, until such time as the amended plan of the 16742  
district resulting from the change is approved under section 16743  
3734.56 of the Revised Code, "solid wastes" need not include scrap 16744  
tires unless the solid waste management policy committee 16745  
established under division (C) of section 3734.521 of the Revised 16746  
Code for the district chooses to include the management of scrap 16747  
tires in the district's initial or amended solid waste management 16748  
plan prepared under section 3734.521 of the Revised Code in 16749  
connection with the change proceedings. 16750

(d) If the policy committee chooses to include the management 16751  
of scrap tires in an initial plan prepared under sections 3734.54 16752  
and 3734.55 of the Revised Code or in an initial or amended plan 16753  
prepared under section 3734.521 of the Revised Code, the board of 16754  
county commissioners or directors shall execute all of the duties 16755

imposed and may exercise any or all of the rights granted under 16756  
this section for the purpose of managing solid wastes that consist 16757  
of scrap tires. 16758

(4)(a) Except as provided in division (L)(4)(b) or (c), and 16759  
(d) of this section, "facility" has the same meaning as in section 16760  
3734.01 of the Revised Code and also includes any solid waste 16761  
transfer, recycling, or resource recovery facility. 16762

(b) If the solid waste management district is not one that 16763  
resulted from proceedings for a change in district composition 16764  
under sections 343.012 and 3734.521 of the Revised Code, until 16765  
such time as an amended solid waste management plan is approved 16766  
under section 3734.56 of the Revised Code, "facility" need not 16767  
include any scrap tire collection, storage, monocell, monofill, or 16768  
recovery facility unless the solid waste management policy 16769  
committee established under section 3734.54 of the Revised Code 16770  
for the district chooses to include the management of scrap tire 16771  
facilities in the district's initial solid waste management plan 16772  
prepared under sections 3734.54 and 3734.55 of the Revised Code. 16773

(c) If the solid waste management district is one resulting 16774  
from proceedings for a change in district composition under 16775  
sections 343.012 and 3734.521 of the Revised Code and if the 16776  
change involves an existing district that is operating under 16777  
either an initial solid waste management plan approved under 16778  
section 3734.55 of the Revised Code or an initial or amended plan 16779  
approved or prepared and ordered to be implemented under section 16780  
3734.521 of the Revised Code that does not provide for the 16781  
management of scrap tires and scrap tire facilities, until such 16782  
time as the amended plan of the district resulting from the change 16783  
is approved under section 3734.56 of the Revised Code, "facility" 16784  
need not include scrap tires unless the solid waste management 16785  
policy committee established under division (C) of section 16786  
3734.521 of the Revised Code for the district chooses to include 16787

the management of scrap tires in the district's initial or amended 16788  
solid waste management plan prepared under section 3734.521 of the 16789  
Revised Code in connection with the change proceedings. 16790

(d) If the policy committee chooses to include the management 16791  
of scrap tires in an initial plan prepared under sections 3734.54 16792  
and 3734.55 of the Revised Code or in an initial or amended plan 16793  
prepared under section 3734.521 of the Revised Code, the board of 16794  
county commissioners or directors shall execute all of the duties 16795  
imposed and may exercise any or all of the rights granted under 16796  
this section for the purpose of managing solid waste facilities 16797  
that are scrap tire collection, storage, monocell, monofill, or 16798  
recovery facilities. 16799

**Sec. 504.21.** (A) The board of township trustees of a township 16800  
that has adopted a limited home rule government may, for the 16801  
unincorporated territory in the township, adopt, amend, and 16802  
rescind rules establishing technically feasible and economically 16803  
reasonable standards to achieve a level of management and 16804  
conservation practices that will abate wind or water erosion of 16805  
the soil or abate the degradation of the waters of the state by 16806  
soil sediment in conjunction with land grading, excavating, 16807  
filling, or other soil disturbing activities on land used or being 16808  
developed in the township for nonfarm commercial, industrial, 16809  
residential, or other nonfarm purposes, and establish criteria for 16810  
determination of the acceptability of those management and 16811  
conservation practices. The rules shall be designed to implement 16812  
the applicable areawide waste treatment management plan prepared 16813  
under section 208 of the "Federal Water Pollution Control Act," 86 16814  
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 16815  
phase II of the storm water program of the national pollutant 16816  
discharge elimination system established in 40 C.F.R. Part 122. 16817  
The rules to implement phase II of the storm water program of the 16818  
national pollutant discharge elimination system shall not be 16819

inconsistent with, more stringent than, or broader in scope than 16820  
the rules or regulations adopted by the environmental protection 16821  
agency under 40 C.F.R. Part 122. The rules adopted under this 16822  
section shall not apply inside the limits of municipal 16823  
corporations, to lands being used in a strip mine operation as 16824  
defined in section 1513.01 of the Revised Code, or to land being 16825  
used in a surface mine operation as defined in section 1514.01 of 16826  
the Revised Code. 16827

The rules adopted under this section may require persons to 16828  
file plans governing erosion control, sediment control, and water 16829  
management before clearing, grading, excavating, filling, or 16830  
otherwise wholly or partially disturbing one or more contiguous 16831  
acres of land owned by one person or operated as one development 16832  
unit for the construction of nonfarm buildings, structures, 16833  
utilities, recreational areas, or other similar nonfarm uses. If 16834  
the rules require plans to be filed, the rules shall do all of the 16835  
following: 16836

(1) Designate the board itself, its employees, or another 16837  
agency or official to review and approve or disapprove the plans; 16838

(2) Establish procedures and criteria for the review and 16839  
approval or disapproval of the plans; 16840

(3) Require the designated entity to issue a permit to a 16841  
person for the clearing, grading, excavating, filling, or other 16842  
project for which plans are approved and to deny a permit to a 16843  
person whose plans have been disapproved; 16844

(4) Establish procedures for the issuance of the permits; 16845

(5) Establish procedures under which a person may appeal the 16846  
denial of a permit. 16847

Areas of less than one contiguous acre shall not be exempt 16848  
from compliance with other provisions of this section or rules 16849  
adopted under this section. The rules adopted under this section 16850



may impose reasonable filing fees for plan review, permit 16851  
processing, and field inspections. 16852

No permit or plan shall be required for a public highway, 16853  
transportation, or drainage improvement or maintenance project 16854  
undertaken by a government agency or political subdivision in 16855  
accordance with a statement of its standard sediment control 16856  
policies that is approved by the board or the chief of the 16857  
division of soil and water ~~conservation~~ resources in the 16858  
department of natural resources. 16859

(B) Rules or amendments may be adopted under this section 16860  
only after public hearings at not fewer than two regular sessions 16861  
of the board of township trustees. The board shall cause to be 16862  
published, in a newspaper of general circulation in the township, 16863  
notice of the public hearings, including time, date, and place, 16864  
once a week for two weeks immediately preceding the hearings. The 16865  
proposed rules or amendments shall be made available by the board 16866  
to the public at the board office or other location indicated in 16867  
the notice. The rules or amendments shall take effect on the 16868  
thirty-first day following the date of their adoption. 16869

(C) The board of township trustees may employ personnel to 16870  
assist in the administration of this section and the rules adopted 16871  
under it. The board also, if the action does not conflict with the 16872  
rules, may delegate duties to review sediment control and water 16873  
management plans to its employees, and may enter into agreements 16874  
with one or more political subdivisions, other township officials, 16875  
or other government agencies, in any combination, in order to 16876  
obtain reviews and comments on plans governing erosion control, 16877  
sediment control, and water management or to obtain other services 16878  
for the administration of the rules adopted under this section. 16879

(D) The board of township trustees or any duly authorized 16880  
representative of the board may, upon identification to the owner 16881  
or person in charge, enter any land upon obtaining agreement with 16882

the owner, tenant, or manager of the land in order to determine 16883  
whether there is compliance with the rules adopted under this 16884  
section. If the board or its duly authorized representative is 16885  
unable to obtain such an agreement, the board or representative 16886  
may apply for, and a judge of the court of common pleas for the 16887  
county where the land is located may issue, an appropriate 16888  
inspection warrant as necessary to achieve the purposes of this 16889  
section. 16890

(E)(1) If the board of township trustees or its duly 16891  
authorized representative determines that a violation of the rules 16892  
adopted under this section exists, the board or representative may 16893  
issue an immediate stop work order if the violator failed to 16894  
obtain any federal, state, or local permit necessary for sediment 16895  
and erosion control, earth movement, clearing, or cut and fill 16896  
activity. In addition, if the board or representative determines 16897  
such a rule violation exists, regardless of whether or not the 16898  
violator has obtained the proper permits, the board or 16899  
representative may authorize the issuance of a notice of 16900  
violation. If, after a period of not less than thirty days has 16901  
elapsed following the issuance of the notice of violation, the 16902  
violation continues, the board or its duly authorized 16903  
representative shall issue a second notice of violation. Except as 16904  
provided in division (E)(3) of this section, if, after a period of 16905  
not less than fifteen days has elapsed following the issuance of 16906  
the second notice of violation, the violation continues, the board 16907  
or its duly authorized representative may issue a stop work order 16908  
after first obtaining the written approval of the prosecuting 16909  
attorney of the county in which the township is located if, in the 16910  
opinion of the prosecuting attorney, the violation is egregious. 16911

Once a stop work order is issued, the board or its duly 16912  
authorized representative shall request, in writing, the 16913  
prosecuting attorney to seek an injunction or other appropriate 16914

relief in the court of common pleas to abate excessive erosion or 16915  
sedimentation and secure compliance with the rules adopted under 16916  
this section. If the prosecuting attorney seeks an injunction or 16917  
other appropriate relief, then, in granting relief, the court of 16918  
common pleas may order the construction of sediment control 16919  
improvements or implementation of other control measures and may 16920  
assess a civil fine of not less than one hundred or more than five 16921  
hundred dollars. Each day of violation of a rule or stop work 16922  
order issued under this section shall be considered a separate 16923  
violation subject to a civil fine. 16924

(2) The person to whom a stop work order is issued under this 16925  
section may appeal the order to the court of common pleas of the 16926  
county in which it was issued, seeking any equitable or other 16927  
appropriate relief from that order. 16928

(3) No stop work order shall be issued under this section 16929  
against any public highway, transportation, or drainage 16930  
improvement or maintenance project undertaken by a government 16931  
agency or political subdivision in accordance with a statement of 16932  
its standard sediment control policies that is approved by the 16933  
board or the chief of the division of soil and water ~~conservation~~ 16934  
resources in the department of natural resources. 16935

(F) No person shall violate any rule adopted or order issued 16936  
under this section. Notwithstanding division (E) of this section, 16937  
if the board of township trustees determines that a violation of 16938  
any rule adopted or administrative order issued under this section 16939  
exists, the board may request, in writing, the prosecuting 16940  
attorney of the county in which the township is located, to seek 16941  
an injunction or other appropriate relief in the court of common 16942  
pleas to abate excessive erosion or sedimentation and secure 16943  
compliance with the rules or order. In granting relief, the court 16944  
of common pleas may order the construction of sediment control 16945  
improvements or implementation of other control measures and may 16946

assess a civil fine of not less than one hundred or more than five 16947  
hundred dollars. Each day of violation of a rule adopted or 16948  
administrative order issued under this section shall be considered 16949  
a separate violation subject to a civil fine. 16950

**Sec. 718.04.** (A) No municipal corporation other than the ~~city~~ 16951  
~~municipal corporation~~ of residence shall levy a tax on the income 16952  
of any member or employee of the Ohio general assembly including 16953  
the lieutenant governor which income is received as a result of 16954  
services rendered as such member or employee and is paid from 16955  
appropriated funds of this state. 16956

(B) No municipal corporation other than the municipal 16957  
corporation of residence and the city of Columbus shall levy a tax 16958  
on the income of the chief justice or a justice of the supreme 16959  
court received as a result of services rendered as the chief 16960  
justice or justice. No municipal corporation other than the 16961  
municipal corporation of residence shall levy a tax on the income 16962  
of a judge sitting by assignment of the chief justice or on the 16963  
income of a district court of appeals judge sitting in multiple 16964  
locations within the district, received as a result of services 16965  
rendered as a judge. 16966

**Sec. 721.15.** (A) Personal property not needed for municipal 16967  
purposes, the estimated value of which is less than one thousand 16968  
dollars, may be sold by the board or officer having supervision or 16969  
management of that property. If the estimated value of that 16970  
property is one thousand dollars or more, it shall be sold only 16971  
when authorized by an ordinance of the legislative authority of 16972  
the municipal corporation and approved by the board, officer, or 16973  
director having supervision or management of that property. When 16974  
so authorized, the board, officer, or director shall make a 16975  
written contract with the highest and best bidder after 16976  
advertisement for not less than two or more than four consecutive 16977

weeks in a newspaper of general circulation within the municipal 16978  
corporation, or with a board of county commissioners upon such 16979  
lawful terms as are agreed upon, as provided by division (B)(1) of 16980  
section 721.27 of the Revised Code. 16981

(B) When the legislative authority finds, by resolution, that 16982  
the municipal corporation has vehicles, equipment, or machinery 16983  
which is obsolete, or is not needed or is unfit for public use, 16984  
that the municipal corporation has need of other vehicles, 16985  
equipment, or machinery of the same type, and that it will be in 16986  
the best interest of the municipal corporation that the sale of 16987  
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 16988  
made simultaneously with the purchase of the new vehicles, 16989  
equipment, or machinery of the same type, the legislative 16990  
authority may offer to sell, or authorize a board, officer, or 16991  
director of the municipal corporation having supervision or 16992  
management of the property to offer to sell, those vehicles, 16993  
equipment, or machinery and to have the selling price credited 16994  
against the purchase price of other vehicles, equipment, or 16995  
machinery and to consummate the sale and purchase by a single 16996  
contract with the lowest and best bidder to be determined by 16997  
subtracting from the selling price of the vehicles, equipment, or 16998  
machinery to be purchased by the municipal corporation the 16999  
purchase price offered for the municipally-owned vehicles, 17000  
equipment, or machinery. When the legislative authority or the 17001  
authorized board, officer, or director of a municipal corporation 17002  
advertises for bids for the sale of new vehicles, equipment, or 17003  
machinery to the municipal corporation, they may include in the 17004  
same advertisement a notice of willingness to accept bids for the 17005  
purchase of municipally-owned vehicles, equipment, or machinery 17006  
which is obsolete, or is not needed or is unfit for public use, 17007  
and to have the amount of those bids subtracted from the selling 17008  
price as a means of determining the lowest and best bidder. 17009

(C) If the legislative authority of the municipal corporation determines that municipal personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the legislative authority may discard or salvage that property.

(D) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the legislative authority of a municipal corporation may sell personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction. The legislative authority shall adopt, during each calendar year, a resolution expressing its intent to sell that property by internet auction. The resolution shall include a description of how the auctions will be conducted and shall specify the number of days for bidding on the property, which shall be no less than ~~fifteen~~ ten days, including Saturdays, Sundays, and legal holidays. The resolution shall indicate whether the municipal corporation will conduct the auction or the legislative authority will contract with a representative to conduct the auction and shall establish the general terms and conditions of sale. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

After adoption of the resolution, the legislative authority shall publish, in a newspaper of general circulation in the municipal corporation, notice of its intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction. The notice shall include a summary of the information provided in the resolution and shall be published at least twice.

The second and any subsequent notice shall be published not less 17042  
than ten nor more than twenty days after the previous notice. A 17043  
similar notice also shall be posted continually throughout the 17044  
calendar year in a conspicuous place in the offices of the village 17045  
clerk or city auditor, and the legislative authority, and, if the 17046  
municipal corporation maintains a website on the internet, the 17047  
notice shall be posted continually throughout the calendar year at 17048  
that website. 17049

When the property is to be sold by internet auction, the 17050  
legislative authority or its representative may establish a 17051  
minimum price that will be accepted for specific items and may 17052  
establish any other terms and conditions for the particular sale, 17053  
including requirements for pick-up or delivery, method of payment, 17054  
and sales tax. This type of information shall be provided on the 17055  
internet at the time of the auction and may be provided before 17056  
that time upon request after the terms and conditions have been 17057  
determined by the legislative authority or its representative. 17058

Sec. 737.39. (A) A municipal police officer who is trained in 17059  
the same manner as uniformed employees of the motor carrier 17060  
enforcement unit created under section 5503.34 of the Revised Code 17061  
may, to the same extent as those employees, enforce compliance 17062  
with any provision of Chapters 4919., 4921., and 4923. of the 17063  
Revised Code or of a rule or order adopted or issued under those 17064  
chapters regarding commercial motor vehicle transportation safety, 17065  
economic, and hazardous materials requirements. 17066

(B)(1) A municipal police officer acting under division (A) 17067  
of this section shall do both of the following: 17068

(a) Cooperate with the public utilities commission in 17069  
carrying out that division and in enforcing any other applicable 17070  
laws; 17071

(b) Comply with any rules adopted pursuant to section 4919.80 17072

of the Revised Code. 17073

(2) A uniformed municipal police officer under division (A) 17074  
of this section may stop commercial motor vehicles for the purpose 17075  
of inspecting those vehicles in carrying out that division. 17076  
17077

Sec. 901.041. There is hereby created in the state treasury 17078  
the sustainable agriculture program fund. The fund shall consist 17079  
of money credited to it, including, without limitation, federal 17080  
money. The director of agriculture shall use money in the fund to 17081  
support programs and activities that advance sustainable 17082  
agriculture, including administrative costs incurred by the 17083  
department of agriculture in administering the programs and 17084  
activities. 17085

**Sec. 901.20.** (A) The director of agriculture may do either or 17086  
both of the following: 17087

(1) Reserve exhibition space for exhibitors to exhibit their 17088  
goods in trade shows held in this country or in any other country. 17089  
The director may charge and collect fees from any exhibitor who 17090  
uses space reserved by the director under division (A)(1) of this 17091  
section. 17092

(2) Conduct or cause to be conducted seminars or other 17093  
educational programs for the benefit of farmers and other 17094  
producers in this state who are interested in exporting their 17095  
goods overseas. The director may charge and collect fees from any 17096  
person who attends a seminar or other educational program 17097  
conducted under division (A)(2) of this section. 17098

(B) There is hereby created in the state treasury the Ohio 17099  
proud, international, and domestic market development fund. Fees 17100  
collected under division (A) of this section shall be deposited 17101  
into the fund. The fund shall be used solely to carry out the 17102



purposes of that division. 17103

**Sec. 901.32.** Funds and the proceeds of the trust assets ~~which~~ 17104  
~~that~~ are not authorized to be administered by the secretary of 17105  
agriculture of the United States under section 901.31 of the 17106  
Revised Code shall be paid to and received by the director of 17107  
agriculture, and paid by ~~him~~ the director into the state treasury 17108  
to the credit of the Ohio farm loan fund, which is hereby created. 17109  
Money credited to the fund may be expended or obligated by the 17110  
director for ~~such of the rural rehabilitation purposes permissible~~ 17111  
~~under the charter of the now dissolved Ohio rural rehabilitation~~ 17112  
~~corporation as are agreed upon by the director and the secretary~~ 17113  
~~of agriculture or for the purposes of section 901.31 of the~~ 17114  
Revised Code benefiting the state. 17115

All moneys received from investment of the fund shall be 17116  
credited to the fund. 17117

All moneys received by the director resulting from the 17118  
operation of the fund shall be credited to the fund. 17119

**Sec. 901.43.** (A) The director of agriculture may authorize 17120  
any department of agriculture laboratory to perform a laboratory 17121  
service for any person, organization, political subdivision, state 17122  
agency, federal agency, or other entity, whether public or 17123  
private. The director shall adopt and enforce rules to provide for 17124  
the rendering of a laboratory service. 17125

(B) The director may charge a reasonable fee for the 17126  
performance of a laboratory service, except when the service is 17127  
performed on an official sample taken by the director acting 17128  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 17129  
Revised Code; by a board of health acting as the licenser of 17130  
retail food establishments or food service operations under 17131  
Chapter 3717. of the Revised Code; or by the director of health 17132

acting as the licensor of food service operations under Chapter 17133  
3717. of the Revised Code. The director of agriculture shall adopt 17134  
rules specifying what constitutes an official sample. 17135

The director shall publish a list of laboratory services 17136  
offered, together with the fee for each service. 17137

(C) The director may enter into a contract with any person, 17138  
organization, political subdivision, state agency, federal agency, 17139  
or other entity for the provision of a laboratory service. 17140

(D)(1) The director may adopt rules establishing standards 17141  
for accreditation of laboratories and laboratory services and in 17142  
doing so may adopt by reference existing or recognized standards 17143  
or practices. 17144

(2) The director may inspect and accredit laboratories and 17145  
laboratory services, and may charge a reasonable fee for the 17146  
inspections and accreditation. 17147

(E)(1) There is hereby created in the state treasury the 17148  
animal ~~health~~ and ~~food-safety~~ consumer analytical laboratory fund. 17149  
Moneys from the following sources shall be deposited into the 17150  
state treasury to the credit of the fund: all moneys collected by 17151  
the director under this section that are from fees generated by a 17152  
laboratory service performed by the department and related to the 17153  
diseases of animals, all moneys so collected that are from fees 17154  
generated for the inspection and accreditation of laboratories and 17155  
laboratory services related to the diseases of animals, all moneys 17156  
collected by the director under this section that are from fees 17157  
generated by a laboratory service performed by the consumer 17158  
analytical laboratory, ~~and~~ all moneys so collected that are from 17159  
fees generated for the inspection and accreditation of 17160  
laboratories and laboratory services not related to weights and 17161  
measures, and all moneys collected under Chapters 942., 943., and 17162  
953. of the Revised Code. The director may use the moneys held in 17163

the fund to pay the expenses necessary to operate the animal 17164  
industry laboratory and the consumer analytical laboratory, 17165  
including the purchase of supplies and equipment. 17166

(2) All moneys collected by the director under this section 17167  
that are from fees generated by a laboratory service performed by 17168  
the weights and measures laboratory, and all moneys so collected 17169  
that are from fees generated for the inspection and accreditation 17170  
of laboratories and laboratory services related to weights and 17171  
measures, shall be deposited in the state treasury to the credit 17172  
of the weights and measures laboratory fund, which is hereby 17173  
created in the state treasury. The moneys held in the fund may be 17174  
used to pay the expenses necessary to operate the division of 17175  
weights and measures, including the purchase of supplies and 17176  
equipment. 17177

Sec. 901.91. The director of agriculture may assess the 17178  
operating funds of the department of agriculture to pay a share of 17179  
the department's central support and administrative costs. The 17180  
assessments shall be based on a plan that the director develops 17181  
and submits to the director of budget and management not later 17182  
than the fifteenth day of July of the fiscal year in which the 17183  
assessments are to be made. If the director of budget and 17184  
management approves the plan, assessments shall be paid from the 17185  
funds designated in the plan and credited by means of intrastate 17186  
transfer voucher to the department of agriculture central support 17187  
indirect costs fund, which is hereby created in the state 17188  
treasury. The fund shall be administered by the director of 17189  
agriculture and used to pay central support and administrative 17190  
costs of the department of agriculture. 17191

**Sec. 903.082.** (A) The director of agriculture may determine 17192  
that an animal feeding facility that is not a medium concentrated 17193  
animal feeding operation or small concentrated animal feeding 17194

operation as defined in section 903.01 of the Revised Code 17195  
nevertheless shall be required to be permitted as a medium or 17196  
small concentrated animal feeding operation when all of the 17197  
following apply: 17198

(1) The director has received from the chief of the division 17199  
of soil and water ~~conservation~~ resources in the department of 17200  
natural resources a copy of an order issued under section 1511.02 17201  
of the Revised Code that specifies that the animal feeding 17202  
facility has caused agricultural pollution by failure to comply 17203  
with standards established under that section and that the animal 17204  
feeding facility therefore should be required to be permitted as a 17205  
medium or small concentrated animal feeding operation. 17206

(2) The director or the director's authorized representative 17207  
has inspected the animal feeding facility. 17208

(3) The director or the director's authorized representative 17209  
finds that the facility is not being operated in a manner that 17210  
protects the waters of the state. 17211

(B) If an animal feeding facility is required to be permitted 17212  
in accordance with this section, the owner or operator of the 17213  
facility shall apply to the director for a permit to operate as a 17214  
concentrated animal feeding operation. In a situation in which 17215  
best management practices cannot be implemented without modifying 17216  
the existing animal feeding facility, the owner or operator of the 17217  
facility also shall apply for a permit to install for the 17218  
facility. 17219

(C) In the case of an animal feeding facility for which a 17220  
permit to operate is required under this section, a permit to 17221  
operate shall not be required after the end of the five-year term 17222  
of the permit if the problems that caused the facility to be 17223  
required to obtain the permit have been corrected to the 17224  
director's satisfaction. 17225

Sec. 903.11. (A) The director of agriculture may enter into 17226  
contracts or agreements to carry out the purposes of this chapter 17227  
with any public or private person, including the Ohio state 17228  
university extension service, the natural resources conservation 17229  
service in the United States department of agriculture, the 17230  
environmental protection agency, the division of soil and water 17231  
~~conservation~~ resources in the department of natural resources, and 17232  
soil and water conservation districts established under Chapter 17233  
1515. of the Revised Code. However, the director shall not enter 17234  
into a contract or agreement with a private person for the review 17235  
of applications for permits to install, permits to operate, NPDES 17236  
permits, or review compliance certificates that are issued under 17237  
this chapter or for the inspection of a facility regulated under 17238  
this chapter or with any person for the issuance of any of those 17239  
permits or certificates or for the enforcement of this chapter and 17240  
rules adopted under it. 17241

(B) The director may administer grants and loans using moneys 17242  
from the federal government and other sources, public or private, 17243  
for carrying out any of the director's functions. Nothing in this 17244  
chapter shall be construed to limit the eligibility of owners or 17245  
operators of animal feeding facilities or other agricultural 17246  
enterprises to receive moneys from the water pollution control 17247  
loan fund established under section 6111.036 of the Revised Code 17248  
and the nonpoint source pollution management fund established 17249  
under section 6111.037 of the Revised Code. 17250

The director of agriculture shall provide the director of 17251  
environmental protection with written recommendations for 17252  
providing financial assistance from those funds to agricultural 17253  
enterprises. The director of environmental protection shall 17254  
consider the recommendations in developing priorities for 17255  
providing financial assistance from the funds. 17256

**Sec. 903.25.** An owner or operator of an animal feeding facility who holds a permit to install, a permit to operate, a review compliance certificate, or a NPDES permit or who is operating under an operation and management plan, as defined in section 1511.01 of the Revised Code, approved by the chief of the division of soil and water ~~conservation~~ resources in the department of natural resources under section 1511.02 of the Revised Code or by the supervisors of the appropriate soil and water conservation district under section 1515.08 of the Revised Code shall not be required by any political subdivision of the state or any officer, employee, agency, board, commission, department, or other instrumentality of a political subdivision to obtain a license, permit, or other approval pertaining to manure, insects or rodents, odor, or siting requirements for installation of an animal feeding facility.

**Sec. 905.32.** (A) No person shall manufacture or distribute in this state any type of fertilizer until a license to manufacture or distribute has been obtained by the manufacturer or distributor from the department of agriculture upon payment of a five dollar fee:

(1) For each fixed (permanent) location at which fertilizer is manufactured in this state;

(2) For each mobile unit used to manufacture fertilizer in this state;

(3) For each location out of the state from which fertilizer is distributed in this state to nonlicensees.

All licenses shall be valid for one year beginning on the first day of December of a calendar year through the thirtieth day of November of the following calendar year. A renewal application for a license shall be submitted no later than the thirtieth day

of November each year. A person who submits a renewal application 17287  
for a license after the thirtieth day of November shall include 17288  
with the application a late filing fee of ten dollars. 17289

(B) An application for license shall include: 17290

(1) The name and address of the licensee; 17291

(2) The name and address of each bulk distribution point in 17292  
the state, not licensed for fertilizer manufacture and 17293  
distribution. 17294

The name and address shown on the license shall be shown on 17295  
all labels, pertinent invoices, and bulk storage for fertilizers 17296  
distributed by the licensee in this state. 17297

(C) The licensee shall inform the director of agriculture in 17298  
writing of additional distribution points established during the 17299  
period of the license. 17300

(D) All money collected under this section shall be credited 17301  
to the pesticide, fertilizer, and lime program fund created in 17302  
section 921.22 of the Revised Code. 17303

**Sec. 905.33.** (A) Except as provided in division (C) of this 17304  
section, no person shall distribute in this state a specialty 17305  
fertilizer until it is registered by the manufacturer or 17306  
distributor with the department of agriculture. An application, in 17307  
duplicate, for each brand and product name of each grade of 17308  
specialty fertilizer shall be made on a form furnished by the 17309  
director of agriculture and shall be accompanied with a fee of 17310  
fifty dollars for each brand and product name of each grade. 17311  
Labels for each brand and product name of each grade shall 17312  
accompany the application. Upon the approval of an application by 17313  
the director, a copy of the registration shall be furnished the 17314  
applicant. All registrations shall be valid for one year beginning 17315  
on the first day of December of a calendar year through the 17316

thirtieth day of November of the following calendar year. 17317

(B) An application for registration shall include the 17318  
following: 17319

(1) Name and address of the manufacturer or distributor; 17320

(2) The brand and product name; 17321

(3) The grade; 17322

(4) The guaranteed analysis; 17323

(5) The package sizes for persons that package fertilizers 17324  
only in containers of ten pounds or less. 17325

(C)(1) No person who engages in the business of applying 17326  
custom mixed fertilizer to lawns, golf courses, recreation areas, 17327  
or other real property that is not used for agricultural 17328  
production shall be required to register the custom mixed 17329  
fertilizer as a specialty fertilizer in accordance with division 17330  
(A) of this section if the fertilizer ingredients of the custom 17331  
mixed fertilizer are registered as specialty fertilizers and the 17332  
inspection fee described in division (A) of section 905.36 of the 17333  
Revised Code is paid. 17334

(2) No person who engages in the business of blending custom 17335  
mixed fertilizer for use on lawns, golf courses, recreation areas, 17336  
or other real property that is not used for agricultural 17337  
production shall be required to register the custom mixed 17338  
fertilizer as a specialty fertilizer in accordance with division 17339  
(A) of this section if the facility holds a nonagricultural 17340  
production custom mixed fertilizer blender license issued under 17341  
section 905.331 of the Revised Code. 17342

(D) A person who engages in the business of applying or 17343  
blending custom mixed fertilizer as described in division (C) of 17344  
this section shall maintain an original or a copy of an invoice or 17345  
document of sale for all fertilizer the person applies or 17346



distributes for one year following the date of the application or 17347  
distribution, and, upon the director's request, shall furnish the 17348  
director with the invoice or document of sale for the director's 17349  
review. 17350

(E) All money collected under this section shall be credited 17351  
to the pesticide, fertilizer, and lime program fund created in 17352  
section 921.22 of the Revised Code. 17353

**Sec. 905.331.** No person who engages in the business of 17354  
blending a custom mixed fertilizer for use on lawns, golf courses, 17355  
recreation areas, or other real property that is not used for 17356  
agricultural production shall fail to register a specialty 17357  
fertilizer in accordance with division (A) of section 905.33 of 17358  
the Revised Code unless the person has obtained an annual 17359  
nonagricultural production custom mixed fertilizer blender license 17360  
from the director of agriculture. 17361

A license issued under this section shall be valid from the 17362  
first day of December of a calendar year through the thirtieth day 17363  
of November of the following calendar year. A renewal application 17364  
for a nonagricultural production custom mixed fertilizer blender 17365  
license shall be submitted to the director no later than the 17366  
thirtieth day of November each year and shall include the name and 17367  
address of the applicant and of the premises where the blending 17368  
occurs and a one-hundred-dollar fee. A person who submits a 17369  
renewal application for a license after the thirtieth day of 17370  
November shall include with the application a late filing fee of 17371  
ten dollars. All nonagricultural production custom mixed 17372  
fertilizer blender licenses expire on the thirtieth day of 17373  
November each year. 17374

A person holding a nonagricultural production custom mixed 17375  
fertilizer blender license shall pay the inspection fees described 17376  
in division (A) of section 905.36 of the Revised Code for each 17377

product being blended. 17378

All money collected under this section shall be credited to 17379  
the pesticide, fertilizer, and lime program fund created in 17380  
section 921.22 of the Revised Code. 17381

**Sec. 905.36.** (A) A licensee or registrant, except registrants 17382  
who package specialty fertilizers only in containers of ten pounds 17383  
or less, shall pay the director of agriculture for all fertilizers 17384  
distributed in this state an inspection fee at the rate of 17385  
twenty-five cents per ton or twenty-eight cents per metric ton. 17386  
Licensees and registrants shall specify on an invoice whether the 17387  
per ton inspection fee has been paid or whether payment of the fee 17388  
is the responsibility of the purchaser of the fertilizer. The 17389  
payment of this inspection fee by a licensee or registrant shall 17390  
exempt all other persons from the payment of this fee. 17391

(B) Every licensee or registrant shall file with the director 17392  
an annual tonnage report that includes the number of net tons or 17393  
metric tons of fertilizer distributed to nonlicensees or 17394  
nonregistrants in this state by grade; packaged; bulk, dry or 17395  
liquid. The report shall be filed on or before the thirtieth day 17396  
of November of each calendar year and shall include data from the 17397  
period beginning on the first day of November of the year 17398  
preceding the year in which the report is due through the 17399  
thirty-first day of October of the year in which the report is 17400  
due. The licensee or registrant, except registrants who package 17401  
specialty fertilizers only in containers of ten pounds or less, 17402  
shall include with this statement the inspection fee at the rate 17403  
stated in division (A) of this section. For a tonnage report that 17404  
is not filed or payment of inspection fees that is not made on or 17405  
before the thirtieth day of November of the applicable calendar 17406  
year, a penalty of fifty dollars or ten per cent of the amount 17407  
due, whichever is greater, shall be assessed against the licensee 17408

or registrant. The amount of fees due, plus penalty, shall 17409  
constitute a debt and become the basis of a judgment against the 17410  
licensee or registrant. For tonnage reports found to be incorrect, 17411  
a penalty of fifteen per cent of the amount due shall be assessed 17412  
against the licensee or registrant and shall constitute a debt and 17413  
become the basis of a judgment against the licensee or registrant. 17414  
17415

(C) No information furnished under this section shall be 17416  
disclosed by any employee of the department of agriculture in such 17417  
a way as to divulge the operation of any person required to make 17418  
such a report. The filing by a licensee or registrant of a sales 17419  
volume tonnage statement required by division (B) of this section 17420  
thereby grants permission to the director to verify the same with 17421  
the records of the licensee or registrant. 17422

(D) All money collected under this section shall be credited 17423  
to the pesticide, fertilizer, and lime program fund created in 17424  
section 921.22 of the Revised Code. 17425

**Sec. 905.50.** If the director of agriculture has taken an 17426  
official sample of a fertilizer or mixed fertilizer and determined 17427  
that it constitutes mislabeled fertilizer pursuant to rules 17428  
adopted under section 905.40 of the Revised Code, the person who 17429  
labeled the fertilizer or mixed fertilizer shall pay a penalty to 17430  
the consumer of the mislabeled fertilizer or, if the consumer 17431  
cannot be determined with reasonable diligence or is not 17432  
available, to the director ~~for deposit into~~ to be credited to the 17433  
~~commercial feed pesticide, fertilizer, seed, and lime inspection~~ 17434  
~~and laboratory program~~ fund created under section ~~905.38~~ 921.22 of 17435  
the Revised Code. The amount of the penalty shall be calculated in 17436  
accordance with either division (A) or (B) of this section, 17437  
whichever method of calculation yields the largest amount. 17438

(A)(1) A penalty required to be paid under this section may 17439

be calculated as follows: 17440

(a) Five dollars for each percentage point of total nitrogen 17441  
or phosphorus in the fertilizer that is below the percentage of 17442  
nitrogen or phosphorus guaranteed on the label, multiplied by the 17443  
number of tons of mislabeled fertilizer that have been sold to the 17444  
consumer; 17445

(b) Three dollars for each percentage point of potash in the 17446  
fertilizer that is below the percentage of potash guaranteed on 17447  
the label, multiplied by the number of tons of mislabeled 17448  
fertilizer that have been sold to the consumer. 17449

(2) In the case of a fertilizer that contains a quantity of 17450  
nitrogen, phosphorus, or potash that is more than five percentage 17451  
points below the percentages guaranteed on the label, the 17452  
penalties calculated under division (A)(1) of this section shall 17453  
be tripled. 17454

(3) No penalty calculated under division (A) of this section 17455  
shall be less than twenty-five dollars. 17456

(B) A penalty required to be paid under this section may be 17457  
calculated by multiplying the market value of one unit of the 17458  
mislabeled fertilizer by the number of units of the mislabeled 17459  
fertilizer that have been sold to the consumer. 17460

(C) Upon making a determination under this section that a 17461  
person has mislabeled fertilizer or mixed fertilizer, the director 17462  
shall determine the parties to whom the penalty imposed by this 17463  
section is required to be paid and, in accordance with division 17464  
(A) or (B) of this section, as applicable, shall calculate the 17465  
amount of the penalty required to be paid to each such party. 17466  
After completing those determinations and calculations, the 17467  
director shall issue to the person who allegedly mislabeled the 17468  
fertilizer or mixed fertilizer a notice of violation. The notice 17469  
shall be accompanied by an order requiring, and specifying the 17470

manner of, payment of the penalty imposed by this section to the 17471  
parties in the amounts set forth in the determinations and 17472  
calculations required by this division. The order shall be issued 17473  
in accordance with Chapter 119. of the Revised Code. 17474

No person shall violate a term or condition of an order 17475  
issued under this division. 17476

**Sec. 905.51.** As used in sections 905.51 to ~~905.66~~ 905.65 of 17477  
the Revised Code: 17478

(A) "Liming material" means all materials, the calcium and 17479  
magnesium content of which is used to neutralize soil acidity, and 17480  
includes the oxide, hydrate, carbonate, and silicate forms, as 17481  
defined by rule, or combinations of those forms. "Liming material" 17482  
includes materials such as the following: 17483

(1) Limestone; 17484

(2) Hydrated lime; 17485

(3) Burnt lime; 17486

(4) Industrial by-product; 17487

(5) Marl and shell. 17488

(B) "Bulk" means in a nonpackaged form. 17489

(C) "Label" means any written or printed matter on the 17490  
package, or tag attached thereto. 17491

(D) "Manufacture" means to process, crush, grind, pelletize, 17492  
or blend. 17493

(E) "Person" means any partnership, association, firm, or 17494  
corporation, company, society, individual or combination of 17495  
individuals, institution, park, or public agency administered by 17496  
the state or any subdivision of the state. 17497

(F) "Product name" means a coined or specific designation 17498

applied to an individual liming material. 17499

(G) "Sale" means an exchange or offer to exchange ownership, 17500  
or a transfer or offer to transfer custody. 17501

(H) "Ton" means a net weight of two thousand pounds. 17502

(I) "Metric ton" means a measure of weight equal to one 17503  
thousand kilograms. 17504

(J) "Pelletized lime" means a finely ground limestone product 17505  
or manufactured material that is held together in a granulated 17506  
form by a water soluble binding agent and that is capable of 17507  
neutralizing soil acidity. 17508

(K) "Water treatment lime sludge" means lime sludge generated 17509  
during the process of treating water supplies having levels of 17510  
heavy metals at or below the levels permitted in standards adopted 17511  
by the director of environmental protection governing the land 17512  
application of lime sludge so generated. 17513

(L) "Distribute" means to offer for sale, sell, barter, or 17514  
otherwise supply liming material in this state. 17515

(M) "Official sample" means any sample of liming material 17516  
taken and designated as "official" by the director of agriculture 17517  
or the director's designee. 17518

(N) "Effective neutralizing power" means the neutralizing 17519  
value of liming material based on the total neutralizing power and 17520  
fineness that is expressed as a dry weight percentage. 17521

(O) "Fineness index" means the percentage by weight of a 17522  
liming material that will pass designated sieves, calculated to 17523  
account for particle size distribution by adding the amounts 17524  
arrived at under divisions (O)(1), (2), and (3) of this section as 17525  
follows: 17526

(1) Two-tenths multiplied by the percentage of material 17527  
passing a number eight United States standard sieve minus the 17528

percentage of material passing a number twenty United States  
standard sieve. 17529  
17530

(2) Six-tenths multiplied by the percentage of material 17531  
passing a number twenty United States standard sieve minus the 17532  
percentage of material passing a number sixty United States 17533  
standard sieve. 17534

(3) One multiplied by the percentage of material passing a 17535  
number sixty United States standard sieve. 17536

**Sec. 905.52.** (A) Except as provided in section 905.53 of the 17537  
Revised Code, no person shall manufacture, sell, or distribute in 17538  
this state liming material without a license to do so issued by 17539  
the department of agriculture. 17540

(B) Each such license expires on the thirty-first day of 17541  
December of each year and shall be renewed according to the 17542  
standard renewal procedure of sections 4745.01 to 4745.03 of the 17543  
Revised Code. 17544

(C) Each application for issuance or renewal of such a 17545  
license shall: 17546

(1) Include the name and address of the applicant and the 17547  
name and address of each bulk distribution point from which the 17548  
applicant's liming material will be distributed in this state; 17549

(2) Be accompanied by a license fee of fifty dollars: 17550

(a) For each location at which liming material is 17551  
manufactured in this state; 17552

(b) For each location out of the state from which liming 17553  
material is distributed or sold in this state to nonlicensees. 17554

(3) Be accompanied by a label for each product name and 17555  
grade. 17556

(D) The name and address of the applicant shown on the 17557

application shall be shown on all labels, pertinent invoices, and 17558  
bulk storage for liming material distributed or sold by the 17559  
licensee in this state. 17560

(E) The licensee shall inform the department in writing of 17561  
additional distribution points established during the period of 17562  
the license. 17563

(F) All money collected under this section shall be credited 17564  
to the pesticide, fertilizer, and lime program fund created in 17565  
section 921.22 of the Revised Code. 17566

**Sec. 905.56.** (A) Each licensee shall file with the department 17567  
of agriculture an annual tonnage report that includes the number 17568  
of net tons of liming material sold or distributed to a 17569  
non-licensee in this state, by county, by oxide and hydrate forms, 17570  
and by grade as defined in section 905.54 of the Revised Code, 17571  
within forty days after the thirty-first day of December of each 17572  
calendar year. The inspection fee at the rate stated in division 17573  
(B) of this section shall accompany this report. 17574

(B) Each licensee who sells or distributes more than 17575  
twenty-five hundred tons of agricultural liming material in this 17576  
state shall pay to the department an inspection fee. The 17577  
inspection fee is one fourth of one cent for each ton in excess of 17578  
twenty-five hundred tons, as reported in the tonnage report 17579  
required by division (A) of this section. The maximum inspection 17580  
fee is three hundred dollars. 17581

(C) If a tonnage report is not filed, or if the inspection 17582  
fee is not paid within ten days after the due date, a penalty of 17583  
ten per cent of the amount due, with a minimum penalty of ten 17584  
dollars, shall be assessed against the licensee. The amount of fee 17585  
due, plus penalty, shall constitute a debt and shall become the 17586  
basis of a judgment against the licensee. Such remedy is in 17587  
addition to the remedy provided in section 905.62 of the Revised 17588



Code. 17589

(D) The director of agriculture may inspect the inventories, 17590  
books, and records of any licensee in order to verify a tonnage 17591  
report. If the director finds that a tonnage report is erroneous, 17592  
the director may adjust the inspection fee, may assess any balance 17593  
due against the licensee, and may impose a penalty not to exceed 17594  
ten per cent of the balance due, or may refund any overpayment. 17595

(E) All money collected under this section shall be credited 17596  
to the pesticide, fertilizer, and lime program fund created in 17597  
section 921.22 of the Revised Code. 17598

**Sec. 907.13.** No person shall label agricultural, vegetable, 17599  
or flower seed that is intended for sale in this state unless the 17600  
person holds a valid seed labeler permit that has been issued by 17601  
the director of agriculture in accordance with this section. 17602

A person who wishes to obtain a seed labeler permit shall 17603  
file an application with the director on a form that the director 17604  
provides and shall submit a permit fee in the amount of ten 17605  
dollars. Such a person who labels seed under more than one name or 17606  
at more than one address shall obtain a separate seed labeler 17607  
permit and pay a separate permit fee for each name and address. 17608

The applicant shall include the applicant's full name and 17609  
address on the application together with any additional 17610  
information that the director requires by rules adopted under 17611  
section 907.10 of the Revised Code. If the applicant's address is 17612  
not within this state or it does not represent a location in this 17613  
state where the director can collect samples of the applicant's 17614  
seed for analysis, then the applicant shall include on the 17615  
application an address within this state where samples of the 17616  
applicant's seed may be collected for those purposes or shall 17617  
agree to provide the director or the director's authorized 17618  
representative with seeds for sampling upon request. 17619

Upon receipt of a complete application accompanied by the 17620  
ten-dollar permit fee, the director shall issue a seed labeler's 17621  
permit to the applicant. All seed labeler permits that are issued 17622  
under this section shall expire on the thirty-first day of 17623  
December of each year regardless of the date on which a permit was 17624  
issued during that year. 17625

Each person who obtains a seed labeler permit shall label the 17626  
seed that the person intends for sale in this state in accordance 17627  
with the requirements established in sections 907.01 to 907.17 of 17628  
the Revised Code. Each person who holds a valid seed labeler 17629  
permit shall keep the permit posted in a conspicuous place in the 17630  
principal seed room from which the person sells seed and shall 17631  
comply with the reporting and fee requirements that are 17632  
established in section 907.14 of the Revised Code. 17633

All money collected under this section shall be credited to 17634  
the commercial feed and seed fund created in section 923.46 of the 17635  
Revised Code. 17636

**Sec. 907.14.** (A) A person who holds a valid seed labeler 17637  
permit issued under section 907.13 of the Revised Code shall 17638  
report to the director of agriculture concerning the amount of 17639  
seed that the person sells in this state. The report shall be made 17640  
semiannually on a form that the director prescribes and provides. 17641  
One semiannual report shall be filed with the director prior to 17642  
the first day of February of each year with respect to all sales 17643  
that the person made during the period from the first day of July 17644  
to the thirty-first day of December of the preceding year. The 17645  
second semiannual report shall be filed prior to the first day of 17646  
August of each year with respect to all sales that the person made 17647  
during the period from the first day of January to the thirtieth 17648  
day of June of that year. 17649

(B) A person who holds a valid seed labeler permit shall 17650

include with each semiannual report a seed fee based on the amount 17651  
of the seed that the person sold during that reporting period as 17652  
follows: 17653

(1) For soybeans and small grains, including barley, oats, 17654  
rye, wheat, triticale, and spelt, four cents per one hundred 17655  
pounds; 17656

(2) For corn and grain sorghum, five cents per one hundred 17657  
pounds; 17658

(3)(a) For any of the following seed sold at wholesale or 17659  
retail or on consignment or commission, two per cent of the 17660  
wholesale value of the containers of seed or, if the seed is not 17661  
sold wholesale, two per cent of the retail value of the containers 17662  
of seed: 17663

(i) Vegetable and flower seed sold in containers, other than 17664  
hermetically sealed containers, of eight ounces or less; 17665

(ii) Flower seed sold in hermetically sealed containers that 17666  
contain fewer than three hundred seeds; 17667

(iii) Vegetable seed sold in hermetically sealed containers 17668  
that contain fewer than one thousand seeds. 17669

(b) The fees established pursuant to divisions (B)(3)(a)(ii) 17670  
and (iii) of this section apply to both of the following: 17671

(i) Seed sold in hermetically sealed containers that contain 17672  
the amount of seeds specified in division (B)(3)(a)(ii) or (iii) 17673  
of this section, as applicable; 17674

(ii) Seed sold in hermetically sealed containers that do not 17675  
clearly state the number of seeds that they contain. 17676

(c) Except as otherwise provided in division (B)(3)(b)(ii) of 17677  
this section, if the weight of seed in a container, or the 17678  
quantity of seed in a container, exceeds the applicable weight or 17679  
quantity specified in division (B)(3)(a)(i), (ii), or (iii) of 17680

this section, the fee established in division (B)(4) of this 17681  
section applies. 17682

(4) For alfalfa, clover, grass, native grass, mixtures 17683  
containing any of these, and all agricultural, vegetable, and 17684  
flower seeds not specified in divisions (B)(1) to (3) of this 17685  
section, ten cents per one hundred pounds. 17686

If the total amount of the seed fee that is due is less than 17687  
five dollars, the person shall pay the minimum seed fee, which is 17688  
five dollars. 17689

(C) For each failure to report in full the amount of seed 17690  
sold or to submit the required seed fees in full by the due date, 17691  
a person who holds a valid seed labeler permit shall pay a penalty 17692  
of ten per cent of the amount due or fifty dollars, whichever is 17693  
greater. Failure to pay either the fee or the penalty within 17694  
thirty days after the due date is cause for suspension or 17695  
revocation by the director of the seed labeler permit or refusal, 17696  
without a hearing, to issue a subsequent seed labeler permit for 17697  
which the person applies. 17698

(D) This section does not apply to governmental entities that 17699  
donate seed for conservation purposes. 17700

(E) All money collected under this section shall be credited 17701  
to the commercial feed and seed fund created in section 923.46 of 17702  
the Revised Code. 17703

**Sec. 907.30.** (A) No person shall apply legume inoculants to 17704  
seed for sale in ~~Ohio~~, this state for others or to a customer's 17705  
order unless ~~he shall have~~ the person has obtained from the 17706  
director of agriculture a legume inoculator's license for each 17707  
such place of business where seed is inoculated. Application for 17708  
such a license shall be made on a form obtainable from the 17709  
director and shall be accompanied by a fee of five dollars. ~~Said~~ 17710

The application shall include the name of the brand, or brands of legume inoculant to be used together with the name of the manufacturer, and the name of the process or technique used to apply the inoculant to the seed. All such licenses shall expire each year on the thirty-first day of January and shall be renewed according to the standard renewal procedure of sections 4745.01 to 4745.03, ~~inclusive,~~ of the Revised Code.

(B) The legume inoculator shall keep for a period of eighteen months, records ~~which~~ that shall include complete data concerning the source and lot number of the inoculant material used, the rate and date of application, and the lot identity by owner and lot number, if any, of the seed to which the material was applied.

(C) All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

**Sec. 907.31.** Any person who submits an application for the registration of a brand of legume inoculant shall pay annually, prior to the first day of January, a registration and inspection fee in the amount of fifty dollars per brand.

The registration shall be renewed according to the standard renewal procedure established in Chapter 4745. of the Revised Code.

All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

**Sec. 915.24.** (A) There is hereby created in the state treasury the food safety fund. All of the following moneys shall be credited to the fund:

(1) Bakery registration fees and fines received under sections 911.02 to 911.20 of the Revised Code;

(2) Cannery license fees and renewal fees received under sections 913.01 to 913.05 of the Revised Code;	17741 17742
(3) Moneys received under sections 913.22 to 913.28 of the Revised Code;	17743 17744
(4) License fees, fines, and penalties recovered for the violation of sections 915.01 to 915.12 of the Revised Code;	17745 17746
(5) License fees collected under sections 915.14 to 915.23 of the Revised Code;	17747 17748
(6) License fees, other fees, and fines collected by or for the director of agriculture under Chapter 3717. of the Revised Code;	17749 17750 17751
(7) Fees collected under section 3715.04 of the Revised Code for the issuance of certificates of health and freesale;	17752 17753
<u>(8) Registration fees and other fees collected by the director under section 3715.041 of the Revised Code.</u>	17754 17755
(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected.	17756 17757 17758
<b>Sec. 918.08.</b> (A) Except as provided in division (F) of this section, no person shall operate an establishment without first licensing the establishment with the department of agriculture. The owner of an establishment desiring a license with the department may make application therefor on forms provided by the department. If after inspection the director of agriculture finds that an establishment is in compliance with this chapter and rules adopted under it, the director shall notify the owner of the establishment and, upon receipt of the required license fee, the establishment shall be permitted to operate. However, if after inspection the director finds that an establishment is not in compliance with this chapter and rules adopted under it, the	17759 17760 17761 17762 17763 17764 17765 17766 17767 17768 17769 17770

director shall deny the license application. The applicant may  
appeal the denial of the license application in accordance with  
Chapter 119. of the Revised Code. The license shall expire  
annually on the thirty-first day of March and, if the director  
finds that the establishment is in compliance with this chapter  
and rules adopted under it, shall be renewed according to the  
standard renewal procedure of sections 4745.01 to 4745.03 of the  
Revised Code.

(B) The annual license fee for each establishment, or a  
renewal thereof, is ~~fifty~~ one hundred dollars. All fees collected  
under this section shall be deposited into the poultry and meat  
products fund created in section 918.15 of the Revised Code.

(C) If after inspection the director determines that an  
establishment licensed under division (A) of this section is  
operating in violation of this chapter or the rules adopted  
thereunder, the director shall notify the licensee in writing of  
the violation and give the licensee ten days from the date of  
notice to cease or correct the conditions causing the violation.  
If the conditions causing the violation continue after the  
expiration of the ten-day period, the director may do either of  
the following:

(1) Impose progressive enforcement actions as provided in  
division (D)(1) of this section in the same manner as inspectors;

(2) Suspend or revoke the establishment's license in  
accordance with Chapter 119. of the Revised Code.

(D)(1) If an inspector determines that an establishment  
licensed under division (A) of this section is operating in  
violation of sections 918.01 to 918.12 of the Revised Code and  
rules adopted under those sections, the inspector may notify the  
licensee in writing of the violation. The inspector immediately  
may impose progressive enforcement actions, including withholding

the mark of inspection, suspension of inspection, suspension of 17802  
inspection held in abeyance, and withdrawal of inspection. The 17803  
progressive enforcement actions may be taken prior to affording 17804  
the licensee an opportunity for a hearing. As authorized in 17805  
division (C) of section 119.06 of the Revised Code, a decision to 17806  
impose a progressive enforcement action is immediately appealable 17807  
to a higher authority within the department who is classified by 17808  
the director as a district supervisor and who is designated by the 17809  
director to hear the appeal. If the district supervisor affirms 17810  
the enforcement action of the inspector, the licensee may appeal 17811  
the enforcement action in accordance with Chapter 119. of the 17812  
Revised Code. 17813

(2) As used in division (D)(1) of this section, "suspension 17814  
of inspection held in abeyance" means a period of time during 17815  
which a suspension of inspection is lifted because an 17816  
establishment has presented the director with a corrective action 17817  
plan that, if implemented properly, would bring the establishment 17818  
into compliance with this chapter and rules adopted under it. 17819

(E) If in the opinion of the director the establishment is 17820  
being operated under such insanitary conditions as to be a hazard 17821  
to public health, or if the director determines that an 17822  
establishment is not in compliance with its hazard analysis 17823  
critical control point plan as required by rules, the director may 17824  
condemn or retain the product on hand and immediately withdraw 17825  
inspection from the establishment until the insanitary conditions 17826  
are corrected or until the establishment is in compliance with its 17827  
hazard analysis critical control point plan, as applicable. The 17828  
director may take those actions prior to an adjudication hearing 17829  
as required under section 119.06 of the Revised Code. The director 17830  
subsequently shall afford a hearing upon the request of the owner 17831  
or operator of the establishment. 17832

(F) Any person operating an establishment as defined in 17833



section 918.01 of the Revised Code who also operates on the same 17834  
premises an establishment as defined in section 918.21 of the 17835  
Revised Code shall apply either for licensure under section 918.08 17836  
of the Revised Code or for licensure under section 918.28 of the 17837  
Revised Code, but not for both, as the director shall determine. 17838

(G) If the director determines that the owner or operator of 17839  
or any person employed by an establishment licensed under division 17840  
(A) of this section forcibly assaulted, resisted, opposed, 17841  
impeded, intimidated, or interfered with any person while that 17842  
person was engaged in, or because of the person's performance of, 17843  
official duties under sections 918.01 to 918.12 of the Revised 17844  
Code or the rules adopted under those sections, the director 17845  
immediately may withdraw inspection from the establishment prior 17846  
to an adjudication hearing as required under section 119.06 of the 17847  
Revised Code. 17848

(H) In addition to any remedies provided by law and 17849  
irrespective of whether or not there exists an adequate remedy at 17850  
law, the director may apply to the court of common pleas of the 17851  
county in which a violation of sections 918.01 to 918.12 of the 17852  
Revised Code or rules adopted under those sections occurs for a 17853  
temporary or permanent injunction or other appropriate relief 17854  
concerning the violation. 17855

**Sec. 918.28.** (A) Except as provided in division (F) of 17856  
section 918.08 of the Revised Code, application for a license to 17857  
operate an establishment shall be made to the director of 17858  
agriculture on forms provided by the department of agriculture. 17859  
The director shall inspect the establishment and if, upon 17860  
inspection, the establishment is found to be in compliance with 17861  
this chapter and rules adopted under it, the director shall so 17862  
notify the owner of the establishment and, upon receipt of the 17863  
annual license fee of ~~fifty~~ one hundred dollars, shall issue the 17864

owner a license. However, if after inspection the director finds 17865  
that an establishment is not in compliance with this chapter and 17866  
rules adopted under it, the director shall deny the license 17867  
application. The applicant may appeal the denial of the license 17868  
application in accordance with Chapter 119. of the Revised Code. 17869  
The license shall expire on the thirty-first day of March of each 17870  
year and, if the director finds that the establishment is in 17871  
compliance with this chapter and rules adopted under it, shall be 17872  
renewed according to the standard renewal procedures of sections 17873  
4745.01 to 4745.03 of the Revised Code. 17874

(B) If after inspection the director determines that an 17875  
establishment licensed under this section is operating in 17876  
violation of this chapter or a rule or order adopted or issued 17877  
under authority thereof, the director shall notify the licensee in 17878  
writing of the violation, giving the licensee ten days from the 17879  
date of the notice to correct the conditions causing the 17880  
violation. If the conditions are not corrected within the ten-day 17881  
period, the director may do either of the following: 17882

(1) Impose progressive enforcement actions as provided in 17883  
division (C)(1) of this section in the same manner as inspectors; 17884

(2) Suspend or revoke the license in accordance with Chapter 17885  
119. of the Revised Code. 17886

(C)(1) If an inspector determines that an establishment 17887  
licensed under division (A) of this section is operating in 17888  
violation of sections 918.21 to 918.31 of the Revised Code and 17889  
rules adopted under those sections, the inspector may notify the 17890  
licensee in writing of the violation. The inspector immediately 17891  
may impose progressive enforcement actions, including withholding 17892  
the mark of inspection, suspension of inspection, suspension of 17893  
inspection held in abeyance, and withdrawal of inspection. The 17894  
progressive enforcement actions may be taken prior to affording 17895

the licensee an opportunity for a hearing. As authorized in 17896  
division (C) of section 119.06 of the Revised Code, a decision to 17897  
impose a progressive enforcement action is immediately appealable 17898  
to a higher authority within the department who is classified by 17899  
the director as a district supervisor and who is designated by the 17900  
director to hear the appeal. If the district supervisor affirms 17901  
the enforcement action of the inspector, the licensee may appeal 17902  
the enforcement action in accordance with Chapter 119. of the 17903  
Revised Code. 17904

(2) As used in division (C)(1) of this section, "suspension 17905  
of inspection held in abeyance" means a period of time during 17906  
which a suspension of inspection is lifted because an 17907  
establishment has presented the director with a corrective action 17908  
plan that, if implemented properly, would bring the establishment 17909  
into compliance with this chapter and rules adopted under it. 17910

(D) If in the opinion of the director the establishment is 17911  
being operated under such insanitary conditions as to be a hazard 17912  
to public health, or if the director determines that an 17913  
establishment is not in compliance with its hazard analysis 17914  
critical control point plan as required by rules, the director may 17915  
condemn or retain the product on hand and immediately withdraw 17916  
inspection from the establishment until such time as the 17917  
insanitary conditions are corrected or until the establishment is 17918  
in compliance with its hazard analysis critical control point 17919  
plan, as applicable. 17920

(E) If the director determines that the owner or operator of 17921  
or any person employed by an establishment licensed under division 17922  
(A) of this section forcibly assaulted, resisted, opposed, 17923  
impeded, intimidated, or interfered with any person while that 17924  
person was engaged in, or because of the person's performance of, 17925  
official duties under sections 918.21 to 918.31 of the Revised 17926  
Code or the rules adopted under those sections, the director 17927

immediately may withdraw inspection from the establishment prior 17928  
to an adjudication hearing as required under section 119.06 of the 17929  
Revised Code. 17930

(F) In addition to any remedies provided by law and 17931  
irrespective of whether or not there exists an adequate remedy at 17932  
law, the director may apply to the court of common pleas of the 17933  
county in which a violation of sections 918.21 to 918.31 of the 17934  
Revised Code or rules adopted under those sections occurs for a 17935  
temporary or permanent injunction or other appropriate relief 17936  
concerning the violation. 17937

**Sec. 921.02.** (A) No person shall distribute a pesticide 17938  
within this state unless the pesticide is registered with the 17939  
director of agriculture under this chapter. Registrations shall be 17940  
issued for a period of time established by rule and shall be 17941  
renewed in accordance with deadlines established by rule. 17942  
Registration is not required if a pesticide is shipped from one 17943  
plant or warehouse to another plant or warehouse operated by the 17944  
same person and used solely at that plant or warehouse as a 17945  
constituent part to make a pesticide that is registered under this 17946  
chapter, or if the pesticide is distributed under the provisions 17947  
of an experimental use permit issued under section 921.03 of the 17948  
Revised Code or an experimental use permit issued by the United 17949  
States environmental protection agency. 17950

(B) The applicant for registration of a pesticide shall file 17951  
a statement with the director on a form provided by the director, 17952  
which shall include all of the following: 17953

(1) The name and address of the applicant and the name and 17954  
address of the person whose name will appear on the label, if 17955  
other than the applicant's name; 17956

(2) The brand and product name of the pesticide; 17957

(3) Any necessary information required for completion of the 17958  
department of agriculture's application for registration, 17959  
including the agency registration number; 17960

(4) A complete copy of the labeling accompanying the 17961  
pesticide and a statement of all claims to be made for it, 17962  
including the directions for use and the use classification as 17963  
provided for in the federal act. 17964

(C) The director, when the director considers it necessary in 17965  
the administration of this chapter, may require the submission of 17966  
the complete formula of any pesticide including the active and 17967  
inert ingredients. 17968

(D) The director may require a full description of the tests 17969  
made and the results thereof upon which the claims are based for 17970  
any pesticide. The director shall not consider any data submitted 17971  
in support of an application, without permission of the applicant, 17972  
in support of any other application for registration unless the 17973  
other applicant first has offered to pay reasonable compensation 17974  
for producing the test data to be relied upon and the data are not 17975  
protected from disclosure by section 921.04 of the Revised Code. 17976  
In the case of a renewal of registration, a statement shall be 17977  
required only with respect to information that is different from 17978  
that furnished when the pesticide was registered or last 17979  
registered. 17980

(E) The director may require any other information to be 17981  
submitted with an application. 17982

Any applicant may designate any portion of the required 17983  
registration information as a trade secret or confidential 17984  
business information. Upon receipt of any required registration 17985  
information designated as a trade secret or confidential business 17986  
information, the director shall consider the designated 17987  
information as confidential and shall not reveal or cause to be 17988

revealed any such designated information without the consent of 17989  
the applicants, except to persons directly involved in the 17990  
registration process described in this section or as required by 17991  
law. 17992

(F) Beginning January 1, 2007, each applicant shall pay a 17993  
registration and inspection fee of one hundred fifty dollars for 17994  
each product name and brand registered for the company whose name 17995  
appears on the label. If an applicant files for a renewal of 17996  
registration after the deadline established by rule, the applicant 17997  
shall pay a penalty fee of seventy-five dollars for each product 17998  
name and brand registered for the applicant. The penalty fee shall 17999  
be added to the original fee and paid before the renewal 18000  
registration is issued. In addition to any other remedy available 18001  
under this chapter, if a pesticide that is not registered pursuant 18002  
to this section is distributed within this state, the person 18003  
required to register the pesticide shall do so and shall pay a 18004  
penalty fee of seventy-five dollars for each product name and 18005  
brand registered for the applicant. The penalty fee shall be added 18006  
to the original fee of one hundred fifty dollars and paid before 18007  
the registration is issued. 18008

(G) Provided that the state is authorized by the 18009  
administrator of the United States environmental protection agency 18010  
to register pesticides to meet special local needs, the director 18011  
shall require the information set forth under divisions (B), (C), 18012  
(D), and (E) of this section and shall register any such pesticide 18013  
after determining that all of the following conditions are met: 18014

(1) Its composition is such as to warrant the proposed claims 18015  
for it. 18016

(2) Its labeling and other material required to be submitted 18017  
comply with the requirements of the federal act and of this 18018  
chapter, and rules adopted thereunder. 18019

(3) It will perform its intended function without 18020  
unreasonable adverse effects on the environment. 18021

(4) When used in accordance with widespread and commonly 18022  
recognized practice, it will not generally cause unreasonable 18023  
adverse effects on the environment. 18024

(5) The classification for general or restricted use is in 18025  
conformity with the federal act. 18026

The director shall not make any lack of essentiality a 18027  
criterion for denying the registration of any pesticide. When two 18028  
pesticides meet the requirements of division (G) of this section, 18029  
the director shall not register one in preference to the other. 18030

(H)(1) The director may refuse to register a pesticide if the 18031  
application for registration fails to comply with this section. 18032

(2) The director may suspend or revoke a pesticide 18033  
registration after a hearing in accordance with Chapter 119. of 18034  
the Revised Code for a pesticide that fails to meet the claims 18035  
made for it on its label. 18036

(3) The director may immediately suspend a pesticide 18037  
registration, prior to a hearing, when the director believes that 18038  
the pesticide poses an immediate hazard to human or animal health 18039  
or a hazard to the environment. Not later than fifteen days after 18040  
suspending the registration, the director shall determine whether 18041  
the pesticide poses such a hazard. If the director determines that 18042  
no hazard exists, the director shall lift the suspension of the 18043  
registration. If the director determines that a hazard exists, the 18044  
director shall revoke the registration in accordance with Chapter 18045  
119. of the Revised Code. 18046

(I) All money collected under this section shall be credited 18047  
to the pesticide, fertilizer, and lime program fund created in 18048  
section 921.22 of the Revised Code. 18049

**Sec. 921.06.** (A)(1) No individual shall do any of the 18050  
following without having a commercial applicator license issued by 18051  
the director of agriculture: 18052

(a) Apply pesticides for a pesticide business without direct 18053  
supervision; 18054

(b) Apply pesticides as part of the individual's duties while 18055  
acting as an employee of the United States government, a state, 18056  
county, township, or municipal corporation, or a park district, 18057  
port authority, or sanitary district created under Chapter 1545., 18058  
4582., or 6115. of the Revised Code, respectively; 18059

(c) Apply restricted use pesticides. Division (A)(1)(c) of 18060  
this section does not apply to a private applicator or an 18061  
immediate family member or a subordinate employee of a private 18062  
applicator who is acting under the direct supervision of that 18063  
private applicator. 18064

(d) If the individual is the owner of a business other than a 18065  
pesticide business or an employee of such an owner, apply 18066  
pesticides at any of the following publicly accessible sites that 18067  
are located on the property: 18068

(i) Food service operations that are licensed under Chapter 18069  
3717. of the Revised Code; 18070

(ii) Retail food establishments that are licensed under 18071  
Chapter 3717. of the Revised Code; 18072

(iii) Golf courses; 18073

(iv) Rental properties of more than four apartment units at 18074  
one location; 18075

(v) Hospitals or medical facilities as defined in section 18076  
3701.01 of the Revised Code; 18077

(vi) Child day-care centers or school child day-care centers 18078



as defined in section 5104.01 of the Revised Code; 18079

(vii) Facilities owned or operated by a school district 18080  
established under Chapter 3311. of the Revised Code, including an 18081  
education service center, a community school established under 18082  
Chapter 3314. of the Revised Code, or a chartered or nonchartered 18083  
nonpublic school that meets minimum standards established by the 18084  
state board of education; 18085

(viii) Colleges as defined in section 3365.01 of the Revised 18086  
Code; 18087

(ix) Food processing establishments as defined in section 18088  
3715.021 of the Revised Code; 18089

(x) Any other site designated by rule. 18090

(e) Conduct authorized diagnostic inspections. 18091

(2) Divisions (A)(1)(a) to (d) of this section do not apply 18092  
to an individual who is acting as a trained serviceperson under 18093  
the direct supervision of a commercial applicator. 18094

(3) Licenses shall be issued for a period of time established 18095  
by rule and shall be renewed in accordance with deadlines 18096  
established by rule. The fee for each such license shall be 18097  
established by rule. If a license is not issued or renewed, the 18098  
application fee shall be retained by the state as payment for the 18099  
reasonable expense of processing the application. The director 18100  
shall by rule classify by pesticide-use category licenses to be 18101  
issued under this section. A single license may include more than 18102  
one pesticide-use category. No individual shall be required to pay 18103  
an additional license fee if the individual is licensed for more 18104  
than one category. 18105

The fee for each license or renewal does not apply to an 18106  
applicant who is an employee of the department of agriculture 18107  
whose job duties require licensure as a commercial applicator as a 18108

condition of employment. 18109

(B) Application for a commercial applicator license shall be 18110  
made on a form prescribed by the director. Each application for a 18111  
license shall state the pesticide-use category or categories of 18112  
license for which the applicant is applying and other information 18113  
that the director determines essential to the administration of 18114  
this chapter. 18115

(C) If the director finds that the applicant is competent to 18116  
apply pesticides and conduct diagnostic inspections and that the 18117  
applicant has passed both the general examination and each 18118  
applicable pesticide-use category examination as required under 18119  
division (A) of section 921.12 of the Revised Code, the director 18120  
shall issue a commercial applicator license limited to the 18121  
pesticide-use category or categories for which the applicant is 18122  
found to be competent. If the director rejects an application, the 18123  
director may explain why the application was rejected, describe 18124  
the additional requirements necessary for the applicant to obtain 18125  
a license, and return the application. The applicant may resubmit 18126  
the application without payment of any additional fee. 18127

(D)(1) A person who is a commercial applicator shall be 18128  
deemed to hold a private applicator's license for purposes of 18129  
applying pesticides on agricultural commodities that are produced 18130  
by the commercial applicator. 18131

(2) A commercial applicator shall apply pesticides only in 18132  
the pesticide-use category or categories in which the applicator 18133  
is licensed under this chapter. 18134

(E) All money collected under this section shall be credited 18135  
to the pesticide, fertilizer, and lime program fund created in 18136  
section 921.22 of the Revised Code. 18137

**Sec. 921.09.** (A)(1) No person shall own or operate a 18138

pesticide business without obtaining a license from the director 18139  
of agriculture. Licenses shall be issued for a period of time 18140  
established by rule and shall be renewed in accordance with 18141  
deadlines established by rule. 18142

(2) A person applying for a pesticide business license shall 18143  
register each location that is owned by the person and used for 18144  
the purpose of engaging in the pesticide business. 18145

(B) Any person who owns or operates a pesticide business 18146  
outside of this state, but engages in the business of applying 18147  
pesticides to properties of another for hire in this state, shall 18148  
obtain a license for the person's principal out-of-state location 18149  
from the director. In addition, the person shall register each 18150  
location that is owned by the person in this state and used for 18151  
the purpose of engaging in the pesticide business. 18152

(C)(1) The person applying for a pesticide business license 18153  
shall file a statement with the director, on a form provided by 18154  
the director, that shall include all of the following: 18155

(a) The address of the principal place of business of the 18156  
pesticide business; 18157

(b) The address of each location that the person intends to 18158  
register under division (A)(2) or (B) of this section; 18159

(c) Any other information that the director determines 18160  
necessary and that the director requires by rule. 18161

(2) Each applicant shall pay a license fee established by 18162  
rule for the pesticide business plus an additional fee established 18163  
by rule for each pesticide business registered location specified 18164  
in the application. The license may be renewed upon payment of a 18165  
renewal fee established by rule plus an additional fee established 18166  
by rule for each pesticide business registered location. A copy of 18167  
the license shall be maintained and conspicuously displayed at 18168

each such location. 18169

(3) The issuance of a pesticide business license constitutes 18170  
registration of any pesticide business location identified in the 18171  
application under division (C)(1) of this section. 18172

(4) The owner or operator of a pesticide business shall 18173  
notify the director not later than fifteen days after any change 18174  
occurs in the information required under division (C)(1)(a) or (b) 18175  
of this section. 18176

(D) The owner or operator of a pesticide business shall 18177  
employ at least one commercial applicator for each pesticide 18178  
business registered location the owner or operator owns or 18179  
operates. 18180

(E) The owner or operator of a pesticide business is 18181  
responsible for the acts of each employee in the handling, 18182  
application, and use of pesticides and in the conducting of 18183  
diagnostic inspections. The pesticide business license is subject 18184  
to denial, modification, suspension, or revocation after a hearing 18185  
for any violation of this chapter or any rule adopted or order 18186  
issued under it. The director may levy against the owner or 18187  
operator any civil penalties authorized by division (B) of section 18188  
921.16 of the Revised Code for any violation of this chapter or 18189  
any rule adopted or order issued under it that is committed by the 18190  
owner or operator or by the owner's or operator's officer, 18191  
employee, or agent. 18192

(F) The director may modify a license issued under this 18193  
section by one of the following methods: 18194

(1) Revoking a licensee's authority to operate out of a 18195  
particular pesticide business registered location listed under 18196  
division (C)(1)(b) of this section; 18197

(2) Preventing a licensee from operating within a specific 18198  
pesticide-use category. 18199

(G) The director may deny a pesticide business license to any person whose pesticide business license has been revoked within the previous thirty-six months.

(H) Each pesticide business registered location that is owned by a pesticide business is subject to inspection by the director.

(I) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

**Sec. 921.11.** (A)(1) No individual shall apply restricted use pesticides unless the individual is one of the following:

(a) Licensed under section 921.06 of the Revised Code;

(b) Licensed under division (B) of this section;

(c) A trained serviceperson who is acting under the direct supervision of a commercial applicator;

(d) An immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(2) No individual shall directly supervise the application of a restricted use pesticide unless the individual is one of the following:

(a) Licensed under section 921.06 of the Revised Code;

(b) Licensed under division (B) of this section.

(B) The director of agriculture shall adopt rules to establish standards and procedures for the licensure of private applicators. An individual shall apply for a private applicator license to the director, on forms prescribed by the director. The individual shall include in the application the pesticide-use category or categories of the license for which the individual is applying and any other information that the director determines is

essential to the administration of this chapter. The fee for each 18229  
license shall be established by rule. Licenses shall be issued for 18230  
a period of time established by rule and shall be renewed in 18231  
accordance with deadlines established by rule. If a license is not 18232  
issued or renewed, the state shall retain any fee submitted as 18233  
payment for reasonable expenses of processing the application. 18234

(C) An individual who is licensed under this section shall 18235  
use or directly supervise the use of a restricted use pesticide 18236  
only for the purpose of producing agricultural commodities on 18237  
property that is owned or rented by the individual or the 18238  
individual's employer. 18239

(D) All money collected under this section shall be credited 18240  
to the pesticide, fertilizer, and lime program fund created in 18241  
section 921.22 of the Revised Code. 18242

**Sec. 921.13.** (A) Any person who is acting in the capacity of 18243  
a pesticide dealer or who advertises or assumes to act as a 18244  
pesticide dealer at any time shall obtain a pesticide dealer 18245  
license from the director of agriculture. Licenses shall be issued 18246  
for a period of time established by rule and shall be renewed in 18247  
accordance with deadlines established by rule. A license is 18248  
required for each location or outlet within this state from which 18249  
the person distributes pesticides. 18250

Any pesticide dealer who has no pesticide dealer outlets in 18251  
this state and who distributes restricted use pesticides directly 18252  
into this state shall obtain a pesticide dealer license from the 18253  
director for the pesticide dealer's principal out-of-state 18254  
location or outlet and for each sales person operating in the 18255  
state. 18256

The applicant shall include a license fee established by rule 18257  
with the application for a license. The application shall be made 18258  
on a form prescribed by the director. 18259

Each pesticide dealer shall submit records to the director of 18260  
all of the restricted use pesticides the pesticide dealer has 18261  
distributed, as specified by the director, and duplicate records 18262  
shall be retained by the pesticide dealer for a period of time 18263  
established by rules. 18264

(B) This section does not apply to any federal, state, 18265  
county, or municipal agency that provides pesticides for its own 18266  
programs. 18267

(C) Each licensed pesticide dealer is responsible for the 18268  
acts of each employee in the solicitation and sale of pesticides 18269  
and all claims and recommendations for use of pesticides. The 18270  
pesticide dealer's license is subject to denial, suspension, or 18271  
revocation after a hearing for any violation of this chapter 18272  
whether committed by the pesticide dealer or by the pesticide 18273  
dealer's officer, agent, or employee. 18274

(D) All money collected under this section shall be credited 18275  
to the pesticide, fertilizer, and lime program fund created in 18276  
section 921.22 of the Revised Code. 18277

**Sec. 921.16.** (A) The director of agriculture shall adopt 18278  
rules the director determines necessary for the effective 18279  
enforcement and administration of this chapter. The rules may 18280  
relate to, but are not limited to, the time, place, manner, and 18281  
methods of application, materials, and amounts and concentrations 18282  
of application of pesticides, may restrict or prohibit the use of 18283  
pesticides in designated areas during specified periods of time, 18284  
and shall encompass all reasonable factors that the director 18285  
determines necessary to minimize or prevent damage to the 18286  
environment. In addition, the rules shall establish the deadlines 18287  
and time periods for registration, registration renewal, late 18288  
registration renewal, and failure to register under section 921.02 18289  
of the Revised Code; the fees for registration, registration 18290

renewal, late registration renewal, and failure to register under 18291  
section 921.02 of the Revised Code that shall apply until the fees 18292  
that are established under that section take effect on January 1, 18293  
2007; and the fees, deadlines, and time periods for licensure and 18294  
license renewal under sections 921.06, 921.09, 921.11, and 921.13 18295  
of the Revised Code. 18296

(B) The director shall adopt rules that establish a schedule 18297  
of civil penalties for violations of this chapter, or any rule or 18298  
order adopted or issued under it, provided that the civil penalty 18299  
for a first violation shall not exceed five thousand dollars and 18300  
the civil penalty for each subsequent violation shall not exceed 18301  
ten thousand dollars. In determining the amount of a civil penalty 18302  
for a violation, the director shall consider factors relevant to 18303  
the severity of the violation, including past violations and the 18304  
amount of actual or potential damage to the environment or to 18305  
human beings. All money collected under this division shall be 18306  
credited to the pesticide, fertilizer, and lime program fund 18307  
created in section 921.22 of the Revised Code. 18308

(C) The director shall adopt rules that set forth the 18309  
conditions under which the director: 18310

(1) Requires that notice or posting be given of a proposed 18311  
application of a pesticide; 18312

(2) Requires inspection, condemnation, or repair of equipment 18313  
used to apply a pesticide; 18314

(3) Will suspend, revoke, or refuse to issue any pesticide 18315  
registration for a violation of this chapter; 18316

(4) Requires safe handling, transportation, storage, display, 18317  
distribution, and disposal of pesticides and their containers; 18318

(5) Ensures the protection of the health and safety of 18319  
agricultural workers storing, handling, or applying pesticides, 18320



and all residents of agricultural labor camps, as that term is 18321  
defined in section 3733.41 of the Revised Code, who are living or 18322  
working in the vicinity of pesticide-treated areas; 18323

(6) Requires a record to be kept of all pesticide 18324  
applications made by each commercial applicator and by any trained 18325  
serviceperson acting under the commercial applicator's direct 18326  
supervision and of all restricted use pesticide applications made 18327  
by each private applicator and by any immediate family member or 18328  
subordinate employee of that private applicator who is acting 18329  
under the private applicator's direct supervision as required 18330  
under section 921.14 of the Revised Code; 18331

(7) Determines the pesticide-use categories of diagnostic 18332  
inspections that must be conducted by a commercial applicator; 18333

(8) Requires a record to be kept of all diagnostic 18334  
inspections conducted by each commercial applicator and by any 18335  
trained service person. 18336

(D) The director shall prescribe standards for the licensure 18337  
of applicators of pesticides consistent with those prescribed by 18338  
the federal act and the regulations adopted under it or prescribe 18339  
standards that are more restrictive than those prescribed by the 18340  
federal act and the regulations adopted under it. The standards 18341  
may relate to the use of a pesticide or to an individual's 18342  
pesticide-use category. 18343

The director shall take into consideration standards of the 18344  
United States environmental protection agency. 18345

(E) The director may adopt rules setting forth the conditions 18346  
under which the director will: 18347

(1) Collect and examine samples of pesticides or devices; 18348

(2) Specify classes of devices that shall be subject to this 18349  
chapter; 18350

- (3) Prescribe other necessary registration information. 18351
- (F) The director may adopt rules that do either or both of 18352  
the following: 18353
- (1) Designate, in addition to those restricted uses so 18354  
classified by the administrator of the United States environmental 18355  
protection agency, restricted uses of pesticides for the state or 18356  
for designated areas within the state and, if the director 18357  
considers it necessary, to further restrict such use; 18358
- (2) Define what constitutes "acting under the instructions 18359  
and control of a commercial applicator" as used in the definition 18360  
of "direct supervision" in division (Q)(1) of section 921.01 of 18361  
the Revised Code. In adopting a rule under division (F)(2) of this 18362  
section, the director shall consider the factors associated with 18363  
the use of pesticide in the various pesticide-use categories. 18364  
Based on consideration of the factors, the director may define 18365  
"acting under the instructions and control of a commercial 18366  
applicator" to include communications between a commercial 18367  
applicator and a trained serviceperson that are conducted via 18368  
landline telephone or a means of wireless communication. Any rules 18369  
adopted under division (F)(2) of this section shall be drafted in 18370  
consultation with representatives of the pesticide industry. 18371
- (G) Except as provided in division (D) of this section, the 18372  
director shall not adopt any rule under this chapter that is 18373  
inconsistent with the requirements of the federal act and 18374  
regulations adopted thereunder. 18375
- (H) The director, after notice and opportunity for hearing, 18376  
may declare as a pest any form of plant or animal life, other than 18377  
human beings and other than bacteria, viruses, and other 18378  
microorganisms on or in living human beings or other living 18379  
animals, that is injurious to health or the environment. 18380
- (I) The director may make reports to the United States 18381

environmental protection agency, in the form and containing the 18382  
information the agency may require. 18383

(J) The director shall adopt rules for the application, use, 18384  
storage, and disposal of pesticides if, in the director's 18385  
judgment, existing programs of the United States environmental 18386  
protection agency necessitate such rules or pesticide labels do 18387  
not sufficiently address issues or situations identified by the 18388  
department of agriculture or interested state agencies. 18389

(K) The director shall adopt rules establishing all of the 18390  
following: 18391

(1) Standards, requirements, and procedures for the 18392  
examination and re-examination of commercial applicators and 18393  
private applicators; 18394

(2) With respect to training programs that the director may 18395  
require commercial applicators and private applicators to 18396  
complete: 18397

(a) Standards and requirements that a training program must 18398  
satisfy in order to be offered by the director or the director's 18399  
representative or in order to be approved by the director if a 18400  
third party wishes to offer it; 18401

(b) Eligibility standards and requirements that must be 18402  
satisfied by third parties who wish to provide the training 18403  
programs; 18404

(c) Procedures that third parties must follow in order to 18405  
submit a proposed training program to the director for approval; 18406

(d) Criteria that the director must consider when determining 18407  
whether to authorize a commercial applicator or private applicator 18408  
to participate in a training program instead of being required to 18409  
pass a re-examination. 18410

(3) Training requirements for a trained serviceperson. 18411

(L) The director shall adopt all rules under this chapter in accordance with Chapter 119. of the Revised Code.

**Sec. 921.22.** The pesticide, fertilizer, and lime program fund is hereby created in the state treasury. ~~The portion of the money in the fund that is collected under this chapter shall be used to carry out the purposes of this chapter. The portion of the money in the fund that is collected under section 927.53 of the Revised Code shall be used to carry out the purposes specified in that section, the portion of the money in the fund that is collected under section 927.69 of the Revised Code shall be used to carry out the purposes specified in that section, and the portion of the money in the fund that is collected under section 927.701 of the Revised Code shall be used to carry out the purposes of that section.~~ The fund shall consist of ~~fees collected under sections 921.01 to 921.15, division (F) of section 927.53, and section 927.69 of the Revised Code, money collected under section 927.701~~ money credited to it under this chapter and Chapter 905. of the Revised Code, and rules adopted under them and all fines, penalties, costs, and damages, except court costs, that are collected by either the director of agriculture or the attorney general in consequence of any violation of ~~this chapter~~ those chapters or rules adopted under them. The director shall use money in the fund to administer and enforce those chapters and rules adopted under them.

The director shall keep accurate records of all receipts into and disbursements from the fund and shall prepare, and provide upon request, an annual report classifying the receipts and disbursements that pertain to pesticides, fertilizers, or lime.

**Sec. 921.27.** (A) If the director of agriculture has reasonable cause to believe that a pesticide or device is being distributed, stored, transported, or used in violation of this

chapter or of any rules, it shall be subject to seizure on 18443  
complaint of the director to a court of competent jurisdiction in 18444  
the locality in which the pesticide or device is located. 18445

(B) If the article is condemned, it shall, after entry or 18446  
decree, be disposed of by destruction or sale as the court may 18447  
direct and the proceeds, if the article is sold, less legal costs, 18448  
shall be paid to the pesticide, fertilizer, and lime program fund 18449  
created in section 921.22 of the Revised Code. The article shall 18450  
not be sold contrary to this section. Upon payment of costs and 18451  
execution and delivery of a good and sufficient bond conditioned 18452  
that the article shall not be disposed of unlawfully, the court 18453  
may direct that the article be delivered to the owner thereof for 18454  
relabeling or reprocessing. 18455

**Sec. 921.29.** Fines, penalties, costs, and damages assessed 18456  
against a person in consequence of violations of this chapter, as 18457  
provided in this chapter or any other section of the Revised Code, 18458  
shall be a lien in favor of the state upon the real and personal 18459  
property of the person, upon the filing of a judgment or an order 18460  
of the director of agriculture with the county in which the real 18461  
and personal property is located. The real and personal property 18462  
of the person shall be liable to execution for the fines, 18463  
penalties, costs, and damages by the attorney general, who shall 18464  
deposit any proceeds from an execution upon the property in the 18465  
pesticide, fertilizer, and lime program fund created in section 18466  
921.22 of the Revised Code. 18467

**Sec. 923.44.** (A)(1) Except as otherwise provided in divisions 18468  
(A)(2), (3), and (4) of this section, the first distributor of a 18469  
commercial feed shall pay the director of agriculture a semiannual 18470  
inspection fee at the rate of twenty-five cents per ton, with a 18471  
minimum payment of twenty-five dollars, on all commercial feeds 18472  
distributed by the first distributor in this state. 18473

18474

(2) The semiannual inspection fee required under division 18475  
(A)(1) of this section shall not be paid by the first distributor 18476  
of a commercial feed if the distribution is made to an exempt 18477  
buyer who shall be responsible for the fee. The director shall 18478  
establish an exempt list consisting of those buyers who are 18479  
responsible for the fee. 18480

(3) The semiannual inspection fee shall not be paid on a 18481  
commercial feed if the fee has been paid by a previous 18482  
distributor. 18483

(4) The semiannual inspection fee shall not be paid on 18484  
customer-formula feed if the fee has been paid on the commercial 18485  
feeds that are used as components in that customer-formula feed. 18486

(B) Each distributor or exempt buyer who is required to pay a 18487  
fee under division (A)(1) or (2) of this section shall file a 18488  
semiannual statement with the director that includes the number of 18489  
net tons of commercial feed distributed by the distributor or 18490  
exempt buyer in this state, within thirty days after the thirtieth 18491  
day of June and within thirty days after the thirty-first day of 18492  
December, respectively, of each calendar year. 18493

The inspection fee at the rate stated in division (A)(1) of 18494  
this section shall accompany the statement. For a tonnage report 18495  
that is not filed or payment of inspection fees that is not made 18496  
within fifteen days after the due date, a penalty of ten per cent 18497  
of the amount due, with a minimum penalty of fifty dollars shall 18498  
be assessed against the distributor or exempt buyer. The amount of 18499  
fees due, plus penalty, shall constitute a debt and become the 18500  
basis of a judgment against the distributor or exempt buyer. 18501

(C) No information furnished under this section shall be 18502  
disclosed by an employee of the department of agriculture in such 18503  
a way as to divulge the operation of any person required to make 18504

such a report. 18505

(D) All money collected under this section shall be credited 18506  
to the commercial feed and seed fund created in section 923.46 of 18507  
the Revised Code. 18508

**Sec. 923.46.** ~~All moneys collected by the director of~~ 18509  
~~agriculture under sections 923.41 to 923.55 of the Revised Code~~ 18510  
~~shall be deposited into the state treasury to the credit of the~~ 18511  
~~The commercial feed, fertilizer, and seed, and lime inspection and~~ 18512  
~~laboratory fund is hereby created in section 905.38 the state~~ 18513  
~~treasury. The fund shall consist of money credited to it under~~ 18514  
~~this chapter and Chapter 907. of the Revised Code.~~ 18515

The director shall ~~prepare and provide a report concerning~~ 18516  
~~the fund in accordance with section 905.381 of the Revised Code~~ 18517  
keep accurate records of all receipts into and disbursements from 18518  
the fund and shall prepare, and provide upon request, an annual 18519  
report classifying the receipts and disbursements that pertain to 18520  
commercial feed or seed. 18521

**Sec. 927.51.** As used in sections 927.51 to ~~927.74~~ 927.73 of 18522  
the Revised Code: 18523

(A) "Collected plant" means any plant dug or gathered from 18524  
any wood lot, field, forest, or any other location in which such a 18525  
plant is found growing in its native habitat. 18526

(B) "Collector" means any person who collects, for sale, 18527  
plants from wood lots, fields, forests, or other native habitat. 18528

(C) "Dealer" means any person other than a nurseryman who 18529  
offers for sale, sells, or distributes nursery stock, either 18530  
exclusively or in connection with other merchandise, in or from 18531  
any nursery, store, sales ground, stand, lot, truck, railway car, 18532  
or other vehicle. "Dealer" includes any landscaper who sells or 18533  
offers for sale nursery stock as a part of a grounds improvement 18534

project ~~which~~ that may involve the installation of such plants. 18535

(D) "Hardy," when applied to plants and bulbs, whether wild 18536  
or cultivated, means capable of surviving the normal winter 18537  
temperatures of this state. 18538

(E) "Host" means any plant or plant product from which any 18539  
pest derives its food supply, or upon which it depends for its 18540  
well being or to complete any part of its life cycle. 18541

(F) "Infested" means containing or harboring one or more 18542  
pests or infected with one or more pests. 18543

(G) "Nursery" means any grounds or premises on or in which 18544  
nursery stock is propagated or grown for sale. 18545

(H) "Nurseryman" means a person who owns, leases, manages, or 18546  
is in charge of a nursery. 18547

(I) "Nursery stock" means: 18548

(1) Any hardy tree, shrub, plant, or bulb, whether wild or 18549  
cultivated, except turfgrass, and any cutting, graft, scion, or 18550  
bud thereof; 18551

(2) Any nonhardy plant, or plant part, ~~which~~ that is to be 18552  
offered for sale in any state ~~which~~ that requires inspection and 18553  
certification of ~~such~~ the plant or plant part as a condition of 18554  
entrance therein. 18555

(J) "Person" means any corporation, company, society, 18556  
association, partnership, individual or combination of 18557  
individuals, institution, park, or any public agency administered 18558  
by the state or any subdivision of the state. 18559

(K) "Pest" means any insect, mite, nematode, bacteria, 18560  
fungus, virus, parasitic plant, or any other organism or any stage 18561  
of any such organism ~~which~~ that causes, or is capable of causing, 18562  
injury, disease, or damage to any plant, plant part, or plant 18563  
product. 18564



(L) "Place of business" means each separate location from 18565  
which nursery stock is sold, offered for sale, or distributed. 18566

(M) "Intensive production area" means a place where nursery 18567  
stock is propagated or grown using greenhouses, liner beds, lath 18568  
beds, or containers. 18569

(N) "Nonintensive production area" means any place where 18570  
nursery stock is propagated or grown as field stock. 18571

(O) "Forced floral plants" means plants with desirable flower 18572  
characteristics in which the bloom is artificially induced at an 18573  
unnatural time of the year. 18574

**Sec. 927.52.** (A) The director of agriculture shall adopt and 18575  
enforce any rules that are necessary to carry out sections 927.51 18576  
to ~~927.74~~ 927.73 of the Revised Code. 18577

(B) The director may revoke, suspend, or refuse to issue any 18578  
nursery certificate or dealer's license for any violation of 18579  
sections 927.51 to 927.71 of the Revised Code, or of any rules 18580  
adopted under those sections. 18581

(C) The director may publish reports describing nursery 18582  
inspection and pest control operations authorized by sections 18583  
927.51 to 927.71 of the Revised Code. 18584

**Sec. 927.53.** (A) Each collector or dealer who sells, offers, 18585  
or exposes for sale, or distributes nursery stock within this 18586  
state, or ships nursery stock to other states, shall pay an annual 18587  
license fee of ~~fifty~~ one hundred twenty-five dollars to the 18588  
director of agriculture for each place of business the collector 18589  
or dealer operates. 18590

(B)(1) Each dealer shall furnish the director, annually, an 18591  
affidavit that the dealer will buy and sell only nursery stock 18592  
which has been inspected and certified by an official state or 18593

federal inspector. 18594

(2) Each dealer's license expires on the thirty-first day of 18595  
December of each year. Each licensed dealer shall apply for 18596  
renewal of the dealer's license prior to the first day of January 18597  
of each year and in accordance with the standard renewal procedure 18598  
of sections 4745.01 to 4745.03 of the Revised Code. 18599

(C) Each licensed nurseryperson shall post conspicuously in 18600  
the nurseryperson's principal place of business, the certificate 18601  
which is issued to the nurseryperson in accordance with section 18602  
927.61 of the Revised Code. 18603

(D) Each licensed nurseryperson, or dealer, shall post 18604  
conspicuously in each place of business, each certificate or 18605  
license which is issued to the nurseryperson or dealer in 18606  
compliance with this section or section 927.61 of the Revised 18607  
Code. 18608

(E)(1) Each nurseryperson who produces, sells, offers for 18609  
sale, or distributes woody nursery stock within the state, or 18610  
ships woody nursery stock to other states, shall pay to the 18611  
director an annual inspection fee of ~~fifty~~ one hundred dollars 18612  
plus ~~four~~ eleven dollars per acre, or fraction thereof, of growing 18613  
nursery stock in intensive production areas and ~~two~~ seven dollars 18614  
per acre, or fraction thereof, of growing nursery stock in 18615  
nonintensive production areas, as applicable. 18616

(2) Each nurseryperson who limits production and sales of 18617  
nursery stock to brambles, herbaceous, perennial, and other 18618  
nonwoody plants, shall pay to the director an inspection fee of 18619  
~~thirty~~ one hundred dollars, plus ~~four~~ eleven dollars per acre, or 18620  
fraction thereof, of growing nursery stock in intensive and 18621  
nonintensive production areas. 18622

(F) ~~On and after the effective date of this amendment, the 18623  
following additional fees shall be assessed:~~ 18624

~~(1) Each collector or dealer who pays a fee under division (A) of this section shall pay an additional fee of twenty five dollars.~~ 18625  
18626  
18627

~~(2) Each nursery person who pays fees under division (E)(1) of this section shall pay additional fees as follows:~~ 18628  
18629

~~(a) Fifteen dollars for the inspection fee;~~ 18630

~~(b) Fifty cents per acre, or fraction thereof, of growing nursery stock in intensive production areas;~~ 18631  
18632

~~(c) One dollar and fifty cents per acre, or fraction thereof, of growing nursery stock in nonintensive production areas.~~ 18633  
18634

~~(3) Each nursery person who pays fees under division (E)(2) of this section shall pay additional fees as follows:~~ 18635  
18636

~~(a) Thirty five dollars for the inspection fee;~~ 18637

~~(b) Fifty cents per acre, or fraction thereof, of growing stock in intensive and nonintensive production areas. The~~ 18638  
18639

~~The fees collected under division (F) of this section shall be deposited into the state treasury credited to the credit of the pesticide plant pest program fund created in Chapter 921. section 927.54 of the Revised Code. Moneys so credited to the fund shall be used to pay the costs incurred by the department of agriculture in administering this chapter, including employing a minimum of two additional inspectors.~~ 18640  
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Sec. 927.54. The plant pest program fund is hereby created in the state treasury. The fund shall consist of money credited to it under this chapter and any rules adopted under it. The director of agriculture shall use money in the fund to administer this chapter. 18647  
18648  
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The director shall keep accurate records of all receipts into and disbursements from the fund and shall prepare, and provide 18652  
18653

upon request, an annual report classifying the receipts and 18654  
disbursements that pertain to plant pests. 18655

**Sec. 927.56.** (A) Each nurseryman, dealer, or collector of 18656  
nursery stock, who resides in or has his principal place of 18657  
business in another state and who sends nursery stock into this 18658  
state without having a bona fide order in advance for all such 18659  
nursery stock, shall obtain the same license ~~which~~ that is 18660  
required by section 927.53 of the Revised Code. 18661

(B) The director of agriculture may enter into such 18662  
reciprocal contracts and agreements as ~~he~~ the director determines 18663  
proper and expedient, with the proper authorities of other states 18664  
or of the federal government to regulate the shipment, sale, and 18665  
distribution of nursery stock in this state by persons residing in 18666  
or located in another state, in accordance with sections 927.51 to 18667  
~~927.74, inclusive,~~ 927.73 of the Revised Code. 18668

**Sec. 927.69.** To effect the purpose of sections 927.51 to 18669  
~~927.74~~ 927.73 of the Revised Code, the director of agriculture or 18670  
the director's authorized representative may: 18671

(A) Make reasonable inspection of any premises in this state 18672  
and any property therein or thereon; 18673

(B) Stop and inspect in a reasonable manner, any means of 18674  
conveyance moving within this state upon probable cause to believe 18675  
it contains or carries any pest, host, commodity, or other article 18676  
that is subject to sections 927.51 to 927.72 of the Revised Code; 18677

(C) Conduct inspections of agricultural products that are 18678  
required by other states, the United States department of 18679  
agriculture, other federal agencies, or foreign countries to 18680  
determine whether the products are infested. If, upon making such 18681  
an inspection, the director or the director's authorized 18682  
representative determines that an agricultural product is not 18683

infested, the director or the director's authorized representative 18684  
may issue a certificate, as required by other states, the United 18685  
States department of agriculture, other federal agencies, or 18686  
foreign countries, indicating that the product is not infested. 18687

If the director charges fees for any of the certificates, 18688  
agreements, or inspections specified in this section, the fees 18689  
shall be as follows: 18690

(1) Phyto sanitary certificates, twenty-five dollars for 18691  
those collectors or dealers that are licensed under section 927.53 18692  
of the Revised Code; 18693

(2) Phyto sanitary certificates, one hundred dollars for all 18694  
others; 18695

(3) Compliance agreements, twenty forty dollars; 18696

~~(3) Solid wood packing certificates, twenty dollars;~~ 18697

(4) Agricultural products and their conveyances inspections, 18698  
an amount equal to the hourly rate of pay in the highest step in 18699  
the pay range, including fringe benefits, of a plant pest control 18700  
specialist multiplied by the number of hours worked by such a 18701  
specialist in conducting an inspection. 18702

The director may adopt rules under section 927.52 of the 18703  
Revised Code that define the certificates, agreements, and 18704  
inspections. 18705

The fees shall be ~~deposited into the state treasury credited~~ 18706  
~~to the credit of the pesticide plant pest program fund created in~~ 18707  
~~Chapter 921. section 927.54 of the Revised Code. Money credited to~~ 18708  
~~the fund shall be used to pay the costs incurred by the department~~ 18709  
~~of agriculture in administering this chapter, including employing~~ 18710  
~~a minimum of two additional inspectors.~~ 18711

**Sec. 927.70.** (A) No person shall knowingly permit any plant 18712  
pest ~~which~~ that has been determined to be destructive or 18713

dangerously harmful by the director of agriculture, in compliance 18714  
with procedures required by division (A) of section 927.52 of the 18715  
Revised Code, to exist in or on ~~his~~ the person's premises. 18716

(B) Whenever the director or ~~his~~ the director's authorized 18717  
representative finds any article or commodity to be infested or 18718  
has reason to believe it to be infested, or finds that a host or 18719  
pest exists on any premises, or is in transit in this state, ~~he~~ 18720  
the director may: 18721

(1) Upon giving notice to the owner or ~~his~~ the owner's agent 18722  
in possession thereof, seize, quarantine, treat, or otherwise 18723  
dispose of ~~such~~ the pest, host, article, or commodity in such 18724  
manner as ~~he~~ the director determines necessary to suppress, 18725  
control, eradicate, or to prevent or retard the spread of a pest; 18726

(2) Order ~~such~~ the owner or agent to so treat or otherwise 18727  
dispose of the pest, host, article, or commodity. 18728

(C) If the owner or person in charge of ~~such~~ the premises 18729  
refuses or neglects to carry out the orders of the director within 18730  
seven days after receiving written notice, the director may treat 18731  
the premises; treat or destroy the infested plants or plant 18732  
material; or apply any other preventive or remedial measure ~~which~~ 18733  
~~he~~ that the director determines necessary. The expense of any such 18734  
preventative or remedial measures shall be assessed, collected, 18735  
and enforced, as taxes are assessed, collected, and enforced, 18736  
against the premises upon which ~~such~~ the expense was incurred. The 18737  
amount of ~~such~~ the expense when collected shall be ~~paid to the~~ 18738  
~~director and by him deposited with the treasurer of state~~ credited 18739  
to the plant pest program fund created in section 927.54 of the 18740  
Revised Code. 18741

**Sec. 927.701.** (A) As used in this section, "gypsy moth" means 18742  
the live insect, *Lymantria dispar*, in any stage of development. 18743  
18744

(B) The director of agriculture may establish a voluntary gypsy moth suppression program under which a landowner may request that the department of agriculture have the landowner's property aerially sprayed to suppress the presence of gypsy moths in exchange for payment from the landowner of a portion of the cost of the spraying. To determine the ~~amount of payment that is due from a landowner~~ total cost per acre, the department ~~first~~ shall determine the projected cost per acre to the department of gypsy moth suppression activities for the year in which the landowner's request is made. The cost shall be calculated by determining the total expense of aerial spraying for gypsy moths to be incurred by the department in that year divided by the total number of acres proposed to be sprayed in that year. With respect to a landowner add the per-acre cost of the product selected by the landowner to suppress gypsy moths and the per-acre cost of applying the product as determined by the director in rules. To determine the aggregate total cost, the department shall multiply the total cost per acre by the number of acres that the landowner requests to be sprayed. The department shall add to that amount any administrative costs that it incurs in billing the landowner and collecting payment. ~~The amount that the landowner shall pay to the department shall not exceed fifty per cent of the resulting amount. The portion of the cost that is assessed to the landowner, if any, shall be determined by the funding that is allocated to the department by the federal and state gypsy moth suppression programs.~~

(C) The director shall adopt rules under Chapter 119. of the Revised Code to establish procedures under which a landowner may make a request under division (B) of this section, to establish the per-acre cost of applying product to suppress gypsy moths, and to establish provisions governing agreements between the department and landowners concerning gypsy moth suppression together with any other provisions that the director considers appropriate to administer this section.

(D) The director shall deposit all money collected under this 18778  
section ~~into the state treasury~~ to the credit of the ~~pesticide~~ 18779  
~~plant pest~~ program fund created in ~~Chapter 921. section 927.54~~ of 18780  
the Revised Code. Money credited to the fund under this section 18781  
shall be used for the suppression of gypsy moths in accordance 18782  
with this section. 18783

**Sec. 927.71.** (A) The director of agriculture, in accordance 18784  
with Chapter 119. of the Revised Code, may quarantine: 18785

(1) This state or any portion thereof when ~~he~~ the director 18786  
determines that such action is necessary to prevent or retard the 18787  
spread of a pest into, within, or from this state; 18788

(2) Any other state or portion thereof when ~~he~~ the director 18789  
determines that a pest exists therein and that such action is 18790  
necessary to prevent or retard its spread into this state. 18791

(B) The director may limit the application of a quarantine to 18792  
the infested portions of the quarantined area and appropriate 18793  
environs, to be known as the regulated area, and may, without 18794  
further hearing, extend the regulated area to include additional 18795  
portions of the quarantined area either: 18796

(1) Upon publication of a notice to that effect in such 18797  
newspapers in the quarantined area as ~~he~~ the director may select; 18798

(2) Upon written notice to those concerned. 18799

(C) Following establishment of a quarantine, no person shall 18800  
move any regulated article described in the quarantine, or move 18801  
the pest against which the quarantine is established, within, 18802  
from, into, or through this state contrary to ~~regulations~~ 18803  
~~promulgated~~ rules adopted by the director without prior permission 18804  
or order of the director. 18805

(D) A ~~regulation~~ rule may restrict the movement of a pest and 18806  
any regulated article from the quarantined or regulated area in 18807



this state into or through other parts of this state or other 18808  
states and from the quarantine or regulated area in other states 18809  
into or through this state and may impose such inspection, 18810  
disinfection, certification, permit, or other requirements as the 18811  
director determines necessary to effectuate the purpose of 18812  
sections 927.51 to ~~927.74, inclusive,~~ 927.73 of the Revised Code. 18813

**Sec. 942.01.** As used in sections 942.01 to 942.13 of the 18814  
Revised Code: 18815

(A) "Conveyance" means a vehicle, trailer, or compartment 18816  
that is used to transport raw rendering material. 18817

(B) "Garbage" means all waste material derived in whole or in 18818  
part from the meat of any animal, including fish and poultry, or 18819  
other animal material, and other refuse of any character that has 18820  
been associated with such waste material resulting from the 18821  
handling, preparation, cooking, or consumption of food. 18822

~~(B)~~(C) "Person" means any individual, corporation, 18823  
partnership, association, society, company, firm, or other legal 18824  
entity. 18825

~~(C)~~(D) "Raw rendering material" has the same meaning as in 18826  
section 953.21 of the Revised Code. 18827

(E) "Treated garbage" means any edible garbage for 18828  
consumption by swine that has been heated at boiling point while 18829  
being agitated, except in steam cooking equipment, to ensure that 18830  
the garbage is heated throughout for thirty minutes under the 18831  
supervision of a person licensed pursuant to section 942.02 of the 18832  
Revised Code. 18833

**Sec. 942.02.** (A) No person shall feed on ~~his~~ the person's 18834  
premises, or permit the feeding of, treated garbage to swine 18835  
without a license to do so issued by the department of 18836  
agriculture. 18837

(B) An application for a license to feed treated garbage 18838  
shall be made in writing on a form prescribed by the director of 18839  
agriculture. 18840

(C) A license shall be renewed before the thirty-first day of 18841  
December of each year, and an application for renewal shall be 18842  
filed before the thirtieth day of November of each year. 18843

(D) The fee for the license shall be ~~fifty~~ one hundred 18844  
dollars per annum. A late fee of fifty dollars shall be paid for 18845  
each application that is received after the thirtieth day of 18846  
November each year. 18847

(E) All money collected under this section shall be credited 18848  
to the animal and consumer analytical laboratory fund created in 18849  
section 901.43 of the Revised Code. 18850

**Sec. 942.06.** (A) Equipment used for handling garbage, except 18851  
for the containers in which the garbage is treated, and 18852  
conveyances shall not subsequently be used in the feeding of swine 18853  
unless first cleaned and disinfected in accordance with directions 18854  
on the labels of one of the following disinfectants approved by 18855  
the "Federal Insecticide, Fungicide and Rodenticide Act," 61 Stat. 18856  
163 (1947), 7 U.S.C.A. 136, as amended: 18857

(1) A registered brand of sodium orthophenylphenate; 18858

(2) A registered cresylic disinfectant, provided that the 18859  
conditions set forth under 9 C.F.R. 71.10 and 77.11 are met; 18860

(3) Disinfectants with tuberculocidal claims and labeled as 18861  
efficacious against any species within the viral genus herpes. 18862

(B) Treated or untreated garbage that is not fed to swine and 18863  
materials associated with such garbage shall be disposed of in a 18864  
manner consistent with all applicable federal and state laws and 18865  
in an area inaccessible to the swine. 18866

(C) All refuse resulting from feeding treated garbage to 18867

swine, that is not fed to swine shall be disposed of in a manner 18868  
so as to prevent the attraction of insects and rodents or the 18869  
contamination of adjoining property. 18870

(D) The premises, vehicles, and equipment used in the feeding 18871  
of treated garbage to swine shall be subject to inspection by the 18872  
department of agriculture during regular business hours. If the 18873  
director of agriculture or ~~his~~ the director's designee is denied 18874  
access to any premises as authorized under this division, ~~he~~ the 18875  
director or the director's designee may apply to any court of 18876  
competent jurisdiction for a search warrant authorizing access to 18877  
the requested premises. Upon receipt of an application for a 18878  
search warrant, the court may issue a search warrant for the 18879  
purposes requested. 18880

(E)(1) The owner of the premises, vehicles, and equipment 18881  
used in the feeding of treated garbage to swine and licensed 18882  
pursuant to section 942.02 of the Revised Code shall be 18883  
responsible for cleaning and disinfecting them with no expense to 18884  
the department. 18885

(2) The owner of a conveyance is responsible for cleaning and 18886  
disinfecting the conveyance with no expense to the department. 18887

**Sec. 942.13.** This chapter does not apply to ~~any~~ either of the 18888  
following: 18889

(A) An individual who feeds garbage from ~~his~~ the individual's 18890  
household to ~~his~~ the individual's own animals or ~~to any~~ an 18891  
individual who only feeds bakery waste, candy waste, eggs, 18892  
vegetables, or dairy products to swine; 18893

(B) Rendered products. As used in this division, "rendered 18894  
product" means raw rendering material that has been ground and 18895  
heated to a minimum temperature of two hundred thirty degrees 18896  
Fahrenheit to make products such as animal, poultry, or fish 18897

protein, grease, or tallow. 18898

**Sec. 943.01.** As used in sections 943.01 to 943.18 of the 18899  
Revised Code: 18900

(A) "Animals" or "livestock" means horses, mules, and other 18901  
equidae, cattle, sheep, and goats and other bovidae, swine and 18902  
other suidae, poultry, alpacas, and llamas. 18903

(B) "Dealer" or "broker" means any person found by the 18904  
department of agriculture buying, receiving, selling, 18905  
slaughtering, with the exception of those persons designated by 18906  
division (B)(1) of section 918.10 of the Revised Code, exchanging, 18907  
negotiating, or soliciting the sale, resale, exchange, or transfer 18908  
of any animals in an amount of more than two hundred fifty head of 18909  
cattle, horses, or other equidae or five hundred head of sheep, 18910  
goats, or other bovidae ~~ex~~, swine and other suidae ~~ex~~, poultry, 18911  
alpacas, or llamas during any one year. "Dealer" or "broker" does 18912  
not mean any of the following: 18913

(1) Any railroad or other carrier transporting animals either 18914  
interstate or intrastate; 18915

(2) Any person who by dispersal sale is permanently 18916  
discontinuing the business of farming, dairying, breeding, 18917  
raising, or feeding animals; 18918

(3) Any person who sells livestock that has been raised from 18919  
birth on the premises of the person; 18920

(4) Any person who buys or receives animals for grazing or 18921  
feeding purposes at a premises owned or controlled by the person 18922  
and sells or disposes of the animals after the minimum grazing or 18923  
feeding period of thirty days; 18924

(5) Any person who places livestock in facilities other than 18925  
the person's own pursuant to a written agreement for feeding or 18926  
finishing, provided that the person retains legal and equitable 18927

title to the livestock during the term of the agreement. 18928

The exemptions set forth in divisions (B)(1) to (5) of this 18929  
section are exclusive of those activities requiring licensure 18930  
under this chapter, so that a person shall be deemed to be a 18931  
dealer or broker or subject to divisions (B)(1) to (5) of this 18932  
section, but shall not be, or be subject to, both. No person who 18933  
is a licensed dealer or broker and whose license is suspended 18934  
shall have livestock or animals exempted pursuant to divisions 18935  
(B)(1) to (5) of this section. 18936

(C) "Employee" means any person employed by a dealer or 18937  
broker to act in the dealer's or broker's behalf to buy, sell, 18938  
exchange, negotiate, or solicit sale or resale of animals in the 18939  
dealer's or broker's name. 18940

(D) "Small dealer" means any person found by the department 18941  
buying, receiving, selling, slaughtering, with the exception of 18942  
those persons designated by division (B)(1) of section 918.10 of 18943  
the Revised Code, exchanging, negotiating, or soliciting the sale, 18944  
resale, exchange, or transfer of any animals in an amount of two 18945  
hundred fifty head or less of cattle, horses, or other equidae or 18946  
five hundred head or less of sheep, goats, or other bovidae, swine 18947  
or other suidae, poultry, alpacas, or llamas during any one year. 18948

**Sec. 943.02.** (A) No person shall act as a small dealer, 18949  
dealer, or broker without first being licensed. No person shall be 18950  
an employee of more than one small dealer, dealer, or broker. 18951  
Except as provided in division (B) of this section, no person 18952  
holding a license as a small dealer, dealer, or broker shall be an 18953  
employee. No employee shall act for any small dealer, dealer, or 18954  
broker unless the small dealer, dealer, or broker is licensed, and 18955  
has designated the employee to act in ~~his~~ the small dealer's, 18956  
dealer's, or broker's behalf and has notified the department of 18957  
agriculture in ~~his~~ the application for license or has given 18958

official notice in writing of the appointment of the employee. The 18959  
small dealer, dealer, or broker shall be accountable and 18960  
responsible for all contracts pertaining to the purchase, 18961  
exchange, or sale of livestock made by the employee. The small 18962  
dealer, dealer, or broker who terminates the services of an 18963  
employee shall notify the department in writing of the employee's 18964  
termination. No person who is a licensed small dealer, dealer, or 18965  
broker shall have livestock exempted pursuant to divisions (B)(1) 18966  
~~through (5)~~ to (6) of section 943.01 of the Revised Code. 18967

(B) A small dealer, dealer, or broker may be an employee of 18968  
other small dealers, dealers, or brokers only when ~~he~~ the small 18969  
dealer, dealer, or broker so employed is a soliciting agent for a 18970  
video auction. 18971

(C) The director of agriculture shall define by rule 18972  
"soliciting agent" and "video auction" for the purposes of this 18973  
section. 18974

**Sec. 943.031.** (A) Application for a license as a small dealer 18975  
shall be made in writing to the department of agriculture. The 18976  
application shall state the nature of the business, the municipal 18977  
corporation or township, county, and post-office address of the 18978  
location where the business is to be conducted, the name of any 18979  
employee who is authorized to act in the small dealer's behalf, 18980  
and any additional information that the department prescribes. 18981

(B) The applicant shall satisfy the department of the 18983  
applicant's character and good faith in seeking to engage in the 18984  
business of a small dealer. The department then shall issue to the 18985  
applicant a license to conduct the business of a small dealer at 18986  
the place named in the application. Licenses, unless revoked, 18987  
shall expire annually on the thirty-first day of March and shall 18988  
be renewed according to the standard renewal procedure established 18989

in sections 4745.01 to 4745.03 of the Revised Code. 18990

(C) No license shall be issued by the department to a small dealer having weighing facilities until the applicant has filed with the department a copy of a scale test certificate showing the weighing facilities to be in satisfactory condition, a copy of the license of each weigher employed by the applicant, and a certificate of inspection by the department showing livestock market facilities to be in satisfactory sanitary condition. 18991  
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(D) No licensed small dealer shall employ as an employee a person who, as a small dealer, dealer, or broker, previously defaulted on contracts pertaining to the purchase, exchange, or sale of livestock until the licensee does both of the following: 18998  
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(1) Appears at a hearing before the director of agriculture or the director's designee conducted in accordance with Chapter 119. of the Revised Code pertaining to that person; 19002  
19003  
19004

(2) Signs and files with the director an agreement that guarantees, without condition, all contracts pertaining to the purchase, exchange, or sale of livestock made by the person while in the employ of the licensee. The director shall prescribe the form and content of the agreement. 19005  
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(E) A licensed small dealer is not required to maintain financial responsibility or furnish proof of financial responsibility. 19010  
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19012

**Sec. 943.04.** (A) Fees for the initial issuance of any license issued pursuant to sections 943.02 and, 943.03, and 943.031 of the Revised Code, shall be paid to the department of agriculture. 19013  
19014  
19015

(B) All annual renewal fees for ~~such~~ the licenses shall be paid by the applicant for ~~such~~ the renewal of a license on or before the thirty-first day of March of each year to the treasurer of state. ~~Such~~ Except for license fees for small dealers, the fees 19016  
19017  
19018  
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shall be based on the number of head of livestock purchased, sold, 19020  
or exchanged, in this state, whichever is the greatest, during the 19021  
preceding calendar year. ~~Such~~ Those fees for dealers or brokers 19022  
shall be as follows: 19023

Less than 1,000 head ..... ~~\$10.00~~ \$50.00 per annum; 19024

For 1,001 to 10,000 head ..... ~~\$25.00~~ \$125.00 per annum; 19025

For more than 10,000 head ..... ~~\$50.00~~ \$250.00 per 19026  
annum. 19027

In the event a dealer or broker operates more than one place 19028  
where livestock is purchased, sold, or exchanged, a fee shall be 19029  
paid for each ~~such~~ place, but only the original purchase, sale, 19030  
or exchange shall be counted in computing the amount of the fee to 19031  
be paid for each ~~such~~ place operated by ~~such~~ the dealer or broker. 19032  
Shipment between yards owned or operated by ~~such~~ the dealer or 19033  
broker shall be exempt. 19034

A late fee of one hundred dollars shall be paid for each 19035  
dealer or broker license renewal application that is received 19036  
after the thirty-first day of March each year. 19037

(C)(1) A fee of twenty-five dollars shall be paid by each 19038  
small dealer. 19039

If a small dealer operates more than one place where 19040  
livestock is purchased, sold, or exchanged, a fee shall be paid 19041  
for each place, but only the original purchase, sale, or exchange 19042  
shall be counted in computing the amount of fee to be paid for 19043  
each place operated by the small dealer. Shipment between yards 19044  
owned or operated by the small dealer shall be exempt. 19045

(2) A late fee of twenty-five dollars shall be paid for each 19046  
small dealer license renewal application that is received after 19047  
the thirty-first day of March each year. 19048

(D) A fee of twenty dollars shall be paid by each employee 19049



that is appointed by a small dealer, dealer, or broker as provided 19050  
in section 943.02 of the Revised Code. 19051

(E) A fee of ~~five~~ ten dollars shall be paid by each licensed 19052  
weigher. 19053

(F) All ~~fees and charges~~ money collected under section 943.03 19054  
of the Revised Code, and under this section shall be ~~paid into the~~ 19055  
~~state treasury, and shall be~~ credited to the ~~general revenue~~ 19056  
animal and consumer analytical laboratory fund created in section 19057  
901.43 of the Revised Code. 19058

**Sec. 943.05.** (A) The director of agriculture may refuse to 19059  
grant or may suspend a small dealer's, dealer's, or broker's 19060  
license, without prior hearing, ~~when he determines~~ after 19061  
determining from evidence presented to ~~him~~ the director that there 19062  
is reasonable cause to believe any of the following situations 19063  
exist: 19064

(1) Where the applicant or licensee or an employee has 19065  
violated the laws of the state or official regulations governing 19066  
the interstate or intrastate movement, shipment, or transportation 19067  
of animals, or has been convicted of a crime involving moral 19068  
turpitude or convicted of a felony; 19069

(2) Where there have been false or misleading statements as 19070  
to the health or physical condition of the animals with regard to 19071  
official tests or quantity of animals, or the practice of fraud or 19072  
misrepresentation in connection therewith or in the buying or 19073  
receiving of animals or receiving, selling, exchanging, 19074  
soliciting, or negotiating the sale, resale, exchange, weighing, 19075  
or shipment of animals; 19076

(3) Where the applicant or licensee acts as a small dealer, 19077  
dealer, or broker for a person attempting to conduct business in 19078  
violation of section 943.02 of the Revised Code, after the notice 19079

of the violation has been given to the licensee by the department 19080  
of agriculture; 19081

(4) Where the applicant or licensee or employee fails to 19082  
practice measures of sanitation, disinfection, and inspection as 19083  
required by sections 943.01 to 943.18 of the Revised Code, or 19084  
prescribed by the department, of premises or vehicles used for the 19085  
yarding, holding, or transporting of animals; 19086

(5) Where there has been a failure to keep records required 19087  
by the department or where there is a refusal on the part of the 19088  
applicant or licensee or employee to produce records of 19089  
transactions in the carrying on of the business for which the 19090  
license is granted; 19091

(6) Where the applicant or licensee providing weighing 19092  
facilities used for, in connection with, or incident to the 19093  
purchase or sale of livestock for the account of the licensee or 19094  
others, fails to maintain and operate the weighing facilities in 19095  
accordance with sections 943.08 and 943.10 of the Revised Code; 19096

(7) Where the applicant or licensee in the conduct of the 19097  
business covered by the license fails to maintain and operate 19098  
weighing facilities in accordance with sections 943.08 and 943.10 19099  
of the Revised Code or fails to cause its livestock to be weighed 19100  
by licensed weighers as provided in those sections; 19101

(8) ~~Where~~ With regard to a dealer or broker licensee, where 19102  
the licensee fails to maintain a bond or deposit, or letter of 19103  
credit, if applicable, or fails to adjust the bond or deposit upon 19104  
thirty days' notice or refuses or neglects to pay the fees or 19105  
inspection charges required to be paid; 19106

(9) Where the licensee has been suspended by order of the 19107  
secretary of agriculture of the United States department of 19108  
agriculture under provisions of the "Packers and Stockyards Act of 19109  
1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended; 19110

(10) ~~Where~~ With regard to a dealer or broker licensee, where 19111  
the surety company, trustee, or issuer of a letter of credit of 19112  
the licensee issues a notice of termination of the licensee's bond 19113  
agreement, deposit agreement, or letter of credit. 19114

(B) When the director refuses to grant or suspends a small 19115  
dealer's, ~~dealer's,~~ or broker's license, ~~he~~ the director or ~~his~~ 19116  
the director's designee may hand deliver the order. The licensee 19117  
to whom a suspension order is issued shall be afforded a hearing 19118  
in accordance with Chapter 119. of the Revised Code, after which 19119  
the director shall reinstate, revoke, or suspend for a longer or 19120  
indefinite period the suspended license. 19121

**Sec. 943.06.** Every small dealer, ~~dealer,~~ and broker licensed 19122  
under section 943.03 or 943.031 of the Revised Code, as 19123  
applicable, and carrying on or conducting business under ~~such~~ that 19124  
license, shall post in a conspicuous place in or at the place of 19125  
business of ~~such~~ the licensee a copy of ~~such~~ the license furnished 19126  
by the department of agriculture, to be kept so posted and exposed 19127  
for inspection by any person. 19128

**Sec. 943.07.** Each small dealer, ~~dealer,~~ or broker leasing, 19129  
renting, operating, or owning livestock yards, pens, premises, or 19130  
vehicles in which animals are quartered, fed, held, or 19131  
transported, shall have a veterinary inspector approved by the 19132  
department of agriculture, inspect, when directed, all such yards, 19133  
premises, and vehicles and shall thoroughly and completely 19134  
disinfect all such yards, pens, premises, and vehicles under the 19135  
direction of the veterinary inspector and as prescribed by the 19136  
department. The cost of ~~such~~ the inspection and disinfection shall 19137  
be borne by ~~such~~ the small dealer, ~~dealer,~~ or broker. 19138

The department shall not require such veterinary inspection 19139  
of yards, pens, premises, ~~or~~ other facilities where veterinary 19140

inspection is regularly maintained by the United States department 19141  
of agriculture, or by the municipal corporation in which the same 19142  
are located, or where livestock is transported to markets or 19143  
slaughtering establishments where such inspection is maintained. 19144

The department may adopt ~~and promulgate~~ adequate sanitary 19145  
requirements covering the construction and maintenance of 19146  
buildings, pens, and chutes on all premises regularly used for the 19147  
assembling, receiving, handling, feeding, watering, holding, 19148  
buying, or selling of livestock, and may prescribe and enforce 19149  
rules ~~and regulations~~ for the purpose of carrying into effect 19150  
sections 943.01 to 943.18 of the Revised Code. ~~Such~~ Those sections 19151  
shall not apply to railroads subject to the "Interstate Commerce 19152  
Act of 1887," 24 Stat. 379, 49 U.S.C.A. 1. 19153

**Sec. 943.13.** The department of agriculture shall require 19154  
inspection, tests, and treatments necessary to prevent the spread 19155  
of diseases of all animals sold or transferred from pens, yards, 19156  
premises, or vehicles by ~~brokers or~~ small dealers, dealers, or 19157  
brokers except when such animals are immediately delivered to a 19158  
slaughtering establishment. ~~Such~~ The inspection, tests, and 19159  
treatments shall be made by a veterinary inspector approved by the 19160  
department and shall be made and reported as prescribed by the 19161  
department. The fees for ~~such~~ that service shall be paid by the 19162  
~~broker or~~ small dealer, dealer, or broker. This section shall not 19163  
apply to a person operating a slaughtering establishment at which 19164  
antemortem veterinary inspection is regularly maintained. 19165

The director of agriculture, without a prior hearing, may 19166  
revoke the approval of a veterinary inspector. A person to whom an 19167  
order of revocation is issued shall be afforded a hearing in 19168  
accordance with sections 119.01 to 119.13 of the Revised Code. 19169

Animals sold through a livestock auction market shall be 19170  
accompanied by a release as may be prescribed by the department 19171

and issued by the ~~broker or small dealer,~~ dealer, or broker. Such 19172  
The release shall state the date, number and kind of animals 19173  
moved, point of origin, and buyer. 19174

Animals sold for slaughter may be identified by an ear tag, a 19175  
livestock paint brand, or other prescribed identification, 19176  
whenever the department finds such identification necessary. 19177

Operators of livestock auction markets shall furnish and 19178  
maintain cattle chutes suitable for restraining animals for 19179  
careful inspection and shall provide suitable laboratory space for 19180  
the veterinary inspector. All swine pens shall be paved and 19181  
maintained so that they can be cleaned and disinfected. All 19182  
diseased animals shall be segregated by species and held in 19183  
designated pens constructed to facilitate cleaning and 19184  
disinfecting. 19185

**Sec. 943.14.** (A) The department of agriculture or any of its 19186  
authorized agents may inspect the records of any licensee or 19187  
employee at any time to determine the origin and destination of 19188  
any livestock handled by the licensee and to determine if sections 19189  
943.01 to 943.18 of the Revised Code, or the rules ~~promulgated~~ 19190  
adopted thereunder, have been violated. 19191

(B) A small dealer, dealer, or broker, employee, or person 19192  
described in division (B)(4) of section 943.01 of the Revised 19193  
Code, who acquires or disposes of an animal by any means, shall 19194  
make a record of the name and address of the person from whom the 19195  
animal was acquired and to whom disposed. The record also shall 19196  
show the individual identification of each animal at the time of 19197  
acquisition or disposal. These records shall be maintained for a 19198  
period of ~~twenty-four~~ sixty months or longer from the date of 19199  
acquisition or disposal. 19200

(C) The individual identification in division (B) of this 19201  
section shall be in a manner or form approved by the department. 19202

(D) A person who is a soliciting agent for a video auction 19203  
pursuant to division (B) of section 943.02 of the Revised Code 19204  
shall maintain records in a manner or form approved by the 19205  
department. 19206

**Sec. 943.16.** All fines imposed and collected under section 19207  
943.99 of the Revised Code, shall be ~~paid to the department of~~ 19208  
~~agriculture and by it paid into the state treasury~~ credited to the 19209  
animal and consumer analytical laboratory fund created in section 19210  
901.43 of the Revised Code. 19211

**Sec. 953.21.** As used in this chapter: 19212

(A) "Animal" means any animal, other than ~~man~~ a human being, 19213  
and includes domestic fowl, wild birds, fish, and reptiles, living 19214  
or dead. 19215

(B) "Licensee" means any person who is licensed in accordance 19216  
with this chapter. 19217

(C) "Loading platform" means any place operated by a licensee 19218  
for loading dead animals, or parts thereof, onto trucks to take 19219  
them to a rendering plant or composting facility. 19220

(D) "Person" means any natural person, partnership, 19221  
association, or corporation. 19222

(E) "Raw rendering material" means any body, part of a body, 19223  
or product of a body of any dead animal that is unwholesome, 19224  
condemned, inedible, or otherwise unfit for human consumption. 19225

(F) "Rendering plant" means any premises where raw rendering 19226  
materials are converted into fats, oils, feeds, fertilizer, and 19227  
other products. 19228

(G) "Composting facility" means any premises, including 19229  
~~structure~~ structures and equipment, operating in accordance with 19230  
rules adopted under section 3734.02 of the Revised Code and used 19231

for the controlled decomposition of organic solid material, 19232  
including dead animals, that stabilizes the organic fraction of 19233  
the material. 19234

(H) "Conveyance" means a vehicle, trailer, or compartment. 19235

**Sec. 953.22.** (A) No person shall engage in the business of 19236  
disposing of, picking up, rendering, or collecting raw rendering 19237  
material or transporting the material to a composting facility 19238  
without a license to do so from the department of agriculture. 19239

(B) This chapter does not apply to any of the following: 19240

~~(1) Operations on any premises that are licensed in 19241  
compliance with Chapter 918. of the Revised Code or are subject to 19242  
federal meat inspection and render only raw rendering material 19243  
that is produced on the premises;~~ 19244

~~(2) A farmer who slaughters his the farmer's own animals, 19245  
raised by ~~him~~ the farmer on ~~his~~ the farmer's own farm, processes 19246  
~~his the farmer's~~ own meat therefrom, and disposes of ~~his the~~ 19247  
farmer's raw rendering material only by delivery to a person 19248  
licensed under section 953.23 of the Revised Code; 19249~~

~~(3)(2) A person whose only connection with raw rendering 19250  
material is curing hides and skins; 19251~~

~~(4)(3) A person whose only connection with raw rendering 19252  
material is operating a pet cemetery; 19253~~

~~(5)(4) A person who is conducting composting, as defined in 19254  
section 1511.01 of the Revised Code, in accordance with section 19255  
1511.022 of the Revised Code; 19256~~

(5) A person whose only connection with raw rendering 19257  
material is trapping wild animals in accordance with a nuisance 19258  
wild animal permit issued by the chief of the division of wildlife 19259  
in the department of natural resources under rules adopted 19260  
pursuant to section 1531.08 of the Revised Code; 19261

(6) A county dog warden or animal control officer who 19262  
transports raw rendering material only for disposal purposes. 19263

**Sec. 953.23.** (A) Application for a license shall be made to 19264  
the department of agriculture on a form prescribed by the 19265  
department. 19266

(B) Each application shall include all of the following: 19267

(1) The name and address of the applicant; 19268

(2) The applicant's proposed place of business; 19269

(3) A detailed statement of the method that the applicant 19270  
intends to use to dispose of, pick up, render, or collect raw 19271  
rendering material or to transport it to a composting facility; 19272

(4) Such other relevant information as the department may 19273  
require. 19274

(C) Each applicant shall submit the annual license fee with 19275  
~~his~~ the application. 19276

(1) The license fee for a person applying for an annual 19277  
license to pick up or collect raw rendering material and dispose 19278  
of the material to a licensee or in accordance with divisions (B) 19279  
and (C) of section 953.26 of the Revised Code, or to transport raw 19280  
rendering material to a composting facility, is twenty-five 19281  
dollars per conveyance that is used to pick up or collect and 19282  
dispose of or to transport raw rendering material. A late fee of 19283  
ten dollars per conveyance shall be charged for each application 19284  
that is received after the thirtieth day of November each year. 19285

(2) The license fee for a person applying for an annual 19286  
license to pick up or collect raw rendering material and to 19287  
operate one or more rendering plants is ~~one~~ three hundred dollars 19288  
for each such plant. A late fee of one hundred dollars shall be 19289  
charged for each application that is received after the thirtieth 19290  
day of November each year. 19291



(D) On receipt of an application and fee, under this section, 19292  
the department shall inspect the means of conveyance and premises 19293  
that the applicant proposes to use to dispose of, collect, pick 19294  
up, or render raw rendering material or to transport it to a 19295  
composting facility for profit. 19296

(E) If the department finds that the applicant's means of 19297  
conveyance, premises, and operation meet the requirements of this 19298  
chapter and rules adopted thereunder, the department shall issue a 19299  
license to the applicant to dispose of, pick up, render, or 19300  
collect for profit raw rendering material or to transport it to a 19301  
composting facility for profit. 19302

(F) Each license issued under this section shall expire on 19303  
the thirty-first day of December of each year. Each person 19304  
licensed under this section shall make application for renewal of 19305  
~~his~~ the person's license no later than the thirtieth day of 19306  
November of each year. 19307

(G) Application for renewal shall be in accordance with the 19308  
requirements of this section for initial application for a license 19309  
and the standard renewal procedure of sections 4745.01 to 4745.03 19310  
of the Revised Code. 19311

(H) All money collected under this section shall be credited 19312  
to the animal and consumer analytical laboratory fund created in 19313  
section 901.43 of the Revised Code. 19314

**Sec. 955.201.** (A) As used in this section and in section 19315  
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 19316  
corporation organized by that name under Chapter 1702. of the 19317  
Revised Code that consists of humane societies, veterinarians, 19318  
animal shelters, companion animal breeders, dog wardens, ~~and or~~ 19319  
similar individuals and entities. 19320

(B) The Ohio pet fund shall do all of the following: 19321

(1) Establish eligibility criteria for organizations that may receive financial assistance from the pets program funding board created in section 955.202 of the Revised Code. Those organizations may include any of the following:

(a) An animal shelter as defined in section 4729.01 of the Revised Code;

(b) A local nonprofit veterinary association that operates a program for the sterilization of dogs and cats;

(c) A charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code and ~~the primary~~ a purpose of which is to support programs for the sterilization of dogs and cats and educational programs concerning the proper veterinary care of those animals.

(2) Establish procedures for applying for financial assistance from the pets program funding board. Application procedures shall require eligible organizations to submit detailed proposals that outline the intended uses of the moneys sought.

(3) Establish eligibility criteria for sterilization and educational programs for which moneys from the pets program funding board may be used and, consistent with division (C) of this section, establish eligibility criteria for individuals who seek sterilization for their dogs and cats from eligible organizations;

(4) Establish procedures for the disbursement of moneys the pets program funding board receives from license plate contributions pursuant to division (C) of section 4503.551 of the Revised Code;

(5) Advertise or otherwise provide notification of the availability of financial assistance from the pets program funding board for eligible organizations;

(6) Design markings to be inscribed on "pets" license plates	19352
under section 4503.551 of the Revised Code.	19353
(C)(1) The owner of a dog or cat is eligible for dog or cat	19354
sterilization services from an eligible organization when those	19355
services are subsidized in whole or in part by money from the pets	19356
program funding board if any of the following applies:	19357
(a) The income of the owner's family does not exceed one	19358
hundred fifty per cent of the federal poverty guideline.	19359
(b) The owner, or any member of the owner's family who	19360
resides with the owner, is a recipient or beneficiary of one of	19361
the following government assistance programs:	19362
(i) Low-income housing assistance under the "United States	19363
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the	19364
federal section 8 housing program;	19365
(ii) The Ohio works first program established by Chapter	19366
5107. of the Revised Code;	19367
(iii) Title XIX of the "Social Security Act," 49 Stat. 620	19368
(1935), 42 U.S.C.A. 301, as amended, known as the medical	19369
assistance program or medicaid, provided by the department of job	19370
and family services under Chapter 5111. of the Revised Code;	19371
(iv) A program or law administered by the United States	19372
department of veterans' affairs or veterans' administration for	19373
any service-connected disability;	19374
(v) The <del>food stamp</del> <u>supplemental nutrition assistance</u> program	19375
established under the " <del>Food Stamp and Nutrition</del> Act of <del>1977,</del> <u>91</u>	19376
<del>Stat. 958,</del> <u>2008 ( 7 U.S.C.A. 2011, as amended, et seq.)</u>	19377
administered by the department of job and family services under	19378
section 5101.54 of the Revised Code;	19379
(vi) The "special supplemental nutrition program for women,	19380
infants, and children" established under the "Child Nutrition Act	19381

of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered 19382  
by the department of health under section 3701.132 of the Revised 19383  
Code; 19384

(vii) Supplemental security income under Title XVI of the 19385  
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as 19386  
amended; 19387

(viii) Social security disability insurance benefits provided 19388  
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 19389  
42 U.S.C.A. 401, as amended. 19390

(c) The owner of the dog or cat submits to the eligible 19391  
organization operating the sterilization program either of the 19392  
following: 19393

(i) A certificate of adoption showing that the dog or cat was 19394  
adopted from a licensed animal shelter, a municipal, county, or 19395  
regional pound, or a holding and impoundment facility that 19396  
contracts with a municipal corporation; 19397

(ii) A certificate of adoption showing that the dog or cat 19398  
was adopted through a nonprofit corporation operating an animal 19399  
adoption referral service whose holding facility, if any, is 19400  
licensed in accordance with state law or a municipal ordinance. 19401

(2) The Ohio pet fund shall determine the type of documentary 19402  
evidence that must be presented by the owner of a dog or cat to 19403  
show that the income of the owner's family does not exceed one 19404  
hundred fifty per cent of the federal poverty guideline or that 19405  
the owner is eligible under division (C)(1)(b) of this section. 19406

(D) As used in division (C) of this section, "federal poverty 19407  
guideline" means the official poverty guideline as revised 19408  
annually by the United States department of health and human 19409  
services in accordance with section 673(2) of the "Omnibus Budget 19410  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 19411  
amended, for a family size equal to the size of the family of the 19412

person whose income is being determined. 19413

**Sec. 1321.20.** (A) Every person licensed or registered under 19414  
this chapter shall pay to the superintendent of financial 19415  
institutions, prior to the last day of June, an annual license or 19416  
certificate of registration fee. On or about the fifteenth day of 19417  
April of each year, the superintendent shall determine the license 19418  
or certificate fees to be charged, pursuant to sections 1321.03, 19419  
1321.05, ~~1321.53~~, and 1321.73 of the Revised Code. Such 19420  
determination shall be made by dividing the appropriation for the 19421  
consumer finance section of the division of financial institutions 19422  
for the current fiscal year by the number of licenses and 19423  
certificates issued as of the date of the computation. In no event 19424  
shall the amount of the fee exceed three hundred dollars, except 19425  
that the maximum fee which may be charged insurance premium 19426  
finance companies licensed under section 1321.73 of the Revised 19427  
Code shall not exceed three hundred seventy-five dollars. Prior to 19428  
the first day of June of each year, the superintendent shall 19429  
inform each person licensed or registered under this chapter of 19430  
the amount of the license or certificate fee for the succeeding 19431  
fiscal year as determined by this section. 19432

(B)(1) Each person licensed under Chapter 4727. of the 19433  
Revised Code who is subject to annual license renewal under 19434  
division (E)(1) of section 4727.03 of the Revised Code shall, 19435  
prior to the last day of June, pay to the superintendent a fee 19436  
equal to twice the amount of the fee determined by the 19437  
superintendent pursuant to division (A) of this section. However, 19438  
in no event shall the amount of the fee exceed three hundred 19439  
dollars. 19440

(2) Each person licensed under Chapter 4727. of the Revised 19441  
Code who is subject to biennial license renewal under division 19442  
(E)(2) of section 4727.03 of the Revised Code shall, prior to the 19443

date the license expires, pay to the superintendent a fee equal to 19444  
four times the amount of the fee determined by the superintendent 19445  
pursuant to division (A) of this section. However, in no event 19446  
shall the amount of the fee exceed six hundred dollars. 19447

(C) The fee for a license or certificate issued pursuant to 19448  
Chapter 1321., 4727., or 4728. of the Revised Code after the first 19449  
day of January of the year the license or certificate expires 19450  
shall be equal to one-half the amount determined according to 19451  
divisions (A) and (B) of this section or in accordance with 19452  
section 4728.03 of the Revised Code. 19453

(D) If the renewal fees billed by the superintendent pursuant 19454  
to divisions (A) and (B) of this section are less than the 19455  
estimated expenditures of the consumer finance section of the 19456  
division of financial institutions, as determined by the 19457  
superintendent, for the following fiscal year, the superintendent 19458  
may assess each person licensed pursuant to section 1321.04 ~~or~~ 19459  
~~registered pursuant to section 1321.53~~ of the Revised Code at a 19460  
rate sufficient to equal in the aggregate the difference between 19461  
the renewal fees billed and the estimated expenditures. Each 19462  
person shall pay the assessed amount to the superintendent prior 19463  
to the last day of June. In no case shall the assessment exceed 19464  
ten cents per each one hundred dollars of interest (excluding 19465  
charge-off recoveries), points, loan origination charges, and 19466  
credit line charges collected by that person during the previous 19467  
calendar year. If an assessment is imposed under this division, it 19468  
shall not be less than two hundred fifty dollars per licensee or 19469  
registrant and shall not exceed thirty thousand dollars less the 19470  
total renewal fees paid pursuant to division (A) of this section 19471  
by each licensee or registrant. 19472

**Sec. 1321.51.** As used in sections 1321.51 to 1321.60 of the 19473  
Revised Code: 19474

(A) "Person" means an individual, partnership, association,	19475
trust, corporation, or any other legal entity.	19476
(B) "Certificate" means a certificate of registration issued	19477
under sections 1321.51 to 1321.60 of the Revised Code.	19478
(C) "Registrant" means a person to whom one or more	19479
certificates <u>of registration</u> have been issued <u>under sections</u>	19480
<u>1321.51 to 1321.60 of the Revised Code.</u>	19481
(D) "Principal amount" means the amount of cash paid to, or	19482
paid or payable for the account of, the borrower, and includes any	19483
charge, fee, or expense that is financed by the borrower at	19484
origination of the loan or during the term of the loan.	19485
(E) "Interest" means all charges payable directly or	19486
indirectly by a borrower to a registrant as a condition to a loan	19487
or an application for a loan, however denominated, but does not	19488
include default charges, deferment charges, insurance charges or	19489
premiums, court costs, loan origination charges, check collection	19490
charges, credit line charges, points, prepayment penalties, or	19491
other fees and charges specifically authorized by law.	19492
(F) "Interest-bearing loan" means a loan in which the debt is	19493
expressed as the principal amount and interest is computed,	19494
charged, and collected on unpaid principal balances outstanding	19495
from time to time.	19496
(G) "Precomputed loan" means a loan in which the debt is a	19497
sum comprising the principal amount and the amount of interest	19498
computed in advance on the assumption that all scheduled payments	19499
will be made when due.	19500
(H) "Actuarial method" means the method of allocating	19501
payments made on a loan between the principal amount and interest	19502
whereby a payment is applied first to the accumulated interest and	19503
the remainder to the unpaid principal amount.	19504

(I) "Applicable charge" means the amount of interest 19505  
attributable to each monthly installment period of the loan 19506  
contract. The applicable charge is computed as if each installment 19507  
period were one month and any charge for extending the first 19508  
installment period beyond one month is ignored. In the case of 19509  
loans originally scheduled to be repaid in sixty-one months or 19510  
less, the applicable charge for any installment period is that 19511  
proportion of the total interest contracted for, as the balance 19512  
scheduled to be outstanding during that period bears to the sum of 19513  
all of the periodic balances, all determined according to the 19514  
payment schedule originally contracted for. In all other cases, 19515  
the applicable charge for any installment period is that which 19516  
would have been made for such period had the loan been made on an 19517  
interest-bearing basis, based upon the assumption that all 19518  
payments were made according to schedule. 19519

(J) "Broker" means a person who acts as an intermediary or 19520  
agent in finding, arranging, or negotiating loans, other than 19521  
residential mortgage loans, and charges or receives a fee for 19522  
these services. 19523

(K) "Annual percentage rate" means the ratio of the interest 19524  
on a loan to the unpaid principal balances on the loan for any 19525  
period of time, expressed on an annual basis. 19526

(L) "Point" means a charge equal to one per cent of either of 19527  
the following: 19528

(1) The principal amount of a precomputed loan or 19529  
interest-bearing loan; 19530

(2) The original credit line of an open-end loan. 19531

(M) "Prepayment penalty" means a charge for prepayment of a 19532  
loan at any time prior to five years from the date the loan 19533  
contract is executed. 19534

(N) "Refinancing" means a loan the proceeds of which are used 19535



in whole or in part to pay the unpaid balance of a prior loan made 19536  
by the same registrant to the same borrower under sections 1321.51 19537  
to 1321.60 of the Revised Code. 19538

(O) "Superintendent of financial institutions" includes the 19539  
deputy superintendent for consumer finance as provided in section 19540  
1181.21 of the Revised Code. 19541

(P)(1) "Mortgage loan originator" means an individual who for 19542  
compensation or gain, or in anticipation of compensation or gain, 19543  
does any of the following: 19544

(a) Takes or offers to take a residential mortgage loan 19545  
application; 19546

(b) Assists or offers to assist a borrower in obtaining or 19547  
applying to obtain a residential mortgage loan by, among other 19548  
things, advising on loan terms, including rates, fees, and other 19549  
costs; 19550

(c) Offers or negotiates terms of a residential mortgage 19551  
loan; 19552

(d) Issues or offers to issue a commitment for a residential 19553  
mortgage loan to a borrower. 19554

(2) "Mortgage loan originator" does not include any of the 19555  
following: 19556

(a) An individual who performs purely administrative or 19557  
clerical tasks on behalf of a mortgage loan originator; 19558

(b) A person licensed pursuant to Chapter 4735. of the 19559  
Revised Code, or under the similar law of another state, who 19560  
performs only real estate brokerage activities permitted by that 19561  
license, provided the person is not compensated by a mortgage 19562  
lender, mortgage broker, mortgage loan originator, or by any agent 19563  
thereof; 19564

(c) A person solely involved in extensions of credit relating 19565

to timeshare plans, as that term is defined in 11 U.S.C. 101, in 19566  
effect on January 1, 2008; 19567

(d) A person acting solely as a loan processor or 19568  
underwriter, who does not represent to the public, through 19569  
advertising or other means of communicating, including the use of 19570  
business cards, stationery, brochures, signs, rate lists, or other 19571  
promotional items, that the person can or will perform any of the 19572  
activities of a mortgage loan originator; 19573

(e) A loan originator licensed under sections 1322.01 to 19574  
1322.12 of the Revised Code, when acting solely under that 19575  
authority; 19576

(f) A licensed attorney who negotiates the terms of a 19577  
residential mortgage loan on behalf of a client as an ancillary 19578  
matter to the attorney's representation of the client, unless the 19579  
attorney is compensated by a lender, a mortgage broker, or another 19580  
mortgage loan originator, or by any agent thereof; 19581

(g) Any person engaged in the retail sale of manufactured or 19582  
mobile homes if, in connection with financing those retail sales, 19583  
the person only assists the borrower by providing or transmitting 19584  
the loan application and does not do any of the following: 19585

(i) Offer or negotiate the residential mortgage loan rates or 19586  
terms; 19587

(ii) Provide any counseling with borrowers about residential 19588  
mortgage loan rates or terms; 19589

(iii) Receive any payment or fee from any company or 19590  
individual for assisting the borrower obtain or apply for 19591  
financing to purchase the manufactured or mobile home; 19592

(iv) Assist the borrower in completing the residential 19593  
mortgage loan application. 19594

(3) An individual acting exclusively as a servicer engaging 19595

in loss mitigation efforts with respect to existing mortgage transactions shall not be considered a mortgage loan originator for purposes of sections 1321.51 to 1321.60 of the Revised Code until July 1, 2011, if such delay is approved by the United States department of housing and urban development. 19596  
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(O) "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage on a dwelling or on residential real estate upon which is constructed or intended to be constructed a dwelling. For purposes of this division, "dwelling" has the same meaning as in the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1602. 19601  
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(R) "Nationwide mortgage licensing system and registry" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators, or their successor entities, for the licensing and registration of mortgage loan originators, or any system established by the secretary of housing and urban development pursuant to the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 19607  
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(S) "Registered mortgage loan originator" means an individual to whom both of the following apply: 19615  
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(1) The individual is a mortgage loan originator and an employee of a depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency, or an institution regulated by the farm credit administration. 19617  
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(2) The individual is registered with, and maintains a unique identifier through, the nationwide mortgage licensing system and registry. 19622  
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(T) "Administrative or clerical tasks" means the receipt, collection, and distribution of information common for the 19625  
19626

processing or underwriting of a loan in the mortgage industry, and 19627  
communication with a consumer to obtain information necessary for 19628  
the processing or underwriting of a residential mortgage loan. 19629

(U) "Federal banking agency" means the board of governors of 19630  
the federal reserve system, the comptroller of the currency, the 19631  
director of the office of thrift supervision, the national credit 19632  
union administration, and the federal deposit insurance 19633  
corporation. 19634

(V) "Loan processor or underwriter" means an individual who 19635  
performs clerical or support duties at the direction of and 19636  
subject to the supervision and instruction of a mortgage loan 19637  
originator or registered mortgage loan originator. For purposes of 19638  
this division, "clerical or support duties" includes the following 19639  
activities: 19640

(1) The receipt, collection, distribution, and analysis of 19641  
information common for the processing or underwriting of a 19642  
residential mortgage loan; 19643

(2) Communicating with a borrower to obtain the information 19644  
necessary for the processing or underwriting of a loan, to the 19645  
extent the communication does not include offering or negotiating 19646  
loan rates or terms or counseling borrowers about residential 19647  
mortgage loan rates or terms. 19648

(W) "Real estate brokerage activity" means any activity that 19649  
involves offering or providing real estate brokerage services to 19650  
the public, including all of the following: 19651

(1) Acting as a real estate agent or real estate broker for a 19652  
buyer, seller, lessor, or lessee of real property; 19653

(2) Bringing together parties interested in the sale, 19654  
purchase, lease, rental, or exchange of real property; 19655

(3) Negotiating, on behalf of any party, any portion of a 19656

contract relating to the sale, purchase, lease, rental, or 19657  
exchange of real property, other than in connection with providing 19658  
financing for any such transaction; 19659

(4) Engaging in any activity for which a person engaged in 19660  
that activity is required to be registered or licensed as a real 19661  
estate agent or real estate broker under any applicable law; 19662

(5) Offering to engage in any activity, or to act in any 19663  
capacity, described in division (W) of this section. 19664

(X) "Licensee" means any person that has been issued a 19665  
mortgage loan originator license under sections 1321.51 to 1321.60 19666  
of the Revised Code. 19667

(Y) "Unique identifier" means a number or other identifier 19668  
that permanently identifies a mortgage loan originator and is 19669  
assigned by protocols established by the nationwide mortgage 19670  
licensing system and registry or federal banking agencies to 19671  
facilitate electronic tracking of mortgage loan originators and 19672  
uniform identification of, and public access to, the employment 19673  
history of and the publicly adjudicated disciplinary and 19674  
enforcement actions against mortgage loan originators. 19675

(Z) "State" in the context of referring to states in addition 19676  
to Ohio means any state of the United States, the district of 19677  
Columbia, any territory of the United States, Puerto Rico, Guam, 19678  
American Samoa, the trust territory of the Pacific islands, the 19679  
virgin islands, and the northern Mariana islands. 19680

(AA) "Depository institution" has the same meaning as in 19681  
section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 19682  
U.S.C. 1813, and includes any credit union doing business under 19683  
authority granted by the superintendent of financial institutions, 19684  
the national credit union administration, or the credit union 19685  
regulatory authority of any other state of the United States. 19686

(BB) "Bona fide third party" means a person that is not an 19687

employee of, related to, or affiliated with, the registrant, and 19688  
that is not used for the purpose of circumvention or evasion of 19689  
sections 1321.51 to 1321.60 of the Revised Code. 19690

(CC) "Nontraditional mortgage product" means any mortgage 19691  
product other than a thirty-year fixed rate mortgage. 19692

(DD) "Employee" means an individual for whom a registrant or 19693  
applicant, in addition to providing a wage or salary, pays social 19694  
security and unemployment taxes, provides workers' compensation 19695  
coverage, and withholds local, state, and federal income taxes. 19696  
"Employee" also includes any individual who acts as a mortgage 19697  
loan originator or operations manager of the registrant, but for 19698  
whom the registrant is prevented by law from making income tax 19699  
withholdings. 19700

(EE) "Operations manager" means the employee or owner 19701  
responsible for the everyday operations, compliance requirements, 19702  
and management of a registrant or applicant that makes or proposes 19703  
to make loans secured by an interest in real estate. 19704

(FF) "Consumer reporting agency" has the same meaning as in 19705  
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C. 1681a, 19706  
as amended. 19707

(GG) "Mortgage broker" has the same meaning as in section 19708  
1322.01 of the Revised Code. 19709

**Sec. 1321.52.** (A)(1) No person, on that person's own behalf 19710  
or on behalf of any other person, shall do ~~either~~ any of the 19711  
following without having first obtained a certificate of 19712  
registration from the division of financial institutions: 19713

(a) Advertise, solicit, or hold out that the person is 19714  
engaged in the business of making residential mortgage loans 19715  
secured by a mortgage on a borrower's real estate which is other 19716  
than a first lien on the real estate; 19717

(b) Engage in the business of lending or collecting the person's own or another person's money, credit, or choses in action for ~~such~~ non-first lien residential mortgage loans;

(c) Employ or compensate mortgage loan originators licensed or who should be licensed under sections 1321.51 to 1321.60 of the Revised Code to conduct the business of making residential mortgage loans;

(d) Make loans in this state of the type set forth in division (C) of this section that are unsecured or are secured by other than real property, which loans are for more than five thousand dollars at a rate of interest greater than permitted by section 1343.01 or other specific provisions of the Revised Code.

(2) Each person issued a certificate of registration is subject to all the rules prescribed under sections 1321.51 to 1321.60 of the Revised Code.

(B)(1) All loans made to persons who at the time are residents of this state are considered as made within this state and subject to the laws of this state, regardless of any statement in the contract or note to the contrary, except as follows:

(a) If the loan is primarily secured by a lien on real property in another state and is arranged by a mortgage loan originator licensed by that state, the borrower may by choice of law designate that the transaction be governed by the law where the real property is located if the other state has consumer protection laws covering the borrower that are applicable to the transaction.

(b) If the loan is for the purpose of purchasing goods acquired by the borrower when the borrower is outside of this state, the loan may be governed by the laws of the other state.

(2) Nothing in division (B)(1) of this section prevents a choice of law or requires registration or licensure of persons

outside of this state in a transaction involving the solicitation 19749  
of residents of this state to obtain non-real estate secured loans 19750  
that require the borrowers to physically visit a lender's 19751  
out-of-state office to apply for and obtain the disbursement of 19752  
loan funds. 19753

(C) A registrant may make unsecured loans, loans secured by a 19754  
mortgage on a borrower's real estate which is a first lien or 19755  
other than a first lien on the real estate, loans secured by other 19756  
than real estate, and loans secured by any combination of 19757  
mortgages and security interests, on terms and conditions provided 19758  
by sections 1321.51 to 1321.60 of the Revised Code. 19759

(D)(1) If a lender that is subject to sections 1321.51 to 19760  
1321.60 of the Revised Code makes a loan in violation of division 19761  
(A)(1) of this section, the lender has no right to collect, 19762  
receive, or retain any interest or charges on that loan. 19763

(2) If a registrant applies to the division for a renewal of 19764  
the registrant's certificate after the date required by division 19765  
~~(A)(4)~~(A)(8) of section 1321.53 of the Revised Code, but prior to 19766  
the first day of ~~August~~ February of that year, and the division 19767  
approves the application, division (D)(1) of this section does not 19768  
apply with respect to any loan made by the registrant while the 19769  
registrant's certificate was expired. 19770

(3) If a person's registration under sections 1321.51 to 19771  
1321.60 of the Revised Code terminates due to nonrenewal or 19772  
otherwise but the person continues to engage in the business of 19773  
collecting or servicing non-first lien residential mortgage loans 19774  
in violation of division (A)(1) of this section, the 19775  
superintendent of financial institutions may take administrative 19776  
action, including action on any subsequent application for a 19777  
certificate of registration. In addition, no late fee, bad check 19778  
charge except as incurred, charge related to default or cost to 19779  
realize on its security interest, or prepayment penalty on 19780



non-first lien residential mortgage loans shall be collected or 19781  
retained by a person who is in violation of division (A)(1)(b) of 19782  
this section. Nothing in division (D)(3) of this section prevents 19783  
or otherwise precludes any other actions or penalties provided by 19784  
law or modifies a defense of holder in due course that a 19785  
subsequent purchaser servicing the residential mortgage loan may 19786  
raise. 19787

(E)(1) No individual shall engage in the business of a 19788  
mortgage loan originator without first obtaining and maintaining 19789  
annually a license pursuant to section 1321.532 of the Revised 19790  
Code from the division of financial institutions. A mortgage loan 19791  
originator shall be employed or associated with a registrant or 19792  
exempt entity, but shall not be employed by or associated with 19793  
more than one registrant or exempt entity at any one time. 19794

(2) An individual acting under the individual's authority as 19795  
a registered mortgage loan originator shall not be required to be 19796  
licensed under division (E)(1) of this section. 19797

(F)(1) Each licensee shall register with, and maintain a 19798  
valid unique identifier issued by, the nationwide mortgage 19799  
licensing system and registry. 19800

(2) No person shall use a licensee's unique identifier for 19801  
any purpose other than as set forth in the "Secure and Fair 19802  
Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 19803  
12 U.S.C. 5101. 19804

(G)(1) If a person that is subject to sections 1321.51 to 19805  
1321.60 of the Revised Code makes a loan in violation of division 19806  
(A)(1)(d) of this section and subsequently sells or assigns that 19807  
loan, the person is liable to the borrower for any interest paid 19808  
on that loan to the holder or assignee in excess of the rate that 19809  
would be applicable in the absence of sections 1321.51 to 1321.60 19810  
of the Revised Code, in addition to any interest or charges paid 19811

on that loan to the unauthorized lender as provided by division 19812  
(D)(1) of this section. 19813

(2) If a person that is subject to sections 1321.51 to 19814  
1321.60 of the Revised Code makes a residential mortgage loan in 19815  
violation of division (A)(1)(b) or (c) of this section and 19816  
subsequently sells or assigns that loan, the lender is liable to 19817  
the borrower for any interest paid on that loan to the holder or 19818  
assignee in excess of the rate set forth in division (B)(4) of 19819  
section 1343.01 of the Revised Code, in addition to any interest 19820  
or charges paid on that loan to the unauthorized lender as 19821  
provided by division (D)(1) of this section. 19822

Sec. 1321.521. The superintendent of financial institutions 19823  
may, by rule, expand the definition of mortgage loan originator in 19824  
section 1321.51 of the Revised Code by adding individuals or may 19825  
exempt additional individuals or persons from that definition, if 19826  
the superintendent finds that the addition or exemption is 19827  
consistent with the purposes fairly intended by the policy and 19828  
provisions of sections 1321.51 to 1321.60 of the Revised Code and 19829  
the "Secure and Fair Enforcement for Mortgage Licensing Act of 19830  
2008," 122 Stat. 2810, 12 U.S.C. 5101. 19831

Rules authorized by this section shall be adopted in 19832  
accordance with Chapter 119. of the Revised Code. 19833

Sec. 1321.53. (A)(1) An application for a certificate of 19834  
registration under sections 1321.51 to 1321.60 of the Revised Code 19835  
shall contain an undertaking by the applicant to abide by those 19836  
sections. The application shall be in writing, under oath, and in 19837  
the form prescribed by the division of financial institutions, 19838  
shall give the location where the business is to be conducted and 19839  
the names and addresses of the partners, officers, or trustees of 19840  
the applicant, and shall contain any further relevant information 19841

that the division may require. Applicants that are foreign 19842  
corporations shall obtain and maintain a license pursuant to 19843  
Chapter 1703. of the Revised Code before a certificate is issued 19844  
or renewed. 19845

(2) Upon the filing of the application and the payment by the 19846  
applicant of a nonrefundable two hundred dollars as an dollar 19847  
investigation fee and an, a nonrefundable three hundred dollar 19848  
annual registration fee as determined by the superintendent of 19849  
financial institutions pursuant to section 1321.20 of the Revised 19850  
Code, and any additional fee required by the nationwide mortgage 19851  
licensing system and registry, the division shall investigate the 19852  
relevant facts. If the application involves investigation outside 19853  
this state, the applicant may be required by the division to 19854  
advance sufficient funds to pay any of the actual expenses of such 19855  
investigation, when it appears that these expenses will exceed two 19856  
hundred dollars. An itemized statement of any of these expenses 19857  
which the applicant is required to pay shall be furnished to the 19858  
applicant by the division. No certificate shall be issued unless 19859  
all the required fees have been submitted to the division, ~~and no~~ 19860  
~~registration fee or investigation fee will be returned after a~~ 19861  
~~certificate has been issued.~~ 19862

(3) All applicants making loans secured by an interest in 19863  
real estate shall designate an employee or owner of the applicant 19864  
as the applicant's operations manager. While acting as the 19865  
operations manager, the employee or owner shall not be employed by 19866  
any other registrant or mortgage broker. Each registrant making 19867  
residential mortgage loans secured by an interest in real estate 19868  
shall have a designated operations manager who has at least three 19869  
years of experience in the mortgage or lending field acceptable to 19870  
the superintendent, and is a licensed mortgage loan originator. 19871

(4) The investigation undertaken upon application shall 19872  
include both a civil and criminal records check of the applicant 19873

including any individual whose identity is required to be 19874  
disclosed in the application. Where the applicant is a business 19875  
entity the superintendent shall have the authority to require a 19876  
civil and criminal background check of those persons that in the 19877  
determination of the superintendent have the authority to direct 19878  
and control the operations of the applicant. 19879

(5)(a) Notwithstanding division (K) of section 121.08 of the 19880  
Revised Code, the superintendent of financial institutions shall 19881  
obtain a criminal history records check and, as part of that 19882  
records check, request that criminal record information from the 19883  
federal bureau of investigation be obtained. To fulfill this 19884  
requirement, the superintendent shall do either of the following: 19885

(i) Request the superintendent of the bureau of criminal 19886  
identification and investigation, or a vendor approved by the 19887  
bureau, to conduct a criminal records check based on the 19888  
applicant's fingerprints or, if the fingerprints are unreadable, 19889  
based on the applicant's social security number, in accordance 19890  
with division (A)(12) of section 109.572 of the Revised Code; 19891

(ii) Authorize the nationwide mortgage licensing system and 19892  
registry to request a criminal history background check as set 19893  
forth in division (C) of section 1321.531 of the Revised Code. 19894

(b) Any fee required under division (C)(3) of section 109.572 19895  
of the Revised Code or by the nationwide mortgage licensing system 19896  
and registry shall be paid by the applicant. 19897

(6) If an application for a certificate of registration does 19898  
not contain all of the information required under division (A)(1) 19899  
of this section, and if such information is not submitted to the 19900  
division within ninety days after the ~~application is filed~~ 19901  
superintendent requests the information in writing, the 19902  
superintendent may consider the application withdrawn ~~and may~~ 19903  
retain the investigation fee. 19904

~~(4)~~(7) If the division finds that the financial responsibility, experience, character, and general fitness of the applicant ~~are such as to~~ command the confidence of the public and ~~to~~ warrant the belief that the business will be operated honestly and fairly in compliance with ~~and within~~ the purposes of sections 1321.51 to 1321.60 of the Revised Code and the rules adopted thereunder, and that the applicant has the requisite bond or applicable net worth and assets required by division (B) of this section, the division shall thereupon issue a certificate of registration to the applicant. The certificate superintendent shall not use a credit score as the sole basis for a registration denial.

(a) Certificates of registration issued on or after July 1, 2009, shall annually expire on the first thirty-first day of July next after its issue, and on the first day of July in each succeeding year December, unless renewed by the filing of a renewal application and payment of an annual fee, and any assessment, as determined by the superintendent pursuant to section 1321.20 of the Revised Code, and any additional fee required by the nationwide mortgage licensing system and registry, on or before the last day of June December of each year. No other fee or assessment shall be required of a registrant by the state or any political subdivision of the this state.

(b) Registrants shall timely file renewal applications on forms prescribed by the division of financial institutions and provide any further information that the division may require.

(c) As a condition of renewal, registrants shall provide proof that the designated operations manager successfully completed the testing required under section 1321.535 of the Revised Code and the continuing education requirements set forth in section 1321.536 of the Revised Code.

(d) Renewal shall not be granted if the applicant's

certificate of registration is subject to an order of suspension, 19937  
revocation, or an unpaid and past due fine imposed by the 19938  
superintendent. 19939

(e) If the division ~~does not so find~~ finds the applicant does 19940  
not meet the conditions set forth in this section, it shall ~~enter~~ 19941  
~~an order denying~~ issue a notice of intent to deny the application, 19942  
and forthwith notify the applicant of the denial, the grounds for 19943  
the denial, and the applicant's reasonable opportunity to be heard 19944  
on the action in accordance with Chapter 119. of the Revised Code. 19945  
~~In the event of denial, the division shall return the registration~~ 19946  
~~fee but retain the investigation fee.~~ 19947

~~(5)~~(8) If there is a change of ~~ten~~ five per cent or more in 19948  
the ownership of a registrant, the division may make any 19949  
investigation necessary to determine whether any fact or condition 19950  
exists that, if it had existed at the time of the original 19951  
application for a certificate of registration, the fact or 19952  
condition would have warranted the division to deny the 19953  
application under division (A)~~(4)~~(7) of this section. If such a 19954  
fact or condition is found, the division may, in accordance with 19955  
Chapter 119. of the Revised Code, revoke the registrant's 19956  
certificate. 19957

(B) Each registrant that engages in lending under sections 19958  
1321.51 to 1321.60 of the Revised Code shall, if not bonded 19959  
pursuant to section 1321.533 of the Revised Code, maintain both of 19960  
the following: 19961

(1) A net worth of at least fifty thousand dollars; 19962

(2) For each certificate of registration, assets of at least 19963  
fifty thousand dollars either in use or readily available for use 19964  
in the conduct of the business. 19965

(C) Not more than one place of business shall be maintained 19966  
under the same certificate, but the division may issue additional 19967

certificates to the same registrant upon compliance with sections 19968  
1321.51 to 1321.60 of the Revised Code, governing the issuance of 19969  
a single certificate. No change in the place of business of a 19970  
registrant to a location outside the original municipal 19971  
corporation shall be permitted under the same certificate without 19972  
the approval of a new application, the payment of the registration 19973  
fee ~~as determined by the superintendent pursuant to section~~ 19974  
~~1321.20 of the Revised Code~~ and, if required by the 19975  
superintendent, the payment of an investigation fee of two hundred 19976  
dollars. When a registrant wishes to change its place of business 19977  
within the same municipal corporation, it shall give written 19978  
notice of the change in advance to the division, which shall 19979  
provide a certificate for the new address without cost. If a 19980  
registrant changes its name, prior to making loans under the new 19981  
name it shall give written notice of the change to the division, 19982  
which shall provide a certificate in the new name without cost. 19983  
Sections 1321.51 to 1321.60 of the Revised Code do not limit the 19984  
loans of any registrant to residents of the community in which the 19985  
registrant's place of business is situated. Each certificate shall 19986  
be kept conspicuously posted in the place of business of the 19987  
registrant and is not transferable or assignable. 19988

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 19989  
apply to any of the following: 19990

(1) ~~Persons~~ Entities chartered and lawfully doing business 19991  
under the authority of any law of this state, another state, or 19992  
the United States ~~relating to banks as a bank, savings banks bank,~~ 19993  
trust ~~companies~~ company, savings and loan ~~associations~~ 19994  
association, or credit ~~unions~~ union, or a subsidiary of any such 19995  
entity, which subsidiary is regulated by a federal banking agency 19996  
and is owned and controlled by such a depository institution; 19997

(2) Life, property, or casualty insurance companies licensed 19998  
to do business in this state; 19999

(3) Any person that is a lender making a loan pursuant to sections 1321.01 to 1321.19 of the Revised Code or a business loan as described in division (B)(6) of section 1343.01 of the Revised Code; 20000  
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(4) Any ~~political subdivision, or any governmental agency or other public entity, corporation, instrumentality, or any entity included under division (B)(3) of section 1343.01 of the Revised Code~~ agency, in or of the United States or any state of the United States; 20004  
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(5) A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code. 20009  
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(E) No person engaged in the business of selling tangible goods or services related to tangible goods may receive or retain a certificate under sections 1321.51 to 1321.60 of the Revised Code for such place of business. 20012  
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**Sec. 1321.531.** (A) An application for a mortgage loan originator license shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and all other required fees, including any fees required by the nationwide mortgage licensing system and registry. 20016  
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(B) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage loan originator licensees or other persons subject to or involved in their licensure. 20023  
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(C) In connection with applying for a mortgage loan 20029



originator license, the applicant shall furnish to the nationwide mortgage licensing system and registry the following information concerning the applicant's identity: 20030  
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(1) The applicant's fingerprints for submission to the federal bureau of investigation, and any other governmental agency or entity authorized to receive such information, for purposes of a state, national, and international criminal history background check; 20033  
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(2) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain the following: 20038  
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(a) An independent credit report from a consumer reporting agency; 20042  
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(b) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction. 20044  
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(D) In order to effectuate the purposes of divisions (C)(1) and (C)(2)(b) of this section, the superintendent may use the conference of state bank supervisors, or a wholly owned subsidiary, as a channeling agent for requesting information from and distributing information to the United States department of justice or any other governmental agency. The superintendent may also use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source related to matters subject to divisions (C)(2)(a) and (b) of this section. 20046  
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(E) Upon the filing of the application, payment of the application fee, and payment of any additional fee, including any fee required by the nationwide mortgage licensing system and registry, the superintendent shall investigate the applicant as set forth in division (E) of this section. 20056  
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(1)(a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following: 20061  
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(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number in accordance with division (A)(12) of section 109.572 of the Revised Code; 20067  
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(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check as set forth in division (C) of this section. 20073  
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(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the nationwide mortgage licensing system and registry shall be paid by the applicant. 20076  
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(2) The superintendent of financial institutions shall conduct a civil records check. 20079  
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(3) If, in order to issue a license to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed one hundred dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay. 20081  
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(F) If an application for a mortgage loan originator license does not contain all of the information required under this section, and if that information is not submitted to the 20089  
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superintendent within ninety days after the superintendent 20092  
requests the information in writing, the superintendent may 20093  
consider the application withdrawn. 20094

Sec. 1321.532. (A) Upon the conclusion of the investigation 20095  
required under division (E) of section 1321.531 of the Revised 20096  
Code, the superintendent of financial institutions shall issue a 20097  
mortgage loan originator license to the applicant if the 20098  
superintendent finds that all of the following conditions are met: 20099

(1) The application is accompanied by the application fee and 20100  
any additional fee required by the nationwide mortgage licensing 20101  
system and registry. 20102

(a) If a check or other draft instrument is returned to the 20103  
superintendent for insufficient funds, the superintendent shall 20104  
notify the applicant by certified mail, return receipt requested, 20105  
that the application will be withdrawn unless the applicant, 20106  
within thirty days after receipt of the notice, submits the 20107  
application fee and a one-hundred-dollar penalty to the 20108  
superintendent. If the applicant does not submit the application 20109  
fee and penalty within that time period, or if any check or other 20110  
draft instrument used to pay the fee or penalty is returned to the 20111  
superintendent for insufficient funds, the application shall be 20112  
withdrawn immediately without a hearing. 20113

(b) If a check or other draft instrument is returned to the 20114  
superintendent for insufficient funds after the license has been 20115  
issued, the superintendent shall notify the licensee by certified 20116  
mail, return receipt requested, that the license issued in 20117  
reliance on the check or other draft instrument will be canceled 20118  
unless the licensee, within thirty days after receipt of the 20119  
notice, submits the application fee and a one-hundred-dollar 20120  
penalty to the superintendent. If the licensee does not submit the 20121  
application fee and penalty within that time period, or if any 20122

check or other draft instrument used to pay the fee or penalty is 20123  
returned to the superintendent for insufficient funds, the license 20124  
shall be canceled immediately without a hearing, and the licensee 20125  
shall cease activity as a mortgage loan originator. 20126

(2) The applicant complies with sections 1321.51 to 1321.60 20127  
of the Revised Code. 20128

(3) The applicant has not had a mortgage loan originator 20129  
license, or comparable authority, revoked in any governmental 20130  
jurisdiction. 20131

(4) The applicant has not been convicted of, or pleaded 20132  
guilty to, any of the following: 20133

(a) During the seven-year period immediately preceding the 20134  
date of application for licensure, a felony in a domestic, 20135  
foreign, or military court. 20136

(b) At any time prior to the date of application for 20137  
licensure, a felony involving an act of fraud, dishonesty, or a 20138  
breach of trust, theft, or money laundering in a domestic, 20139  
foreign, or military court; 20140

(c) During the seven-year period immediately preceding the 20141  
date of application for licensure, a misdemeanor involving theft 20142  
in a domestic, foreign, or military court. 20143

(5) Based on the totality of the circumstances and 20144  
information submitted in the application, the applicant has proven 20145  
to the division of financial institutions, by a preponderance of 20146  
the evidence, that the applicant is of good business repute, 20147  
appears qualified to act as a mortgage loan originator, and has 20148  
fully complied with sections 1321.51 to 1321.60 of the Revised 20149  
Code and rules adopted thereunder. 20150

(6) The applicant successfully completed the written test 20151  
required under section 1321.535 of the Revised Code and the 20152

education requirements set forth in section 1321.534 of the 20153  
Revised Code. 20154

(7) The applicant is covered under a valid bond in compliance 20155  
with section 1321.533 of the Revised Code. 20156

(8) The applicant's financial responsibility, character, and 20157  
general fitness command the confidence of the public and warrant 20158  
the belief that the loan originator will operate honestly and 20159  
fairly in compliance with the purposes of sections 1321.51 to 20160  
1321.60 of the Revised Code. The superintendent shall not use a 20161  
credit score as the sole basis for a license denial. 20162

(B) The license issued under division (A) of this section may 20163  
be renewed annually on or before the thirty-first day of December 20164  
if the superintendent finds that all of the following conditions 20165  
are met: 20166

(1) The renewal application is accompanied by a nonrefundable 20167  
renewal fee of one hundred fifty dollars, and any additional fee 20168  
required by the nationwide mortgage licensing system and registry. 20169  
If a check or other draft instrument is returned to the 20170  
superintendent for insufficient funds, the superintendent shall 20171  
notify the licensee by certified mail, return receipt requested, 20172  
that the license renewed in reliance on the check or other draft 20173  
instrument will be canceled unless the licensee, within thirty 20174  
days after receipt of the notice, submits the renewal fee and a 20175  
one-hundred-dollar penalty to the superintendent. If the licensee 20176  
does not submit the renewal fee and penalty within that time 20177  
period, or if any check or other draft instrument used to pay the 20178  
fee or penalty is returned to the superintendent for insufficient 20179  
funds, the license shall be canceled immediately without a 20180  
hearing, and the licensee shall cease activity as a mortgage loan 20181  
originator. 20182

(2) The applicant has completed at least eight hours of 20183

continuing education as required under section 1321.536 of the 20184  
Revised Code. 20185

(3) The applicant meets the conditions set forth in divisions 20186  
(A)(2) to (8) of this section. 20187

(4) The applicant's license is not subject to an order of 20188  
suspension or an unpaid and past due fine imposed by the 20189  
superintendent. 20190

(C)(1) Subject to division (C)(2) of this section, if a 20191  
license renewal application or fee, including any additional fee 20192  
required by nationwide mortgage licensing system and registry, is 20193  
received by the superintendent after the thirty-first day of 20194  
December, the license shall not be considered renewed, and the 20195  
applicant shall cease activity as a mortgage loan originator. 20196

(2) Division (C)(1) of this section shall not apply if the 20197  
applicant, no later than the thirty-first day of January, submits 20198  
the renewal application and fee, including any additional fee 20199  
required by nationwide mortgage licensing system and registry, and 20200  
a one-hundred-dollar penalty to the superintendent. 20201

(D) Mortgage loan originator licenses issued on or after July 20202  
1, 2009, shall annually expire on the thirty-first day of 20203  
December. 20204

**Sec. 1321.533.** (A)(1) A registrant engaged in residential 20205  
mortgage loan activity shall not conduct business in this state, 20206  
unless the registrant has obtained and maintains in effect at all 20207  
times a corporate surety bond issued by a bonding company or 20208  
insurance company authorized to do business in this state. 20209

(a) The bond shall be in favor of the superintendent of 20210  
financial institutions. 20211

(b) The bond shall be in the penal sum of the greater of: 20212

(i) Fifty thousand dollars and an additional penal sum of ten 20213

thousand dollars for each location, in excess of one, at which the 20214  
registrant conducts business; or 20215

(ii) One half per cent of the aggregate loan amount of 20216  
residential mortgage loans originated in the immediately preceding 20217  
calendar year, but not exceeding two hundred fifty thousand 20218  
dollars. 20219

(c) The term of the bond shall coincide with the term of 20220  
registration. 20221

(d) A copy of the bond shall be filed with the 20222  
superintendent. 20223

(e) The bond shall be for the exclusive benefit of any 20224  
borrower injured by a violation by an employee, licensee, or 20225  
registrant of any provision of sections 1321.51 to 1321.60 of the 20226  
Revised Code or the rules adopted thereunder. 20227

(f) The aggregate liability of the corporate surety for any 20228  
and all breaches of the conditions of the bond shall not exceed 20229  
the penal sum of the bond. 20230

(2) An individual licensed as a mortgage loan originator and 20231  
employed or associated with an exempt entity as set forth in 20232  
division (P)(2) of section 1321.51 of the Revised Code shall not 20233  
conduct business in this state, unless the licensee has obtained 20234  
and maintains in effect at all times a corporate surety bond 20235  
issued by a bonding company or insurance company authorized to do 20236  
business in this state. 20237

(a) The bond shall be in favor of the superintendent. 20238

(b) The bond shall be in the penal sum of the greater of: 20239

(i) Fifty thousand dollars; or 20240

(ii) One half per cent of the aggregate loan amount of 20241  
residential mortgage loans originated in the immediately preceding 20242  
calendar year, but not exceeding two hundred fifty thousand 20243

dollars. 20244

(c) The term of the bond shall coincide with the term of 20245  
licensure. 20246

(d) A copy of the bond shall be filed with the 20247  
superintendent. 20248

(e) The bond shall be for the exclusive benefit of any 20249  
borrower injured by a violation by the licensee of any provision 20250  
of sections 1321.51 to 1321.60 of the Revised Code or the rules 20251  
adopted thereunder. 20252

(f) The aggregate liability of the corporate surety for any 20253  
and all breaches of the conditions of the bond shall not exceed 20254  
the penal sum of the bond. 20255

(B)(1) The registrant or licensee shall give notice to the 20256  
superintendent by certified mail of any action that is brought by 20257  
a borrower against the licensee, registrant, or any mortgage loan 20258  
originator of the registrant alleging injury by a violation of any 20259  
provision of sections 1321.51 to 1321.60 of the Revised Code, and 20260  
of any judgment that is entered against the licensee, registrant, 20261  
or mortgage loan originator of the registrant by a borrower 20262  
injured by a violation of any provision of sections 1321.51 to 20263  
1321.60 of the Revised Code. The notice shall provide details 20264  
sufficient to identify the action or judgment, and shall be filed 20265  
with the superintendent within ten days after the commencement of 20266  
the action or notice to the registrant or licensee of entry of a 20267  
judgment. An exempt entity securing bonding for the licensees in 20268  
their employ shall report those actions by a borrower in the same 20269  
manner as is required of registrants. 20270

(2) A corporate surety, within ten days after it pays any 20271  
claim or judgment, shall give notice to the superintendent by 20272  
certified mail of the payment, with details sufficient to identify 20273  
the person and the claim or judgment paid. 20274



(C) Whenever the penal sum of the corporate surety bond is reduced by one or more recoveries or payments, the registrant or licensee shall furnish a new or additional bond under this section, so that the total or aggregate penal sum of the bond or bonds equals the sum required by this section, or shall furnish an endorsement executed by the corporate surety reinstating the bond to the required penal sum of it. 20275  
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(D) The liability of the corporate surety on the bond to the superintendent and to any borrower injured by a violation of any provision of sections 1321.51 to 1321.60 of the Revised Code shall not be affected in any way by any misrepresentation, breach of warranty, or failure to pay the premium, by any act or omission upon the part of the registrant or licensee, by the insolvency or bankruptcy of the registrant or licensee, or by the insolvency of the registrant's or licensee's estate. The liability for any act or omission that occurs during the term of the corporate surety bond shall be maintained and in effect for at least two years after the date on which the corporate surety bond is terminated or canceled. 20282  
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(E) The corporate surety bond shall not be canceled by the registrant, the licensee, or the corporate surety except upon notice to the superintendent by certified mail, return receipt requested. The cancellation shall not be effective prior to thirty days after the superintendent receives the notice. 20294  
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(F) No registrant or licensee shall fail to comply with this section. Any registrant or licensee that fails to comply with this section shall cease all mortgage lender or mortgage loan originator activity in this state until the registrant or licensee has complied with this section. 20299  
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**Sec. 1321.534.** (A) Mortgage loan originator applicants shall submit evidence acceptable to the superintendent of financial 20304  
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institutions that, except as set forth in division (D) of this 20306  
section, the applicant has successfully completed at least 20307  
twenty-four hours of pre-licensing instruction consisting of the 20308  
following: 20309

(1) Twenty hours of instruction in a course or program of 20310  
study reviewed and approved by the nationwide mortgage licensing 20311  
system and registry. 20312

(2) Four hours of instruction in a course or program of study 20313  
reviewed and approved by the superintendent concerning state 20314  
lending law and the Ohio consumer sales practices act, Chapter 20315  
1345. of the Revised Code, as it applies to registrants and 20316  
licensees. 20317

(B) A person having successfully completed the pre-licensing 20318  
education requirements reviewed and approved by the nationwide 20319  
mortgage licensing system and registry for any state within the 20320  
previous five years shall be granted credit toward completion of 20321  
the pre-licensing education requirements of this state. 20322

(C) Review and approval of a pre-licensing education course 20323  
shall include review and approval of the course provider. 20324

(D) Notwithstanding division (A) of this section, if the 20325  
nationwide mortgage licensing system and registry fails to have in 20326  
place an approval program to ensure that all pre-licensing 20327  
education courses meet the criteria set forth in division (A) of 20328  
this section, then the superintendent shall require, until that 20329  
program is in place, evidence that the applicant has successfully 20330  
completed twenty-four hours of live classroom instruction in a 20331  
course or program of study approved by the superintendent that 20332  
consists of at least all of the following: 20333

(1) Four hours of instruction concerning state and federal 20334  
mortgage lending laws, which shall include no less than two hours 20335

<u>on this chapter;</u>	20336
<u>(2) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;</u>	20337 20338 20339
<u>(3) Four hours of instruction concerning the loan application process;</u>	20340 20341
<u>(4) Two hours of instruction concerning the underwriting process;</u>	20342 20343
<u>(5) Two hours of instruction concerning the secondary market for mortgage loans;</u>	20344 20345
<u>(6) Four hours of instruction concerning the loan closing process;</u>	20346 20347
<u>(7) Two hours of instruction covering basic mortgage financing concepts and terms;</u>	20348 20349
<u>(8) Two hours of instruction concerning the ethical responsibilities of a licensee, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1321.593 of the Revised Code.</u>	20350 20351 20352 20353
<u>Sec. 1321.535. (A) Each person designated to act as operations manager for a registrant shall submit to a written test approved by the superintendent of financial institutions. An individual shall not be considered to have passed the written test unless the individual achieves a test score of not less than seventy-five per cent correct answers to all questions.</u>	20354 20355 20356 20357 20358 20359
<u>(B) Each applicant for a mortgage loan originator license shall submit to a written test that is developed and approved by the nationwide mortgage licensing system and registry and administered by a test provider approved by the nationwide mortgage licensing system and registry based upon reasonable standards.</u>	20360 20361 20362 20363 20364 20365

(1) The test shall adequately measure the applicant's knowledge and comprehension in appropriate subject matters, including ethics and federal and state law related to mortgage origination, fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues. 20366  
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(2) An individual shall not be considered to have passed the test unless the individual achieves a test score of at least seventy-five per cent correct answers on all questions and at least seventy-five per cent correct answers on all questions relating to Ohio lending laws and the Ohio consumer sales practices act. 20371  
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(3) An individual may retake the test three consecutive times provided the period between taking the tests is at least thirty days. 20377  
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(4) After failing three consecutive tests, an individual shall be required to wait at least six months before taking the test again. 20380  
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(5) If a mortgage loan originator fails to maintain a valid license for a period of five years or longer, the individual shall be required to retake the test. 20383  
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(C) Notwithstanding division (B) of this section, until the nationwide mortgage licensing system and registry implements a testing process that meets the criteria set forth in that division, the superintendent shall require evidence that the mortgage loan originator applicant or person designated under division (A)(3) of section 1321.53 of the Revised Code passed a written test acceptable to the superintendent. 20386  
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**Sec. 1321.536.** (A) Each mortgage loan originator licensee and each person designated under division (A)(3) of section 1321.53 of the Revised Code to act as operations manager for a registrant 20393  
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shall complete at least eight hours of continuing education every 20396  
calendar year. To fulfill this requirement, the eight hours of 20397  
continuing education must be offered in a course or program of 20398  
study reviewed and approved by the nationwide mortgage licensing 20399  
system and registry. The course or program of study shall include 20400  
all of the following: 20401

(1) Three hours of applicable federal law and regulations; 20402

(2) Two hours of ethics, which shall include instruction on 20403  
fraud, consumer protection, and fair lending issues; 20404

(3) Two hours of training related to lending standards for 20405  
the nontraditional mortgage product marketplace. 20406

(B) Continuing education courses shall be reviewed and 20407  
approved by the nationwide mortgage licensing system and registry 20408  
based upon reasonable standards. 20409

(C) The following conditions apply to the continuing 20410  
education required by this section: 20411

(1) An individual cannot take the same approved course in the 20412  
same or successive years to meet the annual requirement for 20413  
continuing education. 20414

(2) An individual can only receive credit for a continuing 20415  
education course in the year in which the course is taken, unless 20416  
the individual is making up a deficiency in continuing education 20417  
pursuant to a rule or order of the superintendent of financial 20418  
institutions. 20419

(3) An individual who subsequently becomes unlicensed must 20420  
complete the continuing education requirement for the last year in 20421  
which the license was held prior to the issuance of a new or 20422  
renewed license. 20423

(4) A licensed mortgage loan originator who is approved as an 20424  
instructor of an approved continuing education course may receive 20425

credit for the licensee's own annual continuing education 20426  
requirement at the rate of two credit hours for every one hour 20427  
taught. 20428

(5) A person having successfully completed a continuing 20429  
education course approved by the nationwide mortgage licensing 20430  
system and registry for any state shall receive credit toward 20431  
completion of the continuing education requirement of this state. 20432

(D) Notwithstanding division (B) of this section, until the 20433  
nationwide mortgage licensing system and registry implements a 20434  
review and approval process, the superintendent shall require 20435  
evidence that the licensee or person designated under division 20436  
(A)(3) of section 1321.53 of the Revised Code has successfully 20437  
completed at least eight hours of continuing education in a course 20438  
or program of study approved by the superintendent. 20439

**Sec. 1321.54.** (A) The division of financial institutions may 20440  
adopt, in accordance with Chapter 119. of the Revised Code, 20441  
reasonable rules that are necessary for the enforcement of to 20442  
administer and enforce sections 1321.51 to 1321.60 of the Revised 20443  
Code and ~~that are consistent with those sections. Each rule shall~~ 20444  
~~contain a reference to the section, division, or paragraph of the~~ 20445  
~~Revised Code to which it applies. The division shall send by~~ 20446  
~~regular mail to each registrant a copy of each rule that is~~ 20447  
~~adopted pursuant to this section~~ to carry out the purposes of 20448  
those sections. 20449

(B)(1) The division ~~shall~~ may, upon written notice to the 20450  
registrant or licensee stating the contemplated action, the 20451  
grounds for the action, and the registrant's or licensee's 20452  
reasonable opportunity to be heard on the action in accordance 20453  
with Chapter 119. of the Revised Code, revoke, suspend, or refuse 20454  
to renew any certificate or license issued under sections 1321.51 20455  
to 1321.60 of the Revised Code, ~~or impose a monetary fine,~~ if it 20456

~~finds that the registrant has continued to violate those sections, 20457  
after receiving notice of the violation or violations from the 20458  
division, or is in default in the payment of the annual assessment 20459  
or certificate of registration fee prescribed in section 1321.20 20460  
of the Revised Code. The any of the following: 20461~~

(a) A violation of or failure to comply with any provision of 20462  
sections 1321.51 to 1321.60 of the Revised Code or the rules 20463  
adopted thereunder, any federal lending law, or any other law 20464  
applicable to the business conducted under a certificate of 20465  
registration or license; 20466

(b) The person has been convicted of or pleaded guilty to any 20467  
criminal felony offense in a domestic, foreign, or military court; 20468

(c) The person has been convicted of or pleaded guilty to any 20469  
criminal offense involving theft, receiving stolen property, 20470  
embezzlement, forgery, fraud, passing bad checks, money 20471  
laundering, breach of trust, dishonesty, or drug trafficking, or 20472  
any criminal offense involving money or securities, in a domestic, 20473  
foreign, or military court; 20474

(d) The person's mortgage lender certificate of registration 20475  
or mortgage loan originator license, or comparable authority, has 20476  
been revoked in any governmental jurisdiction. 20477

(2) In addition to, or in lieu of, any revocation, 20478  
suspension, or denial, the division may impose a monetary fine 20479  
after administrative hearing or in settlement of matters subject 20480  
to claims under division (B)(1)(a) of this section. 20481

(3) Subject to division (D)(3) of section 1321.52 of the 20482  
Revised Code, the revocation, suspension, or refusal to renew 20483  
shall not impair the obligation of any pre-existing lawful 20484  
contract made under sections 1321.51 to 1321.60 of the Revised 20485  
Code; provided, however, that a prior registrant shall make good 20486  
faith efforts to promptly transfer the registrant's collection 20487

rights to another registrant or person exempt from registration, 20488  
or be subject to additional monetary fines and legal or 20489  
administrative action by the division. Nothing in division (B)(3) 20490  
of this section shall limit a court's ability to impose a cease 20491  
and desist order preventing any further business or servicing 20492  
activity. 20493

(C)(1) The superintendent of financial institutions may 20494  
impose a fine of not more than one thousand dollars for each day a 20495  
violation of sections 1321.51 to 1321.60 of the Revised Code, or 20496  
any rule adopted thereunder, is committed, repeated, or continued. 20497  
If the registrant or licensee engages in a pattern of repeated 20498  
violations, the superintendent may impose a fine of not more than 20499  
two thousand dollars for each day the violation is committed, 20500  
repeated, or continued. All fines collected pursuant to this 20501  
section shall be paid to the treasurer of state to the credit of 20502  
the consumer finance fund created in section 1321.21 of the 20503  
Revised Code. In determining the amount of a fine to be imposed 20504  
pursuant to this section, the superintendent may consider all of 20505  
the following to the extent it is known to the division of 20506  
financial institutions: 20507

(a) The seriousness of the violation; 20508

(b) The registrant's or licensee's good faith efforts to 20509  
prevent the violation; 20510

(c) The registrant's or licensee's history regarding 20511  
violations and compliance with division orders; 20512

(d) The registrant's or licensee's financial resources; 20513

(e) Any other matters the superintendent considers 20514  
appropriate in enforcing sections 1321.51 to 1321.60 of the 20515  
Revised Code. 20516

(2) Monetary fines imposed under this division shall not 20517  
exceed twenty five thousand dollars preclude any criminal fine 20518



imposed pursuant to section 1321.99 of the Revised Code. 20519

~~(C)~~(D) The superintendent ~~of financial institutions~~ may 20520  
investigate alleged violations of sections 1321.51 to 1321.60 of 20521  
the Revised Code, or the rules adopted thereunder, or complaints 20522  
concerning any such violation. The superintendent may make 20523  
application to the court of common pleas for an order enjoining 20524  
any ~~such~~ violation and, upon a showing by the superintendent that 20525  
a person has committed, or is about to commit, ~~such~~ a violation, 20526  
the court shall grant an injunction, restraining order, or other 20527  
appropriate relief. The superintendent, in making application to 20528  
the court of common pleas for an order enjoining a person from 20529  
acting as a registrant or mortgage loan originator in violation of 20530  
division (A) or (E) of section 1321.52 of the Revised Code, may 20531  
also seek and obtain civil penalties for that unregistered or 20532  
unlicensed conduct in an amount not to exceed five thousand 20533  
dollars per violation. 20534

~~(D)~~(E) In conducting an investigation pursuant to this 20535  
section, the superintendent may compel, by subpoena, witnesses to 20536  
testify in relation to any matter over which the superintendent 20537  
has jurisdiction, and may require the production or photocopying 20538  
of any book, record, or other document pertaining to such matter. 20539  
If a person fails to file any statement or report, obey any 20540  
subpoena, give testimony, produce any book, record, or other 20541  
document as required by such a subpoena, or permit photocopying of 20542  
any book, record, or other document subpoenaed, the court of 20543  
common pleas of any county in this state, upon application made to 20544  
it by the superintendent, shall compel obedience by attachment 20545  
proceedings for contempt, as in the case of disobedience of the 20546  
requirements of a subpoena issued from the court, or a refusal to 20547  
testify therein. 20548

~~(E)~~(F) If the superintendent determines that a person is 20549  
engaged in, or is believed to be engaged in, activities that may 20550

constitute a violation of sections 1321.51 to 1321.60 of the Revised Code or the rules adopted thereunder, the superintendent may, after notice and a hearing conducted in accordance with Chapter 119. of the Revised Code, issue a cease and desist order. The superintendent, in taking administrative action to enjoin a person from acting as a registrant or mortgage loan originator in violation of division (A) or (E) of section 1321.52 of the Revised Code, may also seek and impose fines for those violations in an amount not to exceed five thousand dollars per violation. Such an order shall be enforceable in the court of common pleas.

(G) The superintendent shall regularly report violations of sections 1321.51 to 1321.60 of the Revised Code, as well as enforcement actions and other relevant information, to the nationwide mortgage licensing system and registry pursuant to division (E) of section 1321.55 of the Revised Code.

(H)(1) To protect the public interest, the superintendent may, without a prior hearing, do any of the following:

(a) Suspend the certificate of registration or license of a person who is convicted of or pleads guilty to a violation of sections 1321.51 to 1321.60 of the Revised Code or any criminal offense described in division (B)(1) of this section;

(b) Suspend the certificate of registration of a registrant who violates division (F) of section 1321.533 of the Revised Code;

(c) Suspend the certificate of registration or license of a person who fails to comply with a request made by the superintendent under this section or section 1321.55 of the Revised Code to inspect qualifying education transcripts located at the registrant's or licensee's place of business.

(2) The superintendent may, in accordance with Chapter 119. of the Revised Code, subsequently revoke any registration or license suspended under division (H)(1) of this section.

(3) The superintendent shall, in accordance with Chapter 119. of the Revised Code, adopt rules establishing the maximum amount of time a suspension under division (H)(1) of this section may continue before a hearing is conducted.

**Sec. 1321.55.** (A) Every registrant shall keep records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code. Such records shall be segregated from records pertaining to transactions that are not subject to these sections of the Revised Code. Every registrant shall preserve records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code for at least ~~two~~ four years after making the final entry on such records. Accounting systems maintained in whole or in part by mechanical or electronic data processing methods that provide information equivalent to that otherwise required are acceptable for this purpose. At least once each eighteen-month cycle, the division of financial institutions shall make or cause to be made an examination of records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code, for the purpose of determining whether the registrant is complying with these sections and of verifying the registrant's annual report.

(B)(1) As required by the superintendent of financial institutions, each registrant shall file with the division each year a report under oath or affirmation, on forms supplied by the division, concerning the business and operations for the preceding calendar year. Whenever a registrant operates two or more registered offices or whenever two or more affiliated registrants operate registered offices, then a composite report of the group of registered offices may be filed in lieu of individual reports.

(2) The division shall publish annually an analysis of the information required under division (B)(1) of this section, but the individual reports shall not be public records and shall not

be open to public inspection or otherwise subject to the 20613  
provisions of section 149.43 of the Revised Code. 20614

(3) Each mortgage licensee shall submit to the nationwide 20615  
mortgage licensing system and registry call reports or other 20616  
reports of condition, which shall be in such form and shall 20617  
contain such information as the nationwide mortgage licensing 20618  
system and registry may require. 20619

~~(C) All information obtained by the superintendent or the~~ 20620  
~~superintendent's deputies, examiners, assistants, agents, or~~ 20621  
~~clerks by reason of their official position, including information~~ 20622  
~~obtained by such persons from the annual report of a registrant or~~ 20623  
~~in the course of examining a registrant or investigating an~~ 20624  
~~applicant for a certificate, is privileged and confidential. All~~ 20625  
~~such information shall remain privileged and confidential for all~~ 20626  
~~purposes except when it is necessary for the superintendent and~~ 20627  
~~the superintendent's deputies, examiners, assistants, agents, or~~ 20628  
~~clerks to take official action regarding the affairs of the~~ 20629  
~~registrant or in connection with criminal proceedings. Such~~ 20630  
~~information may also be introduced into evidence or disclosed when~~ 20631  
~~and in the manner authorized in section 1181.25 of the Revised~~ 20632  
~~Code.~~ 20633

~~(D) No person is in violation of sections 1321.51 to 1321.60~~ 20634  
~~of the Revised Code for any act taken or omission made in reliance~~ 20635  
~~on a written notice, interpretation, or examination report from~~ 20636  
~~the superintendent.~~ 20637

~~(E) This section does not prevent the division from releasing~~ 20638  
~~to or exchanging with other financial institution regulatory~~ 20639  
~~authorities information relating to registrants.~~ 20640

~~(F) For purposes of this section, "financial institution~~ 20641  
~~regulatory authority" includes a regulator of a business activity~~ 20642  
~~in which a registrant is engaged, or has applied to engage in, to~~ 20643

~~the extent that the regulator has jurisdiction over a registrant engaged in that business activity. A registrant is engaged in a business activity, and a regulator of that business activity has jurisdiction over the registrant, whether the registrant conducts the activity directly or a subsidiary or affiliate of the registrant conducts the activity~~ (1) The following information is confidential:

(a) Examination information, and any information leading to or arising from an examination;

(b) Investigation information, and any information arising from or leading to an investigation.

(2) The information described in division (C)(1) of this section shall remain confidential for all purposes except when it is necessary for the superintendent to take official action regarding the affairs of a registrant or licensee, or in connection with criminal or civil proceedings to be initiated by a prosecuting attorney or the attorney general. This information may also be introduced into evidence or disclosed when and in the manner authorized by section 1181.25 of the Revised Code.

(D) All application information, except social security numbers, employer identification numbers, financial account numbers, the identity of the institution where financial accounts are maintained, personal financial information, fingerprint cards and the information contained on such cards, and criminal background information, is a public record as defined in section 149.43 of the Revised Code.

(E) This section does not prevent the division of financial institutions from releasing to or exchanging with other financial institution regulatory authorities information relating to registrants and licensees. For this purpose, a "financial institution regulatory authority" includes a regulator of a

business activity in which a registrant or licensee is engaged, or 20675  
has applied to engage in, to the extent that the regulator has 20676  
jurisdiction over a registrant or licensee engaged in that 20677  
business activity. A registrant or licensee is engaged in a 20678  
business activity, and a regulator of that business activity has 20679  
jurisdiction over the registrant or licensee, whether the 20680  
registrant or licensee conducts the activity directly or a 20681  
subsidiary or affiliate of the registrant or licensee conducts the 20682  
activity. 20683

(1) Any confidentiality or privilege arising under federal or 20684  
state law with respect to any information or material provided to 20685  
the nationwide mortgage licensing system and registry shall 20686  
continue to apply to the information or material after the 20687  
information or material has been provided to the nationwide 20688  
mortgage licensing system and registry. The information and 20689  
material so provided may be shared with all state and federal 20690  
regulatory officials with mortgage industry oversight authority 20691  
without the loss of confidentiality or privilege protections 20692  
provided by federal law or the law of any state. Information or 20693  
material described in division (E)(1) of this section to which 20694  
confidentiality or privilege applies shall not be subject to any 20695  
of the following: 20696

(a) Disclosure under any federal or state law governing 20697  
disclosure to the public of information held by an officer or an 20698  
agency of the federal government or of the respective state; 20699

(b) Subpoena or discovery, or admission into evidence, in any 20700  
private civil action or administrative process, unless the person 20701  
to whom such information or material pertains waives, in whole or 20702  
in part and at the discretion of the person, any privilege held by 20703  
the nationwide mortgage licensing system and registry with respect 20704  
to that information or material. 20705

(2) The superintendent, in order to promote more effective 20706

regulation and reduce regulatory burden through supervisory 20707  
information sharing, may enter into sharing arrangements with 20708  
other governmental agencies, the conference of state bank 20709  
supervisors, and the American association of residential mortgage 20710  
regulators. 20711

(3) Any state law, including the public records law, relating 20712  
to the disclosure of confidential supervisory information or any 20713  
information or material described in division (E)(1) of this 20714  
section that is inconsistent with that division shall be 20715  
superseded by the requirements of that division. 20716

(F) This section shall not apply with respect to information 20717  
or material relating to the employment history of, and publicly 20718  
adjudicated disciplinary and enforcement actions against, mortgage 20719  
loan originators that is included in the nationwide mortgage 20720  
licensing system and registry for access by the public. 20721

(G) This section does not prevent the division from releasing 20722  
information relating to registrants and licensees to the attorney 20723  
general, to the superintendent of real estate and professional 20724  
licensing for purposes relating to the administration of Chapters 20725  
4735. and 4763. of the Revised Code, to the superintendent of 20726  
insurance for purposes relating to the administration of Chapter 20727  
3953. of the Revised Code, to the commissioner of securities for 20728  
purposes relating to the administration of Chapter 1707. of the 20729  
Revised Code, or to local law enforcement agencies and local 20730  
prosecutors. Information the division releases pursuant to this 20731  
section remains confidential. 20732

(H) The superintendent of financial institutions shall, by 20733  
rule adopted in accordance with Chapter 119. of the Revised Code, 20734  
establish a process by which mortgage loan originators may 20735  
challenge information provided to the nationwide mortgage 20736  
licensing system and registry by the superintendent. 20737

(I) No person, in connection with any examination or investigation conducted by the superintendent under sections 1321.51 to 1321.60 of the Revised Code, shall knowingly do any of the following: 20738  
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(1) Circumvent, interfere with, obstruct, or fail to cooperate, including making a false or misleading statement, failing to produce records, or intimidating or suborning any witness; 20742  
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(2) Withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information; 20746  
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(3) Tamper with, alter, or manufacture any evidence. 20748

**Sec. 1321.551.** (A) No registrant shall conduct the business of making loans under sections 1321.51 to 1321.60 of the Revised Code in any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction with any other such business, if the superintendent of financial institutions finds, pursuant to a hearing conducted in accordance with Chapter 119. of the Revised Code, that the other business is of such a nature that the conduct tends to conceal evasion of sections 1321.51 to 1321.60 of the Revised Code or of the rules adopted under those sections, and orders the registrant in writing to desist from the conduct. 20749  
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(B) The business of a mortgage loan originator shall principally be transacted at an office of the registrant with whom the licensee is employed or associated, which office is registered in accordance with division (A)(1) of section 1321.52 of the Revised Code. Each original mortgage loan originator license shall be deposited with and maintained at the registrant's main office. A copy of the mortgage loan originator license shall be maintained and displayed at the office where the mortgage loan originator principally transacts business. 20760  
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(C) If a mortgage loan originator's employment or association is terminated for any reason, the registrant shall return the original mortgage loan originator license to the superintendent within five business days after the termination. The licensee may request the transfer of the license to another registrant by submitting a transfer application, along with a fifteen dollar fee and any fee required by the national mortgage licensing system and registry, to the superintendent, or may request in writing that the superintendent hold the license in escrow. A licensee whose license is held in escrow shall cease activity as a mortgage loan originator. A licensee whose license is held in escrow shall be required to apply for renewal annually and to comply with the annual continuing education requirement. 20769  
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(D) A registrant may employ or be associated with a mortgage loan originator on a temporary basis pending the transfer of the mortgage loan originator's license to the registrant, if the registrant receives written confirmation from the superintendent that the mortgage loan originator is licensed under sections 1321.51 to 1321.60 of the Revised Code. 20782  
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(E)(1) Notwithstanding divisions (B), (C), and (D) of this section, if a mortgage loan originator is employed by or associated with a person claiming an exception under division (D) of section 1321.53 of the Revised Code, the mortgage loan originator shall maintain and display the original mortgage loan originator license at the office where the mortgage loan originator principally transacts business. 20788  
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(2) If a mortgage loan originator's employment or association is terminated for any reason, the licensee shall return the original mortgage loan originator license to the superintendent within five business days after the termination. The licensee may request the transfer of the license to a mortgage broker or other person claiming an exception under division (D) of section 1321.53 20795  
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of the Revised Code by submitting a transfer application, along 20801  
with a fifteen dollar fee and any fee required by the national 20802  
mortgage licensing system and registry, to the superintendent, or 20803  
may request the superintendent in writing to hold the license in 20804  
escrow. A licensee whose license is held in escrow shall cease 20805  
activity as a mortgage loan originator. A licensee whose license 20806  
is held in escrow shall be required to apply for renewal annually 20807  
and to comply with the annual continuing education requirement. 20808

(3) The licensee may seek to be employed or associated with a 20809  
mortgage broker or other person claiming an exception under 20810  
division (D) of section 1321.53 of the Revised Code if the 20811  
mortgage broker or person receives written confirmation from the 20812  
superintendent that the mortgage loan originator is licensed under 20813  
sections 1321.51 to 1321.60 of the Revised Code. 20814

(F)(1) No registrant, through its operations manager or 20815  
otherwise, shall fail to reasonably supervise a mortgage loan 20816  
originator or other persons employed by or associated with the 20817  
registrant. 20818

(2) No registrant shall fail to establish reasonable 20819  
procedures designed to avoid violations of sections 1321.51 to 20820  
1321.60 of the Revised Code or rules adopted thereunder, or 20821  
violations of applicable state and federal consumer and lending 20822  
laws or rules, by mortgage loan originators or other persons 20823  
employed by or associated with the registrant. 20824

(G) A license, or the authority granted under that license, 20825  
is not assignable and cannot be franchised by contract or any 20826  
other means. 20827

**Sec. 1321.552.** (A) Notwithstanding any provision of sections 20828  
1321.51 to 1321.60 of the Revised Code, or any rule adopted 20829  
thereunder, if the "Secure and Fair Enforcement for Mortgage 20830  
Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, as 20831

amended, is modified after the effective date of this section, or 20832  
any regulation, statement, or position is adopted under that act, 20833  
and the item modified or adopted affects any matter within the 20834  
scope of sections 1321.51 to 1321.60 of the Revised Code, the 20835  
superintendent of financial institutions may by rule adopt a 20836  
similar provision. 20837

(B) The superintendent shall adopt the rules authorized by 20838  
this section in accordance with section 111.15 of the Revised 20839  
Code. Chapter 119. of the Revised Code does not apply to rules 20840  
adopted under the authority of this section. 20841

(C) A rule adopted by the superintendent under the authority 20842  
of this section is effective on the later of the following dates: 20843

(1) The date the superintendent issues the rule; 20844

(2) The date the regulation, rule, interpretation, procedure, 20845  
or guideline the superintendent's rule is based on becomes 20846  
effective. 20847

(D) The superintendent may, upon thirty days' written notice, 20848  
revoke any rule adopted under the authority of this section. A 20849  
rule adopted under the authority of this section, and not revoked 20850  
by the superintendent, lapses and has no further force and effect 20851  
eighteen months after the rule's effective date. 20852

**Sec. 1321.57.** (A) Notwithstanding any other provisions of the 20853  
Revised Code, a registrant may contract for and receive interest, 20854  
calculated according to the actuarial method, at a rate or rates 20855  
not exceeding twenty-one per cent per year on the unpaid principal 20856  
balances of the loan. Loans may be interest-bearing or 20857  
precomputed. 20858

(B) For purposes of computation of time on interest-bearing 20859  
and precomputed loans, including, but not limited to, the 20860  
calculation of interest, a month is considered one-twelfth of a 20861

year, and a day is considered one three hundred sixty-fifth of a 20862  
year when calculation is made for a fraction of a month. A year is 20863  
as defined in section 1.44 of the Revised Code. A month is that 20864  
period described in section 1.45 of the Revised Code. 20865  
Alternatively, a registrant may consider a day as one three 20866  
hundred sixtieth of a year and each month as having thirty days. 20867

(C) With respect to interest-bearing loans: 20868

(1)(a) Interest shall be computed on unpaid principal 20869  
balances outstanding from time to time, for the time outstanding. 20870

(b) As an alternative to the method of computing interest set 20871  
forth in division (C)(1)(a) of this section, a registrant may 20872  
charge and collect interest for the first installment period based 20873  
on elapsed time from the date of the loan to the first scheduled 20874  
payment due date, and for each succeeding installment period from 20875  
the scheduled payment due date to the next scheduled payment due 20876  
date, regardless of the date or dates the payments are actually 20877  
made. 20878

(c) Whether a registrant computes interest pursuant to 20879  
division (C)(1)(a) or (b) of this section, each payment shall be 20880  
applied first to unpaid charges, then to interest, and the 20881  
remainder to the unpaid principal balance. However, if the amount 20882  
of the payment is insufficient to pay the accumulated interest, 20883  
the unpaid interest continues to accumulate to be paid from the 20884  
proceeds of subsequent payments and is not added to the principal 20885  
balance. 20886

(2) Interest shall not be compounded, collected, or paid in 20887  
advance. However, both of the following apply: 20888

(a) Interest may be charged to extend the first monthly 20889  
installment period by not more than fifteen days, and the interest 20890  
charged for the extension may be added to the principal amount of 20891  
the loan. 20892

(b) If part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, the principal amount payable under the new loan contract may include any unpaid interest that has accrued. The resulting loan contract shall be deemed a new and separate loan transaction for purposes of this section. The unpaid principal balance of a precomputed loan is the balance due after refund or credit of unearned interest as provided in division (D)(3) of this section.

(D) With respect to precomputed loans:

(1) Loans shall be repayable in monthly installments of principal and interest combined, except that the first installment period may exceed one month by not more than fifteen days, and the first installment payment amount may be larger than the remaining payments by the amount of interest charged for the extra days; and provided further that monthly installment payment dates may be omitted to accommodate borrowers with seasonal income.

(2) Payments may be applied to the combined total of principal and precomputed interest until maturity of the loan. A registrant may charge interest after the original or deferred maturity of a precomputed loan at the rate specified in division (A) of this section on all unpaid principal balances for the time outstanding.

(3) When any loan contract is paid in full by cash, renewal, refinancing, or a new loan, one month or more before the final installment due date, the registrant shall refund, or credit the borrower with, the total of the applicable charges for all fully unexpired installment periods, as originally scheduled or as deferred, that follow the day of prepayment. If the prepayment is made other than on a scheduled installment due date, the nearest scheduled installment due date shall be used in such computation. If the prepayment occurs prior to the first installment due date, the registrant may retain one-thirtieth of the applicable charge

for a first installment period of one month for each day from date 20925  
of loan to date of prepayment, and shall refund, or credit the 20926  
borrower with, the balance of the total interest contracted for. 20927  
If the maturity of the loan is accelerated for any reason and 20928  
judgment is entered, the registrant shall credit the borrower with 20929  
the same refund as if prepayment in full had been made on the date 20930  
the judgment is entered. 20931

(4) If the parties agree in writing, either in the loan 20932  
contract or in a subsequent agreement, to a deferment of wholly 20933  
unpaid installments, a registrant may grant a deferment and may 20934  
collect a deferment charge as provided in this section. A 20935  
deferment postpones the scheduled due date of the earliest unpaid 20936  
installment and all subsequent installments as originally 20937  
scheduled, or as previously deferred, for a period equal to the 20938  
deferment period. The deferment period is that period during which 20939  
no installment is scheduled to be paid by reason of the deferment. 20940  
The deferment charge for a one-month period may not exceed the 20941  
applicable charge for the installment period immediately following 20942  
the due date of the last undeferred installment. A proportionate 20943  
charge may be made for deferment for periods of more or less than 20944  
one month. A deferment charge is earned pro rata during the 20945  
deferment period and is fully earned on the last day of the 20946  
deferment period. If a loan is prepaid in full during a deferment 20947  
period, the registrant shall make, or credit to the borrower, a 20948  
refund of the unearned deferment charge in addition to any other 20949  
refund or credit made for prepayment of the loan in full. 20950

(E) A registrant, at the request of the borrower, may obtain, 20951  
on one or more borrowers, credit life insurance, credit accident 20952  
and health insurance, and unemployment insurance. The premium or 20953  
identifiable charge for the insurance may be included in the 20954  
principal amount of the loan and may not exceed the premium rate 20955  
filed by the insurer with the superintendent of insurance and not 20956

disapproved by the superintendent. If a registrant obtains the 20957  
insurance at the request of the borrower, the borrower shall have 20958  
the right to cancel the insurance for a period of twenty-five days 20959  
after the loan is made. If the borrower chooses to cancel the 20960  
insurance, the borrower shall give the registrant written notice 20961  
of this choice and shall return all of the policies or 20962  
certificates of insurance or notices of proposed insurance to the 20963  
registrant during such period, and the full premium or 20964  
identifiable charge for the insurance shall be refunded to the 20965  
borrower by the registrant. If the borrower requests, in the 20966  
notice to cancel the insurance, that this refund be applied to 20967  
reduce the balance of a precomputed loan, the registrant shall 20968  
credit the amount of the refund plus the amount of interest 20969  
applicable to the refund to the loan balance. 20970

If the registrant obtains the insurance at the request of the 20971  
borrower, the registrant shall not charge or collect interest on 20972  
any insured amount that remains unpaid after the insured 20973  
borrower's date of death. 20974

(F) A registrant may require the borrower to provide 20975  
insurance or a loss payable endorsement covering reasonable risks 20976  
of loss, damage, and destruction of property used as security for 20977  
the loan and with the consent of the borrower such insurance may 20978  
cover property other than that which is security for the loan. The 20979  
amount and term of required property insurance shall be reasonable 20980  
in relation to the amount and term of the loan contract and the 20981  
type and value of the security, and the insurance shall be 20982  
procured in accordance with the insurance laws of this state. The 20983  
purchase of this insurance through the registrant or an agent or 20984  
broker designated by the registrant shall not be a condition 20985  
precedent to the granting of the loan. If the borrower purchases 20986  
the insurance from or through the registrant or from another 20987  
source, the premium may be included in the principal amount of the 20988

loan. 20989

(G) On loans secured by an interest in real estate, all of 20990  
the following apply: 20991

(1) A registrant, if not prohibited by section 1343.011 of 20992  
the Revised Code, may charge and receive up to two points, and a 20993  
prepayment penalty not in excess of one per cent of the original 20994  
principal amount of the loan. Points may be paid by the borrower 20995  
at the time of the loan or may be included in the principal amount 20996  
of the loan. On a refinancing, a registrant may not charge under 20997  
division (G)(1) of this section either of the following: 20998

(a) Points on the portion of the principal amount that is 20999  
applied to the unpaid principal amount of the refinanced loan, if 21000  
the refinancing occurs within one year after the date of the 21001  
refinanced loan on which points were charged; 21002

(b) A prepayment penalty. 21003

(2) As an alternative to the prepayment penalty described in 21004  
division (G)(1) of this section, a registrant may contract for, 21005  
charge, and receive the prepayment penalty described in division 21006  
(G)(2) of this section for the prepayment of a loan prior to two 21007  
years after the date the loan contract is executed. This 21008  
prepayment penalty shall not exceed two per cent of the original 21009  
principal amount of the loan if the loan is paid in full prior to 21010  
one year after the date the loan contract is executed. The penalty 21011  
shall not exceed one per cent of the original principal amount of 21012  
the loan if the loan is paid in full at any time from one year, 21013  
but prior to two years, after the date the loan contract is 21014  
executed. A registrant shall not charge or receive a prepayment 21015  
penalty under division (G)(2) of this section if any of the 21016  
following applies: 21017

(a) The loan is a refinancing by the same registrant or a 21018  
registrant to whom the loan has been assigned; 21019



(b) The loan is paid in full as a result of the sale of the 21020  
real estate that secures the loan; 21021

(c) The loan is paid in full with the proceeds of an 21022  
insurance claim against an insurance policy that insures the life 21023  
of the borrower or an insurance policy that covers loss, damage, 21024  
or destruction of the real estate that secures the loan. 21025

(3) Division (G) of this section is not a limitation on 21026  
discount points or other charges for purposes of section 501(b)(4) 21027  
of the "Depository Institutions Deregulation and Monetary Control 21028  
Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7 note. 21029

(H)(1) In addition to the interest and charges provided for 21030  
by this section, no further or other amount, whether in the form 21031  
of broker fees, placement fees, or any other fees whatsoever, 21032  
shall be charged or received by the registrant, except costs and 21033  
disbursements in connection with any suit to collect a loan or any 21034  
lawful activity to realize on a security interest or mortgage 21035  
after default, including reasonable attorney fees, as limited by 21036  
division (H)(3) of this section, incurred by the registrant as a 21037  
result of the suit or activity and to which the registrant becomes 21038  
entitled by law, and except the following additional charges which 21039  
may be included in the principal amount of the loan or collected 21040  
at any time after the loan is made: 21041

(a) The amounts of fees authorized by law to record, file, or 21042  
release security interests and mortgages on a loan; 21043

(b) With respect to a loan secured by an interest in real 21044  
estate, the following closing costs, if they are bona fide, 21045  
reasonable in amount, paid to third parties, and not for the 21046  
purpose of circumvention or evasion of this section: 21047

(i) Fees or premiums for title examination, abstract of 21048  
title, title insurance, surveys, title endorsements, title 21049  
binders, title commitments, home inspections, or pest inspections; 21050

settlement or closing costs paid by unaffiliated third parties, 21051  
provided the costs are not for underwriting or processing 21052  
services; courier fees; and any federally mandated flood plain 21053  
certification fee; 21054

(ii) If not paid to the registrant, an employee of the 21055  
registrant, or a person ~~related to~~ affiliated with the registrant, 21056  
fees for preparation of a mortgage, settlement statement, or other 21057  
documents, fees for notarizing mortgages and other documents, 21058  
appraisal fees, and fees for any federally mandated inspection of 21059  
home improvement work financed by a second mortgage loan; 21060

(c) Fees for credit investigations not exceeding ten dollars. 21061

(2) Division (H)(1) of this section does not limit the rights 21062  
of registrants to engage in other transactions with borrowers, 21063  
provided the transactions are not a condition of the loan. 21064

(I) If the loan contract or security instrument contains 21065  
covenants by the borrower to perform certain duties pertaining to 21066  
insuring or preserving security and the registrant pursuant to the 21067  
loan contract or security instrument pays for performance of the 21068  
duties on behalf of the borrower, the registrant may add the 21069  
amounts paid to the unpaid principal balance of the loan or 21070  
collect them separately. A charge for interest may be made for 21071  
sums advanced not exceeding the rate of interest permitted by 21072  
division (A) of this section. Within a reasonable time after 21073  
advancing a sum, the registrant shall notify the borrower in 21074  
writing of the amount advanced, any interest charged with respect 21075  
to the amount advanced, any revised payment schedule, and shall 21076  
include a brief description of the reason for the advance. 21077

(J)(1) In addition to points authorized under division (G) of 21078  
this section, a registrant may charge and receive the following: 21079

(a) With respect to ~~secured~~ loans secured by goods or real 21080  
estate: if the principal amount of the loan is ~~less than~~ five 21081

hundred dollars or less, loan origination charges not exceeding 21082  
fifteen dollars; if the principal amount of the loan is ~~at least~~ 21083  
more than five hundred dollars but less than one thousand dollars, 21084  
loan origination charges not exceeding thirty dollars; if the 21085  
principal amount of the loan is at least one thousand dollars but 21086  
less than two thousand dollars, loan origination charges not 21087  
exceeding one hundred dollars; if the principal amount of the loan 21088  
is at least two thousand dollars but less than five thousand 21089  
dollars, loan origination charges not exceeding two hundred 21090  
dollars; and if the principal amount of the loan is at least five 21091  
thousand dollars, loan origination charges not exceeding the 21092  
greater of two hundred fifty dollars or one per cent of the 21093  
principal amount of the loan. 21094

(b) With respect to ~~unsecured~~ loans that are not secured by 21095  
goods or real estate: if the principal amount of the loan is ~~less~~ 21096  
~~than~~ five hundred dollars or less, loan origination charges not 21097  
exceeding fifteen dollars; if the principal amount of the loan is 21098  
~~at least~~ more than five hundred dollars but less than one thousand 21099  
dollars, loan origination charges not exceeding thirty dollars; if 21100  
the principal amount of the loan is at least one thousand dollars 21101  
but less than five thousand dollars, loan origination charges not 21102  
exceeding one hundred dollars; and if the principal amount of the 21103  
loan is at least five thousand dollars, loan origination charges 21104  
not exceeding the greater of two hundred fifty dollars or one per 21105  
cent of the principal amount of the loan. 21106

(2) If a refinancing occurs within ninety days after the date 21107  
of the refinanced loan, a registrant may not impose loan 21108  
origination charges on the portion of the principal amount that is 21109  
applied to the unpaid principal amount of the refinanced loan. 21110

(3) Loan origination charges may be paid by the borrower at 21111  
the time of the loan or may be included in the principal amount of 21112  
the loan. 21113

(K) A registrant may charge and receive check collection 21114  
charges not greater than twenty dollars plus any amount passed on 21115  
from other ~~financial~~ depository institutions for each check, 21116  
negotiable order of withdrawal, share draft, or other negotiable 21117  
instrument returned or dishonored for any reason. 21118

(L) If the loan contract so provides, a registrant may 21119  
collect a default charge on any installment not paid in full 21120  
within ten days after its due date. For this purpose, all 21121  
installments are considered paid in the order in which they become 21122  
due. Any amounts applied to an outstanding loan balance as a 21123  
result of voluntary release of a security interest, sale of 21124  
security on the loan, or cancellation of insurance shall be 21125  
considered payments on the loan, unless the parties otherwise 21126  
agree in writing at the time the amounts are applied. The amount 21127  
of the default charge shall not exceed the greater of five per 21128  
cent of the scheduled installment or fifteen dollars. 21129

**Sec. 1321.59.** (A) No registrant under sections 1321.51 to 21130  
1321.60 of the Revised Code shall permit any borrower to be 21131  
indebted for a loan made under sections 1321.51 to 1321.60 of the 21132  
Revised Code at any time while the borrower is also indebted to an 21133  
affiliate or agent of the registrant for a loan made under 21134  
sections 1321.01 to 1321.19 of the Revised Code for the purpose or 21135  
with the result of obtaining greater charges than otherwise would 21136  
be permitted by sections 1321.51 to 1321.60 of the Revised Code. 21137

(B) No registrant shall induce or permit any person to become 21138  
obligated to the registrant under sections 1321.51 to 1321.60 of 21139  
the Revised Code, directly or contingently, or both, under more 21140  
than one contract of loan at the same time for the purpose or with 21141  
the result of obtaining greater charges than would otherwise be 21142  
permitted by sections 1321.51 to 1321.60 of the Revised Code. 21143

(C) No registrant shall refuse to provide information 21144

regarding the amount required to pay in full a loan under sections 21145  
1321.51 to 1321.60 of the Revised Code when requested by the 21146  
borrower or by another person designated in writing by the 21147  
borrower. 21148

(D) On any loan or application for a loan under sections 21149  
1321.51 to 1321.60 of the Revised Code secured by a mortgage on a 21150  
borrower's real estate which is other than a first lien on the 21151  
real estate, no person shall pay or receive, directly or 21152  
indirectly, fees or any other type of compensation for services of 21153  
a mortgage broker that, in the aggregate, exceed the lesser of one 21154  
thousand dollars or one per cent of the principal amount of the 21155  
loan. 21156

(E) No registrant or licensee shall obtain a certificate of 21157  
registration or license through any false or fraudulent 21158  
representation of a material fact or any omission of a material 21159  
fact required by state or federal law, or make any substantial 21160  
misrepresentation in the registration or license application. 21161

(F) No registrant or licensee shall make false or misleading 21162  
statements of a material fact, omissions of statements required by 21163  
state or federal law, or false promises regarding a material fact, 21164  
through advertising or other means, or engage in a continued 21165  
course of misrepresentations. 21166

(G) No registrant, licensee, or person making residential 21167  
mortgage loans without a certificate of registration in violation 21168  
of division (A) of section 1321.52 of the Revised Code, shall 21169  
engage in conduct that constitutes improper, fraudulent, or 21170  
dishonest dealings. 21171

(H) No registrant, licensee, or applicant shall fail to 21172  
notify the division of financial institutions within thirty days 21173  
after any of the following: 21174

(1) Been convicted of or pleading guilty to a felony offense 21175

in a domestic, foreign, or military court; 21176

(2) Been convicted of or pleading guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, breach of trust, dishonesty, or drug trafficking, or any criminal offense involving money or securities, in a domestic, foreign, or military court; 21177  
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(3) Having a mortgage lender registration or mortgage loan originator license, or comparable authority, revoked in any governmental jurisdiction. 21183  
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(I) No registrant or licensee shall knowingly make, propose, or solicit fraudulent, false, or misleading statements on any mortgage document or on any document related to a mortgage loan, including a mortgage application, real estate appraisal, or real estate settlement or closing document. For purposes of this division, "fraudulent, false, or misleading statements" does not include mathematical errors, inadvertent transposition of numbers, typographical errors, or any other bona fide error. 21186  
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(J) No registrant or licensee shall knowingly instruct, solicit, propose, or otherwise cause a borrower to sign in blank a loan related document. 21194  
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(K) No registrant or licensee shall knowingly compensate, instruct, induce, coerce, or intimidate, or attempt to compensate, instruct, induce, coerce, or intimidate, a person licensed or certified as an appraiser under Chapter 4763. of the Revised Code for the purpose of corrupting or improperly influencing the independent judgment of the person with respect to the value of the dwelling offered as security for repayment of a mortgage loan. 21197  
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(L) No registrant or licensee shall retain original documents provided to the registrant or licensee by the borrower in connection with the residential mortgage loan application, 21204  
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including income tax returns, account statements, or other 21207  
financial related documents. 21208

(M) No registrant or licensee shall receive, directly or 21209  
indirectly, a premium on the fees charged for services performed 21210  
by a bona fide third party. 21211

(N) No registrant or licensee shall pay or receive, directly 21212  
or indirectly, a referral fee or kickback of any kind to or from a 21213  
bona fide third party or other party with a related interest in 21214  
the transaction, including a home improvement builder, real estate 21215  
developer, or real estate broker or agent, for the referral of 21216  
business. 21217

**Sec. 1321.591.** (A) No registrant or licensee shall use 21218  
unfair, deceptive, or unconscionable means to collect or attempt 21219  
to collect any claim. 21220

(B) Conduct or activities deemed to violate division (A) of 21221  
this section include, but are not limited to, the following: 21222

(1) Collecting or attempting to collect any interest or other 21223  
charge, fee, or expense incidental to the principal obligation, 21224  
unless the interest or other fee, charge, or expense is expressly 21225  
authorized by the agreement creating the obligation and by law; 21226

(2) Communicating with a consumer whenever it is known that 21227  
the consumer is represented by an attorney and the attorney's name 21228  
and address are known, or could be easily ascertained, unless the 21229  
attorney fails to answer correspondence, return phone calls, or 21230  
discuss the obligation in question or unless the attorney consents 21231  
to direct communication with the consumer; 21232

(3) Placing a telephone call or otherwise communicating by 21233  
telephone with a consumer or third party at any location, 21234  
including a place of employment, and falsely stating that the call 21235  
is urgent or an emergency; 21236

<u>(4) Using profane or obscene language or language that is</u>	21237
<u>intended to unreasonably abuse the listener or reader;</u>	21238
<u>(5) Placing telephone calls without disclosure of the</u>	21239
<u>caller's identity and with the intent to annoy, harass, or</u>	21240
<u>threaten any person at the number called;</u>	21241
<u>(6) Causing expense to any person in the form of long</u>	21242
<u>distance telephone tolls, text messaging fees, or other charges</u>	21243
<u>incurred by a form of communication, by concealing the true</u>	21244
<u>purpose of the communication;</u>	21245
<u>(7) Causing a telephone to ring or engaging any person in</u>	21246
<u>telephone conversation repeatedly or continuously, or at unusual</u>	21247
<u>times or at times known to be inconvenient, with the intent to</u>	21248
<u>annoy, abuse, oppress, or threaten any person at the called</u>	21249
<u>number.</u>	21250
<u>Sec. 1321.592. (A) In connection with providing a</u>	21251
<u>non-brokered loan secured by a lien on real property, a registrant</u>	21252
<u>or licensee shall, not earlier than three business days nor later</u>	21253
<u>than twenty-four hours before the loan is closed, deliver to the</u>	21254
<u>borrower a written disclosure that includes the following:</u>	21255
<u>(1) A statement indicating whether property taxes will be</u>	21256
<u>escrowed;</u>	21257
<u>(2) A description of what is covered by the regular monthly</u>	21258
<u>payment, including principal, interest, taxes, and insurance, as</u>	21259
<u>applicable.</u>	21260
<u>(B) If a residential mortgage loan applied for will exceed</u>	21261
<u>ninety per cent of the value of the real property, the registrant</u>	21262
<u>shall provide a statement to the borrower within three business</u>	21263
<u>days after taking the loan application, printed in boldface type</u>	21264
<u>of the minimum size of sixteen points, as follows: "You are</u>	21265
<u>applying for a loan that is more than 90% of your home's value. It</u>	21266



will be hard for you to refinance this loan. If you sell your 21267  
home, you might owe more money on the loan than you get from the 21268  
sale." 21269

(C) No registrant or licensee shall fail to comply with this 21270  
section. 21271

**Sec. 1321.593.** (A) A registrant, licensee, and any person 21272  
required to be registered or licensed under sections 1321.51 to 21273  
1321.60 of the Revised Code, in addition to duties imposed by 21274  
other statutes or common law, shall do all of the following: 21275

(1) Safeguard and account for any money handled for the 21276  
borrower; 21277

(2) Follow reasonable and lawful instructions from the 21278  
borrower; 21279

(3) Act with reasonable skill, care, and diligence; 21280

(4) Act in good faith and with fair dealing in any 21281  
transaction, practice, or course of business in connection with 21282  
making or originating any loan under sections 1321.51 to 1321.60 21283  
of the Revised Code; 21284

(5) In connection with providing a loan secured by a lien on 21285  
real property, make reasonable efforts to provide a residential 21286  
mortgage loan with rates, charges, and repayment terms that are 21287  
advantageous to the borrower. 21288

(B) Division (A) of this section shall not apply to wholesale 21289  
lenders. However, wholesale lender registrants are subject to all 21290  
other requirements applicable to registrants. For purposes of this 21291  
division, "wholesale lender" means a company that has been issued 21292  
a certificate of registration and that enters into transactions 21293  
with borrowers exclusively through unaffiliated third-party 21294  
mortgage brokers or lenders. 21295

(C) The duties and standards of care created in this section 21296

<u>cannot be waived or modified.</u>	21297
<u>(D)(1) A borrower injured by a failure to comply with this section may bring an action for recovery of damages.</u>	21298
<u>(2) Damages awarded under division (D)(1) of this section shall not be less than all compensation paid directly or indirectly to a registrant from any source, plus reasonable attorney's fees and court costs.</u>	21299
<u>(2) Damages awarded under division (D)(1) of this section shall not be less than all compensation paid directly or indirectly to a registrant from any source, plus reasonable attorney's fees and court costs.</u>	21300
<u>(2) Damages awarded under division (D)(1) of this section shall not be less than all compensation paid directly or indirectly to a registrant from any source, plus reasonable attorney's fees and court costs.</u>	21301
<u>(2) Damages awarded under division (D)(1) of this section shall not be less than all compensation paid directly or indirectly to a registrant from any source, plus reasonable attorney's fees and court costs.</u>	21302
<u>(2) Damages awarded under division (D)(1) of this section shall not be less than all compensation paid directly or indirectly to a registrant from any source, plus reasonable attorney's fees and court costs.</u>	21303
<u>(3) The borrower may be awarded punitive damages.</u>	21304
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21305
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21306
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21307
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21308
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21309
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21310
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21311
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21312
<b>Sec. 1321.594.</b> <u>(A) In connection with making a non-brokered residential mortgage, no registrant or licensee shall fail to do either of the following:</u>	21313
<u>(A) In connection with making a non-brokered residential mortgage, no registrant or licensee shall fail to do either of the following:</u>	21314
<u>(A) In connection with making a non-brokered residential mortgage, no registrant or licensee shall fail to do either of the following:</u>	21315
<u>(1) Timely inform the borrower of any material change in the terms of the residential mortgage loan. For purposes of division (A) (1) of this section, "material change" means the following:</u>	21316
<u>(1) Timely inform the borrower of any material change in the terms of the residential mortgage loan. For purposes of division (A) (1) of this section, "material change" means the following:</u>	21317
<u>(1) Timely inform the borrower of any material change in the terms of the residential mortgage loan. For purposes of division (A) (1) of this section, "material change" means the following:</u>	21318
<u>(a) A change in the type of residential mortgage loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;</u>	21319
<u>(a) A change in the type of residential mortgage loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;</u>	21320
<u>(a) A change in the type of residential mortgage loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;</u>	21321
<u>(b) A change in the term of the loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;</u>	21322
<u>(b) A change in the term of the loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;</u>	21323
<u>(b) A change in the term of the loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;</u>	21324
<u>(c) A change in the interest rate of more than 0.15%;</u>	21325

(d) A change in the regular total monthly payment, including principal, interest, any required mortgage insurance, and any escrowed taxes or property insurance, of more than five per cent; 21326  
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(e) A change regarding whether the escrow of taxes or insurance will be required; 21329  
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(f) A change regarding whether private mortgage insurance will be required. 21331  
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(2) Timely inform the borrower if any fees payable by the borrower to the licensee, registrant, or lender increase by more than ten per cent or one hundred dollars, whichever is greater. 21333  
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(B) The disclosures required by this section shall be deemed timely if the registrant or licensee provides the borrower with the revised information not later than twenty-four hours after the change occurs, or twenty-four hours before the loan is closed, whichever is earlier. 21336  
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(C) If an increase in the total amount of the fee to be paid by the borrower to the registrant or licensee is not disclosed in accordance with division (A)(2) of this section, the registrant or licensees shall refund to the borrower the amount by which the fee was increased. If the fee is financed into the loan, the registrant or licensee shall also refund to the borrower the interest that would accrue over the term of the loan on that excess amount. 21341  
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**Sec. 1321.595.** (A)(1) A borrower injured by a violation of or failure to comply with section 1321.59, 1321.592, 1321.594, or 1321.60 of the Revised Code may bring an action for the recovery of damages. 21349  
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(2) Damages awarded under division (A)(1) of this section shall not be less than all compensation paid directly and indirectly to a lender or mortgage loan originator from any 21353  
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<u>source, plus reasonable attorney's fees and court costs.</u>	21356
<u>(3) The borrower may be awarded punitive damages.</u>	21357
<u>(B) Nothing in this section prevents the recovery of damages</u>	21358
<u>under division (D) or (G) of section 1321.52, section 1321.56, or</u>	21359
<u>section 1321.593 of the Revised Code.</u>	21360
<u>(C) A borrower injured by a violation of or failure to comply</u>	21361
<u>with any of the sections specified in division (A)(1) of this</u>	21362
<u>section is precluded from recovering any damages, plus reasonable</u>	21363
<u>attorney's fees and costs, if the borrower has also recovered any</u>	21364
<u>damages in a cause of action initiated under section 1321.593 of</u>	21365
<u>the Revised Code and the recovery of damages for a violation of or</u>	21366
<u>failure to comply with any of the sections specified in division</u>	21367
<u>(A)(1) of this section is based on the same acts or circumstances</u>	21368
<u>as the recovery of damages under division (D) or (G) of section</u>	21369
<u>1321.52, section 1321.56, or section 1321.593 of the Revised Code.</u>	21370
<b>Sec. 1321.60.</b> <u>(A)(1) Advertising for loans subject to</u>	21371
<u>sections 1321.51 to 1321.60 of the Revised Code shall not be</u>	21372
<u>false, misleading, or deceptive.</u>	21373
<u>(2) False, misleading, or deceptive advertising includes, but</u>	21374
<u>is not limited to, the following:</u>	21375
<u>(a) Any advertisement indicating that special terms, reduced</u>	21376
<u>rates, guaranteed rates, particular rates, or any other special</u>	21377
<u>feature of mortgage loans is available unless the advertisement</u>	21378
<u>clearly states any limitations that apply;</u>	21379
<u>(b) Any advertisement containing a rate or special fee offer</u>	21380
<u>that is not a bona fide available rate or fee.</u>	21381
<u>(B) In making any advertisement, a registrant shall comply</u>	21382
<u>with 12 C.F.R. 226.16, as amended.</u>	21383
<b>Sec. 1321.99.</b> <u>(A) Whoever violates section 1321.02 of the</u>	21384

Revised Code is guilty of a felony of the fifth degree. 21385

(B) Whoever violates section 1321.13 of the Revised Code 21386  
shall be fined not less than one hundred nor more than five 21387  
hundred dollars or imprisoned not more than six months, or both. 21388

(C) Whoever violates section 1321.14 of the Revised Code 21389  
shall be fined not less than fifty nor more than two hundred 21390  
dollars for a first offense; for a second offense such person 21391  
shall be fined not less than two hundred nor more than five 21392  
hundred dollars and imprisoned for not more than six months. 21393

(D) Whoever willfully violates section 1321.57, 1321.58, 21394  
division (A), (B), (C), or (D) of section 1321.59, 1321.591, or 21395  
1321.60 of the Revised Code is guilty of a minor misdemeanor and 21396  
shall be fined not less than one nor more than five hundred 21397  
dollars. 21398

(E) Whoever violates section 1321.52 or division (I), (J), 21399  
(K), (L), or (M) of section 1321.59 of the Revised Code is guilty 21400  
of a felony of the fifth degree. 21401

(F) Whoever violates division (A) of section 1321.73 of the 21402  
Revised Code shall be fined not more than five hundred dollars or 21403  
imprisoned not more than six months, or both. 21404

(G) Whoever violates section 1321.41 of the Revised Code is 21405  
guilty of a misdemeanor of the first degree. 21406

(H) Whoever violates division (N) of section 1321.59 of the 21407  
Revised Code is guilty of a felony of the fourth degree. 21408

(I) The imposition of fines pursuant to this section does not 21409  
preclude the imposition of any administrative fines or civil 21410  
penalties authorized under section 1321.54 or any other section of 21411  
the Revised Code. 21412

**Sec. 1322.01.** As used in sections 1322.01 to 1322.12 of the 21413  
Revised Code: 21414

(A) "Buyer" means an individual who is solicited to purchase 21415  
or who purchases the services of a mortgage broker for purposes 21416  
~~other than~~ of obtaining a ~~business~~ residential mortgage loan as 21417  
~~described in division (B)(6) of section 1343.01 of the Revised~~ 21418  
Code. 21419

(B) "Consumer reporting agency" has the same meaning as in 21420  
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, 21421  
as amended. 21422

(C) "Employee" means an individual for whom a mortgage 21423  
broker, in addition to providing a wage or salary, pays social 21424  
security and unemployment taxes, provides workers' compensation 21425  
coverage, and withholds local, state, and federal income taxes. 21426  
"Employee" also includes any ~~shareholder, member, or partner of a~~ 21427  
~~registrant~~ individual who acts as a loan ~~officer~~ originator or 21428  
operations manager of ~~the~~ a registrant, but for whom the 21429  
registrant is prevented by law from making income tax 21430  
withholdings. 21431

(D) "Licensee" means any ~~person that~~ individual who has been 21432  
issued a loan ~~officer~~ originator license under sections 1322.01 to 21433  
1322.12 of the Revised Code. 21434

(E)(1) "Loan ~~officer~~ originator" means an ~~employee~~ individual 21435  
who ~~originates mortgage loans in consideration of direct for~~ 21436  
compensation or ~~indirect~~ gain, ~~profit, fees, or charges.~~ "Loan 21437  
~~officer~~" ~~also includes an employee who solicits financial and~~ 21438  
~~mortgage information from the public for sale to another mortgage~~ 21439  
~~broker or in anticipation of compensation or gain, does any of the~~ 21440  
following: 21441

(a) Takes or offers to take a residential mortgage loan 21442  
application; 21443

(b) Assists or offers to assist a buyer in obtaining or 21444  
applying to obtain a residential mortgage loan by, among other 21445

<u>things, advising on loan terms, including rates, fees, and other</u>	21446
<u>costs;</u>	21447
<u>(c) Offers or negotiates terms of a residential mortgage</u>	21448
<u>loan;</u>	21449
<u>(d) Issues or offers to issue a commitment for a residential</u>	21450
<u>mortgage loan to a buyer.</u>	21451
<u>(2) "Loan originator" does not include any of the following:</u>	21452
<u>(a) An individual who performs purely administrative or</u>	21453
<u>clerical tasks on behalf of a loan originator;</u>	21454
<u>(b) A person licensed under Chapter 4735. of the Revised</u>	21455
<u>Code, or under the similar law of another state, who performs only</u>	21456
<u>real estate brokerage activities permitted by that license,</u>	21457
<u>provided the person is not compensated by a mortgage lender,</u>	21458
<u>mortgage broker, loan originator, or by any agent thereof;</u>	21459
<u>(c) A person solely involved in extensions of credit relating</u>	21460
<u>to timeshare plans, as that term is defined in 11 U.S.C. 101 in</u>	21461
<u>effect on January 1, 2008;</u>	21462
<u>(d) An employee of a registrant who acts solely as a loan</u>	21463
<u>processor or underwriter and who does not represent to the public,</u>	21464
<u>through advertising or other means of communicating, including the</u>	21465
<u>use of business cards, stationery, brochures, signs, rate lists,</u>	21466
<u>or other promotional items, that the employee can or will perform</u>	21467
<u>any of the activities of a loan originator;</u>	21468
<u>(e) A mortgage loan originator licensed under sections</u>	21469
<u>1321.51 to 1321.60 of the Revised Code, when acting solely under</u>	21470
<u>that authority;</u>	21471
<u>(f) A licensed attorney who negotiates the terms of a</u>	21472
<u>residential mortgage loan on behalf of a client as an ancillary</u>	21473
<u>matter to the attorney's representation of the client, unless the</u>	21474
<u>attorney is compensated by a lender, a mortgage broker, or another</u>	21475

<u>loan originator, or by any agent thereof;</u>	21476
<u>(g) Any person engaged in the retail sale of manufactured or mobile homes if, in connection with obtaining financing by others for those retail sales, the person only assists the borrower by providing or transmitting the loan application and does not do any of the following:</u>	21477
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<u>(i) Offer or negotiate the residential mortgage loan rates or terms;</u>	21482
	21483
<u>(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms;</u>	21484
	21485
<u>(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured or mobile home;</u>	21486
	21487
	21488
<u>(iv) Assist the borrower in completing a residential mortgage loan application.</u>	21489
	21490
(F) "Mortgage" means any indebtedness secured by a deed of trust, security deed, or other lien on real property.	21491
	21492
(G)(1) "Mortgage broker" means any of the following:	21493
<del>(1)</del> (a) A person that holds that person out as being able to assist a buyer in obtaining a mortgage and charges or receives from either the buyer or lender money or other valuable consideration readily convertible into money for providing this assistance;	21494
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<del>(2)</del> (b) A person that solicits financial and mortgage information from the public, provides that information to a mortgage broker <u>or a person that makes residential mortgage loans,</u> and charges or receives from <del>the mortgage broker</del> <u>either of them</u> money or other valuable consideration readily convertible into money for providing the information;	21499
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<del>(3)</del> (c) A person engaged in table-funding or warehouse-lending	21505



mortgage loans that are first lien residential mortgage loans. 21506

(2) "Mortgage broker" does not include any of the following: 21507

(a) A person that makes residential mortgage loans and 21508  
receives a scheduled payment on each of those mortgage loans; 21509

(b) Any entity chartered and lawfully doing business under 21510  
the authority of any law of this state, another state, or the 21511  
United States as a bank, savings bank, trust company, savings and 21512  
loan association, or credit union, or a subsidiary of any such 21513  
entity, which subsidiary is regulated by a federal banking agency 21514  
and is owned and controlled by a depository institution; 21515

(c) A consumer reporting agency that is in substantial 21516  
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 21517  
U.S.C.A. 1681a, as amended; 21518

(d) Any political subdivision, or any governmental or other 21519  
public entity, corporation, instrumentality, or agency, in or of 21520  
the United States or any state; 21521

(e) A college or university, or controlled entity of a 21522  
college or university, as those terms are defined in section 21523  
1713.05 of the Revised Code; 21524

(f) Any entity created solely for the purpose of securitizing 21525  
loans secured by an interest in real estate, provided the entity 21526  
does not service the loans. For purposes of division (G)(2)(f) of 21527  
this section "securitizing" means the packaging and sale of 21528  
mortgage loans as a unit for sale as investment securities, but 21529  
only to the extent of those activities. 21530

(g) Any person engaged in the retail sale of manufactured or 21531  
mobile homes if, in connection with obtaining financing by others 21532  
for those retail sales, the person only assists the borrower by 21533  
providing or transmitting the loan application and does not do any 21534  
of the following: 21535

<u>(i) Offer or negotiate the residential mortgage loan rates or terms;</u>	21536
	21537
<u>(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms;</u>	21538
	21539
<u>(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured or mobile home;</u>	21540
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	21542
<u>(iv) Assist the borrower in completing the residential mortgage loan application.</u>	21543
	21544
<u>(h) A mortgage banker, provided it complies with section 1322.022 of the Revised Code and holds a valid letter of exemption issued by the superintendent. For purposes of this section, "mortgage banker" means any person that makes, services, buys, or sells only residential mortgage loans secured by a first lien, that underwrites the loans, and that meets at least one of the following criteria:</u>	21545
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<u>(i) The person has been directly approved by the United States department of housing and urban development as a nonsupervised mortgagee with participation in the direct endorsement program. Division (G)(2)(h)(i) of this section includes a person that has been directly approved by the United States department of housing and urban development as a nonsupervised mortgagee with participation in the direct endorsement program and that makes loans in excess of the applicable loan limit set by the federal national mortgage association, provided that the loans in all respects, except loan amounts, comply with the underwriting and documentation requirements of the United States department of housing and urban development. Division (G)(2)(h)(i) of this section does not include a mortgagee approved as a loan correspondent.</u>	21552
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<u>(ii) The person has been directly approved by the federal</u>	21566

national mortgage association as a seller/servicer. Division 21567  
(G)(2)(h)(ii) of this section includes a person that has been 21568  
directly approved by the federal national mortgage association as 21569  
a seller/servicer and that makes loans in excess of the applicable 21570  
loan limit set by the federal national mortgage association, 21571  
provided that the loans in all respects, except loan amounts, 21572  
comply with the underwriting and documentation requirements of the 21573  
federal national mortgage association. 21574

(iii) The person has been directly approved by the federal 21575  
home loan mortgage corporation as a seller/servicer. Division 21576  
(G)(2)(h)(iii) of this section includes a person that has been 21577  
directly approved by the federal home loan mortgage corporation as 21578  
a seller/servicer and that makes loans in excess of the applicable 21579  
loan limit set by the federal home loan mortgage corporation, 21580  
provided that the loans in all respects, except loan amounts, 21581  
comply with the underwriting and documentation requirements of the 21582  
federal home loan mortgage corporation. 21583

(iv) The person has been directly approved by the United 21584  
States department of veterans affairs as a nonsupervised automatic 21585  
lender. Division (G)(2)(h)(iv) of this section does not include a 21586  
person directly approved by the United States department of 21587  
veterans affairs as a nonsupervised lender, an agent of a 21588  
nonsupervised automatic lender, or an agent of a nonsupervised 21589  
lender. 21590

(H) "Operations manager" means the ~~individual~~ employee or 21591  
owner responsible for the everyday operations, compliance 21592  
requirements, and management of a mortgage broker business. 21593

(I) "~~Originate~~ Registered loan originator" means ~~to do any an~~ 21594  
individual to whom both of the following apply: 21595

(1) ~~Negotiate or arrange, or offer to negotiate or arrange, a~~ 21596  
~~mortgage loan between a person that makes or funds mortgage loans~~ 21597

~~and a buyer; The individual is a loan originator and an employee of a depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency, or an institution regulated by the farm credit administration.~~ 21598  
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(2) ~~Issue a commitment for a mortgage loan to a buyer;~~ 21603

~~(3) Place, assist in placement, or find a mortgage loan for a buyer The individual is registered with, and maintains a unique identifier through, the nationwide mortgage licensing system and registry.~~ 21604  
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(J) "Registrant" means any person that has been issued a mortgage broker certificate of registration under sections 1322.01 to 1322.12 of the Revised Code. 21608  
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(K) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code. 21611  
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(L) "Table-funding mortgage loan" means a residential mortgage loan transaction in which the residential mortgage loan is initially payable to the mortgage broker, the mortgage broker does not use the mortgage broker's own funds to fund the transaction, and, by the terms of the mortgage or other agreement, the mortgage is simultaneously assigned to another person. 21614  
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(M) "Warehouse-lending mortgage loan" means a residential mortgage loan transaction in which the residential mortgage loan is initially payable to the mortgage broker, the mortgage broker uses the mortgage broker's own funds to fund the transaction, and the mortgage is sold or assigned before the mortgage broker receives a scheduled payment on the residential mortgage loan. 21620  
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(N) "Administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry, and 21626  
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communication with a consumer to obtain information necessary for 21629  
the processing or underwriting of a residential mortgage loan. 21630

(O) "Appraisal company" means a sole proprietorship, 21631  
partnership, corporation, limited liability company, or any other 21632  
business entity or association, that employs or retains the 21633  
services of a person licensed or certified under Chapter 4763. of 21634  
the Revised Code for purposes of performing residential real 21635  
estate appraisals for mortgage loans. 21636

(P) "Depository institution" has the same meaning as in 21637  
section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 21638  
U.S.C. 1813, and includes any credit union. 21639

(Q) "Federal banking agency" means the board of governors of 21640  
the federal reserve system, the comptroller of the currency, the 21641  
director of the office of thrift supervision, the national credit 21642  
union administration, and the federal deposit insurance 21643  
corporation. 21644

(R) "Immediate family" means an individual's spouse, child, 21645  
stepchild, parent, stepparent, grandparent, grandchild, brother, 21646  
sister, parent-in-law, brother-in-law, or sister-in-law. 21647

(S) "Individual" means a natural person. 21648

(T) "Loan processor or underwriter" means an individual who 21649  
performs clerical or support duties at the direction of and 21650  
subject to the supervision and instruction of a loan originator or 21651  
registered loan originator. For purposes of this division, 21652  
"clerical or support duties" includes the following activities: 21653

(1) The receipt, collection, distribution, and analysis of 21654  
information common for the processing or underwriting of a 21655  
residential mortgage loan; 21656

(2) Communicating with a buyer to obtain the information 21657  
necessary for the processing or underwriting of a loan, to the 21658

extent the communication does not include offering or negotiating 21659  
loan rates or terms or counseling buyers about residential 21660  
mortgage loan rates or terms. 21661

(U) "Nationwide mortgage licensing system and registry" means 21662  
a mortgage licensing system developed and maintained by the 21663  
conference of state bank supervisors and the American association 21664  
of residential mortgage regulators, or their successor entities, 21665  
for the licensing and registration of loan originators, or any 21666  
system established by the secretary of housing and urban 21667  
development pursuant to the "Secure and Fair Enforcement for 21668  
Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 21669

(V) "Nontraditional mortgage product" means any mortgage 21670  
product other than a thirty-year fixed rate mortgage. 21671

(W) "Real estate brokerage activity" means any activity that 21672  
involves offering or providing real estate brokerage services to 21673  
the public, including all of the following: 21674

(1) Acting as a real estate agent or real estate broker for a 21675  
buyer, seller, lessor, or lessee of real property; 21676

(2) Bringing together parties interested in the sale, 21677  
purchase, lease, rental, or exchange of real property, other than 21678  
in connection with providing financing for any such transaction; 21679

(3) Negotiating, on behalf of any party, any portion of a 21680  
contract relating to the sale, purchase, lease, rental, or 21681  
exchange of real property, other than in connection with providing 21682  
financing for any such transaction; 21683

(4) Engaging in any activity for which a person engaged in 21684  
that activity is required to be registered or licensed as a real 21685  
estate agent or real estate broker under any applicable law; 21686

(5) Offering to engage in any activity, or to act in any 21687  
capacity, described in division (W) of this section. 21688

(X) "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage on a dwelling or on residential real estate in this state upon which is constructed or intended to be constructed a dwelling. For purposes of this division, "dwelling" has the same meaning as in section 103 of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C 1602.

(Y) "State," in the context of referring to states in addition to Ohio, means any state of the United States, the district of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the trust territory of the Pacific islands, the virgin islands, and the northern Mariana islands;

(Z) "Unique identifier" means a number or other identifier that permanently identifies a loan originator and is assigned by protocols established by the nationwide mortgage licensing system and registry or federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

**Sec. 1322.02.** (A)(1) No person, on the person's own behalf or on behalf of any other person, shall act as a mortgage broker without first having obtained a certificate of registration from the superintendent of financial institutions for every office to be maintained by the person for the transaction of business as a mortgage broker in this state. A registrant shall maintain an office location in this state for the transaction of business as a mortgage broker in this state.

(2) No person shall act or hold that person's self out as a mortgage broker under the authority or name of a registrant or person exempt from sections 1322.01 to 1322.12 of the Revised Code

without first having obtained a certificate of registration from 21720  
the superintendent for every office to be maintained by the person 21721  
for the transaction of business as a mortgage broker in this 21722  
state. 21723

~~(B)(1) No person, on the person's own behalf or on behalf of~~ 21724  
~~any other person, individual~~ shall act as a loan officer 21725  
originator employed by or associated with a mortgage broker 21726  
without first having obtained a license from the superintendent. A 21727  
loan officer originator shall be employed by or associated with a 21728  
mortgage broker or any person or entity listed in division (G)(2) 21729  
of section 1322.01 of the Revised Code, but shall not be employed 21730  
by or associated with more than one mortgage broker or person or 21731  
entity at any one time. 21732

(2) An individual acting under the individual's authority as 21733  
a registered loan originator shall not be required to be licensed 21734  
under division (B)(1) of this section. 21735

~~(C)(1) The following persons are exempt from sections 1322.01~~ 21736  
~~to 1322.12 of the Revised Code only with respect to business~~ 21737  
~~engaged in or authorized by their charter, license, authority,~~ 21738  
~~approval, or certificate, or as otherwise authorized by division~~ 21739  
~~(C)(1)(g) of this section:~~ 21740

~~(a) A bank, savings bank, savings and loan association,~~ 21741  
~~credit union, or credit union service organization organized under~~ 21742  
~~the laws of this state, another state, or the United States, or a~~ 21743  
~~subsidiary or affiliate of a bank, savings bank, savings and loan~~ 21744  
~~association, credit union, or credit union service organization.~~ 21745  
~~As used in this division, "affiliate" means an entity that~~ 21746  
~~controls, is controlled by, or is under common control with, a~~ 21747  
~~bank, savings bank, savings and loan association, credit union, or~~ 21748  
~~credit union service organization and that the board of governors~~ 21749  
~~of the federal reserve system, the comptroller of the currency,~~ 21750  
~~the office of thrift supervision, the federal deposit insurance~~ 21751



~~corporation, or the national credit union administration has the authority to examine, supervise, and regulate including with respect to the affiliate's compliance with applicable consumer protection requirements.~~

~~(b) A budget and debt counseling service, as defined in division (D) of section 2716.03 of the Revised Code, provided that the service is a nonprofit organization exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that the service is in compliance with Chapter 4710. of the Revised Code;~~

~~(c) A consumer reporting agency that is in substantial compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended;~~

~~(d) Any political subdivision, or any governmental or other public entity, corporation, or agency, in or of the United States or any state of the United States;~~

~~(e) A college or university, or controlled entity of a college or university, as defined in section 1713.05 of the Revised Code;~~

~~(f) A person registered under sections 1321.51 to 1321.60 of the Revised Code, provided that not more than five per cent of the person's mortgage loans constitute table funding mortgage loans or warehouse lending mortgage loans. Division (C)(1)(f) of this section does not include any person that is also registered or licensed under sections 1322.01 to 1322.12 of the Revised Code.~~

~~(g) A mortgage banker. For purposes of division (C)(1)(g) of this section, "mortgage banker" means any person that makes, services, buys, or sells mortgage loans, that underwrites the loans, and that meets at least one of the following criteria:~~

~~(i) The person has been directly approved by the United States department of housing and urban development as a~~

~~nonsupervised mortgagee with participation in the direct 21783  
endorsement program. Division (C) (1) (g) (i) of this section 21784  
includes a person that has been directly approved by the United 21785  
States department of housing and urban development as a 21786  
nonsupervised mortgagee with participation in the direct 21787  
endorsement program and that makes loans in excess of the 21788  
applicable loan limit set by the federal national mortgage 21789  
association, provided that the loans in all respects, except loan 21790  
amounts, comply with the underwriting and documentation 21791  
requirements of the United States department of housing and urban 21792  
development. Division (C)(1)(g)(i) of this section does not 21793  
include a mortgagee approved as a loan correspondent. 21794~~

~~(ii) The person has been directly approved by the federal 21795  
national mortgage association as a seller/servicer. Division (C) 21796  
(1) (g) (ii) of this section includes a person that has been 21797  
directly approved by the federal national mortgage association as 21798  
a seller/servicer and that makes loans in excess of the applicable 21799  
loan limit set by the federal national mortgage association, 21800  
provided that the loans in all respects, except loan amounts, 21801  
comply with the underwriting and documentation requirements of the 21802  
federal national mortgage association. 21803~~

~~(iii) The person has been directly approved by the federal 21804  
home loan mortgage corporation as a seller/servicer. Division (C) 21805  
(1) (g) (iii) of this section includes a person that has been 21806  
directly approved by the federal home loan mortgage corporation as 21807  
a seller/servicer and that makes loans in excess of the applicable 21808  
loan limit set by the federal home loan mortgage corporation, 21809  
provided that the loans in all respects, except loan amounts, 21810  
comply with the underwriting and documentation requirements of the 21811  
federal home loan mortgage corporation. 21812~~

~~(iv) The person has been directly approved by the United 21813  
States department of veterans affairs as a nonsupervised automatic 21814~~

~~lender. Division (C)(1)(g)(iv) of this section does not include a person directly approved by the United States department of veterans affairs as a nonsupervised lender, an agent of a nonsupervised automatic lender, or an agent of a nonsupervised lender.~~

~~(h) A person created solely for the purpose of securitizing loans secured by an interest in real estate, provided the person does not service the loans. For purposes of division (C)(1)(h) of this section, "securitizing" means the packaging and sale of mortgage loans as a unit for sale as investment securities, but only to the extent of those activities Each licensee shall register with, and maintain a valid unique identifier issued by, the nationwide mortgage licensing system and registry.~~

~~(2) Any individual who is employed by a person exempt from sections 1322.01 to 1322.12 of the Revised Code is also exempt from those sections to the extent the individual is acting within the scope of the individual's employment and within the scope of the exempt person's charter, license, authority, approval, or certificate No person shall use a licensee's unique identifier for any purpose other than as set forth in the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.~~

**Sec. 1322.022.** (A) A mortgage banker seeking exemption from registration pursuant to division (G)(2)(h) of section 1322.01 of the Revised Code shall submit an application to the superintendent of financial institutions along with a nonrefundable fee of three hundred fifty dollars for each location of an office to be maintained by the mortgage banker. The application shall be in a form prescribed by the superintendent and shall include all of the following:

(1) The mortgage banker's business name and state of

<u>incorporation or business registration;</u>	21846
<u>(2) The names of the owners, officers, or partners having control of the business;</u>	21847
	21848
<u>(3) An attestation to all of the following:</u>	21849
<u>(a) That the mortgage banker and its owners, officers, or partners identified in division (A)(2) of this section have not had a mortgage banker license, mortgage broker certificate of registration, or loan originator license, or any comparable authority, revoked in any governmental jurisdiction;</u>	21850
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<u>(b) That the mortgage banker and its owners, officers, or partners identified in division (A)(2) of this section have not been convicted of, or pleaded guilty to, any of the following:</u>	21855
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	21857
<u>(i) During the seven-year period immediately preceding the date of application for exemption, a felony in a domestic, foreign, or military court;</u>	21858
	21859
	21860
<u>(ii) At any time prior to the date of application for exemption, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering in a domestic, foreign, or military court;</u>	21861
	21862
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	21864
<u>(iii) During the seven-year period immediately preceding the date of application for exemption, a misdemeanor involving theft in a domestic, foreign, or military court.</u>	21865
	21866
	21867
<u>(c) That, with respect to financing residential mortgage loans, the mortgage banker only conducts business with residents of this state, or secures its loans with property located in this state, under authority of an approval described in division (G)(2)(h) of section 1322.01 of the Revised Code.</u>	21868
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<u>(4) The names of all loan originators or licensees under the mortgage banker's control and direction;</u>	21873
	21874
<u>(5) An acknowledgment of understanding that the mortgage</u>	21875

<u>banker is subject to the regulatory authority of the division of</u>	21876
<u>financial institutions;</u>	21877
<u>(6) Any further information that the superintendent may</u>	21878
<u>require.</u>	21879
<u>(B)(1) If the superintendent determines that the mortgage</u>	21880
<u>banker honestly made the attestation required under division</u>	21881
<u>(A)(3) of this section and otherwise qualifies for exemption, the</u>	21882
<u>superintendent shall issue a letter of exemption. Additional</u>	21883
<u>certified copies of a letter of exemption shall be provided upon</u>	21884
<u>request and the payment of seventy-five dollars per copy.</u>	21885
<u>(2) If the superintendent determines that the mortgage banker</u>	21886
<u>does not qualify for exemption, the superintendent shall issue a</u>	21887
<u>notice of denial, and the mortgage banker may request a hearing in</u>	21888
<u>accordance with Chapter 119. of the Revised Code.</u>	21889
<u>(C) All of the following conditions apply to any mortgage</u>	21890
<u>banker holding a valid letter of exemption:</u>	21891
<u>(1) The mortgage banker shall be subject to examination in</u>	21892
<u>the same manner as a registrant with respect to the conduct of the</u>	21893
<u>mortgage banker's loan originators. In conducting any out-of-state</u>	21894
<u>examination, a mortgage banker shall be responsible for paying the</u>	21895
<u>costs of the division in the same manner as a registrant.</u>	21896
<u>(2) The mortgage banker shall have an affirmative duty to</u>	21897
<u>supervise the conduct of its loan originators, and to cooperate</u>	21898
<u>with investigations by the division with respect to that conduct,</u>	21899
<u>in the same manner as is required of registrants.</u>	21900
<u>(3) The mortgage banker shall keep and maintain records of</u>	21901
<u>all transactions relating to the conduct of its loan originators</u>	21902
<u>in the same manner as is required of registrants.</u>	21903
<u>(4) The mortgage banker may provide the surety bond for its</u>	21904
<u>licensees in the same manner as is permitted for registrants.</u>	21905

(D) A letter of exemption expires annually on the 21906  
thirty-first day of December and may be renewed on or before that 21907  
date by submitting an application that meets the requirements of 21908  
division (A) of this section and a nonrefundable renewal fee of 21909  
three hundred fifty dollars for each location of an office to be 21910  
maintained by the mortgage banker. 21911

(E) The superintendent may issue a notice to revoke or 21912  
suspend a letter of exemption if the superintendent finds that the 21913  
letter was obtained through a false or fraudulent representation 21914  
of a material fact, or the omission of a material fact, required 21915  
by law, or that a condition for exemption is no longer being met. 21916  
Prior to issuing an order of revocation or suspension, the 21917  
mortgage banker shall be given an opportunity for a hearing in 21918  
accordance with Chapter 119. of the Revised Code. 21919

(F) All information obtained by the division pursuant to an 21920  
examination or investigation under this section shall be subject 21921  
to the confidentiality requirements set forth in section 1322.061 21922  
of the Revised Code. 21923

(G) All money collected under this section shall be deposited 21924  
into the state treasury to the credit of the consumer finance fund 21925  
created in section 1321.21 of the Revised Code. 21926

**Sec. 1322.023.** The superintendent of financial institutions 21927  
may, by rule, expand the definition of loan originator or mortgage 21928  
broker in section 1322.01 of the Revised Code by adding 21929  
individuals, persons, or entities, or may exempt additional 21930  
individuals, persons, or entities from those definitions, if the 21931  
superintendent finds that the addition or exemption is consistent 21932  
with the purposes fairly intended by the policy and provisions of 21933  
sections 1322.01 to 1322.12 of the Revised Code and the "Secure 21934  
and Fair Enforcement for Mortgage Licensing Act of 2008," 122 21935  
Stat. 2810, 12 U.S.C. 5101. 21936

Rules authorized by this section shall be adopted in 21937  
accordance with Chapter 119. of the Revised Code. 21938

**Sec. 1322.024.** (A) Notwithstanding any provision of sections 21939  
1322.01 to 1322.12 of the Revised Code, or any rule adopted 21940  
thereunder, if the "Secure and Fair Enforcement for Mortgage 21941  
Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, as 21942  
amended, is modified after the effective date of this section, or 21943  
any regulation, statement, or position is adopted under that act, 21944  
and the item modified or adopted affects any matter within the 21945  
scope of sections 1322.01 to 1322.12 of the Revised Code, the 21946  
superintendent of financial institutions may by rule adopt a 21947  
similar provision. 21948

(B) The superintendent shall adopt the rules authorized by 21949  
this section in accordance with section 111.15 of the Revised 21950  
Code. Chapter 119. of the Revised Code does not apply to rules 21951  
adopted under the authority of this section. 21952

(C) A rule adopted by the superintendent under the authority 21953  
of this section is effective on the later of the following dates: 21954

(1) The date the superintendent issues the rule; 21955

(2) The date the regulation, rule, interpretation, procedure, 21956  
or guideline the superintendent's rule is based on becomes 21957  
effective. 21958

(D) The superintendent may, upon thirty days' written notice, 21959  
revoke any rule adopted under the authority of this section. A 21960  
rule adopted under the authority of this section, and not revoked 21961  
by the superintendent, lapses and has no further force and effect 21962  
eighteen months after the rule's effective date. 21963

**Sec. 1322.03.** (A) An application for a certificate of 21964  
registration as a mortgage broker shall be in writing, under oath, 21965  
and in the form prescribed by the superintendent of financial 21966

institutions. The application shall be accompanied by a 21967  
nonrefundable application fee of ~~three~~ five hundred ~~fifty~~ dollars 21968  
for each location of an office to be maintained by the applicant 21969  
in accordance with division (A) of section 1322.02 of the Revised 21970  
Code; ~~however, an applicant that is registered under sections~~ 21971  
~~1321.51 to 1321.60 of the Revised Code shall not be required to~~ 21972  
~~pay an application fee and any additional fee required by the~~ 21973  
nationwide mortgage licensing system and registry. The application 21974  
shall provide all of the following: 21975

(1) The location or locations where the business is to be 21976  
transacted and whether any location is a residence. If any 21977  
location where the business is to be transacted is a residence, 21978  
the superintendent may require that the application ~~shall~~ be 21979  
accompanied by a ~~certified~~ copy of a zoning permit authorizing the 21980  
use of the residence for commercial purposes, or ~~shall be~~ 21981  
~~accompanied~~ by a written opinion or other document issued by the 21982  
county or political subdivision where the residence is located 21983  
certifying that the use of the residence to transact business as a 21984  
mortgage broker is not prohibited by the county or political 21985  
subdivision. ~~The application also shall be accompanied by a~~ 21986  
~~photograph of each location at which the business will be~~ 21987  
~~transacted.~~ 21988

(2)(a) In the case of a sole proprietor, the name and address 21989  
of the sole proprietor; 21990

(b) In the case of a partnership, the name and address of 21991  
each partner; 21992

(c) In the case of a corporation, the name and address of 21993  
each shareholder owning five per cent or more of the corporation; 21994

(d) In the case of any other entity, the name and address of 21995  
any person that owns five per cent or more of the entity that will 21996  
transact business as a mortgage broker. 21997



(3) ~~If the applicant is a partnership, corporation, limited liability company, or any other business entity or association,~~ 21998  
21999  
the Each applicant shall designate an employee or owner of the 22000  
applicant as the applicant's operations manager. While acting as 22001  
the operations manager, the employee or owner shall be licensed as 22002  
a loan originator under sections 1322.01 to 1322.12 of the Revised 22003  
Code and shall not be employed by any other mortgage broker. 22004

(4) Evidence that the ~~sole proprietor or the person~~ 22005  
designated on the application pursuant to division (A)(3) of this 22006  
section, as applicable, possesses at least three years of 22007  
experience in the residential mortgage and lending field, which 22008  
experience may include employment with or as a mortgage broker or 22009  
with a financial depository institution, mortgage lending 22010  
institution, or other lending institution, or possesses at least 22011  
three years of other experience related specifically to the 22012  
business of residential mortgage loans that the superintendent 22013  
determines meets the requirements of division (A)(4) of this 22014  
section; 22015

(5) ~~On or after January 1, 2007, evidence~~ Evidence that the 22016  
~~sole proprietor or the person~~ designated on the application 22017  
pursuant to division (A)(3) of this section has successfully 22018  
completed ~~either of the following:~~ 22019

~~(a) At least twenty four hours of live classroom~~ 22020  
pre-licensing instruction in a course or program of study approved 22021  
~~by the superintendent that consists of at least all of the~~ 22022  
~~following:~~ 22023

~~(i) Four hours of instruction concerning state and federal~~ 22024  
~~mortgage lending laws, which shall include no less than two hours~~ 22025  
~~on this chapter;~~ 22026

~~(ii) Four hours of instruction concerning the Ohio consumer~~ 22027  
~~sales practices act, Chapter 1345. of the Revised Code, as it~~ 22028

<del>applies to registrants and licensees;</del>	22029
<del>(iii) Four hours of instruction concerning the loan application process;</del>	22030
<del>(iv) Two hours of instruction concerning the underwriting process;</del>	22031
<del>(v) Two hours of instruction concerning the secondary market for mortgage loans;</del>	22032
<del>(vi) Four hours of instruction concerning the loan closing process;</del>	22033
<del>(vii) Two hours of instruction covering basic mortgage financing concepts and terms;</del>	22034
<del>(viii) Two hours of instruction concerning the ethical responsibilities of a registrant, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.</del>	22035
<del>(b) Other post secondary education related specifically to the business of mortgage loans that the superintendent determines meets the requirements of division (A)(5)(a) of this section.</del>	22036
<del>Division (A)(5) of this section does not apply to any applicant who has an application on file with the division of financial institutions prior to January 1, 2007.</del>	22037
<del>The evidence submitted by the applicant pursuant to division (A)(5) of this section may be in the form of transcripts or a statement indicating that the applicant has, and will maintain, transcripts at the applicant's place of business for a period of five years for inspection by the superintendent at the superintendent's request <u>requirements set forth in section 1322.031 of the Revised Code.</u></del>	22038
<del>(6) Evidence of compliance with the surety bond requirements of section 1322.05 of the Revised Code and with sections 1322.01</del>	22039
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to 1322.12 of the Revised Code; 22059

(7) In the case of a foreign business entity, evidence that 22060  
it maintains a license or registration pursuant to Chapter 1703., 22061  
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to 22062  
transact business in this state; 22063

~~(8) A statement as to whether the applicant or, to the best 22064  
of the applicant's knowledge, any shareholder, member, partner, 22065  
operations manager, or employee of the applicant has been 22066  
convicted of or pleaded guilty to any criminal offense involving 22067  
theft, receiving stolen property, embezzlement, forgery, fraud, 22068  
passing bad checks, money laundering, or drug trafficking, or any 22069  
criminal offense involving money or securities; 22070~~

~~(9) A statement as to whether the applicant or, to the best 22071  
of the applicant's knowledge, any shareholder, member, partner, 22072  
operations manager, or employee of the applicant has been subject 22073  
to any adverse judgment for conversion, embezzlement, 22074  
misappropriation of funds, fraud, misfeasance or malfeasance, or 22075  
breach of fiduciary duty; 22076~~

~~(10)~~ Evidence that the applicant's operations manager has 22077  
successfully completed the examination written test required under 22078  
division (A) of section 1322.051 of the Revised Code; 22079

~~(11)~~(9) Any further information that the superintendent 22080  
requires. 22081

(B) Upon the filing of the application and payment of the 22082  
nonrefundable application fee and any fee required by the 22083  
nationwide mortgage licensing system and registry, the 22084  
superintendent of financial institutions shall investigate the 22085  
applicant, and any individual whose identity is required to be 22086  
disclosed in the application, as set forth in division (B) of this 22087  
section. 22088

(1) The (a) Notwithstanding division (K) of section 121.08 of 22089

the Revised Code, the superintendent shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall ~~request~~ do either of the following: 22090  
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(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with division (A)~~(11)~~(12) of section 109.572 of the Revised Code. ~~Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of financial institutions shall;~~ 22095  
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(ii) Authorize the nationwide mortgage licensing system and registry to request that criminal record information from the federal bureau of investigation be obtained as part of the a criminal ~~records~~ history background check. ~~Any~~ 22103  
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(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the nationwide mortgage licensing system and registry shall be paid by the applicant. 22107  
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(2) The superintendent shall conduct a civil records check. 22110

(3) If, in order to issue a certificate of registration to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed ~~three~~ five hundred ~~fifty~~ dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay. 22111  
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(C) The superintendent shall pay all funds advanced and application and renewal fees and penalties the superintendent 22119  
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receives pursuant to this section and section 1322.04 of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code.

(D) If an application for a mortgage broker certificate of registration does not contain all of the information required under division (A) of this section, and if that information is not submitted to the superintendent within ninety days after the superintendent requests the information in writing, the superintendent may consider the application withdrawn.

(E) A mortgage broker certificate of registration and the authority granted under that certificate is not transferable or assignable and cannot be franchised by contract or any other means.

(F) The registration requirements of this chapter apply to any person acting as a mortgage broker, and no person is exempt from the requirements of this chapter on the basis of prior work or employment as a mortgage broker.

(G) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage broker certificates of registration or the persons associated with a mortgage broker.

**Sec. 1322.031.** (A) An application for a license as a loan ~~officer~~ originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and ~~shall provide all of the following:~~

~~(1) The name and address of the applicant;~~ 22151

~~(2) A statement as to whether the applicant has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities;~~ 22152  
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~~(3) A statement as to whether the applicant has been subject to an adverse judgment for conversion, embezzlement, misappropriation of funds, fraud, misfeasance or malfeasance, or breach of fiduciary duty;~~ 22157  
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~~(4) For loan officer applications submitted on or after January 1, 2007, proof any additional fee required by the nationwide mortgage licensing system and registry.~~ 22161  
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(B)(1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting of all of the following: 22164  
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(a) Twenty hours of instruction in a course or program of study reviewed and approved by the nationwide mortgage licensing system and registry; 22168  
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(b) Four hours of instruction in a course or program of study reviewed and approved by the superintendent concerning state landing laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees. 22171  
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(2) Notwithstanding division (B)(1) of this section, until the nationwide mortgage licensing system and registry implements a review and approval program, the application shall provide evidence, as determined by the superintendent, that the applicant has successfully completed at least twenty-four hours of live classroom instruction in a course or program of study approved by 22176  
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the superintendent that consists of at least all of the following: 22182  
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(a) Four hours of instruction concerning state and federal 22184  
mortgage lending laws, which shall include no less than two hours 22185  
on this chapter; 22186

(b) Four hours of instruction concerning the Ohio consumer 22187  
sales practices act, Chapter 1345. of the Revised Code, as it 22188  
applies to registrants and licensees; 22189

(c) Four hours of instruction concerning the loan application 22190  
process; 22191

(d) Two hours of instruction concerning the underwriting 22192  
process; 22193

(e) Two hours of instruction concerning the secondary market 22194  
for mortgage loans; 22195

(f) Four hours of instruction concerning the loan closing 22196  
process; 22197

(g) Two hours of instruction covering basic mortgage 22198  
financing concepts and terms; 22199

(h) Two hours of instruction concerning the ethical 22200  
responsibilities of a registrant and a licensee, including with 22201  
respect to confidentiality, consumer counseling, and the duties 22202  
and standards of care created in section 1322.081 of the Revised 22203  
Code. 22204

~~Division (A)(4) of this section does not apply to any 22205  
applicant who has an application on file with the division of 22206  
financial institutions prior to January 1, 2007. 22207~~

~~The proof submitted by the applicant pursuant to division 22208  
(A)(4) of this section may be in the form of transcripts or a 22209  
statement indicating that the applicant has, and will maintain, 22210  
transcripts at the applicant's place of business for a period of 22211~~

~~five years for inspection by the superintendent at the  
superintendent's request.~~ 22212  
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(5)(3) For purposes of division (B)(1)(a) of this section,  
the review and approval of a course or program of study includes  
the review and approval of the provider of the course or program  
of study. 22214  
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(4) If an applicant held a valid loan originator license  
issued by this state at any time during the immediately preceding  
five-year period, the applicant shall not be required to complete  
any additional pre-licensing instruction. 22218  
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(C) In addition to the information required under division  
(B) of this section, the application shall provide both of the  
following: 22222  
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(1) Evidence that the applicant passed a written test that  
meets the requirements described in division (B) of section  
1322.051 of the Revised Code; 22225  
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(2) Any further information that the superintendent requires. 22228

~~(B)(D)~~ Upon the filing of the application and payment of the  
application fee and any fee required by the nationwide mortgage  
licensing system and registry, the superintendent of financial  
institutions shall investigate the applicant as set forth in  
division (B)(D) of this section. 22229  
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(1) The (a) Notwithstanding division (K) of section 121.08 of  
the Revised Code, the superintendent shall obtain a criminal  
history records check and, as part of the records check, request  
that criminal record information from the federal bureau of  
investigation be obtained. To fulfill this requirement, the  
superintendent shall request do either of the following: 22234  
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(i) Request the superintendent of the bureau of criminal 22240  
identification and investigation, or a vendor approved by the 22241



bureau, to conduct a criminal records check based on the 22242  
applicant's fingerprints or, if the fingerprints are unreadable, 22243  
based on the applicant's social security number, in accordance 22244  
with division (A)~~(11)~~(12) of section 109.572 of the Revised Code- 22245  
~~Notwithstanding division (K) of section 121.08 of the Revised~~ 22246  
~~Code, the superintendent of financial institutions shall;~~ 22247

(ii) Authorize the nationwide mortgage licensing system and 22248  
registry to request that criminal record information from the 22249  
federal bureau of investigation be obtained as part of the a 22250  
criminal records history background check. ~~Any~~ 22251

(b) Any fee required under division (C)(3) of section 109.572 22252  
of the Revised Code or by the nationwide mortgage licensing system 22253  
and registry shall be paid by the applicant. 22254

(2) The superintendent shall conduct a civil records check. 22255

(3) If, in order to issue a license to an applicant, 22256  
additional investigation by the superintendent outside this state 22257  
is necessary, the superintendent may require the applicant to 22258  
advance sufficient funds to pay the actual expenses of the 22259  
investigation, if it appears that these expenses will exceed one 22260  
hundred fifty dollars. The superintendent shall provide the 22261  
applicant with an itemized statement of the actual expenses that 22262  
the applicant is required to pay. 22263

~~(C)~~(E)(1) In connection with applying for a loan originator 22264  
license, the applicant shall furnish to the nationwide mortgage 22265  
licensing system and registry the following information concerning 22266  
the applicant's identity: 22267

(a) The applicant's fingerprints for submission to the 22268  
federal bureau of investigation, and any other governmental agency 22269  
or entity authorized to receive such information, for purposes of 22270  
a state, national, and international criminal history background 22271  
check; 22272

(b) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain the following: 22273  
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(i) An independent credit report from a consumer reporting agency; 22277  
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(ii) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction. 22279  
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(2) In order to effectuate the purposes of divisions (E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent may use the conference of state bank supervisors, or a wholly owned subsidiary, as a channeling agent for requesting information from and distributing information to the United States department of justice or any other governmental agency. The superintendent may also use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source related to matters subject to those divisions of this section. 22281  
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(F) The superintendent shall pay all funds advanced and application and renewal fees and penalties the superintendent receives pursuant to this section and section 1322.041 of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code. 22291  
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~~(D)~~(G) If an application for a loan originator license does not contain all of the information required under division (A) of this section, and if that information is not submitted to the superintendent within ninety days after the superintendent requests the information in writing, the superintendent may consider the application withdrawn. 22297  
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~~(E)~~(H)(1) The business of a loan officer originator shall 22303

principally be transacted at an office of the ~~employing~~ mortgage 22304  
broker with whom the licensee is employed or associated, which 22305  
office is registered in accordance with division (A) of section 22306  
1322.02 of the Revised Code. Each original loan originator license 22307  
shall be deposited with and maintained by the ~~employing~~ mortgage 22308  
broker at the mortgage broker's main office. A copy of the license 22309  
shall be maintained and displayed at the office where the loan 22310  
~~officer~~ originator principally transacts business. 22311

(2) If a loan ~~officer's~~ originator's employment or 22312  
association is terminated for any reason, the mortgage broker 22313  
shall return the original loan originator license to the 22314  
superintendent within five business days after the termination. 22315  
The licensee may request the transfer of the license to another 22316  
mortgage broker by submitting a ~~relocation~~ transfer application, 22317  
along with a fifteen dollar fee and any fee required by the 22318  
national mortgage licensing system and registry, to the 22319  
superintendent or may request the superintendent in writing to 22320  
hold the license in escrow ~~for a period not to exceed one year~~. 22321  
Any licensee whose license is held in escrow shall cease activity 22322  
as a loan ~~officer~~ originator. A licensee whose license is held in 22323  
escrow shall be required to apply for renewal annually and to 22324  
comply with the annual continuing education requirement. 22325

(3) A mortgage broker may employ or be associated with a loan 22326  
~~officer~~ originator on a temporary basis pending the transfer of 22327  
the loan ~~officer's~~ originator's license to the mortgage broker, if 22328  
the mortgage broker receives written confirmation from the 22329  
superintendent that the loan ~~officer~~ originator is licensed under 22330  
sections 1322.01 to 1322.12 of the Revised Code. 22331

~~(F)~~(4) Notwithstanding divisions (H)(1) to (3) of this 22332  
section, if a licensee is employed by or associated with a person 22333  
or entity listed in division (G)(2) of section 1322.01 of the 22334  
Revised Code, all of the following apply: 22335

(a) The licensee shall maintain and display the original loan originator license at the office where the licensee principally transacts business; 22336  
22337  
22338

(b) If the loan originator's employment or association is terminated, the loan originator shall return the original loan originator license to the superintendent within five business days after termination. The licensee may request the transfer of the license to a mortgage broker or another person or entity listed in division (G)(2) of section 1322.01 of the Revised Code by submitting a transfer application, along with a fifteen dollar fee and any fee required by the national mortgage licensing system and registry, to the superintendent or may request the superintendent in writing to hold the license in escrow. A licensee whose license is held in escrow shall cease activity as a loan originator. A licensee whose license is held in escrow shall be required to apply for renewal annually and to comply with the annual continuing education requirement. 22339  
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(c) The licensee may seek to be employed or associated with a mortgage broker or person or entity listed in division (G)(2) of section 1322.01 of the Revised Code if the mortgage broker or person or entity receives written confirmation from the superintendent that the loan originator is licensed under sections 1322.01 to 1322.12 of the Revised Code. 22353  
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(I) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to loan originator licenses or the persons associated with a licensee. 22359  
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(J) A loan originator license, or the authority granted under that license, is not assignable and cannot be franchised by contract or any other means. 22365  
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Sec. 1322.04. (A) Upon the conclusion of the investigation 22368  
required under division (B) of section 1322.03 of the Revised 22369  
Code, the superintendent of financial institutions shall issue a 22370  
certificate of registration to the applicant if the superintendent 22371  
finds that the following conditions are met: 22372

(1) ~~Except as otherwise provided in division (A) of section~~ 22373  
~~1322.03 of the Revised Code, the~~ The application is accompanied by 22374  
the application fee and any fee required by the nationwide 22375  
mortgage licensing system and registry. ~~¶~~ 22376

(a) If a check or other draft instrument is returned to the 22377  
superintendent for insufficient funds, the superintendent shall 22378  
notify the applicant by certified mail, return receipt requested, 22379  
that the application will be withdrawn unless the applicant, 22380  
within thirty days after receipt of the notice, submits the 22381  
application fee and a one-hundred-dollar penalty to the 22382  
superintendent. If the applicant does not submit the application 22383  
fee and penalty within that time period, or if any check or other 22384  
draft instrument used to pay the fee or penalty is returned to the 22385  
superintendent for insufficient funds, the application shall be 22386  
withdrawn immediately without a hearing. 22387

(b) If a check or other draft instrument is returned to the 22388  
superintendent for insufficient funds after the certificate of 22389  
registration has been issued, the superintendent shall notify the 22390  
registrant by certified mail, return receipt requested, that the 22391  
certificate of registration issued in reliance on the check or 22392  
other draft instrument will be canceled unless the registrant, 22393  
within thirty days after receipt of the notice, submits the 22394  
application fee and a one-hundred-dollar penalty to the 22395  
superintendent. If the registrant does not submit the application 22396  
fee and penalty within that time period, or if any check or other 22397  
draft instrument used to pay the fee or penalty is returned to the 22398

superintendent for insufficient funds, the certificate of 22399  
registration shall be canceled immediately without a hearing, and 22400  
the registrant shall cease activity as a mortgage broker. 22401

(2) If the application is for a location that is a residence, 22402  
~~that the applicant has obtained a valid zoning permit authorizing~~ 22403  
~~the use of the residence for commercial purposes, or has obtained~~ 22404  
~~a valid written opinion or other document issued by the county or~~ 22405  
~~political subdivision where the residence is located certifying~~ 22406  
evidence that the use of the residence to transact business as a 22407  
mortgage broker is not prohibited ~~by the county or political~~ 22408  
~~subdivision. The application also is accompanied by a photograph~~ 22409  
~~of each location at which the mortgage broker's business will be~~ 22410  
~~transacted.~~ 22411

(3) The ~~sole proprietor or the person designated on the~~ 22412  
application pursuant to division (A)(3) of section 1322.03 of the 22413  
Revised Code, ~~as applicable,~~ meets the experience requirements 22414  
provided in division (A)(4) of section 1322.03 of the Revised Code 22415  
and the education requirements set forth in division (A)(5) of 22416  
section 1322.03 of the Revised Code. 22417

(4) The applicant maintains all licenses necessary filings 22418  
and ~~registrations~~ approvals required by the secretary of state. 22419

(5) The applicant complies with the surety bond requirements 22420  
of section 1322.05 of the Revised Code. 22421

(6) The applicant complies with sections 1322.01 to 1322.12 22422  
of the Revised Code and the rules adopted thereunder. 22423

(7) Neither the applicant nor any ~~shareholder, member,~~ 22424  
~~partner, operations manager, or employee of the applicant person~~ 22425  
whose identity is required to be disclosed on an application for a 22426  
mortgage broker certificate of registration has had a mortgage 22427  
broker certificate of registration or loan originator license, or 22428  
any comparable authority, revoked in any governmental jurisdiction 22429

~~or has pleaded guilty to or been convicted of any eriminal offense described in division (A)(8) of section 1322.03 of the Revised Code or any violation of an existing or former law of this state, any other state, or the United States that substantially is equivalent to a criminal offense described in that division. However, if the applicant or any of those other persons has pleaded guilty to or been convicted of any such offense other than theft, the superintendent shall not consider the offense if the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's or other person's activities and employment record since the conviction show that the applicant or other person is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant or other person will commit such an offense again of the following:~~

~~(a) During the seven-year period immediately preceding the date of application for the certificate of registration, a felony in a domestic, foreign, or military court;~~

~~(b) At any time prior to the date of application for the certificate of registration, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering in a domestic, foreign, or military court;~~

~~(c) During the seven-year period immediately preceding the date of application for the certificate of registration, a misdemeanor involving theft in a domestic, foreign, or military court.~~

~~(8) Neither the applicant nor any shareholder, member, partner, operations manager, or employee of the applicant has been subject to any adverse judgment for conversion, embezzlement, misappropriation of funds, fraud, misfeasance or malfeasance, or breach of fiduciary duty, or, if the applicant or any of those other persons has been subject to such a judgment Based on the~~

totality of the circumstances and information submitted in the 22462  
application, the applicant has proven to the superintendent, by a 22463  
preponderance of the evidence, that the ~~applicant's or other~~ 22464  
~~person's activities and employment record since the judgment show~~ 22465  
~~that the applicant or other person is honest, truthful, and of~~ 22466  
good ~~reputation,~~ business repute and ~~there is no basis in fact for~~ 22467  
~~believing that the applicant or other person will be subject to~~ 22468  
~~such a judgment again~~ appears qualified to act as a mortgage 22469  
broker. 22470

(9) The applicant's operations manager successfully completed 22471  
the examination required under division (A) of section 1322.051 of 22472  
the Revised Code. 22473

(10) The applicant's financial responsibility, experience, 22474  
character, and general fitness command the confidence of the 22475  
public and warrant the belief that the business will be operated 22476  
honestly and fairly in compliance with the purposes of sections 22477  
1322.01 to 1322.12 of the Revised Code and the rules adopted 22478  
thereunder. The superintendent shall not use a credit score as the 22479  
sole basis for registration denial. 22480

(B) For purposes of determining whether an applicant that is 22481  
a partnership, corporation, or other business entity or 22482  
association has met the conditions set forth in divisions (A)(7), 22483  
(A)(8), and (A)(10) of this section, the superintendent shall 22484  
determine which partners, shareholders, or persons named in the 22485  
application pursuant to division (A)(2) of section 1322.03 of the 22486  
Revised Code must meet the conditions set forth in divisions 22487  
(A)(7), (A)(8), and (A)(10) of this section. This determination 22488  
shall be based on the extent and nature of the partner's, 22489  
shareholder's, or person's ownership interest in the partnership, 22490  
corporation, or other business entity or association that is the 22491  
applicant and on whether the person is in a position to direct, 22492  
control, or adversely influence the operations of the applicant. 22493



~~(B)~~(C) The certificate of registration issued pursuant to 22494  
division (A) of this section may be renewed annually on or before 22495  
the ~~thirtieth~~ thirty-first day of ~~April~~ December if the 22496  
superintendent finds that all of the following conditions are met: 22497  
22498

(1) The renewal application is accompanied by a nonrefundable 22499  
renewal fee of ~~three~~ five hundred ~~fifty~~ dollars for each location 22500  
of an office to be maintained by the applicant in accordance with 22501  
division (A) of section 1322.02 of the Revised Code; ~~however, an~~ 22502  
~~applicant that is registered under sections 1321.51 to 1321.60 of~~ 22503  
~~the Revised Code shall not be required to pay a renewal fee and~~ 22504  
any fee required by the nationwide mortgage licensing system and 22505  
registry. If a check or other draft instrument is returned to the 22506  
superintendent for insufficient funds, the superintendent shall 22507  
notify the registrant by certified mail, return receipt requested, 22508  
that the certificate of registration renewed in reliance on the 22509  
check or other draft instrument will be canceled unless the 22510  
registrant, within thirty days after receipt of the notice, 22511  
submits the renewal fee and a one-hundred-dollar penalty to the 22512  
superintendent. If the registrant does not submit the renewal fee 22513  
and penalty within that time period, or if any check or other 22514  
draft instrument used to pay the fee or penalty is returned to the 22515  
superintendent for insufficient funds, the certificate of 22516  
registration shall be canceled immediately without a hearing and 22517  
the registrant shall cease activity as a mortgage broker. 22518

(2) ~~On and after January 1, 2003, the~~ The operations manager 22519  
designated under division (A)(3) of section 1322.03 of the Revised 22520  
Code has completed, ~~during the immediately preceding calendar~~ 22521  
~~year,~~ at least ~~six~~ eight hours of continuing education as required 22522  
under section 1322.052 of the Revised Code. 22523

(3) The applicant meets the conditions set forth in divisions 22524  
(A)(2) to (10) of this section. 22525

(4) The applicant's mortgage broker certificate of registration is not subject to an order of suspension or ~~revocation~~ an unpaid and past due fine imposed by the superintendent.

~~(C)~~(D)(1) Subject to division ~~(C)~~(D)(2) of this section, if a renewal fee or additional fee required by the nationwide mortgage licensing system and registry is received by the superintendent after the ~~thirtieth~~ thirty-first day of ~~April~~ December, the mortgage broker certificate of registration shall not be considered renewed, and the applicant shall cease activity as a mortgage broker ~~and apply for a certificate of registration as a mortgage broker.~~

(2) Division ~~(C)~~(D)(1) of this section shall not apply if the applicant, no later than the thirty-first day of ~~May~~ January, submits the renewal fee or additional fee and a one-hundred-dollar penalty to the superintendent.

~~(D)~~(E) If the person designated as the operations manager pursuant to division (A)(3) of section 1322.03 of the Revised Code is no longer the operations manager, the registrant shall do all of the following:

(1) ~~Designate~~ Within ninety days after the departure of the operations manager, designate another person as the operations manager;

(2) Within ten days after the designation described in division ~~(D)~~(E)(1) of this section, notify the superintendent in writing of the designation;

(3) Submit any additional information that the superintendent requires to establish that the newly designated operations manager complies with the ~~experience~~ requirements set forth in ~~division (A)(4)~~ of section 1322.03 of the Revised Code.

(F) The registrant shall cease operations if it is without an

operations manager approved by the superintendent for more than 22557  
one hundred eighty days unless otherwise authorized in writing by 22558  
the superintendent due to exigent circumstances. 22559

(G) Mortgage broker certificates of registration issued on or 22560  
after May 1, 2009, annually expire on the thirty-first day of 22561  
December. 22562

**Sec. 1322.041.** (A) Upon the conclusion of the investigation 22563  
required under division ~~(B)~~(D) of section 1322.031 of the Revised 22564  
Code, the superintendent of financial institutions shall issue a 22565  
loan ~~officer~~ originator license to the applicant if the 22566  
superintendent finds that the following conditions are met: 22567

(1) The application is accompanied by the application fee and 22568  
any fee required by the nationwide mortgage licensing system and 22569  
registry. ~~If~~ 22570

(a) If a check or other draft instrument is returned to the 22571  
superintendent for insufficient funds, the superintendent shall 22572  
notify the applicant by certified mail, return receipt requested, 22573  
that the application will be withdrawn unless the applicant, 22574  
within thirty days after receipt of the notice, submits the 22575  
application fee and a one-hundred-dollar penalty to the 22576  
superintendent. If the applicant does not submit the application 22577  
fee and penalty within that time period, or if any check or other 22578  
draft instrument used to pay the fee or penalty is returned to the 22579  
superintendent for insufficient funds, the application shall be 22580  
withdrawn immediately without a hearing. 22581

(b) If a check or other draft instrument is returned to the 22582  
superintendent for insufficient funds after the license has been 22583  
issued, the superintendent shall notify the licensee by certified 22584  
mail, return receipt requested, that the license issued in 22585  
reliance on the check or other draft instrument will be canceled 22586  
unless the licensee, within thirty days after receipt of the 22587

notice, submits the application fee and a one-hundred-dollar 22588  
penalty to the superintendent. If the licensee does not submit the 22589  
application fee and penalty within that time period, or if any 22590  
check or other draft instrument used to pay the fee or penalty is 22591  
returned to the superintendent for insufficient funds, the license 22592  
shall be canceled immediately without a hearing, and the licensee 22593  
shall cease activity as a loan ~~officer~~ originator. 22594

(2) The applicant complies with sections 1322.01 to 1322.12 22595  
of the Revised Code and the rules adopted thereunder. 22596

(3) ~~The (a) During the seven-year period immediately~~ 22597  
~~preceding the date of application for the license, the applicant~~ 22598  
~~has not been convicted of or pleaded guilty to any criminal~~ 22599  
~~offense described in division (A)(2) of section 1322.031 of the~~ 22600  
~~Revised Code and the applicant has not pleaded guilty to or been~~ 22601  
~~convicted of a violation of an existing or former law of this~~ 22602  
~~state, any other state, or the United States that substantially is~~ 22603  
~~equivalent to a criminal offense described in that division.~~ 22604  
~~However, if a felony in a domestic, foreign, or military court.~~ 22605

(b) At any time prior to the date of application for the 22606  
license, the applicant has not been convicted of or pleaded guilty 22607  
to ~~any such offense other than theft, the superintendent shall not~~ 22608  
~~consider the offense if the applicant has proven to the~~ 22609  
~~superintendent, by a preponderance of the evidence, that the~~ 22610  
~~applicant's activities and employment record since the conviction~~ 22611  
~~show that the applicant is honest, truthful, and of good~~ 22612  
~~reputation, and there is no basis in fact for believing that the~~ 22613  
~~applicant will commit such an offense again~~ a felony involving an 22614  
act of fraud, dishonesty, a breach of trust, theft, or money 22615  
laundering in a domestic, foreign, or military court. 22616

(c) During the seven-year period immediately preceding the 22617  
date of application for the license, the applicant has not been 22618  
convicted of or pleaded guilty to a misdemeanor involving theft in 22619

a domestic, foreign, or military court. 22620

(4) ~~The applicant has not been subject to an adverse judgment~~ 22621  
~~for conversion, embezzlement, misappropriation of funds, fraud,~~ 22622  
~~misfeasance or malfeasance, or breach of fiduciary duty, or, if~~ 22623  
~~the applicant has been subject to such a judgment~~ Based on the 22624  
totality of the circumstances and information submitted in the 22625  
application, the applicant has proven to the superintendent, by a 22626  
preponderance of the evidence, that the ~~applicant's activities and~~ 22627  
~~employment record since the judgment show that the applicant is~~ 22628  
~~honest, truthful, and of good reputation,~~ business repute and 22629  
~~there is no basis in fact for believing that the applicant will be~~ 22630  
~~subject to such a judgment again~~ appears qualified to act as a 22631  
loan originator. 22632

(5) The applicant successfully completed the ~~examination~~ 22633  
written test required under division (B) of section 1322.051 of 22634  
the Revised Code and completed the ~~education requirements~~ 22635  
prelicensing instruction set forth in division ~~(A)(4)(B)~~ of 22636  
section 1322.031 of the Revised Code. 22637

(6) The applicant's financial responsibility, character, and 22638  
general fitness command the confidence of the public and warrant 22639  
the belief that the business will be operated honestly and fairly 22640  
in compliance with the purposes of sections 1322.01 to 1322.12 of 22641  
the Revised Code. The superintendent shall not use a credit score 22642  
as the sole basis for a license denial. 22643

(7) The applicant is in compliance with the surety bond 22644  
requirements of section 1322.05 of the Revised Code. 22645

(B) The license issued under division (A) of this section may 22646  
be renewed annually on or before the ~~thirtieth~~ thirty-first day of 22647  
~~April~~ December if the superintendent finds that all of the 22648  
following conditions are met: 22649

(1) The renewal application is accompanied by a nonrefundable 22650

renewal fee of one hundred fifty dollars and any fee required by 22651  
the nationwide mortgage licensing system and registry. If a check 22652  
or other draft instrument is returned to the superintendent for 22653  
insufficient funds, the superintendent shall notify the licensee 22654  
by certified mail, return receipt requested, that the license 22655  
renewed in reliance on the check or other draft instrument will be 22656  
canceled unless the licensee, within thirty days after receipt of 22657  
the notice, submits the renewal fee and a one-hundred-dollar 22658  
penalty to the superintendent. If the licensee does not submit the 22659  
renewal fee and penalty within that time period, or if any check 22660  
or other draft instrument used to pay the fee or penalty is 22661  
returned to the superintendent for insufficient funds, the license 22662  
shall be canceled immediately without a hearing, and the licensee 22663  
shall cease activity as a loan ~~officer~~ originator. 22664

(2) ~~On and after January 1, 2003, the loan officer~~ The 22665  
applicant has completed, ~~during the immediately preceding calendar~~ 22666  
~~year,~~ at least ~~six~~ eight hours of continuing education as required 22667  
under section 1322.052 of the Revised Code. 22668

(3) The applicant meets the conditions set forth in divisions 22669  
(A)(2) to ~~(6)~~ (7) of this section. 22670

(4) The applicant's license is not subject to an order of 22671  
suspension or ~~revocation~~ an unpaid and past due fine imposed by 22672  
the superintendent. 22673

(C)(1) Subject to division (C)(2) of this section, if a 22674  
license renewal application or renewal fee, including any fee 22675  
required by the nationwide mortgage licensing system and registry, 22676  
is received by the superintendent after the ~~thirtieth~~ thirty-first 22677  
day of ~~April~~ December, the license shall not be considered 22678  
renewed, and the applicant shall cease activity as a loan ~~officer~~ 22679  
originator. 22680

(2) Division (C)(1) of this section shall not apply if the 22681

applicant, no later than the thirty-first day of ~~May~~ January, 22682  
submits the renewal application and ~~fee~~ fees and a 22683  
one-hundred-dollar penalty to the superintendent. 22684

(D) Loan originator licenses issued on or after May 1, 2009, 22685  
annually expire on the thirty-first day of December. 22686

**Sec. 1322.05.** (A)(1) No registrant shall conduct business in 22687  
this state, unless the registrant has obtained and maintains in 22688  
effect at all times a corporate surety bond issued by a bonding 22689  
company or insurance company authorized to do business in this 22690  
state. The bond shall be in favor of the superintendent of 22691  
financial institutions and in the penal sum of ~~at least the~~ the 22692  
greater of the following: (a) fifty thousand dollars and an 22693  
additional penal sum of ten thousand dollars for each location, in 22694  
excess of one, at which the registrant conducts business or (b) 22695  
one-half per cent of the aggregate loan amount of residential 22696  
mortgage loans originated in the immediately preceding calendar 22697  
year, but not exceeding two hundred fifty thousand dollars. The 22698  
term of the bond shall coincide with the term of registration. A 22699  
copy of the bond shall be filed with the superintendent. The bond 22700  
shall be for the exclusive benefit of any buyer injured by a 22701  
violation by an employee of the registrant, licensee loan 22702  
originator employed by or associated with the registrant, or 22703  
registrant of any provision of sections 1322.01 to 1322.12 of the 22704  
Revised Code or any rule adopted thereunder. The aggregate 22705  
liability of the corporate surety for any and all breaches of the 22706  
conditions of the bond shall not exceed the penal sum of the bond. 22707

(2) No licensee who is employed by or associated with a 22708  
person or entity listed in division (G)(2) of section 1322.01 of 22709  
the Revised Code shall conduct business in this state, unless the 22710  
licensee has obtained and maintains in effect at all times a 22711  
corporate surety bond issued by a bonding company or insurance 22712

company authorized to do business in this state. The bond shall be 22713  
in favor of the superintendent of financial institutions and in 22714  
the penal sum of the greater of the following: (a) fifty thousand 22715  
dollars or (b) one-half per cent of the aggregate loan amount of 22716  
residential mortgage loans originated in the immediately preceding 22717  
calendar year, but not exceeding two hundred fifty thousand 22718  
dollars. The term of the bond shall coincide with the term of 22719  
licensure. A copy of the bond shall be filed with the 22720  
superintendent. The bond shall be for the exclusive benefit of any 22721  
buyer injured by a violation by the licensee of any provision of 22722  
sections 1322.01 to 1322.12 of the Revised Code or any rule 22723  
adopted thereunder. The aggregate liability of the corporate 22724  
surety for any and all breaches of the conditions of the bond 22725  
shall not exceed the penal sum of the bond. 22726

(B)(1)(a) The registrant shall give notice to the 22727  
superintendent by certified mail of any action that is brought by 22728  
a buyer against the registrant ~~or, loan officer of the registrant~~ 22729  
originator, or employee alleging injury by a violation of any 22730  
provision of sections 1322.01 to 1322.12 of the Revised Code or 22731  
any rule adopted thereunder, and of any judgment that is entered 22732  
against the registrant ~~or, loan officer of the registrant~~ 22733  
originator, or employee by a buyer injured by a violation of any 22734  
provision of sections 1322.01 to 1322.12 of the Revised Code or 22735  
any rule adopted thereunder. The notice shall provide details 22736  
sufficient to identify the action or judgment, and shall be filed 22737  
with the superintendent within ten days after the commencement of 22738  
the action or notice to the registrant of entry of a judgment. 22739

(b) The licensee shall give notice to the superintendent by 22740  
certified mail of any action that is brought by a buyer against 22741  
the licensee alleging injury by a violation of any provision of 22742  
sections 1322.01 to 1322.12 of the Revised Code or any rule 22743  
adopted thereunder, and of any judgment that is entered against 22744



the licensee by a buyer injured by a violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any rule adopted thereunder. The notice shall provide details sufficient to identify the action or judgment, and shall be filed with the superintendent within ten days after the commencement of the action or notice to the licensee of entry of a judgment. A person or entity listed in division (G)(2) of section 1322.01 of the Revised Code that secures bonding for the licensees employed by or associated with the person or entity shall report such actions or judgments in the same manner as is required of registrants.

(2) A corporate surety, within ten days after it pays any claim or judgment, shall give notice to the superintendent by certified mail of the payment, with details sufficient to identify the person and the claim or judgment paid.

(C) Whenever the penal sum of the corporate surety bond is reduced by one or more recoveries or payments, the registrant or licensee shall furnish a new or additional bond under this section, so that the total or aggregate penal sum of the bond or bonds equals the sum required by this section, or shall furnish an endorsement executed by the corporate surety reinstating the bond to the required penal sum of it.

(D) The liability of the corporate surety on the bond to the superintendent and to any buyer injured by a violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any rule adopted thereunder shall not be affected in any way by any misrepresentation, breach of warranty, or failure to pay the premium, by any act or omission upon the part of the registrant or licensee, by the insolvency or bankruptcy of the registrant or licensee, or by the insolvency of the registrant's or licensee's estate. The liability for any act or omission that occurs during the term of the corporate surety bond shall be maintained and in effect for at least two years after the date on which the

corporate surety bond is terminated or canceled. 22777

(E) The corporate surety bond shall not be canceled by the 22778  
registrant, the licensee, or the corporate surety except upon 22779  
notice to the superintendent by certified mail, return receipt 22780  
requested. The cancellation shall not be effective prior to thirty 22781  
days after the superintendent receives the notice. 22782

(F) No registrant or licensee employed by or associated with 22783  
a person or entity listed in division (G)(2) of section 1322.01 of 22784  
the Revised Code shall fail to comply with this section. Any 22785  
registrant or licensee that fails to comply with this section 22786  
shall cease all mortgage broker or loan originator activity in 22787  
this state until the registrant or licensee complies with this 22788  
section. 22789

**Sec. 1322.051.** (A) Each person designated under division 22790  
(A)(3) of section 1322.03 of the Revised Code to act as operations 22791  
manager for a mortgage broker business shall submit to ~~an~~ 22792  
~~examination~~ a written test approved by the superintendent of 22793  
financial institutions. An individual shall not be considered to 22794  
have passed the written test unless the individual achieves a test 22795  
score of at least seventy-five per cent correct answers to all 22796  
questions. 22797

(B) Each applicant for a loan ~~officer~~ originator license 22798  
shall submit to ~~an examination approved by the superintendent~~ a 22799  
written test that is developed and approved by the nationwide 22800  
mortgage licensing system and registry and administered by a test 22801  
provider approved by the nationwide mortgage licensing system and 22802  
registry based on reasonable standards. 22803

(1) The test shall adequately measure the applicant's 22804  
knowledge and comprehension in appropriate subject areas, 22805  
including ethics, federal and state law related to mortgage 22806  
origination, fraud, consumer protection, and the nontraditional 22807

mortgage marketplace, and fair lending issues. 22808

(2) An individual shall not be considered to have passed the written test unless the individual achieves a test score of at least seventy-five per cent correct answers on all questions and at least seventy-five per cent correct answers on all questions relating to state mortgage lending laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees. 22809  
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(3) An individual may retake the test three consecutive times provided the period between taking the tests is at least thirty days. If an individual fails three consecutive tests, the individual shall be required to wait at least six months before taking the test again. 22816  
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(4) If a loan originator fails to maintain a valid loan originator license for a period of five years or longer, the individual shall be required to retake the test. 22821  
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(C) Notwithstanding division (B) of this section, until the nationwide mortgage licensing system and registry implements a testing process that meets the criteria set forth in that division, the superintendent shall require each applicant to pass a written test acceptable to the superintendent. 22824  
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**Sec. 1322.052.** ~~On and after January 1, 2002, each~~ (A) Each 22829  
licensee and each person designated under division (A)(3) of 22830  
section 1322.03 of the Revised Code to act as operations manager 22831  
for a mortgage broker business shall complete at least ~~six~~ eight 22832  
hours of continuing education every calendar year. To fulfill this 22833  
requirement, the ~~six~~ eight hours of continuing education must be 22834  
offered in a course or program of study reviewed and approved by 22835  
the ~~superintendent of financial institutions~~ nationwide mortgage 22836  
licensing system and registry. The course or program of study 22837  
shall include all of the following: 22838

<u>(1) Three hours of applicable federal law and regulations;</u>	22839
<u>(2) Two hours of ethics, which shall include instruction on</u>	22840
<u>fraud, consumer protection, and fair lending issues;</u>	22841
<u>(3) Two hours of training related to lending standards for</u>	22842
<u>the nontraditional mortgage product marketplace.</u>	22843
<u>(B) Continuing education courses shall be reviewed and</u>	22844
<u>approved by the nationwide mortgage licensing system and registry</u>	22845
<u>based upon reasonable standards.</u>	22846
<u>(C) The following conditions apply to the continuing</u>	22847
<u>education required by this section:</u>	22848
<u>(1) An individual cannot take the same approved course in the</u>	22849
<u>same or successive years to meet the annual requirement for</u>	22850
<u>continuing education.</u>	22851
<u>(2) An individual can only receive credit for a continuing</u>	22852
<u>education course in the year in which the course is taken, unless</u>	22853
<u>the individual is making up a deficiency in continuing education</u>	22854
<u>pursuant to a rule or order of the superintendent of financial</u>	22855
<u>institutions.</u>	22856
<u>(3) A licensee who subsequently becomes unlicensed must</u>	22857
<u>complete the continuing education requirement for the last year in</u>	22858
<u>which the license was held prior to the issuance of a new or</u>	22859
<u>renewed license.</u>	22860
<u>(4) An individual who is approved as an instructor of a</u>	22861
<u>continuing education course receives credit for the individual's</u>	22862
<u>own annual continuing education requirement at the rate of two</u>	22863
<u>credit hours for every one hour taught.</u>	22864
<u>(5) If an individual successfully completed a continuing</u>	22865
<u>education course reviewed and approved by the nationwide mortgage</u>	22866
<u>licensing system and registry as required by another state, the</u>	22867
<u>individual can receive credit toward completion of the continuing</u>	22868

education requirement of this state. 22869

(D) Notwithstanding division (A) of this section, until the 22870  
nationwide mortgage licensing system and registry implements a 22871  
review and approval process, each licensee or person designated 22872  
under division (A)(3) of section 1322.03 of the Revised Code shall 22873  
provide evidence that the licensee or person has successfully 22874  
completed at least eight hours of continuing education in a course 22875  
or program of study approved by the superintendent of financial 22876  
institutions. 22877

**Sec. 1322.06.** (A) As often as the superintendent of financial 22878  
institutions considers it necessary, the superintendent may 22879  
examine the registrant's or licensee's records, including all 22880  
records created or processed by a licensee, pertaining to business 22881  
transacted pursuant to sections 1322.01 to 1322.12 of the Revised 22882  
Code. 22883

(B) A registrant or licensee shall maintain records 22884  
pertaining to business transacted pursuant to sections 1322.01 to 22885  
1322.12 of the Revised Code, including copies of all mortgage loan 22886  
origination disclosure statements prepared in accordance with 22887  
section 1322.062 of the Revised Code, for four years. ~~No~~ For 22888  
purposes of this division, "registrant or licensee" includes any 22889  
person whose certificate of registration or license is cancelled, 22890  
surrendered, or revoked or who otherwise ceases to engage in 22891  
business as a mortgage broker or loan originator. 22892

No registrant shall fail to comply with this division. 22893

(C) Each registrant and licensee shall submit to the 22894  
nationwide mortgage licensing system and registry call reports or 22895  
other reports of condition, which reports shall be in such form 22896  
and shall contain such information as the nationwide mortgage 22897  
licensing system and registry may require. 22898

(D)(1) As required by the superintendent, each registrant shall file with the division of financial institutions an annual report under oath or affirmation, on forms supplied by the division, concerning the business and operations of the registrant for the preceding calendar year. If a registrant operates two or more registered offices or two or more affiliated registrants operate registered offices, a composite report of the group of registered offices may be filed in lieu of individual reports.

(2) The division shall publish annually an analysis of the information required under division (D)(1) of this section, but the individual reports shall not be public records and shall not be open to public inspection or otherwise be subject to section 149.43 of the Revised Code.

**Sec. 1322.061.** (A)(1) The following information is confidential:

(a) Examination information, and any information leading to or arising from an examination;

(b) Investigation information, and any information arising from or leading to an investigation.

(2) The information described in division (A)(1) of this section shall remain confidential for all purposes except when it is necessary for the superintendent of financial institutions to take official action regarding the affairs of a registrant or licensee, or in connection with criminal or civil proceedings to be initiated by a prosecuting attorney or the attorney general. This information may also be introduced into evidence or disclosed when and in the manner authorized by section 1181.25 of the Revised Code.

(B) All application information, except social security numbers, employer identification numbers, financial account

numbers, the identity of the institution where financial accounts 22929  
are maintained, personal financial information, fingerprint cards 22930  
and the information contained on such cards, and criminal 22931  
background information, is a public record as defined in section 22932  
149.43 of the Revised Code. 22933

(C) This section does not prevent the division of financial 22934  
institutions from releasing to or exchanging with other financial 22935  
institution regulatory authorities information relating to 22936  
registrants and licensees. For this purpose, a "financial 22937  
institution regulatory authority" includes a regulator of a 22938  
business activity in which a registrant or licensee is engaged, or 22939  
has applied to engage in, to the extent that the regulator has 22940  
jurisdiction over a registrant or licensee engaged in that 22941  
business activity. A registrant or licensee is engaged in a 22942  
business activity, and a regulator of that business activity has 22943  
jurisdiction over the registrant or licensee, whether the 22944  
registrant or licensee conducts the activity directly or a 22945  
subsidiary or affiliate of the registrant or licensee conducts the 22946  
activity. 22947

(D) The superintendent shall, on a regular basis, report 22948  
violations of sections 1322.01 to 1322.12 of the Revised Code, as 22949  
well as enforcement actions and other relevant information, to the 22950  
nationwide mortgage licensing system and registry. 22951

(E)(1) Any confidentiality or privilege arising under federal 22952  
or state law with respect to any information or material provided 22953  
to the nationwide mortgage licensing system and registry shall 22954  
continue to apply to the information or material after the 22955  
information or material is provided to the nationwide mortgage 22956  
licensing system and registry. The information and material so 22957  
provided may be released to any state or federal regulatory 22958  
official with mortgage industry oversight authority without the 22959  
loss of confidentiality or privilege protections provided by 22960

federal law or the law of any state. Information or material 22961  
described in division (E)(1) of this section to which 22962  
confidentiality or privilege applies shall not be subject to any 22963  
of the following: 22964

(a) Disclosure under any federal or state law governing 22965  
disclosure to the public of information held by an officer or an 22966  
agency of the federal government or of the respective state; 22967

(b) Subpoena or discovery, or admission into evidence, in any 22968  
private civil action or administrative process, unless the person 22969  
to whom such information or material pertains waives, in whole or 22970  
in part and at the discretion of the person, any privilege held by 22971  
the nationwide mortgage licensing system and registry with respect 22972  
to that information or material. 22973

(2) The superintendent, in order to promote more effective 22974  
regulation and reduce regulatory burden through supervisory 22975  
information sharing, may enter into sharing arrangements with 22976  
other governmental agencies, the conference of state bank 22977  
supervisors, and the American association of residential mortgage 22978  
regulators. 22979

(3) Any state law, including the public records law, relating 22980  
to the disclosure of confidential supervisory information or any 22981  
information or material described in division (E)(1) of this 22982  
section that is inconsistent with that division shall be 22983  
superseded by the requirements of that division. 22984

(F) This section shall not apply with respect to information 22985  
or material relating to the employment history of, and publicly 22986  
adjudicated disciplinary and enforcement actions against, loan 22987  
originators that is included in the nationwide mortgage licensing 22988  
system and registry for access by the public. 22989

(G) This section does not prevent the division from releasing 22990  
information relating to registrants and licensees to the attorney 22991



general, to the superintendent of real estate and professional 22992  
licensing for purposes relating to the administration of Chapters 22993  
4735. and 4763. of the Revised Code, to the superintendent of 22994  
insurance for purposes relating to the administration of Chapter 22995  
3953. of the Revised Code, to the commissioner of securities for 22996  
purposes relating to the administration of Chapter 1707. of the 22997  
Revised Code, or to local law enforcement agencies and local 22998  
prosecutors. Information the division releases pursuant to this 22999  
section remains confidential. 23000

(H) The superintendent of financial institutions shall, by 23001  
rule adopted in accordance with Chapter 119. of the Revised Code, 23002  
establish a process by which loan originators may challenge any 23003  
information provided to the nationwide mortgage licensing system 23004  
and registry by the superintendent. 23005

**Sec. 1322.062.** (A)(1) Within three business days after taking 23006  
an application for a residential mortgage loan from a buyer, a 23007  
registrant or licensee shall deliver to the buyer a residential 23008  
mortgage loan origination disclosure statement that contains all 23009  
of the following: 23010

(a) The name, address, and telephone number of the buyer; 23011

(b) The typewritten name of the loan ~~officer~~ originator and 23012  
the number designated on the loan ~~officer's~~ originator's license; 23013

(c) The street address, telephone number, and facsimile 23014  
number of the registrant and the number designated on the 23015  
registrant's certificate of registration; 23016

(d) The signature of the loan ~~officer~~ originator or 23017  
registrant; 23018

(e) A statement indicating whether the buyer is to pay for 23019  
the services of a bona fide third party if the registrant is 23020  
unable to assist the buyer in obtaining a mortgage; 23021

(f) A statement that describes the method by which the fee to be paid by the buyer to the registrant will be calculated and a good faith estimate of the total amount of that fee; 23022  
23023  
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(g) A statement that the lender may pay compensation to the registrant; 23025  
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(h) A description of all the services the registrant has agreed to perform for the buyer; 23027  
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(i) A statement that the buyer has not entered into an exclusive agreement for brokerage services; 23029  
23030

(j) If the residential mortgage loan applied for will exceed ninety per cent of the value of the real property, a statement, printed in boldface type of the minimum size of sixteen points, as follows: "You are applying for a loan that is more than 90% of your home's value. It will be hard for you to refinance this loan. If you sell your home, you might owe more money on the loan than you get from the sale." 23031  
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(k) To acknowledge receipt, the signature of the buyer. 23038

(2) If the loan is a covered loan as defined in section 1349.25 of the Revised Code, the registrant shall also deliver a copy of the residential mortgage loan origination disclosure statement to the lender. 23039  
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(B) If there is any change in the information provided under division (A)(1) of this section, the registrant or licensee shall provide the buyer with the revised residential mortgage loan origination disclosure statement and a written explanation of why the change occurred no later than twenty-four hours after the change occurs, or twenty-four hours before the loan is closed, whichever is earlier. 23043  
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(C) A registrant or licensee shall deliver to the buyer, immediately upon receipt, a copy of any nonproprietary or publicly 23050  
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available credit score and report obtained regarding the buyer by 23052  
the registrant or licensee for the purpose of the residential 23053  
mortgage loan application; 23054

If the loan ~~officer~~ originator or registrant uses an 23055  
automated valuation model to determine an appraisal report, the 23056  
registrant or licensee also shall include a copy of the automated 23057  
valuation model report. 23058

(D) A registrant or licensee shall deliver to the buyer, at 23059  
the same time that the registrant or licensee delivers the 23060  
residential mortgage loan origination disclosure statement 23061  
pursuant to division (A) of this section, a good faith estimate 23062  
statement that discloses the amount of or range of charges for the 23063  
specific settlement services the buyer is likely to incur in 23064  
connection with the residential mortgage loan. The good faith 23065  
estimate statement shall meet the requirements of the "Real Estate 23066  
Settlement Procedures Act," 88 Stat. 1724 (1974)-, 12 U.S.C.A. 23067  
2601 et seq., and shall include the following underlined notice in 23068  
at least ten-point type, new roman style: 23069

"Nature of Relationship: In connection with this residential 23070  
mortgage loan, you, the borrower(s), has/have requested assistance 23071  
from ..... (company name) in arranging credit. We do not 23072  
distribute all products in the marketplace and cannot guarantee 23073  
the lowest rate. 23074

Termination: This agreement will continue until one of the 23075  
following events occur: 23076

1. The loan closes. 23077
2. The request is denied. 23078
3. The borrower withdraws the request. 23079
4. The borrower decides to use another source for 23080  
origination. 23081

5. The borrower is provided a revised good faith estimate statement. 23082  
23083

Notice to borrower(s): Signing this document does not obligate you 23084  
to obtain a residential mortgage loan through this mortgage 23085  
originator nor is this a loan commitment or an approval; nor is 23086  
your interest rate locked at this time unless otherwise disclosed 23087  
on a separate Rate Lock Disclosure Form. Do not sign this document 23088  
until you have read and understood the information in it. You will 23089  
receive a ~~re-disclosure~~ redisclosure of any increase in interest 23090  
rate or if the total sum of disclosed settlement/closing costs 23091  
increases by 10% or more of the original estimate. Should any such 23092  
increase occur, mandatory ~~re-disclosure~~ redisclosure must occur 23093  
prior to the settlement or close of escrow." 23094

(E) No registrant or licensee shall fail to comply with this 23096  
section. 23097

**Sec. 1322.063.** (A) In addition to the disclosures required 23098  
under section 1322.062 of the Revised Code, a registrant or 23099  
licensee shall, not earlier than three business days nor later 23100  
than twenty-four hours before a loan is closed, deliver to the 23101  
buyer a written disclosure that includes the following: 23102

(1) A statement indicating whether property taxes will be 23103  
escrowed; 23104

(2) A description of what is covered by the regular monthly 23105  
payment, including principal, interest, taxes, and insurance, as 23106  
applicable. 23107

(B) No registrant or licensee shall fail to comply with this 23108  
section. 23109

**Sec. 1322.064.** (A) No registrant or licensee shall fail to do 23110  
either of the following: 23111

(1) Timely inform the buyer of any material change in the terms of the residential mortgage loan. For purposes of division (A)(1) of this section, "material change" means the following:

(a) A change in the type of residential mortgage loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;

(b) A change in the term of the residential mortgage loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;

(c) A change in the interest rate of more than 0.15%;

(d) A change in the regular total monthly payment ~~of,~~ including principal and, interest, any required mortgage insurance, and any escrowed taxes or property insurance, of more than five per cent;

(e) A change regarding whether the escrow of taxes or insurance is required;

(f) A change regarding ~~the payment of~~ whether private mortgage insurance is required.

(2) Timely inform the buyer if any fees payable by the buyer to the licensee, registrant, or lender increase by more than ten per cent or one hundred dollars, whichever is greater.

(B) The disclosures required by this section shall be deemed timely if the registrant or licensee provides the buyer with the revised information not later than twenty-four hours after the change occurs, or twenty-four hours before the loan is closed, whichever is earlier.

(C) If an increase in the total amount of the fee to be paid by the buyer to the registrant or licensee is not disclosed in accordance with division (A)(2) of this section, the registrant or licensee shall refund to the buyer the amount by which the fee was

increased. If the fee is financed into the loan, the registrant or 23142  
licensee shall also refund to the buyer the interest that would 23143  
accrue over the term of the loan on that excess amount. 23144

Sec. 1322.065. A person registered as a mortgage broker 23145  
solely to sell leads of potential buyers to residential mortgage 23146  
lenders or mortgage brokers, or solely to match buyers with 23147  
residential mortgage lenders or mortgage brokers through a 23148  
computerized loan origination system recognized by the United 23149  
States department of housing and urban development, shall be 23150  
required to make only those disclosures under sections 1322.01 to 23151  
1322.12 of the Revised Code that apply to the portion of the 23152  
transaction during which they have direct buyer contact, and shall 23153  
be subject to all fair conduct and prohibition requirements in 23154  
their dealing with buyers. 23155

Sec. 1322.07. No ~~mortgage broker~~, registrant, licensee, ~~or~~ 23156  
~~applicant for a certificate of registration~~ person required to be 23157  
registered or ~~license~~ licensed under sections 1322.01 to 1322.12 23158  
of the Revised Code, or individual disclosed in an application as 23159  
required by division (A)(2) of section 1322.03 of the Revised Code 23160  
shall do any of the following: 23161

(A) Obtain a mortgage broker certificate of registration or 23162  
loan originator license through any false or fraudulent 23163  
representation of a material fact or any omission of a material 23164  
fact required by state law, or make any substantial 23165  
misrepresentation in any registration or license application; 23166

(B) Make false or misleading statements of a material fact, 23167  
omissions of statements required by state or federal law, or false 23168  
promises regarding a material fact, through advertising or other 23169  
means, or engage in a continued course of misrepresentations; 23170

(C) Engage in conduct that constitutes improper, fraudulent, 23171

or dishonest dealings;	23172
(D) Fail to notify the division of financial institutions	23173
within thirty days after <del>the registrant, licensee, or applicant,</del>	23174
<del>in a court of competent jurisdiction of this state or any other</del>	23175
<del>state, is any of the following:</del>	23176
<u>(1) Being convicted of or pleading guilty to a felony in a</u>	23177
<u>domestic, foreign, or military court;</u>	23178
<u>(2) Being</u> convicted of or <del>pleads</del> <u>pleading</u> guilty to any	23179
criminal offense involving theft, receiving stolen property,	23180
embezzlement, forgery, fraud, passing bad checks, money	23181
laundering, <u>breach of trust, dishonesty,</u> or drug trafficking, or	23182
any criminal offense involving money or securities;	23183
<u>(3) Having a mortgage broker certificate of registration or</u>	23184
<u>loan originator license, or any comparable authority, revoked in</u>	23185
<u>any governmental jurisdiction.</u>	23186
(E) Knowingly make, propose, or solicit fraudulent, false, or	23187
misleading statements on any mortgage <u>loan</u> document or on any	23188
document related to a mortgage <u>loan</u> , including a mortgage	23189
application, real estate appraisal, or real estate settlement or	23190
closing document. For purposes of this division, "fraudulent,	23191
false, or misleading statements" does not include mathematical	23192
errors, inadvertent transposition of numbers, typographical	23193
errors, or any other bona fide error.	23194
(F) Knowingly instruct, solicit, propose, or otherwise cause	23195
a buyer to sign in blank a mortgage related document;	23196
(G) Knowingly compensate, instruct, induce, coerce, or	23197
intimidate, or attempt to compensate, instruct, induce, coerce, or	23198
intimidate, a person licensed or certified under Chapter 4763. of	23199
the Revised Code for the purpose of corrupting or improperly	23200
influencing the independent judgment of the person with respect to	23201
the value of the dwelling offered as security for repayment of a	23202

mortgage loan; 23203

(H) Promise to refinance a loan in the future at a lower 23204  
interest rate or with more favorable terms, unless the promise is 23205  
set forth in writing and is initialed by the buyer. 23206

**Sec. 1322.071.** (A) As used in this section, "bona fide third 23207  
party" has the same meaning as in section 1322.08 of the Revised 23208  
Code. 23209

(B) No mortgage broker, registrant, loan originator, or 23210  
licensee shall do any of the following: 23211

(1) Retain original documents provided to the mortgage 23212  
broker, registrant, loan originator, or licensee by the buyer in 23213  
connection with the residential mortgage loan application, 23214  
including income tax returns, account statements, or other 23215  
financial related documents; 23216

(2) Receive, directly or indirectly, a premium on the fees 23217  
charged for services performed by a bona fide third party; 23218

(3) Pay or receive, directly or indirectly, a referral fee or 23219  
kickback of any kind to or from a bona fide third party or other 23220  
party with a related interest in the transaction, ~~such as~~ 23221  
including a home improvement builder, real estate developer, or 23222  
real estate broker or agent, for the referral of business. 23223

(C)(1) No registrant, through its operations manager or 23224  
otherwise, shall fail to reasonably supervise a loan originator or 23225  
other persons employed by or associated with the registrant. 23226

(2) No registrant shall fail to establish reasonable 23227  
procedures designed to avoid violations of sections 1322.01 to 23228  
1322.12 of the Revised Code or rules adopted thereunder, or 23229  
violations of applicable state and federal consumer and lending 23230  
laws or rules, by loan originators or other persons employed by or 23231  
associated with the registrant. 23232



**Sec. 1322.072.** No person, in connection with any examination 23233  
or investigation conducted by the superintendent of financial 23234  
institutions under sections 1322.01 to 1322.12 of the Revised 23235  
Code, shall knowingly do ~~either~~ any of the following: 23236

(A) Circumvent, interfere with, obstruct, or fail to 23237  
cooperate, including making a false or misleading statement, 23238  
failing to produce records, or intimidating or suborning any 23239  
witness; 23240

(B) Tamper with, alter, or manufacture any evidence; 23241

(C) Withhold, abstract, remove, mutilate, destroy, or secrete 23242  
any books, records, computer records, or other information. 23243

**Sec. 1322.074.** (A) ~~As used in this section and section~~ 23244  
~~1322.075 of the Revised Code:~~ 23245

~~(1) "Appraisal company" means a sole proprietorship,~~ 23246  
~~partnership, corporation, limited liability company, or any other~~ 23247  
~~business entity or association, that employs or retains the~~ 23248  
~~services of a person licensed or certified under Chapter 4763. of~~ 23249  
~~the Revised Code for purposes of performing residential real~~ 23250  
~~estate appraisals for mortgage loans.~~ 23251

~~(2) "Immediate family" means a spouse residing in the~~ 23252  
~~person's household and any dependent child.~~ 23253

~~(B)~~ Except as otherwise provided in division ~~(C)~~(B) of this 23254  
section, no registrant, or any member of the ~~registrant's~~ 23255  
immediate family of an owner of a registrant, shall own or control 23256  
a majority interest in an appraisal company. 23257

~~(C)~~(B) Division ~~(B)~~(A) of this section shall not apply to any 23258  
registrant, or any member of the ~~registrant's~~ immediate family of 23259  
an owner of a registrant, who, on the effective date of this 23260  
~~section amendment~~, owns or controls a majority interest in an 23261

appraisal company. However, such ownership or control is subject 23262  
to the following conditions: 23263

(1) The registrant and members of the ~~registrant's~~ immediate 23264  
family of an owner of a registrant shall not increase their 23265  
interest in the company. 23266

(2) The interest is not transferable to a member of the 23267  
~~registrant's~~ immediate family of an owner of a registrant. 23268

(3) If the registrant is convicted of or pleads guilty to a 23269  
criminal violation of sections 1322.01 to 1322.12 of the Revised 23270  
Code or any criminal offense described in division (A)(1)(b) of 23271  
section 1322.10 of the Revised Code, the superintendent of 23272  
financial institutions may, as an alternative in addition to any 23273  
of the actions authorized under section 1322.10 of the Revised 23274  
Code, order the registrant or members of the ~~registrant's~~ 23275  
immediate family of an owner of a registrant to divest their 23276  
interest in the company. 23277

**Sec. 1322.075.** (A) No registrant or licensee or person 23278  
required to be registered or licensed under ~~this chapter~~ sections 23279  
1322.01 to 1322.12 of the Revised Code shall refer a buyer to any 23280  
settlement service provider, including any title insurance 23281  
company, without providing the buyer with written notice 23282  
disclosing all of the following: 23283

(1) Any business relationship that exists between the 23284  
registrant, licensee, or person required to be registered or 23285  
licensed under ~~this chapter~~ sections 1322.01 to 1322.12 of the 23286  
Revised Code, and the provider to which the buyer is being 23287  
referred, and any financial benefit that the registrant, licensee, 23288  
or person may be provided because of the relationship; 23289

(2) The percentage of ownership interest the registrant, 23290  
licensee, or person required to be registered or licensed under 23291

~~this chapter~~ sections 1322.01 to 1322.12 of the Revised Code has 23292  
in the provider to which the buyer is being referred; 23293

(3) The estimated charge or range of charges for the 23294  
settlement service listed; 23295

(4) The following statement, printed in boldface type of the 23296  
minimum size of sixteen points: "There are frequently other 23297  
settlement service providers available with similar services. You 23298  
are free to shop around to determine that you are receiving the 23299  
best services and the best rate for these services." 23300

(B) No registrant or licensee shall refer a buyer to an 23301  
appraisal company, if the registrant or licensee, a member of the 23302  
immediate family of an owner of the registrant, or a member of the 23303  
~~registrant's or~~ licensee's immediate family, has either of the 23304  
following financial relationships with the appraisal company: 23305

(1) An ownership or investment interest in the company, 23306  
whether through debt, equity, or other means; 23307

(2) Any compensation arrangement involving any remuneration, 23308  
directly or indirectly, overtly or covertly, in cash or in kind. 23309

(C) No registrant or licensee shall knowingly enter into an 23310  
arrangement or scheme, including a cross-referral arrangement, 23311  
that has a principal purpose of assuring referrals by a registrant 23312  
or licensee to a particular appraisal company that would violate 23313  
division (B) of this section. 23314

(D) The registrant, licensee, or person required to be 23315  
registered or licensed under ~~this chapter~~ sections 1322.01 to 23316  
1322.12 of the Revised Code shall retain proof that the buyer 23317  
received the written disclosures required by division (A) of this 23318  
section for four years. 23319

**Sec. 1322.08.** (A) No registrant shall fail to do any of the 23320  
following: 23321

(1) Maintain a special account;	23322
(2) Deposit into the registrant's special account any bona fide third-party fee the registrant receives;	23323 23324
(3) Pay bona fide third-party fees to a bona fide third party from the registrant's special account.	23325 23326
(B) Except as otherwise provided in <del>this division</del> <u>sections 1322.01 to 1322.12 of the Revised Code</u> , no registrant shall charge or receive, directly or indirectly, fees for assisting a buyer in obtaining a <u>residential</u> mortgage <u>loan</u> , until all of the services that the registrant has agreed to perform for the buyer are completed, and the proceeds of the <u>residential</u> mortgage loan have been disbursed to or on behalf of the buyer. However, prior to completion of such services the following fees may be paid for services performed by a bona fide third party in assisting the buyer to obtain a <u>residential</u> mortgage <u>loan</u> if the fees are either paid directly by the buyer to the bona fide third party or, except as provided in division (B)(5) of this section, the fees are deposited by the registrant into the registrant's special account for services performed by the bona fide third party:	23327 23328 23329 23330 23331 23332 23333 23334 23335 23336 23337 23338 23339 23340
(1) Fees to obtain a report from a credit reporting agency;	23341
(2) Fees for notary services;	23342
(3) Fees for the performance of a title search, appraisal of the real estate, or survey of the real estate;	23343 23344
(4) Fees charged by a lender for locking in an interest rate in connection with obtaining or refinancing a <u>residential</u> mortgage <u>loan</u> , provided that the fees do not exceed an amount equal to one and one-half per cent of the mortgage loan amount;	23345 23346 23347 23348
(5) Fees not exceeding five hundred dollars paid directly by the buyer to a state or federal government agency or instrumentality for purposes of processing a mortgage application	23349 23350 23351

relating to a government sponsored or guaranteed mortgage program. 23352

(C) If fees are paid by a buyer for the performance of any of 23353  
the services described in division (B)(3) of this section and the 23354  
registrant is unable to assist in obtaining a mortgage for the 23355  
buyer, the registrant shall return to the buyer the original 23356  
documents prepared by the bona fide third party at the time that 23357  
the request for the mortgage is refused or denied. With respect to 23358  
any appraisal, however, the registrant may return either the 23359  
original or a copy. No registrant shall fail to comply with this 23360  
division. 23361

(D) For purposes of this section: 23362

(1) "Bona fide third party" means a person that is not an 23363  
employee of, related to, or affiliated with, the registrant, and 23364  
that is not used for the purpose of circumvention or evasion of 23365  
this section. 23366

(2) "Special account" means ~~a~~ an insured depository account 23367  
with a ~~financial depository~~ institution, ~~the deposits of which are~~ 23368  
~~insured by the federal deposit insurance corporation~~, that is 23369  
separate and distinct from any personal or other account of the 23370  
registrant, and that is maintained solely for the holding and 23371  
payment of fees described in this section for services performed 23372  
by bona fide third parties and received by the registrant from 23373  
buyers that the registrant assists in obtaining mortgages. 23374

**Sec. 1322.081.** (A) A registrant, licensee, and any person 23375  
required to be registered or licensed under ~~this chapter~~ sections 23376  
1322.01 to 1322.12 of the Revised Code, in addition to duties 23377  
imposed by other statutes or common law, shall do all of the 23378  
following: 23379

(1) Safeguard and account for any money handled for the 23380  
~~borrower~~ buyer; 23381

(2) Follow reasonable and lawful instructions from the	23382
<del>borrower</del> <u>buyer</u> ;	23383
(3) Act with reasonable skill, care, and diligence;	23384
(4) Act in good faith and with fair dealing in any	23385
transaction, practice, or course of business in connection with	23386
the brokering or originating of any <u>residential</u> mortgage loan;	23387
(5) Make reasonable efforts to secure a <u>residential</u> mortgage	23388
loan, from lenders with whom the registrant, licensee, or person	23389
regularly does business, with rates, charges, and repayment terms	23390
that are advantageous to the <del>borrower</del> <u>buyer</u> .	23391
(B) Division (A) of this section shall not apply to wholesale	23392
lenders. However, wholesale lenders are subject to all other	23393
requirements applicable to mortgage brokers and nonbank mortgage	23394
lenders. For purposes of this division, "wholesale lender" means a	23395
company that has been issued a mortgage broker certificate of	23396
registration and that enters into transactions with buyers	23397
exclusively through unaffiliated third-party mortgage brokers.	23398
(C) The duties and standards of care created in this section	23399
cannot be waived or modified.	23400
(D)(1) A buyer injured by a violation of this section may	23401
bring an action for recovery of damages.	23402
(2) Damages awarded under division (D)(1) of this section	23403
shall not be less than all compensation paid directly or	23404
indirectly to a mortgage broker from any source, plus reasonable	23405
attorney's fees and court costs.	23406
(3) The buyer may be awarded punitive damages.	23407
(E) A buyer injured by a violation of this section is	23408
precluded from recovering any damages, plus reasonable attorney's	23409
fees and costs, if the buyer has also recovered any damages in a	23410
cause of action initiated under section 1322.11 of the Revised	23411

Code and the recovery of damages for a violation of this section 23412  
is based on the same acts or circumstances as the basis for 23413  
recovery of damages in section 1322.11 of the Revised Code. 23414

**Sec. 1322.09.** (A) A mortgage broker or loan originator shall 23415  
disclose in any printed, televised, broadcast, electronically 23416  
transmitted, or published advertisement relating to the mortgage 23417  
broker's or loan's originator services, including on any 23418  
electronic site accessible through the internet, the name and 23419  
street address of the mortgage broker or loan's originator and the 23420  
number designated on the certificate of registration or license 23421  
that is issued to the mortgage broker or loan originator by the 23422  
superintendent of financial institutions under sections 1322.01 to 23423  
1322.12 of the Revised Code. 23424

(B) In making any advertisement, a mortgage broker shall 23425  
comply with 12 C.F.R. 226.16, as amended. 23426

(C) No mortgage broker or loan originator shall fail to 23427  
comply with this section. 23428

**Sec. 1322.10.** (A) After notice and opportunity for a hearing 23429  
conducted in accordance with Chapter 119. of the Revised Code, the 23430  
superintendent of financial institutions may do the following: 23431

(1) Suspend, revoke, or refuse to issue or renew a 23432  
certificate of registration or license if the superintendent finds 23433  
~~either~~ any of the following: 23434

(a) A violation of or failure to comply with any provision of 23435  
sections 1322.01 to 1322.12 of the Revised Code or the rules 23436  
adopted under those sections, federal lending law, or any other 23437  
law applicable to the business conducted under a certificate of 23438  
registration or license; 23439

(b) A conviction of or guilty plea to a felony in a domestic, 23440  
foreign, or military court; 23441

(c) A conviction of or guilty plea to any criminal offense 23442  
involving theft, receiving stolen property, embezzlement, forgery, 23443  
fraud, passing bad checks, money laundering, breach of trust, 23444  
dishonesty, or drug trafficking, or any criminal offense involving 23445  
money or securities, in a domestic, foreign, or military court; 23446

(d) The revocation of a mortgage broker certificate of 23447  
registration or loan originator license, or any comparable 23448  
authority, in any governmental jurisdiction. 23449

(2) Impose a fine of not more than one thousand dollars, for 23450  
each day a violation of a law or rule is committed, repeated, or 23451  
continued. If the registrant or licensee engages in a pattern of 23452  
repeated violations of a law or rule, the superintendent may 23453  
impose a fine of not more than two thousand dollars for each day 23454  
the violation is committed, repeated, or continued. All fines 23455  
collected pursuant to this division shall be paid to the treasurer 23456  
of state to the credit of the consumer finance fund created in 23457  
section 1321.21 of the Revised Code. In determining the amount of 23458  
a fine to be imposed pursuant to this division, the superintendent 23459  
~~shall~~ may consider all of the following, to the extent known by 23460  
the division of financial institutions: 23461

(a) The seriousness of the violation; 23462

(b) The registrant's or licensee's good faith efforts to 23463  
prevent the violation; 23464

(c) The registrant's or licensee's history regarding 23465  
violations and compliance with division orders; 23466

(d) The registrant's or licensee's financial resources; 23467

(e) Any other matters the superintendent considers 23468  
appropriate in enforcing sections 1322.01 to 1322.12 of the 23469  
Revised Code. 23470

(B) The superintendent may investigate alleged violations of 23471



sections 1322.01 to 1322.12 of the Revised Code or the rules 23472  
adopted under those sections or complaints concerning any ~~such~~ 23473  
violation. ~~The~~ 23474

(1) The superintendent may make application to the court of 23475  
common pleas for an order enjoining any ~~such~~ violation, and, upon 23476  
a showing by the superintendent that a person has committed or is 23477  
about to commit ~~such a~~ that violation, the court shall grant an 23478  
injunction, restraining order, or other appropriate relief. 23479

(2) The superintendent may make application to the court of 23480  
common pleas for an order enjoining any person from acting as a 23481  
mortgage broker, registrant, loan originator, or licensee in 23482  
violation of division (A) or (B) of section 1322.02 of the Revised 23483  
Code, and may seek and obtain civil penalties for unregistered or 23484  
unlicensed conduct of not more than five thousand dollars per 23485  
violation. 23486

(C) In conducting any investigation pursuant to this section, 23487  
the superintendent may compel, by subpoena, witnesses to testify 23488  
in relation to any matter over which the superintendent has 23489  
jurisdiction and may require the production of any book, record, 23490  
or other document pertaining to that matter. If a person fails to 23491  
file any statement or report, obey any subpoena, give testimony, 23492  
produce any book, record, or other document as required by a 23493  
subpoena, or permit photocopying of any book, record, or other 23494  
document subpoenaed, the court of common pleas of any county in 23495  
this state, upon application made to it by the superintendent, 23496  
shall compel obedience by attachment proceedings for contempt, as 23497  
in the case of disobedience of the requirements of a subpoena 23498  
issued from the court or a refusal to testify therein. 23499

(D) If the superintendent determines that a person is engaged 23500  
in or is believed to be engaged in activities that may constitute 23501  
a violation of sections 1322.01 to 1322.12 of the Revised Code or 23502  
any rule adopted thereunder, the superintendent, after notice and 23503

a hearing conducted in accordance with Chapter 119. of the Revised Code, may issue a cease and desist order or seek or impose fines of not more than five thousand dollars per violation. Such an order shall be enforceable in the court of common pleas.

(E) If the superintendent revokes ~~the~~ a mortgage broker certificate of registration or loan originator license of a registrant or licensee who is convicted of or pleads guilty to a criminal violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any criminal offense described in division (A)(1)(b) of this section, the revocation shall be permanent and with prejudice.

(F)(1) To protect the public interest, the superintendent may, without a prior hearing, do any of the following:

(a) Suspend the mortgage broker certificate of registration or loan originator license of a registrant or licensee who is convicted of or pleads guilty to a criminal violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any criminal offense described in division (A)(1)(b) or (c) of this section;

(b) Suspend the mortgage broker certificate of registration of a registrant who violates division (F) of section 1322.05 of the Revised Code;

(c) Suspend the mortgage broker certificate of registration or loan originator license of a registrant or licensee who fails to comply with a request made by the superintendent under section 1322.03 or 1322.031 of the Revised Code to inspect qualifying education transcripts located at the registrant's or licensee's place of business.

(2) The superintendent ~~shall, without a prior hearing, suspend the certificate of registration of a registrant whose operations manager has failed to fulfill the continuing education~~

~~requirements of section 1322.052 of the Revised Code and suspend 23535  
the license of a licensee who has failed to fulfill those 23536  
continuing education requirements. The suspension shall continue 23537  
until such time as the required continuing education is completed 23538  
and a fine of five hundred dollars is paid to the treasurer of 23539  
state to the credit of the consumer finance fund. 23540~~

~~(3) The superintendent may, in accordance with Chapter 119. 23541  
of the Revised Code, subsequently revoke any registration or 23542  
license suspended under division (F)(1) of this section. 23543~~

~~(4)(3) The superintendent shall, in accordance with Chapter 23544  
119. of the Revised Code, adopt rules establishing the maximum 23545  
amount of time a suspension under division (F)(1) of this section 23546  
may continue before a hearing is conducted. 23547~~

~~(G) The imposition of fines under this section does not 23548  
preclude any penalty imposed under section 1322.99 of the Revised 23549  
Code. 23550~~

**Sec. 1322.11.** (A)(1) A buyer injured by a violation of 23551  
section 1322.02, 1322.062, 1322.063, 1322.064, 1322.07, 1322.071, 23552  
1322.08, or 1322.09 of the Revised Code may bring an action for 23553  
recovery of damages. 23554

(2) Damages awarded under division (A)(1) of this section 23555  
shall not be less than all compensation paid directly and 23556  
indirectly to a mortgage broker or loan originator from any 23557  
source, plus reasonable attorney's fees and court costs. 23558

(3) The buyer may be awarded punitive damages. 23559

(B)(1) The superintendent of financial institutions or a 23560  
buyer may directly bring an action to enjoin a violation of 23561  
sections 1322.01 to 1322.12 of the Revised Code. The attorney 23562  
general may directly bring an action to enjoin a violation of 23563  
sections 1322.01 to 1322.12 of the Revised Code with the same 23564

rights, privileges, and powers as those described in section 23565  
1345.06 of the Revised Code. The prosecuting attorney of the 23566  
county in which the action may be brought may bring an action to 23567  
enjoin a violation of sections 1322.01 to 1322.12 of the Revised 23568  
Code only if the prosecuting attorney first presents any evidence 23569  
of the violation to the attorney general and, within a reasonable 23570  
period of time, the attorney general has not agreed to bring the 23571  
action. 23572

(2) The superintendent may initiate criminal proceedings 23573  
under sections 1322.01 to 1322.12 of the Revised Code by 23574  
presenting any evidence of criminal violation to the prosecuting 23575  
attorney of the county in which the offense may be prosecuted. If 23576  
the prosecuting attorney does not prosecute the violations, or at 23577  
the request of the prosecuting attorney, the superintendent shall 23578  
present any evidence of criminal violations to the attorney 23579  
general, who may proceed in the prosecution with all the rights, 23580  
privileges, and powers conferred by law on prosecuting attorneys, 23581  
including the power to appear before grand juries and to 23582  
interrogate witnesses before such grand juries. These powers of 23583  
the attorney general shall be in addition to any other applicable 23584  
powers of the attorney general. 23585

(3) The prosecuting attorney of the county in which an 23586  
alleged offense may be prosecuted may initiate criminal 23587  
proceedings under sections 1322.01 to 1322.12 of the Revised Code. 23588

(4) In order to initiate criminal proceedings under sections 23589  
1322.01 to 1322.12 of the Revised Code, the attorney general shall 23590  
first present any evidence of criminal violations to the 23591  
prosecuting attorney of the county in which the alleged offense 23592  
may be prosecuted. If, within a reasonable period of time, the 23593  
prosecuting attorney has not agreed to prosecute the violations, 23594  
the attorney general may proceed in the prosecution with all the 23595  
rights, privileges, and powers described in division (B)(2) of 23596

this section. 23597

(5) When a judgment under this section becomes final, the 23598  
clerk of court shall mail a copy of the judgment, including 23599  
supporting opinions, to the superintendent. 23600

(C) The remedies provided by this section are in addition to 23601  
any other remedy provided by law. 23602

(D) In any proceeding or action brought under sections 23603  
1322.01 to 1322.12 of the Revised Code, the burden of proving an 23604  
exemption under those sections is on the person claiming the 23605  
benefit of the exemption. 23606

(E) No person shall be deemed to violate sections 1322.01 to 23607  
1322.12 of the Revised Code with respect to any act taken or 23608  
omission made in reliance on a written notice, written 23609  
interpretation, or written report from the superintendent, unless 23610  
there is a subsequent amendment to those sections, or rules 23611  
promulgated thereunder, that affects the superintendent's notice, 23612  
interpretation, or report. 23613

(F) Upon disbursement of mortgage loan proceeds to or on 23614  
behalf of the buyer, the registrant that assisted the buyer to 23615  
obtain the mortgage loan is deemed to have completed the 23616  
performance of the registrant's services for the buyer and owes no 23617  
additional duties or obligations to the buyer with respect to the 23618  
mortgage loan. However, nothing in this division shall be 23619  
construed to limit or preclude the civil or criminal liability of 23620  
a registrant for failing to comply with sections 1322.01 to 23621  
1322.12 of the Revised Code or any rule adopted under those 23622  
sections, for failing to comply with any provision of or duty 23623  
arising under an agreement with a buyer or lender under sections 23624  
1322.01 to 1322.12 of the Revised Code, or for violating any other 23625  
provision of state or federal law. 23626

(G) A buyer injured by a violation of any of the sections 23627

specified in division (A)(1) of this section is precluded from 23628  
recovering any damages, plus reasonable attorney's fees and costs, 23629  
if the buyer has also recovered any damages in a cause of action 23630  
initiated under section 1322.081 of the Revised Code and the 23631  
recovery of damages for a violation of any of the sections 23632  
specified in division (A)(1) of this section is based on the same 23633  
acts or circumstances as the basis for recovery of damages in 23634  
section 1322.081 of the Revised Code. 23635

**Sec. 1327.46.** ~~(A)~~ As used in sections 1327.46 to 1327.71 of 23636  
the Revised Code: 23637

(A) "Weights and measures" means all weights and measures of 23638  
every kind, instruments and devices for weighing and measuring, 23639  
and any appliances and accessories associated with any such 23640  
instruments and devices, except that the term shall not be 23641  
construed to include meters for the measurement of electricity, 23642  
gas, whether natural or manufactured, or water when the same are 23643  
operated in a public utility system. Such electricity, gas, and 23644  
water meters, and appliances or accessories associated therewith 23645  
are specifically excluded from the purview of the weights and 23646  
measures laws. 23647

(B) "Intrastate commerce" means all commerce or trade that is 23648  
begun, carried on, and completed wholly within the limits of this 23649  
state, and "introduced into intrastate commerce" defines the time 23650  
and place in which the first sale and delivery of a commodity is 23651  
made within the state, the delivery being made either directly to 23652  
the purchaser or to a common carrier for shipment to the 23653  
purchaser. 23654

(C) "Package" means any commodity put up or packaged in any 23655  
manner in advance of sale in units suitable for either wholesale 23656  
or retail sale. 23657

(D) "Consumer package" means a package that is customarily 23658

produced or distributed for sale through a retail sales agency for 23659  
consumption by an individual or use by an individual. 23660

(E) "Weight" as used in connection with any commodity means 23661  
net weight. 23662

(F) "Correct" as used in connection with weights and measures 23663  
means conformity with all applicable requirements of sections 23664  
1327.46 to ~~1327.61~~ 1327.71 of the Revised Code and rules adopted 23665  
pursuant to those sections. 23666

(G) "Primary standards" means the physical standards of the 23667  
state that serve as the legal reference from which all other 23668  
standards and weights and measures are derived. 23669

(H) "Secondary standards" means the physical standards that 23670  
are traceable to the primary standards through comparisons, using 23671  
acceptable laboratory procedures, and used in the enforcement of 23672  
weights and measures laws and rules. 23673

(I) "Sale from bulk" means the sale of commodities when the 23674  
quantity is determined at the time of sale. 23675

(J) "Net weight" means the weight of a commodity, excluding 23676  
any materials, substances, or items not considered to be a part of 23677  
the commodity. Materials, substances, or items not considered to 23678  
be part of the commodity include, but are not limited to, 23679  
containers, conveyances, bags, wrappers, packaging materials, 23680  
labels, individual piece coverings, decorative accompaniments, and 23681  
coupons. 23682

(K) "Random weight package" means a package that is one of a 23683  
lot, shipment, or delivery of packages of the same commodity with 23684  
no fixed pattern of weights. 23685

(L) "Motor fuel" means any liquid or gaseous matter that is 23686  
used individually or blended for the generation of power in an 23687  
internal combustion engine. 23688

(M) "ASTM" means the American society for testing and materials. 23689  
23690

(N) "NIST handbook 130" means the national institute of standards and technology handbook 130 "uniform laws and regulations in the areas of legal metrology and engine fuel quality." 23691  
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(O) "Petroleum products" means products that are obtained from the distilling and processing of crude oil and refinery blend stocks. 23695  
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(P) "Sold" includes keeping, offering, or exposing for sale. 23698

(Q) "Commercially used weighing and measuring device" means a device described in the national institute of standards and technology handbook 44 or its supplements and revisions and any other weighing and measuring device designated by rules adopted under section 1327.501 of the Revised Code. 23699  
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**Sec. 1327.50.** The director of agriculture shall: 23704

(A) Maintain traceability of the state standards to those of the national institute of standards and technology; 23705  
23706

(B) Enforce sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised Code; 23707  
23708

(C) Issue reasonable rules for the uniform enforcement of sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised Code, which rules shall have the force and effect of law; 23709  
23710  
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(D) Establish standards of weight, measure, or count, reasonable standards of fill, and standards for the voluntary presentation of cost per unit information for any package; 23712  
23713  
23714

(E) Grant any exemptions from sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised Code, or any rules adopted under those sections, when appropriate to the maintenance of good commercial 23715  
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practices in the state;	23718
(F) Conduct investigations to ensure compliance with sections 1327.46 to <del>1327.61</del> <u>1327.71</u> of the Revised Code;	23719 23720
(G) Delegate to appropriate personnel any of these responsibilities for the proper administration of the director's office;	23721 23722 23723
(H) Test as often as is prescribed by rule the standards of weight and measure used by any municipal corporation or county within the state, and approve the same when found to be correct;	23724 23725 23726
(I) Inspect and test weights and measures <del>kept, offered, or exposed for sale</del> <u>that are sold</u> ;	23727 23728
(J) Inspect and test to ascertain if they are correct, weights and measures commercially used either:	23729 23730
(1) In determining the weight, measure, or count of commodities or things sold, <del>or offered or exposed for sale</del> , on the basis of weight, measure, or count;	23731 23732 23733
(2) In computing the basic charge or payment for goods or services rendered on the basis of weight, measure, or count.	23734 23735
(K) Test all weights and measures used in checking the receipt or disbursement of supplies in every institution, for the maintenance of which funds are appropriated by the general assembly;	23736 23737 23738 23739
(L) Approve for use, and may mark, such weights and measures as the director finds to be correct, and shall reject and mark as rejected such weights and measures as the director finds to be incorrect. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or disposed of in a manner not specifically authorized, and may be condemned and seized if found to be incorrect and not capable of being made correct.	23740 23741 23742 23743 23744 23745 23746 23747

(M) Weigh, measure, or inspect packaged commodities ~~kept,~~ 23748  
~~offered, or exposed for sale,~~ that are sold, or in the process of 23749  
delivery to determine whether they contain the amounts represented 23750  
and whether they are ~~kept, offered, or exposed for sale~~ sold in 23751  
accordance with sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised 23752  
Code or rules adopted under those sections. In carrying out this 23753  
section, the director shall employ recognized sampling procedures, 23754  
such as those designated in the national institute of standards 23755  
and technology handbook 133 "checking the net contents of packaged 23756  
goods." 23757

(N) Prescribe by rule the appropriate term or unit of weight 23758  
or measure to be used, whenever the director determines in the 23759  
case of a specific commodity that an existing practice of 23760  
declaring the quantity by weight, measure, numerical count, or 23761  
combination thereof, does not facilitate value comparisons by 23762  
consumers, or offers an opportunity for consumer confusion; 23763

(O) Allow reasonable variations from the stated quantity of 23764  
contents, which shall include those caused by unavoidable 23765  
deviations in good manufacturing practice and by loss or gain of 23766  
moisture during the course of good distribution practice, only 23767  
after the commodity has entered intrastate commerce; 23768

(P) Provide for the weights and measures training of 23769  
inspector personnel and establish minimum training requirements, 23770  
which shall be met by all inspector personnel, whether county, 23771  
municipal, or state; 23772

(Q) Prescribe the methods of tests and inspections to be 23773  
employed in the enforcement of sections 1327.46 to ~~1327.61~~ 1327.71 23774  
of the Revised Code. The director may prescribe the official test 23775  
and inspection forms to be used. 23776

(R) Provide by rule for voluntary registration with the 23777  
director of private weighing and measuring device servicing 23778

agencies, and personnel; 23779

(S) In conjunction with the national institute of standards 23780  
and technology, operate a type evaluation program for 23781  
certification of weighing and measuring devices as part of the 23782  
national type evaluation program and operate a metrology 23783  
laboratory program. The director shall establish a schedule of 23784  
fees for services rendered by the department of agriculture for 23785  
the type evaluation ~~services~~ program and the metrology laboratory 23786  
program. The director may require any weighing or measuring 23787  
instrument or device to be traceable to a national type evaluation 23788  
program certificate of conformance prior to use for commercial or 23789  
law enforcement purposes. 23790

(T) Administer the fuel quality testing program in accordance 23791  
with sections 1327.70 and 1327.71 of the Revised Code and rules 23792  
adopted under them. 23793

**Sec. 1327.501.** (A) On and after the effective date of the 23794  
rules adopted under this section, no person shall operate a 23795  
commercially used weighing and measuring device in this state 23796  
unless the operator of the device obtains a permit issued by the 23797  
director of agriculture or the director's designee. 23798

(B) An application for a permit shall be submitted to the 23799  
director on a form that the director prescribes and provides. The 23800  
applicant shall include with the application any information that 23801  
is specified on the application form as well as the application 23802  
fee established in rules adopted under this section. 23803

(C) Upon receipt of a completed application and the required 23804  
fee from an applicant, the director or the director's designee 23805  
shall issue or deny the permit to operate the commercially used 23806  
weighing and measuring device that was the subject of the 23807  
application. 23808

(D) A permit issued under this section expires on the thirtieth day of June of the year following its issuance and may be renewed annually on or before the first day of July of that year upon payment of a permit renewal fee established in rules adopted under this section. 23809  
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(E) If a permit renewal fee is more than sixty days past due, the director may assess a late penalty in an amount established by rules adopted under this section. 23814  
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(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following: 23817  
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(1) Establish procedures and requirements governing the issuance or denial of permits under this section; 23819  
23820

(2) Designate weighing and measuring devices for which a permit is required under this section in addition to those devices specified in the national institute of standards and technology handbook 44 or its supplements and revisions; 23821  
23822  
23823  
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(3) Establish application fees required to be paid by applicants for permits under this section; 23825  
23826

(4) Establish permit renewal fees required to be paid by permittees under this section; 23827  
23828

(5) Establish late penalties to be assessed for the late payment of a permit renewal fee and fees for the replacement of lost or destroyed permits. 23829  
23830  
23831

(G) All money collected through the payment of fees and the imposition of penalties under this section shall be credited to the metrology and scale certification and device permitting fund created in section 1327.511 of the Revised Code. 23832  
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23835

**Sec. 1327.51.** (A) When necessary for the enforcement of sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised Code or rules adopted pursuant thereto, the director of agriculture and any 23836  
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23838

weights and measures official acting under the authority of 23839  
section 1327.52 of the Revised Code may do any of the following: 23840

(1) Enter any commercial premises during normal business 23841  
hours, except that in the event such premises are not open to the 23842  
public, ~~he~~ the director or official shall first present ~~his~~ the 23843  
director's or official's credentials and obtain consent before 23844  
making entry thereto, unless a search warrant previously has been 23845  
obtained; 23846

(2) Issue stop-use, hold, and removal orders with respect to 23847  
any weights and measures commercially used, and stop-sale, hold, 23848  
and removal orders with respect to any packaged commodities or 23849  
bulk commodity observed to be or believed to be ~~kept, offered, or~~ 23850  
~~exposed for sale~~ sold; 23851

(3) Seize for use as evidence any incorrect or unapproved 23852  
weight or measure or any package or commodity found to be used, 23853  
retained, ~~offered or exposed for sale,~~ or sold in violation of 23854  
sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised Code or rules 23855  
~~promulgated~~ adopted pursuant thereto. 23856

(B) The director shall afford an opportunity for a hearing in 23857  
accordance with Chapter 119. of the Revised Code to any owner or 23858  
operator whose property is seized by the ~~Ohio~~ department of 23859  
agriculture. 23860

**Sec. 1327.511.** All money collected under ~~section~~ sections 23861  
1327.50 and 1327.501 of the Revised Code from fees and for 23862  
services rendered by the department of agriculture in operating 23863  
the type evaluation program, metrology laboratory program, and 23864  
device permitting program, as applicable, shall be deposited in 23865  
the state treasury to the credit of the metrology and scale 23866  
certification and device permitting fund, which is hereby created. 23867  
Money credited to the fund shall be used to pay operating costs 23868  
incurred by the department in administering the ~~program~~ division 23869

of weights and measures, including administrative costs incurred 23870  
by the division. 23871

**Sec. 1327.52.** Any weights and measures official elected or 23872  
appointed for a county or ~~municipality~~ municipal corporation shall 23873  
have the duties enumerated in divisions (I) to ~~(M)~~(L) of section 23874  
1327.50 of the Revised Code; the duties enumerated in division 23875  
(M) of section 1327.50 of the Revised Code with the exception of 23876  
duties enumerated in sections 1327.501, 1327.511, 1327.62, 23877  
1327.65, 1327.70, and 1327.71 of the Revised Code; and the powers 23878  
enumerated in section 1327.51 of the Revised Code. These powers 23879  
and duties shall extend to the respective jurisdictions, except 23880  
that the jurisdiction of a county official shall not extend to any 23881  
municipal corporation for which a weights and measures official 23882  
has been appointed. The director of agriculture shall advise and 23883  
assist these officials. 23884

**Sec. 1327.54.** No person shall misrepresent the price of any 23885  
commodity or service sold, ~~offered, exposed,~~ or advertised for 23886  
sale by weight, measure, or count, nor represent the price in any 23887  
manner calculated or tending to mislead or in any way deceive a 23888  
person. 23889

**Sec. 1327.57.** (A) Except as otherwise provided by law, any 23890  
consumer package or commodity in package form introduced or 23891  
delivered for introduction into or received in intrastate 23892  
commerce, ~~kept for the purpose of sale, or offered or exposed for~~ 23893  
~~sale~~ sold in intrastate commerce shall bear on the outside of the 23894  
package a definite, plain, and conspicuous declaration, as may be 23895  
prescribed by rule adopted by the director of agriculture, of any 23896  
of the following, as applicable: 23897

(1) The identity of the commodity in the package unless the 23898  
same can easily be identified through the wrapper or container; 23899

(2) The net quantity of the contents in terms of weight, 23900  
measure, or count; 23901

(3) In the case of any package ~~kept, or offered or exposed~~ 23902  
~~for sale, or~~ sold at any place other than on the premises where 23903  
packed, the name and place of business of the manufacturer, 23904  
packer, or distributor. 23905

This section does not apply to beer or intoxicating liquor as 23906  
defined in section 4301.01 of the Revised Code, or packages 23907  
thereof, or to malt or brewer's wort, or packages thereof. 23908

(B) Under division (A)(2) of this section, neither the 23909  
qualifying term "when packed" or any words of similar import, nor 23910  
any term qualifying a unit of weight, measure, or count that tends 23911  
to exaggerate the amount of commodity in a package, shall be used. 23912

(C) In addition to the declarations required by division (A) 23913  
of this section, any package or commodity in package form, if the 23914  
package is one of a lot containing random weights, measures, or 23915  
counts of the same commodity and bears the total selling price of 23916  
the package, shall bear on the outside of the package a plain and 23917  
conspicuous declaration of the price per single unit of weight, 23918  
measure, or count. 23919

(D) No package or commodity in package form shall be so 23920  
wrapped, nor shall it be in a container so made, formed, or 23921  
filled, as to mislead the purchaser as to the quantity of the 23922  
contents of the package, and the contents of a container shall not 23923  
fall below any reasonable standard of fill that may have been 23924  
prescribed for the commodity in question by the director. 23925

**Sec. 1327.58.** Irrespective of whether or not there exists an 23926  
adequate remedy at law, the director of agriculture may apply to 23927  
any court of competent jurisdiction for a temporary or permanent 23928  
injunction or other appropriate relief restraining any person from 23929

continued violation of sections 1327.46 to ~~1327.61~~ 1327.71 of the 23930  
Revised Code and of ~~regulations promulgated~~ rules adopted 23931  
thereunder. 23932

**Sec. 1327.60.** Enactment of sections 1327.46 to ~~1327.61~~ 23933  
1327.71 of the Revised Code does not affect any ~~regulations~~ 23934  
~~promulgated~~ rules adopted pursuant to the authority of any earlier 23935  
enabling statute unless inconsistent with sections 1327.46 to 23936  
~~1327.61~~ 1327.71 of the Revised Code or modified or revoked by the 23937  
director of agriculture. 23938

**Sec. 1327.62.** Whenever the director of agriculture, or ~~his~~ 23939  
the director's designee, has cause to believe that any person has 23940  
violated, or is violating, ~~section 1327.54 or 1327.61~~ any 23941  
provision of sections 1327.46 to 1327.71 of the Revised Code or 23942  
rules adopted under them, ~~he~~ the director, or ~~his~~ the director's 23943  
designee, may conduct a hearing in accordance with Chapter 119. of 23944  
the Revised Code to determine whether a violation has occurred. If 23945  
the director or ~~his~~ the director's designee determines that the 23946  
person has violated or is violating ~~section 1327.54 or 1327.61~~ any 23947  
provision of sections 1327.46 to 1327.71 of the Revised Code or 23948  
rules adopted under them, ~~he~~ the director or the director's 23949  
designee may assess a civil penalty against the person. The person 23950  
is liable for a civil penalty of not more than five hundred 23951  
dollars for a first violation; for a second violation the person 23952  
is liable for a civil penalty of not more than two thousand five 23953  
hundred dollars; for each subsequent violation that occurs within 23954  
five years after the second violation, the person is liable for a 23955  
civil penalty of not more than ten thousand dollars. 23956

Any person assessed a civil penalty under this section shall 23957  
pay the amount prescribed to the department of agriculture. The 23958  
department shall remit all moneys collected under this section to 23959  
the treasurer of state for deposit in the general revenue fund. 23960



<del>Sec. 1327.70. (A) As used in this section:</del>	23961
<del>(1) "Diesel fuel" has the same meaning as in section 5735.01 of the Revised Code.</del>	23962
<del>(2) "Motor fuel" means gasoline or diesel fuel that is sold by a retailer.</del>	23963
<del>(B) The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code establishing a motor fuel quality testing program that is uniform throughout the state. <u>The rules shall do all of the following:</u></del>	23964
<del>(A) <u>Establish fuel quality requirements that are modeled on the uniform laws and regulations in NIST handbook 130;</u></del>	23965
<del>(B) <u>Incorporate standards for motor fuel based on the standards developed by ASTM committee D02 on petroleum products;</u></del>	23966
<del>(C) <u>Establish requirements governing the standards and identity of fuels and petroleum and the advertising, posting of prices, and labeling of products;</u></del>	23967
<del>(D) <u>Establish any other procedures and requirements that are necessary to implement this section, including the imposition of penalties.</u></del>	23968
<del>Sec. 1327.71. <u>There is hereby created in the state treasury the fuel quality testing fund consisting of the proceeds of any fines resulting from penalties imposed in accordance with rules adopted under section 1327.70 of the Revised Code. Money in the fund shall be used to pay the costs incurred by the department of agriculture in implementing and administering the motor fuel quality testing program and the weights and measures program and to pay overhead costs of the department.</u></del>	23969
<del>Sec. 1327.99. <u>Whoever violates section 1327.501, section</u></del>	23970
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1327.54 ~~or~~ division (A), (B), (C), or (D) of section 1327.61, or 23989  
section 1327.70 of the Revised Code or rules adopted under those 23990  
sections is guilty of a misdemeanor of the second degree on a 23991  
first offense; on each subsequent offense within seven years after 23992  
the first offense, ~~such~~ the person is guilty of a misdemeanor of 23993  
the first degree. 23994

**Sec. 1332.24.** (A)(1) In accordance with section 1332.25 of 23995  
the Revised Code, the director of commerce may issue to any 23996  
person, or renew, a video service authorization, which 23997  
authorization confers on the person the authority, subject to 23998  
sections 1332.21 to 1332.34 of the Revised Code, to provide video 23999  
service in its video service area; construct and operate a video 24000  
service network in, along, across, or on public rights-of-way for 24001  
the provision of video service; and, when necessary to provide 24002  
that service, exercise the power of a telegraph company under 24003  
section 4931.04 of the Revised Code. The term of a video service 24004  
authorization or authorization renewal shall be ten years. 24005

(2) For the purposes of the "Cable Communications Policy Act 24006  
of 1984," Pub. L. No. 98-549, 98 Stat. 2779, 47 U.S.C. 521 et 24007  
seq., a video service authorization shall constitute a franchise 24008  
under that law, and the director shall be the sole franchising 24009  
authority under that law for video service authorizations in this 24010  
state. 24011

(3) The director may impose upon and collect an annual 24012  
assessment on video service providers. All money collected under 24013  
division (A)(3) of this section shall be deposited to the credit 24014  
of the division of administration fund created under section 24015  
121.08 of the Revised Code. The total amount assessed in a fiscal 24016  
year shall not exceed the lesser of four hundred fifty thousand 24017  
dollars or, as shall be determined annually by the director, the 24018  
department's actual, current fiscal year administrative costs in 24019

carrying out its duties under sections 1332.21 to 1332.34 of the 24020  
Revised Code. The director shall allocate that total amount 24021  
proportionately among the video service providers to be assessed, 24022  
using a formula based on subscriber counts as of the thirty-first 24023  
day of December of the preceding calendar year, which counts shall 24024  
be submitted to the director not later than the thirty-first day 24025  
of January of each year via a notarized statement signed by an 24026  
authorized officer. Any information submitted by a video service 24027  
provider to the director for the purpose of determining subscriber 24028  
counts shall be considered trade secret information, shall not be 24029  
disclosed except by court order, and shall not constitute a public 24030  
record under section 149.43 of the Revised Code. On or about the 24031  
first day of June of each year, the director shall send to each 24032  
video service provider to be assessed written notice of its 24033  
proportional amount of the total assessment. The provider shall 24034  
pay that amount not later than thirty days following the date the 24035  
notice is sent. After the initial assessment, the director 24036  
annually shall reconcile the amount collected with the total, 24037  
current amount assessed pursuant to this section, and either shall 24038  
charge each assessed video service provider its respective 24039  
proportion of any insufficiency or proportionately credit the 24040  
provider's next assessment for any excess collected. 24041

(B)(1) The director may investigate alleged violations of or 24043  
failures to comply with division (A) of section 1332.23, division 24044  
(A) of this section, division (C) of section 1332.25, division (C) 24045  
or (D) of section 1332.26, division (A), (B), or (C) of section 24046  
1332.27, division (A) of section 1332.28, division (A) or (B) of 24047  
section 1332.29, or section 1332.30 or 1332.31 of the Revised 24048  
Code, or complaints concerning any such violation or failure. 24049  
Except as provided in this section, the director has no authority 24050  
to regulate video service in this state, including, but not 24051  
limited to, the rates, terms, or conditions of that service. 24052

(2) In conducting an investigation under division (B)(1) of 24053  
this section, the director, by subpoena, may compel witnesses to 24054  
testify in relation to any matter over which the director has 24055  
jurisdiction and may require the production of any book, record, 24056  
or other document pertaining to that matter. If a person fails to 24057  
file any statement or report, obey any subpoena, give testimony, 24058  
produce any book, record, or other document as required by a 24059  
subpoena, or permit photocopying of any book, record, or other 24060  
document subpoenaed, the court of common pleas of any county in 24061  
this state, upon application made to it by the director, shall 24062  
compel obedience by attachment proceedings for contempt, as in the 24063  
case of disobedience of the requirements of a subpoena issued from 24064  
the court or a refusal to testify. 24065

(C)(1) If the director finds that a person has violated or 24066  
failed to comply with division (A) of section 1332.23, division 24067  
(A) of this section, division (C) of section 1332.25, division (C) 24068  
or (D) of section 1332.26, division (A), (B), or (C) of section 24069  
1332.27, division (A) of section 1332.28, division (A) or (B) of 24070  
section 1332.29, or section 1332.30 or 1332.31 of the Revised 24071  
Code, and the person has failed to cure the violation or failure 24072  
after reasonable, written notice and reasonable time to cure, the 24073  
director may do any of the following: 24074

(a) Apply to the court of common pleas of any county in this 24075  
state for an order enjoining the activity or requiring compliance. 24076  
Such an action shall be commenced not later than three years after 24077  
the date the alleged violation or failure occurred or was 24078  
reasonably discovered. Upon a showing by the director that the 24079  
person has engaged in a violation or failure to comply, the court 24080  
shall grant an injunction, restraining order, or other appropriate 24081  
relief. 24082

(b) Enter into a written assurance of voluntary compliance 24083  
with the person; 24084

(c) Pursuant to an adjudication under Chapter 119. of the Revised Code, assess a civil penalty in an amount determined by the director, including for any failure to comply with an assurance of voluntary compliance under division (C)(1)(b) of this section. The amount shall be not more than one thousand dollars for each day of violation or noncompliance, not to exceed a total of ten thousand dollars, counting all subscriber impacts as a single violation or act of noncompliance. In determining whether a civil penalty is appropriate under division (C)(1)(c) of this section, the director shall consider all of the following factors:

- (i) The seriousness of the noncompliance;
- (ii) The good faith efforts of the person to comply;
- (iii) The person's history of noncompliance;
- (iv) The financial resources of the person;
- (v) Any other matter that justice requires.

Civil penalties collected pursuant to division (C)(1)(c) of this section shall be deposited to the credit of the video service enforcement fund in the state treasury, which is hereby created, to be used by the department of commerce in carrying out its duties under this section.

(2) Pursuant to an adjudication under Chapter 119. of the Revised Code, the director may revoke, in whole or in part, the video service authorization of any person that has repeatedly and knowingly violated or failed to comply with division (A) of section 1332.23, division (A) of this section, division (C) of section 1332.25, division (C) or (D) of section 1332.26, division (A), (B), or (C) of section 1332.27, division (A) of section 1332.28, division (A) or (B) of section 1332.29, or section 1332.30 or 1332.31 of the Revised Code and that has failed to cure the violations or noncompliances after reasonable written notice and reasonable time to cure. Such person acts knowingly,

regardless of the person's purpose, when the person is aware that 24116  
the person's conduct will probably cause a certain result or will 24117  
probably be of a certain nature. A person has knowledge of 24118  
circumstances when the person is aware that such circumstances 24119  
probably exist. 24120

(3) The court shall conduct a de novo review in any appeal 24121  
from an adjudication under division (C)(1)(c) or (C)(2) of this 24122  
section. 24123

(D) The public utilities commission has no authority over a 24124  
video service provider in its offering of video service or a cable 24125  
operator in its offering of cable or video service, or over any 24126  
person in its offering of video service pursuant to a competitive 24127  
video service agreement. 24128

**Sec. 1332.25.** (A) An application made to the director of 24129  
commerce for a video service authorization under section 1332.24 24130  
of the Revised Code shall require and contain only the following: 24131

(1) Specification of the location of the applicant's 24132  
principal place of business and the names of the applicant's 24133  
principal executive officers; 24134

(2) Specification of the geographic and political boundaries 24135  
of the applicant's proposed video service area; 24136

(3) A general description of the type or types of 24137  
technologies the applicant will use to deliver the video 24138  
programming, which may include wireline, wireless, or any other 24139  
alternative technology, subject, as applicable, to section 1332.29 24140  
of the Revised Code; 24141

(4) An attestation that the applicant has filed or will 24142  
timely file with the federal communications commission all forms 24143  
required by that agency in advance of offering video service in 24144  
this state; 24145

(5) An attestation that the applicant will comply with applicable federal, state, and local laws;	24146 24147
(6) An attestation that the applicant is legally, financially, and technically qualified to provide video service;	24148 24149
(7) A description of the applicant's customer complaint handling process, including policies on addressing customer service issues, billing adjustments, and communication with government officials regarding customer complaints, and a local or toll-free telephone number at which a customer may contact the applicant.	24150 24151 24152 24153 24154 24155
(B) For the purpose of division (A)(2) of this section:	24156
(1) The video service areas of video service providers may overlap.	24157 24158
(2) A specified video service area shall be coextensive with municipal, township unincorporated area, or county boundaries, except as authorized under division (B)(3) or (4) of this section, but nothing in sections 1332.21 to 1332.34 of the Revised Code shall require a video service provider to provide access to video service within the entire video service area.	24159 24160 24161 24162 24163 24164
(3) The specified video service area of a person using telecommunications facilities to provide video service on <del>the effective date of this section</del> <u>September 24, 2007</u> , or of any other person later so using telecommunications facilities shall be the geographic area in which the person offers basic local exchange service.	24165 24166 24167 24168 24169 24170
(4) Subject to division (C)(2) of section 1332.27 of the Revised Code, the specified video service area of an applicant cable operator that offers service under a franchise in effect on <del>the effective date of this section</del> <u>September 24, 2007</u> , initially shall be, at minimum, the franchise area established under that franchise.	24171 24172 24173 24174 24175 24176

(C) A video service provider shall immediately file an application to amend its video service authorization with the director to reflect any change in the information required under division (A)(1), (2), or (3) of this section. An amendment pursuant to division (A)(2) of this section shall include any new delivery technology information required by division (A)(3) of this section.

(D) Within thirty days after its filing or within thirty days after the filing of supplemental information necessary to make it complete, the director shall determine the completeness of an application filed under division (A) or (C) of this section relative to the respective requirements of divisions (A), (B), and (C) of this section and, as applicable, shall notify the applicant of an incompleteness determination, state the bases for that determination, and inform the applicant that it may resubmit a corrected application. The director shall issue a video service authorization, authorization renewal, or amended authorization within fifteen days after the director's determination that the filed application is complete.

If the director does not notify the applicant regarding the completeness of the application within the time period specified in this division or does not issue the authorization requested by a completed application within the applicable time period, the application shall be deemed complete, and the authorization or amended authorization deemed issued on the forty-fifth day after the application's filing date.

(E) An applicant shall pay a two thousand dollar nonrefundable fee for each application filed under division (A) of this section and a one hundred dollar nonrefundable fee for each application to amend filed under division (C) of this section. Fees collected under this division shall be deposited to the credit of the video service authorization fund in the state



treasury, which is hereby created, to be used by the department of 24209  
commerce in carrying out its duties under ~~this section~~ sections 24210  
1332.21 to 1332.34 of the Revised Code. 24211

(F) No video service provider shall identify or make 24212  
reference to an application fee under division (E) of this section 24213  
or an assessment under section 1332.24 of the Revised Code on any 24214  
subscriber bill or in conjunction with charging any fee to the 24215  
subscriber. 24216

(G) An applicant may identify any information in its 24217  
application as trade secret information, and if, upon its written 24218  
request to the director, the director reasonably affirms all or 24219  
part of that information as trade secret information, the 24220  
information so affirmed does not constitute a public record for 24221  
the purpose of section 149.43 of the Revised Code. 24222

**Sec. 1343.011.** (A) As used in this section: 24223

(1) "Discount points" means any charges, whether or not 24224  
actually denominated as "discount points," that are paid by the 24225  
seller or the buyer of residential real property to a residential 24226  
mortgage lender or that are deducted and retained by a residential 24227  
mortgage lender from the proceeds of the residential mortgage. 24228  
"Discount points" does not include the costs associated with 24229  
settlement services as defined in the "Real Estate Settlement 24230  
Procedures Act of 1974," 88 Stat. 1724, 12 U.S.C. 2601, amendments 24231  
thereto, reenactments thereof, enactments parallel thereto, or in 24232  
substitution therefor, or regulations issued thereunder. 24233

(2) "Residential mortgage" means an obligation to pay a sum 24234  
of money evidenced by a note and secured by a lien upon real 24235  
property located within this state containing two or fewer 24236  
residential units or on which two or fewer residential units are 24237  
to be constructed and includes such an obligation on a residential 24238  
condominium or cooperative unit. 24239

(3) "Residential mortgage lender" means any person, bank, or savings and loan association that lends money or extends or grants credit and obtains a residential mortgage to assure payment of the debt. The term also includes the holder at any time of a residential mortgage obligation.

(B) Except residential mortgage loans described in division (B)(3) of section 1343.01 of the Revised Code, no residential mortgage lender shall receive either directly or indirectly from a seller or buyer of real estate any discount points in excess of two per cent of the original principal amount of the residential mortgage. This division is not a limitation on discount points or other charges for purposes of section 501(b)(4) of the "Depository Institutions Deregulation and Monetary Control Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7a.

(C)(1) Except as provided in division (C)(2) of this section, residential mortgage obligations may be prepaid or refinanced without penalty at any time after five years from the execution date of the mortgage. Prior to such time a prepayment or refinancing penalty may be provided not in excess of one per cent of the original principal amount of the residential mortgage.

(2)(a) No penalty may be charged for the prepayment or refinancing of a residential mortgage obligation of less than seventy-five thousand dollars that is made or arranged by a mortgage broker, loan ~~officer~~ originator, or nonbank mortgage lender, as those terms are defined in section 1345.01 of the Revised Code, and that is secured by a mortgage on a borrower's real estate that is a first lien on the real estate.

(b) The amount specified in division (C)(2)(a) of this section shall be adjusted annually on the first day of January by the annual percentage change in the consumer price index for all urban consumers, midwest region, all items, as determined by the bureau of labor statistics of the United States department of

labor or, if that index is no longer published, a generally 24272  
available comparable index, as reported on the first day of June 24273  
of the year preceding the adjustment. The department of commerce 24274  
shall publish the adjusted amounts on its official web site. 24275

**Sec. 1345.01.** As used in sections 1345.01 to 1345.13 of the 24276  
Revised Code: 24277

(A) "Consumer transaction" means a sale, lease, assignment, 24278  
award by chance, or other transfer of an item of goods, a service, 24279  
a franchise, or an intangible, to an individual for purposes that 24280  
are primarily personal, family, or household, or solicitation to 24281  
supply any of these things. "Consumer transaction" does not 24282  
include transactions between persons, defined in sections 4905.03 24283  
and 5725.01 of the Revised Code, and their customers, except for 24284  
transactions involving a loan made pursuant to sections 1321.35 to 24285  
1321.48 of the Revised Code and transactions in connection with 24286  
residential mortgages between loan ~~officers~~ originators, mortgage 24287  
brokers, or nonbank mortgage lenders and their customers; 24288  
transactions between certified public accountants or public 24289  
accountants and their clients; transactions between attorneys, 24290  
physicians, or dentists and their clients or patients; and 24291  
transactions between veterinarians and their patients that pertain 24292  
to medical treatment but not ancillary services. 24293

(B) "Person" includes an individual, corporation, government, 24294  
governmental subdivision or agency, business trust, estate, trust, 24295  
partnership, association, cooperative, or other legal entity. 24296

(C) "Supplier" means a seller, lessor, assignor, franchisor, 24297  
or other person engaged in the business of effecting or soliciting 24298  
consumer transactions, whether or not the person deals directly 24299  
with the consumer. If the consumer transaction is in connection 24300  
with a residential mortgage, "supplier" does not include an 24301  
assignee or purchaser of the loan for value, except as otherwise 24302

provided in section 1345.091 of the Revised Code. For purposes of 24303  
this division, in a consumer transaction in connection with a 24304  
residential mortgage, "seller" means a loan ~~officer~~ originator, 24305  
mortgage broker, or nonbank mortgage lender. 24306

(D) "Consumer" means a person who engages in a consumer 24307  
transaction with a supplier. 24308

(E) "Knowledge" means actual awareness, but such actual 24309  
awareness may be inferred where objective manifestations indicate 24310  
that the individual involved acted with such awareness. 24311

(F) "Natural gas service" means the sale of natural gas, 24312  
exclusive of any distribution or ancillary service. 24313

(G) "Public telecommunications service" means the 24314  
transmission by electromagnetic or other means, other than by a 24315  
telephone company as defined in section 4927.01 of the Revised 24316  
Code, of signs, signals, writings, images, sounds, messages, or 24317  
data originating in this state regardless of actual call routing. 24318  
"Public telecommunications service" excludes a system, including 24319  
its construction, maintenance, or operation, for the provision of 24320  
telecommunications service, or any portion of such service, by any 24321  
entity for the sole and exclusive use of that entity, its parent, 24322  
a subsidiary, or an affiliated entity, and not for resale, 24323  
directly or indirectly; the provision of terminal equipment used 24324  
to originate telecommunications service; broadcast transmission by 24325  
radio, television, or satellite broadcast stations regulated by 24326  
the federal government; or cable television service. 24327

(H) "Loan ~~officer~~ originator" has the same meaning as in 24328  
section 1322.01 of the Revised Code, and includes a "mortgage loan 24329  
originator" as defined in section 1321.51 of the Revised Code, 24330  
except that it does not include an employee of a bank, savings 24331  
bank, savings and loan association, credit union, or credit union 24332  
service organization organized under the laws of this state, 24333

another state, or the United States; an employee of a subsidiary 24334  
of such a bank, savings bank, savings and loan association, or 24335  
credit union; or an employee of an affiliate that (1) controls, is 24336  
controlled by, or is under common control with, such a bank, 24337  
savings bank, savings and loan association, or credit union and 24338  
(2) is subject to examination, supervision, and regulation, 24339  
including with respect to the affiliate's compliance with 24340  
applicable consumer protection requirements, by the board of 24341  
governors of the federal reserve system, the comptroller of the 24342  
currency, the office of thrift supervision, the federal deposit 24343  
insurance corporation, or the national credit union 24344  
administration. 24345

(I) "Residential mortgage" or "mortgage" means an obligation 24346  
to pay a sum of money evidenced by a note and secured by a lien 24347  
upon real property located within this state containing two or 24348  
fewer residential units or on which two or fewer residential units 24349  
are to be constructed and includes such an obligation on a 24350  
residential condominium or cooperative unit. 24351

(J) "Mortgage broker" has the same meaning as in section 24352  
1322.01 of the Revised Code, except that it does not include a 24353  
bank, savings bank, savings and loan association, credit union, or 24354  
credit union service organization organized under the laws of this 24355  
state, another state, or the United States; a subsidiary of such a 24356  
bank, savings bank, savings and loan association, or credit union; 24357  
an affiliate that (1) controls, is controlled by, or is under 24358  
common control with, such a bank, savings bank, savings and loan 24359  
association, or credit union and (2) is subject to examination, 24360  
supervision, and regulation, including with respect to the 24361  
affiliate's compliance with applicable consumer protection 24362  
requirements, by the board of governors of the federal reserve 24363  
system, the comptroller of the currency, the office of thrift 24364  
supervision, the federal deposit insurance corporation, or the 24365

national credit union administration; or an employee of any such 24366  
entity. 24367

(K) "Nonbank mortgage lender" means any person that engages 24368  
in a consumer transaction in connection with a residential 24369  
mortgage, except for a bank, savings bank, savings and loan 24370  
association, credit union, or credit union service organization 24371  
organized under the laws of this state, another state, or the 24372  
United States; a subsidiary of such a bank, savings bank, savings 24373  
and loan association, or credit union; or an affiliate that (1) 24374  
controls, is controlled by, or is under common control with, such 24375  
a bank, savings bank, savings and loan association, or credit 24376  
union and (2) is subject to examination, supervision, and 24377  
regulation, including with respect to the affiliate's compliance 24378  
with applicable consumer protection requirements, by the board of 24379  
governors of the federal reserve system, the comptroller of the 24380  
currency, the office of thrift supervision, the federal deposit 24381  
insurance corporation, or the national credit union 24382  
administration. 24383

(L) For purposes of divisions (H), (J), and (K) of this 24384  
section: 24385

(1) "Control" of another entity means ownership, control, or 24386  
power to vote twenty-five per cent or more of the outstanding 24387  
shares of any class of voting securities of the other entity, 24388  
directly or indirectly or acting through one or more other 24389  
persons. 24390

(2) "Credit union service organization" means a CUSO as 24391  
defined in 12 C.F.R. 702.2. 24392

**Sec. 1345.05.** (A) The attorney general shall: 24393

(1) Adopt, amend, and repeal procedural rules; 24394

(2) Adopt as a rule a description of the organization of the 24395

attorney general's office, stating the general courses and methods 24396  
of operation of the section of the office of the attorney general, 24397  
which is to administer Chapter 1345. of the Revised Code and 24398  
methods whereby the public may obtain information or make 24399  
submissions or requests, including a description of all forms and 24400  
instructions used by that office; 24401

(3) Make available for public inspection all rules and all 24402  
other written statements of policy or interpretations adopted or 24403  
used by the attorney general in the discharge of the attorney 24404  
general's functions, together with all judgments, including 24405  
supporting opinions, by courts of this state that determine the 24406  
rights of the parties and concerning which appellate remedies have 24407  
been exhausted, or lost by the expiration of the time for appeal, 24408  
determining that specific acts or practices violate section 24409  
1345.02, 1345.03, or 1345.031 of the Revised Code; 24410

(4) Inform consumers and suppliers on a continuing basis of 24411  
acts or practices that violate Chapter 1345. of the Revised Code 24412  
by, among other things, publishing an informational document 24413  
describing acts and practices in connection with residential 24414  
mortgages that are unfair, deceptive, or unconscionable, and by 24415  
making that information available on the attorney general's 24416  
official web site; 24417

(5) Cooperate with state and local officials, officials of 24418  
other states, and officials of the federal government in the 24419  
administration of comparable statutes; 24420

(6) Report annually on or before the first day of January to 24421  
the governor and the general assembly on the operations of the 24422  
attorney general in respect to Chapter 1345. of the Revised Code, 24423  
and on the acts or practices occurring in this state that violate 24424  
such chapter. The report shall include a statement of 24425  
investigatory and enforcement procedures and policies, of the 24426  
number of investigations and enforcement proceedings instituted 24427

and of their disposition, and of other activities of the state and 24428  
of other persons to promote the purposes of Chapter 1345. of the 24429  
Revised Code. 24430

(7) In carrying out official duties, the attorney general 24431  
shall not disclose publicly the identity of suppliers investigated 24432  
or the facts developed in investigations unless these matters have 24433  
become a matter of public record in enforcement proceedings, in 24434  
public hearings conducted pursuant to division (B)(1) of this 24435  
section, or the suppliers investigated have consented in writing 24436  
to public disclosure. 24437

(B) The attorney general may: 24438

(1) Conduct research, make inquiries, hold public hearings, 24439  
and publish studies relating to consumer transactions; 24440

(2) Adopt, amend, and repeal substantive rules defining with 24441  
reasonable specificity acts or practices that violate sections 24442  
1345.02, 1345.03, and 1345.031 of the Revised Code. In adopting, 24443  
amending, or repealing substantive rules defining acts or 24444  
practices that violate section 1345.02 of the Revised Code, due 24445  
consideration and great weight shall be given to federal trade 24446  
commission orders, trade regulation rules and guides, and the 24447  
federal courts' interpretations of subsection 45 (a)(1) of the 24448  
"Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A. 24449  
41, as amended. 24450

In adopting, amending, or repealing such rules concerning a 24451  
consumer transaction in connection with a residential mortgage, 24452  
the attorney general shall consult with the superintendent of 24453  
financial institutions and shall give due consideration to state 24454  
and federal statutes, regulations, administrative agency 24455  
interpretations, and case law. 24456

(C) In the conduct of public hearings authorized by this 24457  
section, the attorney general may administer oaths, subpoena 24458



witnesses, adduce evidence, and require the production of relevant material. Upon failure of a person without lawful excuse to obey a subpoena or to produce relevant matter, the attorney general may apply to a court of common pleas for an order compelling compliance.

(D) The attorney general may request that an individual who refuses to testify or to produce relevant material on the ground that the testimony or matter may incriminate the individual be ordered by the court to provide the testimony or matter. With the exception of a prosecution for perjury and an action for damages under section 1345.07 or 1345.09 of the Revised Code, an individual who complies with a court order to provide testimony or matter, after asserting a privilege against self incrimination to which the individual is entitled by law, shall not be subjected to a criminal proceeding on the basis of the testimony or matter discovered through that testimony or matter.

(E) Any person may petition the attorney general requesting the adoption, amendment, or repeal of a rule. The attorney general shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition. Within sixty days of submission of a petition, the attorney general shall either deny the petition in writing, stating the reasons for the denial, or initiate rule-making proceedings. There is no right to appeal from such denial of a petition.

(F) All rules shall be adopted subject to Chapter 119. of the Revised Code.

(G) The informational document published in accordance with division (A)(4) of this section shall be made available for distribution to consumers who are applying for a mortgage loan. An acknowledgement of receipt shall be retained by the lender, mortgage broker, and loan ~~officer~~ originator, as applicable, subject to review by the attorney general and the department of

commerce. 24491

**Sec. 1345.09.** For a violation of Chapter 1345. of the Revised 24492  
Code, a consumer has a cause of action and is entitled to relief 24493  
as follows: 24494

(A) Where the violation was an act prohibited by section 24495  
1345.02, 1345.03, or 1345.031 of the Revised Code, the consumer 24496  
may, in an individual action, rescind the transaction or recover 24497  
the consumer's actual economic damages plus an amount not 24498  
exceeding five thousand dollars in noneconomic damages. 24499

(B) Where the violation was an act or practice declared to be 24500  
deceptive or unconscionable by rule adopted under division (B)(2) 24501  
of section 1345.05 of the Revised Code before the consumer 24502  
transaction on which the action is based, or an act or practice 24503  
determined by a court of this state to violate section 1345.02, 24504  
1345.03, or 1345.031 of the Revised Code and committed after the 24505  
decision containing the determination has been made available for 24506  
public inspection under division (A)(3) of section 1345.05 of the 24507  
Revised Code, the consumer may rescind the transaction or recover, 24508  
but not in a class action, three times the amount of the 24509  
consumer's actual economic damages or two hundred dollars, 24510  
whichever is greater, plus an amount not exceeding five thousand 24511  
dollars in noneconomic damages or recover damages or other 24512  
appropriate relief in a class action under Civil Rule 23, as 24513  
amended. 24514

(C)(1) Except as otherwise provided in division (C)(2) of 24515  
this section, in any action for rescission, revocation of the 24516  
consumer transaction must occur within a reasonable time after the 24517  
consumer discovers or should have discovered the ground for it and 24518  
before any substantial change in condition of the subject of the 24519  
consumer transaction. 24520

(2) If a consumer transaction between a loan officer 24521

originator, mortgage broker, or nonbank mortgage lender and a customer is in connection with a residential mortgage, revocation of the consumer transaction in an action for rescission is only available to a consumer in an individual action, and shall occur for no reason other than one or more of the reasons set forth in the "Truth in Lending Act," 82 Stat. 146 (1968), 15 U.S.C. 1635, not later than the time limit within which the right of rescission under section 125(f) of the "Truth in Lending Act" expires.

(D) Any consumer may seek a declaratory judgment, an injunction, or other appropriate relief against an act or practice that violates this chapter.

(E) When a consumer commences an individual action for a declaratory judgment or an injunction or a class action under this section, the clerk of court shall immediately mail a copy of the complaint to the attorney general. Upon timely application, the attorney general may be permitted to intervene in any private action or appeal pending under this section. When a judgment under this section becomes final, the clerk of court shall mail a copy of the judgment including supporting opinions to the attorney general for inclusion in the public file maintained under division (A)(3) of section 1345.05 of the Revised Code.

(F) The court may award to the prevailing party a reasonable attorney's fee limited to the work reasonably performed, if either of the following apply:

(1) The consumer complaining of the act or practice that violated this chapter has brought or maintained an action that is groundless, and the consumer filed or maintained the action in bad faith;

(2) The supplier has knowingly committed an act or practice that violates this chapter.

(G) As used in this section, "actual economic damages" means 24553  
damages for direct, incidental, or consequential pecuniary losses 24554  
resulting from a violation of Chapter 1345. of the Revised Code 24555  
and does not include damages for noneconomic loss as defined in 24556  
section 2315.18 of the Revised Code. 24557

(H) Nothing in this section shall preclude a consumer from 24558  
also proceeding with a cause of action under any other theory of 24559  
law. 24560

**Sec. 1347.08.** (A) Every state or local agency that maintains 24561  
a personal information system, upon the request and the proper 24562  
identification of any person who is the subject of personal 24563  
information in the system, shall: 24564

(1) Inform the person of the existence of any personal 24565  
information in the system of which the person is the subject; 24566

(2) Except as provided in divisions (C) and (E)(2) of this 24567  
section, permit the person, the person's legal guardian, or an 24568  
attorney who presents a signed written authorization made by the 24569  
person, to inspect all personal information in the system of which 24570  
the person is the subject; 24571

(3) Inform the person about the types of uses made of the 24572  
personal information, including the identity of any users usually 24573  
granted access to the system. 24574

(B) Any person who wishes to exercise a right provided by 24575  
this section may be accompanied by another individual of the 24576  
person's choice. 24577

(C)(1) A state or local agency, upon request, shall disclose 24578  
medical, psychiatric, or psychological information to a person who 24579  
is the subject of the information or to the person's legal 24580  
guardian, unless a physician, psychiatrist, or psychologist 24581  
determines for the agency that the disclosure of the information 24582

is likely to have an adverse effect on the person, in which case 24583  
the information shall be released to a physician, psychiatrist, or 24584  
psychologist who is designated by the person or by the person's 24585  
legal guardian. 24586

(2) Upon the signed written request of either a licensed 24587  
attorney at law or a licensed physician designated by the inmate, 24588  
together with the signed written request of an inmate of a 24589  
correctional institution under the administration of the 24590  
department of rehabilitation and correction, the department shall 24591  
disclose medical information to the designated attorney or 24592  
physician as provided in division (C) of section 5120.21 of the 24593  
Revised Code. 24594

(D) If an individual who is authorized to inspect personal 24595  
information that is maintained in a personal information system 24596  
requests the state or local agency that maintains the system to 24597  
provide a copy of any personal information that the individual is 24598  
authorized to inspect, the agency shall provide a copy of the 24599  
personal information to the individual. Each state and local 24600  
agency may establish reasonable fees for the service of copying, 24601  
upon request, personal information that is maintained by the 24602  
agency. 24603

(E)(1) This section regulates access to personal information 24604  
that is maintained in a personal information system by persons who 24605  
are the subject of the information, but does not limit the 24606  
authority of any person, including a person who is the subject of 24607  
personal information maintained in a personal information system, 24608  
to inspect or have copied, pursuant to section 149.43 of the 24609  
Revised Code, a public record as defined in that section. 24610

(2) This section does not provide a person who is the subject 24611  
of personal information maintained in a personal information 24612  
system, the person's legal guardian, or an attorney authorized by 24613  
the person, with a right to inspect or have copied, or require an 24614

agency that maintains a personal information system to permit the 24615  
inspection of or to copy, a confidential law enforcement 24616  
investigatory record or trial preparation record, as defined in 24617  
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 24618

(F) This section does not apply to any of the following: 24619

(1) The contents of an adoption file maintained by the 24620  
department of health under section 3705.12 of the Revised Code; 24621

(2) Information contained in the putative father registry 24622  
established by section 3107.062 of the Revised Code, regardless of 24623  
whether the information is held by the department of job and 24624  
family services or, pursuant to section 3111.69 of the Revised 24625  
Code, the office of child support in the department or a child 24626  
support enforcement agency; 24627

(3) Papers, records, and books that pertain to an adoption 24628  
and that are subject to inspection in accordance with section 24629  
3107.17 of the Revised Code; 24630

(4) Records listed in division (A) of section 3107.42 of the 24631  
Revised Code or specified in division (A) of section 3107.52 of 24632  
the Revised Code; 24633

(5) Records that identify an individual described in division 24634  
(A)(1) of section 3721.031 of the Revised Code, or that would tend 24635  
to identify such an individual; 24636

(6) Files and records that have been expunged under division 24637  
(D)(1) or (2) of section 3721.23 of the Revised Code; 24638

(7) Records that identify an individual described in division 24639  
(A)(1) of section 3721.25 of the Revised Code, or that would tend 24640  
to identify such an individual; 24641

(8) Records that identify an individual described in division 24642  
(A)(1) of section 5111.61 of the Revised Code, or that would tend 24643  
to identify such an individual; 24644

(9) Test materials, examinations, or evaluation tools used in 24645  
an examination for licensure as a nursing home administrator that 24646  
the board of examiners of nursing home administrators administers 24647  
under section 4751.04 of the Revised Code or contracts under that 24648  
section with a private or government entity to administer; 24649

(10) Information contained in a database established and 24650  
maintained pursuant to section 5101.13 of the Revised Code. 24651

**Sec. 1349.31.** (A)(1) No creditor shall willfully and 24652  
knowingly fail to comply with section 1349.26 or 1349.27 of the 24653  
Revised Code. For purposes of division (A)(1) of this section, 24654  
"willfully and knowingly" has the same meaning as in section 112 24655  
of the "Truth in Lending Act," 82 Stat. 146 (1968), 15 U.S.C.A. 24656  
1611, as amended. 24657

(2) Whoever violates division (A)(1) of this section is 24658  
guilty of a felony of the fifth degree. 24659

(B) The superintendent of financial institutions may directly 24660  
bring an action to enjoin a violation of this section. The 24661  
attorney general may directly bring an action against a mortgage 24662  
broker, loan ~~officer~~ originator, or nonbank mortgage lender to 24663  
enjoin a violation of this section with the same rights, 24664  
privileges, and powers as those described in section 1345.06 of 24665  
the Revised Code. The prosecuting attorney of the county in which 24666  
the action may be brought may bring an action against a mortgage 24667  
broker, loan ~~officer~~ originator, or nonbank mortgage lender to 24668  
enjoin a violation of this section only if the prosecuting 24669  
attorney first presents any evidence of the violation to the 24670  
attorney general and, within a reasonable period of time, the 24671  
attorney general has not agreed to bring the action. 24672

For purposes of this division, "loan ~~officer~~ originator," 24673  
"mortgage broker," and "nonbank mortgage lender" have the same 24674  
meanings as in section 1345.01 of the Revised Code. 24675

(C)(1) The superintendent of financial institutions may 24676  
initiate criminal proceedings under this section by presenting any 24677  
evidence of criminal violations to the prosecuting attorney of the 24678  
county in which the offense may be prosecuted. If the prosecuting 24679  
attorney does not prosecute the violations, or at the request of 24680  
the prosecuting attorney, the superintendent shall present any 24681  
evidence of criminal violations to the attorney general, who may 24682  
proceed in the prosecution with all the rights, privileges, and 24683  
powers conferred by law on prosecuting attorneys, including the 24684  
power to appear before grand juries and to interrogate witnesses 24685  
before such grand juries. These powers of the attorney general 24686  
shall be in addition to any other applicable powers of the 24687  
attorney general. 24688

(2) The prosecuting attorney of the county in which an 24689  
alleged offense may be prosecuted may initiate criminal 24690  
proceedings under this section. 24691

(3) In order to initiate criminal proceedings under this 24692  
section, the attorney general shall first present any evidence of 24693  
criminal violations to the prosecuting attorney of the county in 24694  
which the alleged offense may be prosecuted. If, within a 24695  
reasonable period of time, the prosecuting attorney has not agreed 24696  
to prosecute the violations, the attorney general may proceed in 24697  
the prosecution with all the rights, privileges, and powers 24698  
described in division (C)(1) of this section. 24699

**Sec. 1349.43.** (A) As used in this section, "~~loan officer~~ 24700  
originator," "mortgage broker," and "nonbank mortgage lender" have 24701  
the same meanings as in section 1345.01 of the Revised Code. 24702

(B) The department of commerce shall establish and maintain 24703  
an electronic database accessible through the internet that 24704  
contains information on all of the following: 24705

(1) The enforcement actions taken by the superintendent of 24706



financial institutions for each violation of or failure to comply 24707  
with any provision of sections 1322.01 to 1322.12 of the Revised 24708  
Code, upon final disposition of the action; 24709

(2) The enforcement actions taken by the attorney general 24710  
under Chapter 1345. of the Revised Code against loan ~~officers~~ 24711  
originators, mortgage brokers, and nonbank mortgage lenders, upon 24712  
final disposition of each action; 24713

(3) All judgments by courts of this state, concerning which 24714  
appellate remedies have been exhausted or lost by the expiration 24715  
of the time for appeal, finding either of the following: 24716

(a) A violation of any provision of sections 1322.01 to 24717  
1322.12 of the Revised Code; 24718

(b) That specific acts or practices by a loan ~~officer~~ 24719  
originator, mortgage broker, or nonbank mortgage lender violate 24720  
section 1345.02, 1345.03, or 1345.031 of the Revised Code. 24721

(C) The attorney general shall submit to the department, on 24722  
the first day of each January, April, July, and October, a list of 24723  
all enforcement actions and judgments described in divisions 24724  
(B)(2) and (3)(b) of this section. 24725

(D) The department may adopt rules in accordance with Chapter 24726  
119. of the Revised Code that are necessary to implement this 24727  
section. 24728

(E) The electronic database maintained by the department in 24729  
accordance with this section shall not include information that, 24730  
pursuant to section 1322.061 of the Revised Code, is confidential. 24731  
24732

**Sec. 1501.01.** (A) Except where otherwise expressly provided, 24733  
the director of natural resources shall formulate and institute 24734  
all the policies and programs of the department of natural 24735  
resources. The chief of any division of the department shall not 24736

enter into any contract, agreement, or understanding unless it is 24737  
approved by the director. No appointee or employee of the 24738  
director, other than the assistant director, may bind the director 24739  
in a contract except when given general or special authority to do 24740  
so by the director. 24741

(B) The director shall correlate and coordinate the work and 24742  
activities of the divisions in the department to eliminate 24743  
unnecessary duplications of effort and overlapping of functions. 24744  
The chiefs of the various divisions of the department shall meet 24745  
with the director at least once each month at a time and place 24746  
designated by the director. 24747

The director may create advisory boards to any of those 24748  
divisions in conformity with section 121.13 of the Revised Code. 24749

(C) The director may accept and expend gifts, devises, and 24750  
bequests of money, lands, and other properties on behalf of the 24751  
department or any division thereof under the terms set forth in 24752  
section 9.20 of the Revised Code. Any political subdivision of 24753  
this state may make contributions to the department for the use of 24754  
the department or any division therein according to the terms of 24755  
the contribution. 24756

(D) The director may publish and sell or otherwise distribute 24757  
data, reports, and information. 24758

(E) The director may identify and develop the geographic 24759  
information system needs for the department, which may include, 24760  
but not be limited to, all of the following: 24761

(1) Assisting in the training and education of department 24762  
resource managers, administrators, and other staff in the 24763  
application and use of geographic information system technology; 24764

(2) Providing technical support to the department in the 24765  
design, preparation of data, and use of appropriate geographic 24766  
information system applications in order to help solve resource 24767

<u>related problems and to improve the effectiveness and efficiency</u>	24768
<u>of department delivered services;</u>	24769
<u>(3) Creating, maintaining, and documenting spatial digital</u>	24770
<u>data bases;</u>	24771
<u>(4) Providing information to and otherwise assisting</u>	24772
<u>government officials, planners, and resource managers in</u>	24773
<u>understanding land use planning and resource management;</u>	24774
<u>(5) Providing continuing assistance to local government</u>	24775
<u>officials and others in natural resource digital data base</u>	24776
<u>development and in applying and utilizing the geographic</u>	24777
<u>information system for land use planning, current agricultural use</u>	24778
<u>value assessment, development reviews, coastal management, and</u>	24779
<u>other resource management activities;</u>	24780
<u>(6) Coordinating and administering the remote sensing needs</u>	24781
<u>of the department, including the collection and analysis of aerial</u>	24782
<u>photography, satellite data, and other data pertaining to land,</u>	24783
<u>water, and other resources of the state;</u>	24784
<u>(7) Preparing and publishing maps and digital data relating</u>	24785
<u>to the state's land use and land cover over time on a local,</u>	24786
<u>regional, and statewide basis;</u>	24787
<u>(8) Locating and distributing hard copy maps, digital data,</u>	24788
<u>aerial photography, and other resource data and information to</u>	24789
<u>government agencies and the public;</u>	24790
<u>(9) Preparing special studies and executing any other related</u>	24791
<u>duties, functions, and responsibilities identified by the</u>	24792
<u>director;</u>	24793
<u>(10) Entering into contracts or agreements with any agency of</u>	24794
<u>the United States government, any other public agency, or any</u>	24795
<u>private agency or organization for the performance of the duties</u>	24796
<u>specified in division (E) of this section or for accomplishing</u>	24797

<u>cooperative projects within those duties;</u>	24798
<u>(11) Entering into agreements with local government agencies</u>	24799
<u>for the purposes of land use inventories, Ohio capability analysis</u>	24800
<u>data layers, and other duties related to resource management.</u>	24801
	24802
<u>(F)</u> The director shall adopt rules in accordance with Chapter	24803
119. of the Revised Code to permit the department to accept by	24804
means of a credit card the payment of fees, charges, and rentals	24805
at those facilities described in section 1501.07 of the Revised	24806
Code that are operated by the department, for any data, reports,	24807
or information sold by the department, and for any other goods or	24808
services provided by the department.	24809
<u>(G)</u> Whenever authorized by the governor to do so, the	24810
director may appropriate property for the uses and purposes	24811
authorized to be performed by the department and on behalf of any	24812
division within the department. This authority shall be exercised	24813
in the manner provided in sections 163.01 to 163.22 of the Revised	24814
Code for the appropriation of property by the director of	24815
administrative services. This authority to appropriate property is	24816
in addition to the authority provided by law for the appropriation	24817
of property by divisions of the department. The director of	24818
natural resources also may acquire by purchase, lease, or	24819
otherwise such real and personal property rights or privileges in	24820
the name of the state as are necessary for the purposes of the	24821
department or any division therein. The director, with the	24822
approval of the governor and the attorney general, may sell,	24823
lease, or exchange portions of lands or property, real or	24824
personal, of any division of the department or grant easements or	24825
licenses for the use thereof, or enter into agreements for the	24826
sale of water from lands and waters under the administration or	24827
care of the department or any of its divisions, when the sale,	24828
lease, exchange, easement, agreement, or license for use is	24829

advantageous to the state, provided that such approval is not 24830  
required for leases and contracts made under section 1501.07, 24831  
1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water 24832  
may be sold from a reservoir only to the extent that the reservoir 24833  
was designed to yield a supply of water for a purpose other than 24834  
recreation or wildlife, and the water sold is in excess of that 24835  
needed to maintain the reservoir for purposes of recreation or 24836  
wildlife. 24837

Money received from such sales, leases, easements, exchanges, 24838  
agreements, or licenses for use, except revenues required to be 24839  
set aside or paid into depositories or trust funds for the payment 24840  
of bonds issued under sections 1501.12 to 1501.15 of the Revised 24841  
Code, and to maintain the required reserves therefor as provided 24842  
in the orders authorizing the issuance of such bonds or the trust 24843  
agreements securing such bonds, revenues required to be paid and 24844  
credited pursuant to the bond proceeding applicable to obligations 24845  
issued pursuant to section 154.22, and revenues generated under 24846  
section 1520.05 of the Revised Code, shall be deposited in the 24847  
state treasury to the credit of the fund of the division of the 24848  
department having prior jurisdiction over the lands or property. 24849  
If no such fund exists, the money shall be credited to the general 24850  
revenue fund. All such money received from lands or properties 24851  
administered by the division of wildlife shall be credited to the 24852  
wildlife fund. 24853

(H) The director shall provide for the custody, safekeeping, 24854  
and deposit of all moneys, checks, and drafts received by the 24855  
department or its employees prior to paying them to the treasurer 24856  
of state under section 113.08 of the Revised Code. 24857

(I) The director shall cooperate with the nature conservancy, 24858  
other nonprofit organizations, and the United States fish and 24859  
wildlife service in order to secure protection of islands in the 24860  
Ohio river and the wildlife and wildlife habitat of those islands. 24861

(J) Any instrument by which real property is acquired 24862  
pursuant to this section shall identify the agency of the state 24863  
that has the use and benefit of the real property as specified in 24864  
section 5301.012 of the Revised Code. 24865

**Sec. 1501.05.** All chiefs of divisions in the department of 24866  
natural resources shall be appointed by the director of natural 24867  
resources. The chiefs of those divisions may be removed by the 24868  
director. 24869

The chief engineer of the department of natural resources 24870  
shall be a ~~registered~~ professional engineer registered under 24871  
Chapter 4733. of the Revised Code or a professional architect 24872  
certified and registered under Chapter 4703. of the Revised Code. 24873

The chief of each division and the chief engineer, with the 24874  
advice and consent of the director, may employ such number of 24875  
technical and administrative assistants as are necessary. 24876

All employees of the department, unless specifically exempted 24877  
by law, shall be employed subject to the classified civil service 24878  
laws in force at the time of their employment. 24879

**Sec. 1501.07.** The department of natural resources through the 24880  
division of parks and recreation may plan, supervise, acquire, 24881  
construct, enlarge, improve, erect, equip, and furnish public 24882  
service facilities such as inns, lodges, hotels, cottages, camping 24883  
sites, scenic trails, picnic sites, restaurants, commissaries, 24884  
golf courses, boating and bathing facilities, and other similar 24885  
facilities in state parks reasonably necessary and useful in 24886  
promoting the public use of state parks under its control and may 24887  
purchase lands or interests in lands in the name of the state 24888  
necessary for those purposes. 24889

The chief of the division of parks and recreation shall 24890  
administer state parks, establish rules, fix fees and charges for 24891

admission to parks and for the use of public service facilities 24892  
therein, establish rentals for the lease of lands or interests 24893  
therein within a state park the chief is authorized by law to 24894  
lease, and exercise all powers of the chief, in conformity with 24895  
all covenants of the director of natural resources in or with 24896  
respect to state park revenue bonds and trust agreements securing 24897  
such bonds and all terms, provisions, and conditions of such bonds 24898  
and trust agreements. In the administration of state parks with 24899  
respect to which state park revenue bonds are issued and 24900  
outstanding, or any part of the moneys received from fees and 24901  
charges for admission to or the use of facilities, from rentals 24902  
for the lease of lands or interests or facilities therein, or for 24903  
the lease of public service facilities are pledged for any such 24904  
bonds, the chief shall exercise the powers and perform the duties 24905  
of the chief subject to the control and approval of the director. 24906  
The acquisition of such lands or interests therein and facilities 24907  
shall be planned with regard to the needs of the people of the 24908  
state and with regard to the purposes and uses of such state parks 24909  
and, except for facilities constructed in consideration of a lease 24910  
under section 1501.012 of the Revised Code, shall be paid for from 24911  
the state park fund created in section 1541.22 of the Revised Code 24912  
or from the proceeds of the sale of bonds issued under sections 24913  
1501.12 to 1501.15 of the Revised Code. Sections 125.81 and 153.04 24914  
of the Revised Code, insofar as they require a certification by 24915  
the chief of the division of capital planning and improvement, do 24916  
not apply to the acquisition of lands or interests therein and 24917  
public service facilities to be paid for from the proceeds of 24918  
bonds issued under sections 1501.12 to 1501.15 of the Revised 24919  
Code. 24920

As used in sections 1501.07 to 1501.14 of the Revised Code, 24921  
state parks are all of the following: 24922

(A) State reservoirs described and identified in section 24923

1541.06 of the Revised Code; 24924

(B) All lands or interests therein that are denominated as 24925  
state parks in section 1541.083 of the Revised Code; 24926

(C) All lands or interests therein of the state identified as 24927  
administered by the division of parks and recreation in the 24928  
"inventory of state owned lands administered by department of 24929  
natural resources as of June 1, 1963," as recorded in the journal 24930  
of the director, which inventory was prepared by the real estate 24931  
section of the department and is supported by maps on file ~~in~~ with 24932  
the division ~~of real estate and land management~~; 24933

(D) All lands or interests in lands of the state hereafter 24934  
designated as state parks in the journal of the director with the 24935  
approval of the recreation and resources council. 24936

All such state parks shall be exclusively under the control 24937  
and administration of the division of parks and recreation. With 24938  
the approval of the council, the director by order may remove from 24939  
the classification as state parks any of the lands or interests 24940  
therein so classified by divisions (C) and (D) of this section, 24941  
subject to the limitations, provisions, and conditions in any 24942  
order authorizing state park revenue bonds or in any trust 24943  
agreement securing such bonds. Lands or interests therein so 24944  
removed shall be transferred to other divisions of the department 24945  
for administration or may be sold as provided by law. Proceeds of 24946  
any sale shall be used or transferred as provided in the order 24947  
authorizing state park revenue bonds or in the trust agreement 24948  
and, if no such provision is made, shall be transferred to the 24949  
state park fund. State parks do not include any lands or interest 24950  
in lands of the state administered jointly by two or more 24951  
divisions of the department. The designation of lands as state 24952  
parks under divisions (A) to (D) of this section shall be 24953  
conclusive, and those lands shall be under the control of and 24954  
administered by the division of parks and recreation. No order or 24955



proceeding designating lands as state parks or park purchase areas 24956  
shall be subject to any appeal or review by any officer, board, 24957  
commission, or court. 24958

**Sec. 1501.30.** (A) As used in sections 1501.30 to 1501.35 of 24959  
the Revised Code: 24960

(1) "Consumptive use" means a use of water resources, other 24961  
than a diversion, that results in a loss of that water to the 24962  
basin from which it is withdrawn and includes, but is not limited 24963  
to, evaporation, evapotranspiration, and incorporation of water 24964  
into a product or agricultural crop. 24965

(2) "Diversion" means a withdrawal of water resources from 24966  
either the Lake Erie or Ohio river drainage basin and transfer to 24967  
another basin without return. "Diversion" does not include 24968  
evaporative loss within the basin of withdrawal. 24969

(3) "Other great lakes states and provinces" means states 24970  
other than this state that are parties to the great lakes basin 24971  
compact under Chapter 6161. of the Revised Code and the Canadian 24972  
provinces of Ontario and Quebec. 24973

(4) "Person" has the same meaning as in section 1.59 of the 24974  
Revised Code and also includes any state, any political 24975  
subdivision of a state, and any department, division, board, 24976  
commission, agency, or instrumentality of a state or political 24977  
subdivision of a state. 24978

(5) "Water resources" means any waters of the state that are 24979  
available or may be made available to agricultural, industrial, 24980  
commercial, and domestic users. 24981

(6) "Waters of the state" includes all streams, lakes, ponds, 24982  
marshes, watercourses, waterways, wells, springs, irrigation 24983  
systems, drainage systems, and other bodies or accumulations of 24984  
water, surface and underground, natural or artificial, regardless 24985

of the depth of the strata in which underground water is located, 24986  
that are situated wholly or partly within or border upon this 24987  
state or are within its jurisdiction. 24988

(B) The chief of the division of soil and water resources of 24989  
the department of natural resources shall define "Lake Erie 24990  
drainage basin" and "Ohio river drainage basin" for the purposes 24991  
of sections 1501.30 to 1501.35 of the Revised Code. 24992

**Sec. 1502.12.** (A) There is hereby created in the state 24993  
treasury the scrap tire grant fund, consisting of moneys 24994  
transferred to the fund under section 3734.82 of the Revised Code. 24995  
The chief of the division of recycling and litter prevention, with 24996  
the approval of the director of natural resources, may make grants 24997  
from the fund for the ~~purpose of supporting~~ following purposes: 24998

(1) Supporting market development activities for scrap tires 24999  
and synthetic rubber from tire manufacturing processes and tire 25000  
recycling processes; 25001

(2) Supporting scrap tire amnesty and cleanup events 25002  
sponsored by solid waste management districts. ~~The grants~~ 25003

Grants awarded under division (A)(1) of this section may be 25004  
awarded to individuals, businesses, and entities certified under 25005  
division (A) of section 1502.04 of the Revised Code. 25006

(B) Projects and activities that are eligible for grants 25007  
under division (A)(1) of this section shall be evaluated for 25008  
funding using, at a minimum, the following criteria: 25009

(1) The degree to which a proposed project contributes to the 25010  
increased use of scrap tires generated in this state; 25011

(2) The degree of local financial support for a proposed 25012  
project; 25013

(3) The technical merit and quality of a proposed project. 25014

Sec. 1506.01. As used in this chapter: 25015

(A) "Coastal area" means the waters of Lake Erie, the islands 25016  
in the lake, and the lands under and adjacent to the lake, 25017  
including transitional areas, wetlands, and beaches. The coastal 25018  
area extends in Lake Erie to the international boundary line 25019  
between the United States and Canada and landward only to the 25020  
extent necessary to include shorelands, the uses of which have a 25021  
direct and significant impact on coastal waters as determined by 25022  
the director of natural resources. 25023

(B) "Coastal management program" means the comprehensive 25024  
action of the state and its political subdivisions cooperatively 25025  
to preserve, protect, develop, restore, or enhance the resources 25026  
of the coastal area and to ensure wise use of the land and water 25027  
resources of the coastal area, giving attention to natural, 25028  
cultural, historic, and aesthetic values; agricultural, 25029  
recreational, energy, and economic needs; and the national 25030  
interest. "Coastal management program" includes the establishment 25031  
of objectives, policies, standards, and criteria concerning, 25032  
without limitation, protection of air, water, wildlife, rare and 25033  
endangered species, wetlands and natural areas, and other natural 25034  
resources in the coastal area; management of coastal development 25035  
and redevelopment; preservation and restoration of historic, 25036  
cultural, and aesthetic coastal features; and public access to the 25037  
coastal area for recreation purposes. 25038

(C) "Coastal management program document" means a 25039  
comprehensive statement consisting of, without limitation, text, 25040  
maps, and illustrations that is adopted by the director in 25041  
accordance with this chapter, describes the objectives, policies, 25042  
standards, and criteria of the coastal management program for 25043  
guiding public and private uses of lands and waters in the coastal 25044  
area, lists the governmental agencies, including, without 25045

limitation, state agencies, involved in implementing the coastal 25046  
management program, describes their applicable policies and 25047  
programs, and cites the statutes and rules under which they may 25048  
adopt and implement those policies and programs. 25049

(D) "Person" means any agency of this state, any political 25050  
subdivision of this state or of the United States, and any legal 25051  
entity defined as a person under section 1.59 of the Revised Code. 25052

(E) "Director" means the director of natural resources or the 25053  
director's designee. 25054

(F) "Permanent structure" means any residential, commercial, 25055  
industrial, institutional, or agricultural building, any mobile 25056  
home as defined in division (O) of section 4501.01 of the Revised 25057  
Code, any manufactured home as defined in division (C)(4) of 25058  
section 3781.06 of the Revised Code, and any septic system that 25059  
receives sewage from a single-family, two-family, or three-family 25060  
dwelling, but does not include any recreational vehicle as defined 25061  
in section 4501.01 of the Revised Code. 25062

(G) "State agency" or "agency of the state" has the same 25063  
meaning as "agency" as defined in section 111.15 of the Revised 25064  
Code. 25065

(H) "Coastal flood hazard area" means any territory within 25066  
the coastal area that has been identified as a flood hazard area 25067  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 25068  
42 U.S.C.A. 4002, as amended. 25069

(I) "Coastal erosion area" means any territory included in 25070  
Lake Erie coastal erosion areas identified by the director under 25071  
section 1506.06 of the Revised Code. 25072

(J) "Conservancy district" means a conservancy district that 25073  
is established under Chapter 6101. of the Revised Code. 25074

(K) "Park board" means the board of park commissioners of a 25075

park district that is created under Chapter 1545. of the Revised Code. 25076  
25077

(L) "Erosion control structure" means a structure that is 25078  
designed solely and specifically to reduce or control erosion of 25079  
the shore along or near Lake Erie, including, without limitation, 25080  
revetments, seawalls, bulkheads, certain breakwaters, and similar 25081  
structures. 25082

(M) "Shore structure" includes, but is not limited to, 25083  
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 25084  
certain dikes designated by the chief of the division of soil and 25085  
water resources; piers; docks; jetties; wharves; marinas; boat 25086  
ramps; any associated fill or debris used as part of the 25087  
construction of shore structures that may affect shore erosion, 25088  
wave action, or inundation; and fill or debris that is placed 25089  
along or near the shore, including bluffs, banks, or beach ridges, 25090  
for the purpose of stabilizing slopes. 25091

**Sec. 1507.01.** There is hereby created in the department of 25092  
natural resources the division of engineering to be administered 25093  
by the chief engineer of the department, who shall be a 25094  
professional engineer registered under Chapter 4733. of the 25095  
Revised Code or a professional architect certified and registered 25096  
under Chapter 4703. of the Revised Code. ~~The~~ With the approval of 25097  
the director of natural resources, the chief engineer shall do all 25098  
of the following: 25099

(A) Administer this chapter; 25100

(B) Provide engineering, architectural, land surveying, and 25101  
related administrative and maintenance support services to the 25102  
other divisions in the department; 25103

(C) ~~Upon request of the director of natural resources,~~ 25104  
~~implement~~ Implement the department's capital improvement program 25105

and facility maintenance projects, including all associated 25106  
engineering, architectural, planning, design, contracting, 25107  
surveying, inspection, and management responsibilities and 25108  
requirements; 25109

(D) ~~With the approval of the director, act~~ Act as contracting 25110  
officer in departmental engineering, architectural, surveying, and 25111  
construction matters regarding capital improvements except for 25112  
those matters otherwise specifically provided for in law; 25113

(E) ~~Provide engineering support for the coastal management~~ 25114  
~~program established under Chapter 1506. of the Revised Code;~~ 25115

~~(F)~~ Coordinate the department's roadway maintenance program 25116  
with the department of transportation pursuant to section 5511.05 25117  
of the Revised Code and maintain the roadway inventory of the 25118  
department of natural resources; 25119

~~(G)~~(F) Coordinate the department's projects, programs, 25120  
policies, procedures, and activities with the United States army 25121  
corps of engineers; 25122

~~(H)~~ ~~Subject to the approval of the director, employ~~ (G) 25123  
Employ professional and technical assistants and such other 25124  
employees as are necessary for the performance of the activities 25125  
required or authorized under this chapter, other work of the 25126  
division, and any other work agreed to under working agreements or 25127  
contractual arrangements; prescribe their duties; and fix their 25128  
compensation in accordance with such schedules as are provided by 25129  
law for the compensation of state employees-; 25130

(H) Except as otherwise provided in the Revised Code, 25131  
coordinate and conduct all real estate functions for the 25132  
department of natural resources, including at least acquisitions 25133  
by purchase, lease, gift, devise, bequest, appropriation, or 25134  
otherwise; grants through sales, leases, exchanges, easements, and 25135  
licenses; inventories of land; and other related general 25136

<u>management duties;</u>	25137
<u>(I) Coordinate such environmental matters concerning the</u>	25138
<u>department and the state as are necessary to comply with the</u>	25139
<u>"National Environmental Policy Act of 1969," 83 Stat. 852, 42</u>	25140
<u>U.S.C. 4321, as amended, the "Intergovernmental Cooperation Act of</u>	25141
<u>1968," 82 Stat. 1098, 31 U.S.C. 6506, and the "Federal Water</u>	25142
<u>Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, as</u>	25143
<u>amended, and regulations adopted under those acts;</u>	25144
<u>(J) Coordinate and administer compensatory mitigation grant</u>	25145
<u>programs and other programs for streams and wetlands as approved</u>	25146
<u>in accordance with certifications and permits issued under</u>	25147
<u>sections 401 and 404 of the "Federal Water Pollution Control Act,"</u>	25148
<u>91 Stat. 1566 (1977), 33 U.S.C. 1251, as amended, by the</u>	25149
<u>environmental protection agency and the United States army corps</u>	25150
<u>of engineers;</u>	25151
<u>(K) Coordinate all department activities associated with the</u>	25152
<u>completion of drainage ditch improvements in accordance with</u>	25153
<u>Chapters 6131. and 6133. of the Revised Code;</u>	25154
<u>(L) Assist the department and its divisions by providing</u>	25155
<u>department-wide planning, including at least master planning,</u>	25156
<u>comprehensive planning, capital improvements planning, and special</u>	25157
<u>purpose planning.</u>	25158
<b>Sec. 1511.01.</b> For the purposes of this chapter:	25159
(A) "Conservation" means the wise use and management of	25160
natural resources.	25161
(B) "Critical natural resource area" means an area identified	25162
by the director of natural resources in which occurs a natural	25163
resource that requires special management because of its	25164
importance to the well-being of the surrounding communities, the	25165
region, or the state.	25166

(C) "Pollution abatement practice" means any erosion control 25167  
or animal waste pollution abatement facility, structure, or 25168  
procedure and the operation and management associated with it as 25169  
contained in operation and management plans developed or approved 25170  
by the chief of the division of soil and water ~~conservation~~ 25171  
resources or by soil and water conservation districts established 25172  
under Chapter 1515. of the Revised Code. 25173

(D) "Agricultural pollution" means failure to use management 25174  
or conservation practices in farming or silvicultural operations 25175  
to abate wind or water erosion of the soil or to abate the 25176  
degradation of the waters of the state by animal waste or soil 25177  
sediment, including substances attached thereto. 25178

(E) "Waters of the state" means all streams, lakes, ponds, 25179  
wetlands, watercourses, waterways, wells, springs, irrigation 25180  
systems, drainage systems, and all other bodies or accumulations 25181  
of water, surface and underground, natural or artificial, 25182  
regardless of the depth of the strata in which underground water 25183  
is located, that are situated wholly or partly within, or border 25184  
upon, this state or are within its jurisdiction, except those 25185  
private waters that do not combine or effect a junction with 25186  
natural surface or underground waters. 25187

(F) "Operation and management plan" means a written record, 25188  
developed or approved by the district board of supervisors or the 25189  
chief, for the owner or operator of agricultural land or a 25190  
concentrated animal feeding ~~operations~~ operation that contains 25191  
implementation schedules and operational procedures for a level of 25192  
management and pollution abatement practices that will abate the 25193  
degradation of the waters of the state by animal waste and by soil 25194  
sediment including attached pollutants. 25195

(G) "Animal waste" means animal excreta, discarded products, 25196  
bedding, wash waters, waste feed, and silage drainage. "Animal 25197  
waste" also includes the compost products resulting from the 25198



composting of dead animals in operations subject to section 25199  
1511.022 of the Revised Code when either of the following applies: 25200

(1) The composting is conducted by the person who raises the 25201  
animals and the compost product is used in agricultural operations 25202  
owned or operated by that person, regardless of whether the person 25203  
owns the animals; 25204

(2) The composting is conducted by the person who owns the 25205  
animals, but does not raise them and the compost product is used 25206  
in agricultural operations either by a person who raises the 25207  
animals or by a person who raises grain that is used to feed them 25208  
and that is supplied by the owner of the animals. 25209

(H) "Composting" means the controlled decomposition of 25210  
organic solid material consisting of dead animals that stabilizes 25211  
the organic fraction of the material. 25212

**Sec. 1511.02.** The chief of the division of soil and water 25213  
~~conservation resources~~, subject to the approval of the director of 25214  
natural resources, shall do all of the following: 25215

(A) Provide administrative leadership to local soil and water 25216  
conservation districts in planning, budgeting, staffing, and 25217  
administering district programs and the training of district 25218  
supervisors and personnel in their duties, responsibilities, and 25219  
authorities as prescribed in this chapter and Chapter 1515. of the 25220  
Revised Code; 25221

(B) Administer this chapter and Chapter 1515. of the Revised 25222  
Code pertaining to state responsibilities and provide staff 25223  
assistance to the Ohio soil and water conservation commission in 25224  
exercising its statutory responsibilities; 25225

(C) Assist in expediting state responsibilities for watershed 25226  
development and other natural resource conservation works of 25227  
improvement; 25228

(D) Coordinate the development and implementation of 25229  
cooperative programs and working agreements between local soil and 25230  
water conservation districts and divisions or sections of the 25231  
department of natural resources, or other agencies of local, 25232  
state, and federal government; 25233

(E) Subject to the approval of the Ohio soil and water 25234  
conservation commission, adopt, amend, or rescind rules pursuant 25235  
to Chapter 119. of the Revised Code. Rules adopted pursuant to 25236  
this section: 25237

(1) Shall establish technically feasible and economically 25238  
reasonable standards to achieve a level of management and 25239  
conservation practices in farming or silvicultural operations that 25240  
will abate wind or water erosion of the soil or abate the 25241  
degradation of the waters of the state by animal waste or by soil 25242  
sediment including substances attached thereto, and establish 25243  
criteria for determination of the acceptability of such management 25244  
and conservation practices; 25245

(2) Shall establish technically feasible and economically 25246  
reasonable standards to achieve a level of management and 25247  
conservation practices that will abate wind or water erosion of 25248  
the soil or abate the degradation of the waters of the state by 25249  
soil sediment in conjunction with land grading, excavating, 25250  
filling, or other soil-disturbing activities on land used or being 25251  
developed for nonfarm commercial, industrial, residential, or 25252  
other nonfarm purposes, and establish criteria for determination 25253  
of the acceptability of such management and conservation 25254  
practices. The standards shall be designed to implement applicable 25255  
areawide waste treatment management plans prepared under section 25256  
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 25257  
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 25258  
shall not apply in any municipal corporation or county that adopts 25259  
ordinances or rules pertaining to sediment control, nor to lands 25260

being used in a strip mine operation as defined in section 1513.01 25261  
of the Revised Code, nor to lands being used in a surface mining 25262  
operation as defined in section 1514.01 of the Revised Code. 25263

(3) May recommend criteria and procedures for the approval of 25264  
urban sediment pollution abatement plans and issuance of permits 25265  
prior to any grading, excavating, filling, or other whole or 25266  
partial disturbance of five or more contiguous acres of land owned 25267  
by one person or operated as one development unit and require 25268  
implementation of such a plan. Areas of less than five contiguous 25269  
acres are not exempt from compliance with other provisions of this 25270  
chapter and rules adopted under them. 25271

(4) Shall establish procedures for administration of rules 25272  
for agricultural pollution abatement and urban sediment pollution 25273  
abatement and for enforcement of rules for agricultural pollution 25274  
abatement; 25275

(5) Shall specify the pollution abatement practices eligible 25276  
for state cost sharing and determine the conditions for 25277  
eligibility, the construction standards and specifications, the 25278  
useful life, the maintenance requirements, and the limits of cost 25279  
sharing for those practices. Eligible practices shall be limited 25280  
to practices that address agricultural or silvicultural operations 25281  
and that require expenditures that are likely to exceed the 25282  
economic returns to the owner or operator and that abate soil 25283  
erosion or degradation of the waters of the state by animal waste 25284  
or soil sediment including pollutants attached thereto. 25285

~~(6) Until June 1, 1996, shall specify the multiflora rose 25286  
control practices eligible for state cost sharing, the conditions 25287  
of eligibility for state cost sharing, the limits of cost sharing 25288  
for those practices, specifications for carrying out those 25289  
practices to ensure effective control of the multiflora rose and 25290  
to safeguard the health and safety of human beings and domestic 25291  
animals and the environment, and the contract provisions to be 25292~~

<del>included in cost sharing agreements with landowners;</del>	25293
<del>(7) Until June 1, 1996, shall establish procedures for</del>	25294
<del>administering grants to soil and water conservation districts for</del>	25295
<del>control of multiflora rose;</del>	25296
<del>(8) Shall establish procedures for administering grants to</del>	25297
<del>owners or operators of agricultural land or concentrated animal</del>	25298
<del>feeding operations for the implementation of operation and</del>	25299
<del>management plans;</del>	25300
<del>(9)(7) Shall establish procedures for administering grants to</del>	25301
<del>soil and water conservation districts for urban sediment pollution</del>	25302
<del>abatement programs, specify the types of projects eligible for</del>	25303
<del>grants, establish limits on the availability of grants, and</del>	25304
<del>establish requirements governing the execution of projects to</del>	25305
<del>encourage the reduction of erosion and sedimentation associated</del>	25306
<del>with soil-disturbing activities;</del>	25307
<del>(10)(8) Shall do all of the following with regard to</del>	25308
<del>composting conducted in conjunction with agricultural operations:</del>	25309
<del>(a) Provide for the distribution of educational material</del>	25310
<del>concerning composting to the offices of the Ohio cooperative</del>	25311
<del>extension service for the purposes of section 1511.022 of the</del>	25312
<del>Revised Code;</del>	25313
<del>(b) Establish methods, techniques, or practices for</del>	25314
<del>composting dead animals, or particular types of dead animals, that</del>	25315
<del>are to be used at such operations, as the chief considers to be</del>	25316
<del>necessary or appropriate;</del>	25317
<del>(c) Establish requirements and procedures governing the</del>	25318
<del>review and approval or disapproval of composting plans by the</del>	25319
<del>supervisors of soil and water conservation districts under</del>	25320
<del>division <del>(U)</del>(Q) of section 1515.08 of the Revised Code.</del>	25321
<del>(11)(9) Shall be adopted, amended, or rescinded after the</del>	25322

chief does all of the following: 25323

(a) Mails notice to each statewide organization that the 25324  
chief determines represents persons or local governmental agencies 25325  
who would be affected by the proposed rule, amendment thereto, or 25326  
rescission thereof at least thirty-five days before any public 25327  
hearing thereon; 25328

(b) Mails a copy of each proposed rule, amendment thereto, or 25329  
rescission thereof to any person who requests a copy, within five 25330  
days after receipt of the request; 25331

(c) Consults with appropriate state and local governmental 25332  
agencies or their representatives, including statewide 25333  
organizations of local governmental officials, industrial 25334  
representatives, and other interested persons; 25335

(d) If the rule relates to agricultural pollution abatement, 25336  
develops an economic impact statement concerning the effect of the 25337  
proposed rule or amendment. 25338

~~(12)~~(10) Shall not conflict with air or water quality 25339  
standards adopted pursuant to section 3704.03 or 6111.041 of the 25340  
Revised Code. Compliance with rules adopted pursuant to this 25341  
section does not affect liability for noncompliance with air or 25342  
water quality standards adopted pursuant to section 3704.03 or 25343  
6111.041 of the Revised Code. The application of a level of 25344  
management and conservation practices recommended under this 25345  
section to control windblown soil from farming operations creates 25346  
a presumption of compliance with section 3704.03 of the Revised 25347  
Code as that section applies to windblown soil. 25348

~~(13)~~(11) Insofar as the rules relate to urban sediment 25349  
pollution, shall not be applicable in a municipal corporation or 25350  
county that adopts ordinances or rules for urban sediment control, 25351  
except that a municipal corporation or county that adopts such 25352  
ordinances or rules may receive moneys for urban sediment control 25353

that are disbursed by the board of supervisors of the applicable 25354  
soil and water conservation district under division ~~(R)~~(N) of 25355  
section 1515.08 of the Revised Code. The rules shall not exempt 25356  
any person from compliance with municipal ordinances enacted 25357  
pursuant to Section 3 of Article XVIII, Ohio Constitution. 25358

(F) Cost share with landowners on practices established 25359  
pursuant to division (E)(5) of this section as moneys are 25360  
appropriated and available for that purpose. Any practice for 25361  
which cost share is provided shall be maintained for its useful 25362  
life. Failure to maintain a cost share practice for its useful 25363  
life shall subject the landowner to full repayment to the 25364  
division. 25365

(G) Issue orders requiring compliance with any rule adopted 25366  
under division (E)(1) of this section or with section 1511.022 of 25367  
the Revised Code. Before the chief issues an order, the chief 25368  
shall afford each person allegedly liable an adjudication hearing 25369  
under Chapter 119. of the Revised Code. The chief may require in 25370  
an order that a person who has caused agricultural pollution by 25371  
failure to comply with the standards established under division 25372  
(E)(1) of this section operate under an operation and management 25373  
plan approved by the chief under this section. The chief shall 25374  
require in an order that a person who has failed to comply with 25375  
division (A) of section 1511.022 of the Revised Code prepare a 25376  
composting plan in accordance with rules adopted under division 25377  
(E)(10)(c) of this section and operate in accordance with that 25378  
plan or that a person who has failed to operate in accordance with 25379  
such a plan begin to operate in accordance with it. Each order 25380  
shall be issued in writing and contain a finding by the chief of 25381  
the facts upon which the order is based and the standard that is 25382  
not being met. 25383

(H) Employ field assistants and such other employees as are 25384  
necessary for the performance of the work prescribed by Chapter 25385

1515. of the Revised Code, for performance of work of the 25386  
division, and as agreed to under working agreements or contractual 25387  
arrangements with local soil and water conservation districts, 25388  
prescribe their duties, and fix their compensation in accordance 25389  
with such schedules as are provided by law for the compensation of 25390  
state employees. 25391

All employees of the division, unless specifically exempted 25392  
by law, shall be employed subject to the classified civil service 25393  
laws in force at the time of employment. 25394

(I) In connection with new or relocated projects involving 25395  
highways, underground cables, pipelines, railroads, and other 25396  
improvements affecting soil and water resources, including surface 25397  
and subsurface drainage: 25398

(1) Provide engineering service as is mutually agreeable to 25399  
the Ohio soil and water conservation commission and the director 25400  
to aid in the design and installation of soil and water 25401  
conservation practices as a necessary component of such projects; 25402

(2) Maintain close liaison between the owners of lands on 25403  
which the projects are executed, local soil and water conservation 25404  
districts, and authorities responsible for such projects; 25405

(3) Review plans for such projects to ensure their compliance 25406  
with standards developed under division (E) of this section in 25407  
cooperation with the department of transportation or with any 25408  
other interested agency that is engaged in soil or water 25409  
conservation projects in the state in order to minimize adverse 25410  
impacts on soil and water resources adjacent to or otherwise 25411  
affected by these projects; 25412

(4) Recommend measures to retard erosion and protect soil and 25413  
water resources through the installation of water impoundment or 25414  
other soil and water conservation practices; 25415

(5) Cooperate with other agencies and subdivisions of the 25416

state to protect the agricultural status of rural lands adjacent 25417  
to such projects and control adverse impacts on soil and water 25418  
resources. 25419

(J) Collect, analyze, inventory, and interpret all available 25420  
information pertaining to the origin, distribution, extent, use, 25421  
and conservation of the soil resources of the state; 25422

(K) Prepare and maintain up-to-date reports, maps, and other 25423  
materials pertaining to the soil resources of the state and their 25424  
use and make that information available to governmental agencies, 25425  
public officials, conservation entities, and the public; 25426

(L) Provide soil and water conservation districts with 25427  
technical assistance including on-site soil investigations and 25428  
soil interpretation reports on the suitability or limitations of 25429  
soil to support a particular use or to plan soil conservation 25430  
measures. The assistance shall be upon such terms as are mutually 25431  
agreeable to the districts and the department of natural 25432  
resources. 25433

(M) Assist local government officials in utilizing land use 25434  
planning and zoning, current agricultural use value assessment, 25435  
development reviews, and land management activities; 25436

(N) When necessary for the purposes of this chapter or 25437  
Chapter 1515. of the Revised Code, develop or approve operation 25438  
and management plans. 25439

This section does not restrict the excrement of domestic or 25440  
farm animals defecated on land outside a concentrated animal 25441  
feeding operation or runoff therefrom into the waters of the 25442  
state. 25443

**Sec. 1511.021.** (A) Any person who owns or operates 25444  
agricultural land or a concentrated animal feeding operation may 25445  
develop and operate under an operation and management plan 25446



approved by the chief of the division of soil and water 25447  
~~conservation~~ resources under section 1511.02 of the Revised Code 25448  
or by the supervisors of the local soil and water conservation 25449  
district under section 1515.08 of the Revised Code. 25450

(B) Any person who wishes to make a complaint regarding 25451  
nuisances involving agricultural pollution may do so orally or by 25452  
submitting a written, signed, and dated complaint to the chief or 25453  
to the chief's designee. After receiving an oral complaint, the 25454  
chief or the chief's designee may cause an investigation to be 25455  
conducted to determine whether agricultural pollution has occurred 25456  
or is imminent. After receiving a written, signed, and dated 25457  
complaint, the chief or the chief's designee shall cause such an 25458  
investigation to be conducted. 25459

(C) In a private civil action for nuisances involving 25460  
agricultural pollution, it is an affirmative defense if the person 25461  
owning, operating, or otherwise responsible for agricultural land 25462  
or a concentrated animal feeding operation is operating under and 25463  
in substantial compliance with an approved operation and 25464  
management plan developed under division (A) of this section, with 25465  
an operation and management plan developed by the chief under 25466  
section 1511.02 of the Revised Code or by the supervisors of the 25467  
local soil and water conservation district under section 1515.08 25468  
of the Revised Code, or with an operation and management plan 25469  
required by an order issued by the chief under division (G) of 25470  
section 1511.02 of the Revised Code. Nothing in this section is in 25471  
derogation of the authority granted to the chief in division (E) 25472  
of section 1511.02 and in section 1511.07 of the Revised Code. 25473

**Sec. 1511.022.** (A) Any person who owns or operates an 25474  
agricultural operation, or owns the animals raised by the owner or 25475  
operator of an agricultural operation, and who wishes to conduct 25476  
composting of dead animals resulting from the agricultural 25477

operation shall do both of the following: 25478

(1) Participate in an educational course concerning 25479  
composting conducted by the Ohio cooperative extension service and 25480  
obtain a certificate of completion for the course; 25481

(2) Use the appropriate method, technique, or practice of 25482  
composting established in rules adopted under division (E)~~(10)~~(8) 25483  
of section 1511.02 of the Revised Code. 25484

(B) Any person who fails to comply with division (A) of this 25485  
section shall prepare and operate under a composting plan in 25486  
accordance with an order issued by the chief of the division of 25487  
soil and water ~~conservation~~ resources under division (G) of 25488  
section 1511.02 of the Revised Code. If the person's proposed 25489  
composting plan is disapproved by the board of supervisors of the 25490  
appropriate soil and water conservation district under division 25491  
~~(U)~~(Q)(3) of section 1515.08 of the Revised Code, the person may 25492  
appeal the plan disapproval to the chief, who shall afford the 25493  
person a hearing. Following the hearing, the chief shall uphold 25494  
the plan disapproval or reverse it. If the chief reverses the 25495  
disapproval, the plan shall be deemed approved. 25496

**Sec. 1511.03.** The chief of the division of soil and water 25497  
~~conservation~~ resources may enter into contracts or agreements, 25498  
with the approval of the director of natural resources, with any 25499  
agency of the United States government, or any other public or 25500  
private agency, or organization, for the performance of the 25501  
prescribed duties of the division, or for accomplishing 25502  
cooperative projects within the designated duties of the division. 25503

**Sec. 1511.04.** The chief of the division of soil and water 25504  
~~conservation~~ resources may accept, on behalf of the department of 25505  
natural resources, donations, grants and contributions in money, 25506  
service, or equipment to enlarge or expedite the prescribed work 25507

of the division. 25508

**Sec. 1511.05.** The chief of the division of soil and water 25509  
~~conservation~~ resources, subject to approval of the terms of the 25510  
agreement by the soil and water conservation commission, shall 25511  
enter into cooperative agreements with the board of supervisors of 25512  
any soil and water conservation district desiring to enter into 25513  
such agreements pursuant to section 1515.08 of the Revised Code. 25514  
Such agreements shall be entered into to obtain compliance with 25515  
rules and orders of the chief pertaining to agricultural pollution 25516  
abatement and urban sediment pollution abatement. 25517

The chief or any person designated by the chief may upon 25518  
obtaining agreement with the owner, tenant, or manager of any 25519  
land, public or private, enter thereon to make inspections to 25520  
determine whether or not there is compliance with the rules 25521  
adopted under division (E)(1) of section 1511.02 of the Revised 25522  
Code. Upon reason to believe there is a violation, the chief or 25523  
~~his~~ the chief's designee may apply for and a judge of the court of 25524  
common pleas for the county where the land is located may issue an 25525  
appropriate inspection warrant as necessary to achieve the 25526  
purposes of this chapter. 25527

**Sec. 1511.06.** The chief of the division of soil and water 25528  
~~conservation~~ resources may enter into agreements with local 25529  
government agencies for the purpose of soil surveys, land use 25530  
inventories, and other soil-related duties. 25531

**Sec. 1511.07.** (A)(1) No person shall fail to comply with an 25532  
order of the chief of the division of soil and water ~~conservation~~ 25533  
resources issued pursuant to division (G) of section 1511.02 of 25534  
the Revised Code. 25535

(2) In addition to the remedies provided and irrespective of 25536  
whether an adequate remedy at law exists, the chief may apply to 25537

the court of common pleas in the county where a violation of a 25538  
standard established under division (E)(1) or ~~(10)~~(8)(b) of 25539  
section 1511.02 of the Revised Code causes pollution of the waters 25540  
of the state for an order to compel the violator to cease the 25541  
violation and to remove the agricultural pollutant or to comply 25542  
with the rules adopted under division (E)~~(10)~~(8)(b) of that 25543  
section, as appropriate. 25544

(3) In addition to the remedies provided and irrespective of 25545  
whether an adequate remedy at law exists, whenever the chief 25546  
officially determines that an emergency exists because of an 25547  
unauthorized release, spill, or discharge of animal waste, or a 25548  
violation of a rule adopted under division (E)~~(10)~~(8)(b) of 25549  
section 1511.02 of the Revised Code, that causes pollution of the 25550  
waters of the state, the chief may, without notice or hearing, 25551  
issue an order reciting the existence of the emergency and 25552  
requiring that necessary action be taken to meet the emergency. 25553  
The order shall be effective immediately. Any person to whom the 25554  
order is directed shall comply with the order immediately, but on 25555  
application to the chief shall be afforded a hearing as soon as 25556  
possible, but not later than twenty days after making the 25557  
application. On the basis of the hearing, the chief shall continue 25558  
the order in effect, revoke it, or modify it. No emergency order 25559  
shall remain in effect for more than sixty days after its 25560  
issuance. If a person to whom an order is issued does not comply 25561  
with the order within a reasonable period, as determined by the 25562  
chief, the chief or the chief's designee may enter upon private or 25563  
public lands and take action to mitigate, minimize, remove, or 25564  
abate the release, spill, discharge, or conditions caused by the 25565  
violation of the rule. 25566

(B) The attorney general, upon the written request of the 25567  
chief, shall bring appropriate legal action in Franklin county 25568  
against any person who fails to comply with an order of the chief 25569

issued pursuant to division (G) of section 1511.02 of the Revised Code. 25570  
25571

**Sec. 1511.071.** There is hereby created in the state treasury 25572  
the agricultural pollution abatement fund, which shall be 25573  
administered by the chief of the division of soil and water 25574  
~~conservation~~ resources. The fund may be used to pay costs incurred 25575  
by the division under division (A)(3) of section 1511.07 of the 25576  
Revised Code in investigating, mitigating, minimizing, removing, 25577  
or abating any pollution of the waters of the state caused by an 25578  
unauthorized release, spill, or discharge of animal waste into or 25579  
upon the environment that requires emergency action to protect the 25580  
public health. 25581

Any person responsible for causing or allowing an 25582  
unauthorized release, spill, or discharge is liable to the chief 25583  
for any costs incurred by the division and soil and water 25584  
conservation districts in investigating, mitigating, minimizing, 25585  
removing, or abating the release, spill, or discharge, regardless 25586  
of whether those costs were paid out of the agricultural pollution 25587  
abatement fund or any other fund of the division or a district. 25588  
Upon the request of the chief, the attorney general shall bring a 25589  
civil action against the responsible person to recover those 25590  
costs. Moneys recovered under this section shall be paid into the 25591  
agricultural pollution abatement fund. 25592

**Sec. 1511.08.** Any person claiming to be deprived of a right 25593  
or protection afforded ~~him~~ the person by law by an order of the 25594  
chief of the division of soil and water ~~conservation~~ resources, 25595  
except an order which adopts a rule, may appeal to the court of 25596  
common pleas of Franklin county or the court of common pleas of 25597  
the county in which the alleged violation exists. 25598

If the court finds that the order of the chief appealed from 25599

was lawful and reasonable, it shall affirm such order. If the court finds that such order was unreasonable or unlawful, it shall vacate such order and make the order which it finds the chief should have made. The judgment of the court is final unless reversed, vacated, or modified on appeal.

Sec. 1513.021. (A) As used in this section, "ton" means two thousand pounds of coal that is measured at the point and time of extraction after the removal of any impurities.

(B) Except as otherwise provided in division (D) of this section, there is charged to an operator an energy resource extraction fee of eight cents per ton of coal. The fee that is charged under this section is to provide funding for the division of mineral resources management to administer the coal mining and reclamation program, satisfy the regulatory, environmental, and natural resources management requirements of this state, and reclaim land affected by mining.

(C) In accordance with rules adopted under this section, the chief of the division of mineral resources management shall collect from each operator the fee that is charged under this section. The chief shall transmit all money collected under this section to the treasurer of state to be credited to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code.

(D) Beginning July 1, 2013, and thereafter not later than thirty days after the end of a fiscal biennium, the director of natural resources shall examine the balance of the coal mining administration and reclamation reserve fund to determine if the fund contains sufficient money to fulfill the purposes specified in division (B) of this section for the fiscal biennium in which the examination is conducted. The director shall certify the director's determination to the director of budget and management

and the treasurer of state. If the director of natural resources 25631  
determines that the fund contains sufficient money for that fiscal 25632  
biennium, the energy resource extraction fee shall be four cents 25633  
per ton of coal. If the director determines that the fund does not 25634  
contain sufficient money, the energy resource extraction fee shall 25635  
be eight cents per ton of coal. 25636

(E) The chief, with the approval of the director of natural 25637  
resources, shall adopt rules in accordance with Chapter 119. of 25638  
the Revised Code for the administration of this section. 25639

(F) In any fiscal year, the director of natural resources may 25640  
request the director of budget and management to transfer from the 25641  
coal mining administration and reclamation reserve fund to the 25642  
geological mapping fund created in section 1505.09 of the Revised 25643  
Code a portion of the money credited to the coal mining 25644  
administration and reclamation reserve fund resulting from the 25645  
energy resource extraction fee that is collected under this 25646  
section. 25647

(G) Not later than January 1, 2015, the chief shall complete 25648  
a study to determine the solvency of the coal mining 25649  
administration and reclamation fund and shall report the 25650  
determination to the director of budget and management and make 25651  
recommendations to the director concerning the rate of the energy 25652  
resource extraction fee charged under this section. 25653

**Sec. 1514.08.** (A) The chief of the division of mineral 25654  
resources management may adopt, amend, and rescind rules in 25655  
accordance with Chapter 119. of the Revised Code in order to 25656  
prescribe procedures for submitting applications for permits, 25657  
amendments to permits, and amendments to plans of mining and 25658  
reclamation; filing annual reports and final reports; requesting 25659  
inspection and approval of reclamation; paying permit and filing 25660  
fees; and filing and obtaining the release of performance bonds 25661

deposited with the state. For the purpose of preventing damage to 25662  
adjoining property or achieving one or more of the performance 25663  
standards established in division (A)(10) of section 1514.02 of 25664  
the Revised Code, the chief may establish classes of mining 25665  
industries, based upon industrial categories, combinations of 25666  
minerals produced, and geological conditions in which surface or 25667  
in-stream mining operations occur, and may prescribe different 25668  
rules consistent with the performance standards for each class. 25669  
For the purpose of apportioning the workload of the division of 25670  
mineral resources management among the quarters of the year, the 25671  
rules may require that applications for permits and annual reports 25672  
be filed in different quarters of the year, depending upon the 25673  
county in which the operation is located. 25674

(B) The chief shall adopt rules under this section that do 25675  
all of the following: 25676

(1) With respect to in-stream mining, and in consultation 25677  
with the chief of the division of soil and water resources, 25678  
determine periods of low flow, which are the only time periods 25679  
during which in-stream mining is allowed, and develop and 25680  
implement any criteria, in addition to the criteria established in 25681  
section 1514.02 of the Revised Code, that the chief determines are 25682  
necessary for the permitting of in-stream mining; 25683

(2) Establish criteria and procedures for approving or 25684  
disapproving the transfer of a surface or in-stream mining permit 25685  
under division (F) of section 1514.02 of the Revised Code; 25686

(3) Define when any of the following may be considered to be 25687  
"significant" for purposes of section 1514.022 of the Revised 25688  
Code: 25689

(a) An amendment to a permit issued under section 1514.02 of 25690  
the Revised Code for a surface or in-stream mining operation; 25691



(b) An amendment to the plan of mining and reclamation that 25692  
must be filed with an application for either permit under section 25693  
1514.02 of the Revised Code; 25694

(c) Changes to that plan of mining and reclamation that are 25695  
proposed in a permit renewal application filed under section 25696  
1514.021 of the Revised Code. 25697

In defining "significant," the chief shall focus on changes 25698  
that increase the likelihood that the mining operation may have a 25699  
negative impact on the public. 25700

(4) Establish a framework and procedures under which the 25701  
amount of any bond required to be filed under this chapter to 25702  
ensure the satisfactory performance of the reclamation measures 25703  
required under this chapter may be reduced by subtracting a credit 25704  
based on the operator's past compliance with this chapter and 25705  
rules adopted and orders issued under it. The rules also shall 25706  
apply to cash, an irrevocable letter of credit, or a certificate 25707  
of deposit that is on deposit in lieu of a bond. In establishing 25708  
the amount of credit that an operator or applicant may receive 25709  
based on past compliance, the chief may consider past compliance 25710  
with respect to any permit for a surface or in-stream mining 25711  
operation that has been issued in this state to the operator or 25712  
applicant. 25713

(5) Establish criteria and procedures for granting a variance 25714  
from compliance with the prohibitions established in divisions 25715  
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 25716  
criteria shall ensure that an operator may obtain a variance only 25717  
if compliance with the applicable prohibition is not necessary to 25718  
prevent damage to the watercourse or surrounding areas. 25719

**Sec. 1514.13.** (A) The chief of the division of mineral 25720  
resources management shall use the compilation of data for ground 25721  
water modeling submitted under section 1514.02 of the Revised Code 25722

to establish a projected cone of depression for any surface mining 25723  
operation that may result in dewatering. The chief shall consult 25724  
with the chief of the division of soil and water resources when 25725  
projecting a cone of depression. An applicant for a surface mining 25726  
permit for such an operation may submit ground water modeling that 25727  
shows a projected cone of depression for that operation to the 25728  
chief, provided that the modeling complies with rules adopted by 25729  
the chief regarding ground water modeling. However, the chief 25730  
shall establish the projected cone of depression for the purposes 25731  
of this section. 25732

The chief shall adopt, and may amend and rescind, rules in 25733  
accordance with Chapter 119. of the Revised Code establishing 25734  
requirements and standards governing both of the following: 25735

(1) Ground water modeling for establishing a projected cone 25736  
of depression. A ground water model shall be generally accepted in 25737  
the scientific community. 25738

(2) Replacement of water supplies. 25739

(B)(1) If an owner of real property who obtains all or part 25740  
of the owner's water supply for domestic, agricultural, 25741  
industrial, or other legitimate use from ground water has a 25742  
diminution, contamination, or interruption of that water supply 25743  
and the owner's real property is located within the projected cone 25744  
of depression of a surface mining operation established under this 25745  
section, the owner may submit a written complaint to the operator 25746  
of that operation or to the chief informing the operator or the 25747  
chief that there is a diminution, contamination, or interruption 25748  
of the owner's water supply. The complaint shall include the 25749  
owner's name, address, and telephone number. 25750

If the chief receives a written complaint, the chief 25751  
immediately shall send a copy of the complaint to the operator, 25752  
and the operator immediately shall respond by sending the chief a 25753

statement that explains how the operator resolved or will resolve 25754  
the complaint. If the operator receives a written complaint, the 25755  
operator immediately shall send to the chief a copy of the 25756  
complaint and include a statement that explains how the operator 25757  
resolved or will resolve the complaint. Not later than seventy-two 25758  
hours after receipt of the complaint, the operator shall provide 25759  
the owner a supply of water that is comparable, in quantity and 25760  
quality, to the owner's water supply prior to the diminution, 25761  
contamination, or interruption of the owner's water supply. The 25762  
operator shall maintain that water supply until the operator 25763  
provides a permanent replacement water supply to the owner under 25764  
division (B)(3) of this section or until the division of mineral 25765  
resources management completes the evaluation under division 25766  
(B)(2) of this section, whichever is applicable. 25767

(2) A rebuttable presumption exists that the operation caused 25768  
the diminution, contamination, or interruption of the owner's 25769  
water supply. However, not later than fourteen days after receipt 25770  
of the complaint, the operator may submit to the division 25771  
information showing that the operation is not the proximate cause 25772  
of the diminution, contamination, or interruption of the owner's 25773  
water supply. The division shall evaluate the information 25774  
submitted by the operator to determine if the presumption is 25775  
rebutted. If the operator fails to rebut the presumption, the 25776  
division immediately shall notify the operator that the operator 25777  
failed to rebut the presumption. Not later than fourteen days 25778  
after receipt of that notice, the operator shall provide the owner 25779  
a permanent replacement water supply that is comparable, in 25780  
quantity and quality, to the owner's water supply prior to the 25781  
diminution, contamination, or interruption of the owner's water 25782  
supply. If the operator rebuts the presumption, the division 25783  
immediately shall notify the operator that the operator rebutted 25784  
the presumption, and, upon receipt of that notice, the operator 25785  
may cease providing a supply of water to the owner under division 25786

(B)(1) of this section. 25787

(3) If, within fourteen days after receipt of the complaint, 25788  
the operator does not submit to the division information showing 25789  
that the operation is not the proximate cause of the diminution, 25790  
contamination, or interruption of the owner's water supply, the 25791  
operator shall provide the owner, not later than twenty-eight days 25792  
after receipt of the complaint, a permanent replacement water 25793  
supply that is comparable, in quantity and quality, to the owner's 25794  
water supply prior to the diminution, contamination, or 25795  
interruption of the owner's water supply. 25796

(4) The division may investigate a complaint under division 25797  
(B) of this section. 25798

(C) If an owner of real property who obtains all or part of 25799  
the owner's water supply for domestic, agricultural, industrial, 25800  
or other legitimate use from ground water has a diminution, 25801  
contamination, or interruption of that water supply and the 25802  
owner's real property is not located within the projected cone of 25803  
depression of a surface mining operation established under this 25804  
section, the owner may submit a written complaint to the operator 25805  
of that operation or to the chief informing the operator or the 25806  
chief that there is a diminution, contamination, or interruption 25807  
of the owner's water supply. The complaint shall include the 25808  
owner's name, address, and telephone number. 25809

If the operator receives a written complaint, the operator 25810  
immediately shall send the chief a copy of the complaint. If the 25811  
chief receives a written complaint, the chief immediately shall 25812  
send the operator a copy of the complaint. The chief shall 25813  
investigate any complaint submitted under this division and, upon 25814  
completion of the investigation, immediately shall send the 25815  
results of the investigation to the operator and to the owner that 25816  
filed the complaint. 25817

An owner that submits a written complaint under this division 25818  
may resolve the diminution, contamination, or interruption of the 25819  
owner's water supply with the operator of that operation or may 25820  
commence a civil action for that purpose. 25821

(D) An operator may request the chief to amend the plan of 25822  
mining and reclamation filed with the application under section 25823  
1514.02 of the Revised Code when a ground water user may affect 25824  
the projected cone of depression established for the operation 25825  
under division (A) of this section. The operator shall submit 25826  
additional data that reflect the ground water user's impact on the 25827  
ground water. The chief shall perform ground water modeling using 25828  
the additional data and may establish a revised projected cone of 25829  
depression for that operation. 25830

(E) This section shall not be construed as creating, 25831  
modifying, or affecting any right, liability, or remedy of surface 25832  
riparian owners. 25833

**Sec. 1515.08.** The supervisors of a soil and water 25834  
conservation district have the following powers in addition to 25835  
their other powers: 25836

(A) To conduct surveys, investigations, and research relating 25837  
to the character of soil erosion, floodwater and sediment damages, 25838  
and the preventive and control measures and works of improvement 25839  
for flood prevention and the conservation, development, 25840  
utilization, and disposal of water needed within the district, and 25841  
to publish the results of those surveys, investigations, or 25842  
research, provided that no district shall initiate any research 25843  
program except in cooperation or after consultation with the Ohio 25844  
agricultural research and development center; 25845

(B) To develop plans for the conservation of soil resources, 25846  
for the control and prevention of soil erosion, and for works of 25847  
improvement for flood prevention and the conservation, 25848

development, utilization, and disposal of water within the 25849  
district, and to publish those plans and information; 25850

(C) To implement, construct, repair, maintain, and operate 25851  
preventive and control measures and other works of improvement for 25852  
natural resource conservation and development and flood 25853  
prevention, and the conservation, development, utilization, and 25854  
disposal of water within the district on lands owned or controlled 25855  
by this state or any of its agencies and on any other lands within 25856  
the district, which works may include any facilities authorized 25857  
under state or federal programs, and to acquire, by purchase or 25858  
gift, to hold, encumber, or dispose of, and to lease real and 25859  
personal property or interests in such property for those 25860  
purposes; 25861

(D) To cooperate or enter into agreements with any occupier 25862  
of lands within the district in the carrying on of natural 25863  
resource conservation operations and works of improvement for 25864  
flood prevention and the conservation, development, utilization, 25865  
and management of natural resources within the district, subject 25866  
to such conditions as the supervisors consider necessary; 25867

(E) To accept donations, gifts, grants, and contributions in 25868  
money, service, materials, or otherwise, and to use or expend them 25869  
according to their terms; 25870

(F) To adopt, amend, and rescind rules to carry into effect 25871  
the purposes and powers of the district; 25872

(G) To sue and plead in the name of the district, and be sued 25873  
and impleaded in the name of the district, with respect to its 25874  
contracts and, as indicated in section 1515.081 of the Revised 25875  
Code, certain torts of its officers, employees, or agents acting 25876  
within the scope of their employment or official responsibilities, 25877  
or with respect to the enforcement of its obligations and 25878  
covenants made under this chapter; 25879

(H) To make and enter into all contracts, leases, and 25880  
agreements and execute all instruments necessary or incidental to 25881  
the performance of the duties and the execution of the powers of 25882  
the district under this chapter, provided that all of the 25883  
following apply: 25884

(1) Except as provided in section 307.86 of the Revised Code 25885  
regarding expenditures by boards of county commissioners, when the 25886  
cost under any such contract, lease, or agreement, other than 25887  
compensation for personal services or rental of office space, 25888  
involves an expenditure of more than the amount established in 25889  
that section regarding expenditures by boards of county 25890  
commissioners, the supervisors shall make a written contract with 25891  
the lowest and best bidder after advertisement, for not less than 25892  
two nor more than four consecutive weeks preceding the day of the 25893  
opening of bids, in a newspaper of general circulation within the 25894  
district and in such other publications as the supervisors 25895  
determine. The notice shall state the general character of the 25896  
work and materials to be furnished, the place where plans and 25897  
specifications may be examined, and the time and place of 25898  
receiving bids. 25899

(2) Each bid for a contract shall contain the full name of 25900  
every person interested in it. 25901

(3) Each bid for a contract for the construction, demolition, 25902  
alteration, repair, or reconstruction of an improvement shall meet 25903  
the requirements of section 153.54 of the Revised Code. 25904

(4) Each bid for a contract, other than a contract for the 25905  
construction, demolition, alteration, repair, or reconstruction of 25906  
an improvement, at the discretion of the supervisors, may be 25907  
accompanied by a bond or certified check on a solvent bank in an 25908  
amount not to exceed five per cent of the bid, conditioned that, 25909  
if the bid is accepted, a contract shall be entered into. 25910

(5) The supervisors may reject any and all bids.	25911
(I) To make agreements with the department of natural resources giving it control over lands of the district for the purpose of construction of improvements by the department under section 1501.011 of the Revised Code;	25912 25913 25914 25915
(J) To charge, alter, and collect rentals and other charges for the use or services of any works of the district;	25916 25917
(K) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;	25918 25919 25920
(L) To enter into agreements or contracts with the department for the determination, implementation, inspection, and funding of agricultural pollution abatement and urban sediment pollution abatement measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department shall authorize the division of soil and water <del>conservation</del> <u>resources</u> to implement the required program;	25921 25922 25923 25924 25925 25926 25927 25928 25929
(M) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;	25930 25931 25932
<del>(N) Until June 1, 1996, to conduct surveys and investigations relating to the incidence of the multiflora rose within the district and of the nature and extent of the adverse effects of the multiflora rose on agriculture, forestry, recreation, and other beneficial land uses;</del>	25933 25934 25935 25936 25937
<del>(O) Until June 1, 1996, to develop plans for the control of the multiflora rose within the district and to publish those plans and information related to control of the multiflora rose;</del>	25938 25939 25940



~~(P) Until June 1, 1996, to enter into contracts or agreements with the chief of the division of soil and water conservation to implement and administer a program for control of the multiflora rose and to receive and expend funds provided by the chief for that purpose;~~

~~(Q) Until June 1, 1996, to enter into cost sharing agreements with landowners for control of the multiflora rose. Before entering into any such agreement, the board of supervisors shall determine that the landowner's application meets the eligibility criteria established under division (E)(6) of section 1511.02 of the Revised Code. The cost sharing agreements shall contain the contract provisions required by the rules adopted under that division and such other provisions as the board of supervisors considers appropriate to ensure effective control of the multiflora rose.~~

~~(R) To enter into contracts or agreements with the chief of the division of soil and water resources to implement and administer a program for urban sediment pollution abatement and to receive and expend moneys provided by the chief for that purpose;~~

~~(S)(O) To develop operation and management plans, as defined in section 1511.01 of the Revised Code, as necessary;~~

~~(T)(P) To determine whether operation and management plans developed under division (A) of section 1511.021 of the Revised Code comply with the standards established under division (E)(1) of section 1511.02 of the Revised Code and to approve or disapprove the plans, based on such compliance. If an operation and management plan is disapproved, the board shall provide a written explanation to the person who submitted the plan. The person may appeal the plan disapproval to the chief, who shall afford the person a hearing. Following the hearing, the chief shall uphold the plan disapproval or reverse it. If the chief reverses the plan disapproval, the plan shall be deemed approved~~

under this division. In the event that any person operating or 25973  
owning agricultural land or a concentrated animal feeding 25974  
operation in accordance with an approved operation and management 25975  
plan who, in good faith, is following that plan, causes 25976  
agricultural pollution, the plan shall be revised in a fashion 25977  
necessary to mitigate the agricultural pollution, as determined 25978  
and approved by the board of supervisors of the soil and water 25979  
conservation district. 25980

~~(U)~~(O) With regard to composting conducted in conjunction 25981  
with agricultural operations, to do all of the following: 25982

(1) Upon request or upon their own initiative, inspect 25983  
composting at any such operation to determine whether the 25984  
composting is being conducted in accordance with section 1511.022 25985  
of the Revised Code; 25986

(2) If the board determines that composting is not being so 25987  
conducted, request the chief to issue an order under division (G) 25988  
of section 1511.02 of the Revised Code requiring the person who is 25989  
conducting the composting to prepare a composting plan in 25990  
accordance with rules adopted under division (E)~~(10)~~(8)(c) of that 25991  
section and to operate in accordance with that plan or to operate 25992  
in accordance with a previously prepared plan, as applicable; 25993

(3) In accordance with rules adopted under division 25994  
(E)~~(10)~~(8)(c) of section 1511.02 of the Revised Code, review and 25995  
approve or disapprove any such composting plan. If a plan is 25996  
disapproved, the board shall provide a written explanation to the 25997  
person who submitted the plan. 25998

As used in division ~~(U)~~(O) of this section, "composting" has 25999  
the same meaning as in section 1511.01 of the Revised Code. 26000

~~(V)~~(R) With regard to conservation activities that are 26001  
conducted in conjunction with agricultural operations, to assist 26002  
the county auditor, upon request, in determining whether a 26003

conservation activity is a conservation practice for purposes of 26004  
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 26005  
Revised Code. 26006

As used in this division, "conservation practice" has the 26007  
same meaning as in section 5713.30 of the Revised Code. 26008

~~(W)~~(S) To do all acts necessary or proper to carry out the 26009  
powers granted in this chapter. 26010

The director of natural resources shall make recommendations 26011  
to reduce the adverse environmental effects of each project that a 26012  
soil and water conservation district plans to undertake under 26013  
division (A), (B), (C), or (D) of this section and that will be 26014  
funded in whole or in part by moneys authorized under section 26015  
1515.16 of the Revised Code and shall disapprove any such project 26016  
that the director finds will adversely affect the environment 26017  
without equal or greater benefit to the public. The director's 26018  
disapproval or recommendations, upon the request of the district 26019  
filed in accordance with rules adopted by the Ohio soil and water 26020  
conservation commission, shall be reviewed by the commission, 26021  
which may confirm the director's decision, modify it, or add 26022  
recommendations to or approve a project the director has 26023  
disapproved. 26024

Any instrument by which real property is acquired pursuant to 26025  
this section shall identify the agency of the state that has the 26026  
use and benefit of the real property as specified in section 26027  
5301.012 of the Revised Code. 26028

**Sec. 1515.14.** Within the limits of funds appropriated to the 26029  
department of natural resources and the soil and water 26030  
conservation district assistance fund created in this section, 26031  
there shall be paid in each calendar year to each local soil and 26032  
water conservation district an amount not to exceed one dollar for 26033  
each one dollar received in accordance with section 1515.10 of the 26034

Revised Code, received from tax levies in excess of the ten-mill 26035  
levy limitation approved for the benefit of local soil and water 26036  
conservation districts, or received from an appropriation by a 26037  
municipal corporation or a township to a maximum of eight thousand 26038  
dollars, provided that the Ohio soil and water conservation 26039  
commission may approve payment to a district in an amount in 26040  
excess of eight thousand dollars in any calendar year upon receipt 26041  
of a request and justification from the district. The county 26042  
auditor shall credit such payments to the special fund established 26043  
pursuant to section 1515.10 of the Revised Code for the local soil 26044  
and water conservation district. The department may make advances 26045  
at least quarterly to each district on the basis of the estimated 26046  
contribution of the state to each district. Moneys received by 26047  
each district shall be expended for the purposes of the district. 26048

For the purpose of providing money to soil and water 26049  
conservation districts under this section, there is hereby created 26050  
in the state treasury the soil and water conservation district 26051  
assistance fund consisting of money credited to it under section 26052  
3714.073 and division (A)(4) of section 3734.57 of the Revised 26053  
Code. 26054

**Sec. 1515.183.** Upon acceptance of a petition requesting the 26055  
construction of an improvement, the supervisors of a soil and 26056  
water conservation district shall begin to prepare, as a guide to 26057  
the board of county commissioners and the petitioners, a 26058  
preliminary report regarding the proposed improvement. The 26059  
supervisors shall present the completed preliminary report at the 26060  
hearing that is held on the proposed improvement. 26061

The preliminary report shall include a preliminary estimate 26062  
of cost, comments on the feasibility of the project, and a 26063  
statement of the supervisors' opinion as to whether the benefits 26064  
from the project are likely to exceed the estimated cost. The 26065

preliminary report shall identify all factors that are apparent to 26066  
the supervisors, both favorable and unfavorable to the proposed 26067  
improvement, so that the petitioners may be informed concerning 26068  
what is involved with the construction of the improvement. 26069

In addition to reporting on the improvement as petitioned, 26070  
the supervisors may submit alternate proposals to accomplish the 26071  
intent of the petition. The preliminary report and all alternate 26072  
proposals shall be reviewed and receive concurrence from an 26073  
engineer who is employed by the division of soil and water 26074  
~~conservation~~ resources or by the natural resources conservation 26075  
service in the United States department of agriculture and who is 26076  
responsible for providing technical assistance to the district or 26077  
from any other registered professional engineer whom the 26078  
supervisors choose. 26079

**Sec. 1517.02.** There is hereby created in the department of 26080  
natural resources the division of natural areas and preserves, 26081  
which shall be administered by the chief of the division of 26082  
natural areas and preserves. The chief shall take an oath of 26083  
office and shall file in the office of the secretary of state a 26084  
bond signed by the chief and by a surety approved by the governor 26085  
for a sum fixed pursuant to section 121.11 of the Revised Code. 26086

The chief shall administer a system of nature preserves ~~and~~ 26087  
~~wild, scenic, and recreational river areas~~. The chief shall 26088  
establish a system of nature preserves through acquisition and 26089  
dedication of natural areas of state or national significance, 26090  
which shall include, but not be limited to, areas that represent 26091  
characteristic examples of Ohio's natural landscape types and its 26092  
natural vegetation and geological history. The chief shall 26093  
encourage landowners to dedicate areas of unusual significance as 26094  
nature preserves, and shall establish and maintain a registry of 26095  
natural areas of unusual significance. 26096

The chief may ~~supervise, operate, protect, and maintain wild, scenic, and recreational river areas, as designated by the director of natural resources. The chief may cooperate with participate in watershed planning activities with other states or federal agencies administering any federal program concerning wild, scenic, or recreational river areas.~~ 26097  
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The chief shall do the following: 26103

(A) Formulate policies and plans for the acquisition, use, management, and protection of nature preserves; 26104  
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(B) Formulate policies for the selection of areas suitable for registration; 26106  
26107

(C) Formulate policies for the dedication of areas as nature preserves; 26108  
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(D) Prepare and maintain surveys and inventories of natural areas, rare and endangered species of plants and animals, and other unique natural features. The information shall be stored in the Ohio natural heritage database, established pursuant to this division, and may be made available to any individual or private or public agency for research, educational, environmental, land management, or other similar purposes that are not detrimental to the conservation of a species or feature. Information regarding sensitive site locations of species that are listed pursuant to section 1518.01 of the Revised Code and of unique natural features that are included in the Ohio natural heritage database is not subject to section 149.43 of the Revised Code if the chief determines that the release of the information could be detrimental to the conservation of a species or unique natural feature. 26110  
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(E) Adopt rules for the use, visitation, and protection of nature preserves, and natural areas owned or managed through easement, license, or lease by the department and administered by 26125  
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~~the division, and lands owned or managed through easement,~~ 26128  
~~license, or lease by the department and administered by the~~ 26129  
~~division that are within or adjacent to any wild, scenic, or~~ 26130  
~~recreational river area,~~ in accordance with Chapter 119. of the 26131  
Revised Code; 26132

(F) Provide facilities and improvements within the state 26133  
system of nature preserves that are necessary for their 26134  
visitation, use, restoration, and protection and do not impair 26135  
their natural character; 26136

(G) Provide interpretive programs and publish and disseminate 26137  
information pertaining to nature preserves and natural areas for 26138  
their visitation and use; 26139

(H) Conduct and grant permits to qualified persons for the 26140  
conduct of scientific research and investigations within nature 26141  
preserves; 26142

(I) Establish an appropriate system for marking nature 26143  
preserves; 26144

(J) Publish and submit to the governor and the general 26145  
assembly a biennial report of the status and condition of each 26146  
nature preserve, activities conducted within each preserve, and 26147  
plans and recommendations for natural area preservation. 26148

**Sec. 1517.10.** (A) As used in this section, "felony" has the 26149  
same meaning as in section 109.511 of the Revised Code. 26150

(B)(1) Any person selected by the chief of the division of 26151  
natural areas and preserves for custodial or patrol service on the 26152  
lands and waters operated or administered by the division shall be 26153  
employed in conformity with the law applicable to the classified 26154  
civil service of the state. Subject to division (C) of this 26155  
section, the chief may designate that person as a preserve 26156  
officer. A preserve officer, in any nature preserve, in any 26157

natural area owned or managed through easement, license, or lease 26158  
by the department of natural resources and administered by the 26159  
division, and on lands owned or managed through easement, license, 26160  
or lease by the department and administered by the division that 26161  
are ~~within or adjacent to any wild, scenic, or recreational river~~ 26162  
~~area established under this chapter and~~ along any trail 26163  
established under Chapter 1519. of the Revised Code, has the 26164  
authority specified under section 2935.03 of the Revised Code for 26165  
peace officers of the department of natural resources to keep the 26166  
peace, to enforce all laws and rules governing those lands and 26167  
waters, and to make arrests for violation of those laws and rules, 26168  
provided that the authority shall be exercised on lands or waters 26169  
administered by another division of the department only pursuant 26170  
to an agreement with the chief of that division or to a request 26171  
for assistance by an enforcement officer of that division in an 26172  
emergency. A preserve officer, in or along any watercourse within, 26173  
abutting, or upstream from the boundary of any area administered 26174  
by the department, has the authority to enforce section 3767.32 of 26175  
the Revised Code and any other laws prohibiting the dumping of 26176  
refuse into or along waters and to make arrests for violation of 26177  
those laws. The jurisdiction of a preserve officer shall be 26178  
concurrent with that of the peace officers of the county, 26179  
township, or municipal corporation in which the violation occurs. 26180

The governor, upon the recommendation of the chief, shall 26181  
issue to each preserve officer a commission indicating authority 26182  
to make arrests as provided in this section. 26183

The chief shall furnish a suitable badge to each commissioned 26184  
preserve officer as evidence of the preserve officer's authority. 26185

(2) If any person employed under this section is designated 26186  
by the chief to act as an agent of the state in the collection of 26187  
money resulting from the sale of licenses, fees of any nature, or 26188  
other money belonging to the state, the chief shall require a 26189



surety bond from the person in an amount not less than one 26190  
thousand dollars. 26191

(3) A preserve officer may render assistance to a state or 26192  
local law enforcement officer at the request of the officer or in 26193  
the event of an emergency. Preserve officers serving outside the 26194  
division of natural areas and preserves under this section or 26195  
serving under the terms of a mutual aid compact authorized under 26196  
section 1501.02 of the Revised Code shall be considered as 26197  
performing services within their regular employment for the 26198  
purposes of compensation, pension or indemnity fund rights, 26199  
workers' compensation, and other rights or benefits to which they 26200  
may be entitled as incidents of their regular employment. 26201

Preserve officers serving outside the division of natural 26202  
areas and preserves under this section or under the terms of a 26203  
mutual aid compact retain personal immunity from civil liability 26204  
as specified in section 9.86 of the Revised Code and shall not be 26205  
considered an employee of a political subdivision for purposes of 26206  
Chapter 2744. of the Revised Code. A political subdivision that 26207  
uses preserve officers under this section or under the terms of a 26208  
mutual aid compact authorized under section 1501.02 of the Revised 26209  
Code is not subject to civil liability under Chapter 2744. of the 26210  
Revised Code as a result of any action or omission of any preserve 26211  
officer acting under this section or under a mutual aid compact. 26212

(C)(1) The chief of the division of natural areas and 26213  
preserves shall not designate a person as a preserve officer 26214  
pursuant to division (B)(1) of this section on a permanent basis, 26215  
on a temporary basis, for a probationary term, or on other than a 26216  
permanent basis if the person previously has been convicted of or 26217  
has pleaded guilty to a felony. 26218

(2)(a) The chief of the division of natural areas and 26219  
preserves shall terminate the employment as a preserve officer of 26220  
a person designated as a preserve officer under division (B)(1) of 26221

this section if that person does either of the following: 26222

(i) Pleads guilty to a felony; 26223

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 26224  
plea agreement as provided in division (D) of section 2929.43 of 26225  
the Revised Code in which the preserve officer agrees to surrender 26226  
the certificate awarded to the preserve officer under section 26227  
109.77 of the Revised Code. 26228

(b) The chief shall suspend from employment as a preserve 26229  
officer a person designated as a preserve officer under division 26230  
(B)(1) of this section if that person is convicted, after trial, 26231  
of a felony. If the preserve officer files an appeal from that 26232  
conviction and the conviction is upheld by the highest court to 26233  
which the appeal is taken or if the preserve officer does not file 26234  
a timely appeal, the chief shall terminate the employment of that 26235  
preserve officer. If the preserve officer files an appeal that 26236  
results in the preserve officer's acquittal of the felony or 26237  
conviction of a misdemeanor, or in the dismissal of the felony 26238  
charge against the preserve officer, the chief shall reinstate 26239  
that preserve officer. A preserve officer who is reinstated under 26240  
division (C)(2)(b) of this section shall not receive any back pay 26241  
unless that preserve officer's conviction of the felony was 26242  
reversed on appeal, or the felony charge was dismissed, because 26243  
the court found insufficient evidence to convict the preserve 26244  
officer of the felony. 26245

(3) Division (C) of this section does not apply regarding an 26246  
offense that was committed prior to January 1, 1997. 26247

(4) The suspension from employment, or the termination of the 26248  
employment, of a preserve officer under division (C)(2) of this 26249  
section shall be in accordance with Chapter 119. of the Revised 26250  
Code. 26251

**Sec. 1517.11.** There is hereby created in the state treasury 26252  
the natural areas and preserves fund, which shall consist of 26253  
moneys transferred into it under section 5747.113 of the Revised 26254  
Code and of contributions made directly to it. Any person may 26255  
contribute directly to the fund in addition to or independently of 26256  
the income tax refund contribution system established in that 26257  
section. 26258

Moneys in the fund shall be disbursed pursuant to vouchers 26259  
approved by the director of natural resources for use by the 26260  
division of natural areas and preserves solely for the following 26261  
purposes: 26262

(A) The acquisition of new or expanded natural areas, and 26263  
nature preserves, ~~and wild, scenic, and recreational river areas;~~ 26264

(B) Facility development in natural areas, and nature 26265  
preserves, ~~and wild, scenic, and recreational river areas;~~ 26266

(C) Special projects, including, but not limited to, 26267  
biological inventories, research grants, and the production of 26268  
interpretive material related to natural areas, and nature 26269  
preserves, ~~and wild, scenic, and recreational river areas;~~ 26270

(D) Routine maintenance for health and safety purposes. 26271

Moneys appropriated from the fund shall not be used to fund 26272  
salaries of permanent employees or administrative costs. 26273

All investment earnings of the fund shall be credited to the 26274  
fund. 26275

**Sec. 1519.03.** The director of natural resources, through the 26276  
chief of the division of ~~real estate parks and land management~~ 26277  
recreation, shall prepare and maintain a current inventory of 26278  
trails, abandoned or unmaintained roads, streets, and highways, 26279  
abandoned railroad rights-of-way, utility easements, canals, and 26280

other scenic or historic corridors or rights-of-way that are 26281  
suitable for recreational use. The director shall prepare and 26282  
publish a comprehensive plan for development of a statewide trails 26283  
system to serve present and future trail recreation needs of the 26284  
state. Any state department, agency, political subdivision, or 26285  
planning commission shall furnish available maps, descriptions, 26286  
and other pertinent information to the director or provide access 26287  
to ~~his~~ the director's representatives for inspection and 26288  
duplication, upon request by the director, for trail inventory and 26289  
planning purposes. 26290

**Sec. 1520.02.** (A) The director of natural resources has 26291  
exclusive authority to administer, manage, and establish policies 26292  
governing canal lands. 26293

(B)(1) The director may sell, lease, exchange, give, or grant 26294  
all or part of the state's interest in any canal lands in 26295  
accordance with section 1501.01 of the Revised Code. The director 26296  
may stipulate that an appraisal or survey need not be conducted 26297  
for, and may establish any terms or conditions that the director 26298  
determines appropriate for, any such conveyance. 26299

Prior to proposing the conveyance of any canal lands, the 26300  
director shall consider the local government needs and economic 26301  
development potential with respect to the canal lands and the 26302  
recreational, ecological, and historical value of the canal lands. 26303  
In addition, the conveyance of canal lands shall be conducted in 26304  
accordance with the director's policies governing the protection 26305  
and conservation of canal lands established under this section. 26306

(2) With regard to canal lands, the chief of the division of 26307  
~~water parks and recreation~~, with the approval of the director, may 26308  
sell, lease, or transfer minerals or mineral rights when the 26309  
chief, with the approval of the director, determines that the 26310  
sale, lease, or transfer is in the best interest of the state. 26311

Consideration for minerals and mineral rights shall be by rental 26312  
or on a royalty basis as prescribed by the chief, with the 26313  
approval of the director, and payable as prescribed by contract. 26314  
Moneys collected under division (B)(2) of this section shall be 26315  
paid into the state treasury to the credit of the canal lands fund 26316  
created in section 1520.05 of the Revised Code. 26317

(C) The director may transfer to the Ohio historical society 26318  
any equipment, maps, and records used on or related to canal lands 26319  
that are of historical interest and that are not needed by the 26320  
director to administer this chapter. 26321

(D) If the director determines that any canal lands are a 26322  
necessary part of a county's drainage or ditch system and are not 26323  
needed for any purpose of the department of natural resources, the 26324  
director may sell, grant, or otherwise convey those canal lands to 26325  
that county in accordance with division (B) of this section. The 26326  
board of county commissioners shall accept the transfer of canal 26327  
lands. 26328

(E) Notwithstanding any other section of the Revised Code, 26329  
the county auditor shall transfer any canal lands conveyed under 26330  
this section, and the county recorder shall record the deed for 26331  
those lands in accordance with section 317.12 of the Revised Code. 26332

**Sec. 1520.03.** (A) The director of natural resources may 26333  
appropriate real property in accordance with Chapter 163. of the 26334  
Revised Code for the purpose of administering this chapter. 26335

(B)(1) The director shall operate and maintain all canals and 26336  
canal reservoirs owned by the state except those canals that are 26337  
operated by the Ohio historical society on July 1, 1989. 26338

(2) On behalf of the director, the division of water parks 26339  
and recreation shall have the care and control of all canals and 26340  
canal reservoirs owned by the state, the water in them, and canal 26341

lands and shall protect, operate, and maintain them and keep them 26342  
in repair. The chief of the division of ~~water~~ parks and recreation 26343  
may remove obstructions from or on them and shall make any 26344  
alterations or changes in or to them and construct any feeders, 26345  
dikes, reservoirs, dams, locks, or other works, devices, or 26346  
improvements in or on them that are necessary in the discharge of 26347  
the chief's duties. 26348

In accordance with Chapter 119. of the Revised Code, the 26349  
chief may adopt, amend, and rescind rules that are necessary for 26350  
the administration of this division. 26351

(C) The director may sell or lease water from any canal or 26352  
canal reservoir that the director operates and maintains only to 26353  
the extent that the water is in excess of the quantity that is 26354  
required for navigation, recreation, and wildlife purposes. ~~The~~ 26355  
With the approval of the director, the chief may adopt, amend, and 26356  
rescind rules in accordance with Chapter 119. of the Revised Code 26357  
necessary to administer this division. 26358

The withdrawal of water from any canal or canal reservoir for 26359  
domestic use is exempt from this division. However, the director 26360  
may require water conservation measures for water that is 26361  
withdrawn from any canal or canal reservoir for domestic use 26362  
during drought conditions or other emergencies declared by the 26363  
governor. 26364

(D) No person shall take or divert water from any canal or 26365  
canal reservoir operated and maintained by the director except in 26366  
accordance with division (C) of this section. 26367

(E) At the request of the director, the attorney general may 26368  
commence a civil action for civil penalties and injunctions, in a 26369  
court of common pleas, against any person who has violated or is 26370  
violating division (D) of this section. The court of common pleas 26371  
in which an action for injunctive relief is filed has jurisdiction 26372

to and shall grant preliminary and permanent injunctive relief 26373  
upon a showing that the person against whom the action is brought 26374  
has violated or is violating that division. 26375

Upon a finding of a violation, the court shall assess a civil 26376  
penalty of not more than one thousand dollars for each day of each 26377  
violation if the violator is an individual who took or diverted 26378  
the water in question for residential or agricultural use. The 26379  
court shall assess a civil penalty of not more than five thousand 26380  
dollars for each day of each violation if the violator is any 26381  
other person who took or diverted the water in question for 26382  
industrial or commercial use excluding agricultural use. Moneys 26383  
from civil penalties assessed under this division shall be paid 26384  
into the state treasury to the credit of the canal lands fund 26385  
created in section 1520.05 of the Revised Code. 26386

Any action under this division is a civil action, governed by 26387  
the rules of civil procedure and other rules of practice and 26388  
procedure applicable to civil actions. 26389

(F) As used in this section, "person" means any agency of 26390  
this state, any political subdivision of this state or of the 26391  
United States, or any legal entity defined as a person under 26392  
section 1.59 of the Revised Code. 26393

**Sec. 1521.03.** The chief of the division of soil and water 26394  
resources shall do all of the following: 26395

(A) Assist in an advisory capacity any properly constituted 26396  
watershed district, conservancy district, or soil and water 26397  
conservation district or any county, municipal corporation, or 26398  
other government agency of the state in the planning of works for 26399  
ground water recharge, flood mitigation, floodplain management, 26400  
flood control, flow capacity and stability of streams, rivers, and 26401  
watercourses, or the establishment of water conservation 26402  
practices, within the limits of the appropriations for those 26403

purposes; 26404

(B) Have authority to conduct basic inventories of the water 26405  
and related natural resources in each drainage basin in the state; 26406  
to develop a plan on a watershed basis that will recognize the 26407  
variety of uses to which water may be put and the need for its 26408  
management for those uses; with the approval of the director of 26409  
natural resources and the controlling board, to transfer 26410  
appropriated or other funds, authorized for those inventories and 26411  
plan, to any division of the department of natural resources or 26412  
other state agencies for the purpose of developing pertinent data 26413  
relating to the plan of water management; and to accept and expend 26414  
moneys contributed by any person for implementing the development 26415  
of the plan; 26416

(C) Have authority to make detailed investigations of all 26417  
factors relating to floods, floodplain management, and flood 26418  
control in the state with particular attention to those factors 26419  
bearing upon the hydraulic and hydrologic characteristics of 26420  
rivers, streams, and watercourses, recognizing the variety of uses 26421  
to which water and watercourses may be put; 26422

(D) Cooperate with the United States or any agency thereof 26423  
and with any political subdivision of the state in planning and 26424  
constructing flood control works; 26425

(E) Hold meetings or public hearings, whichever is considered 26426  
appropriate by the chief, to assist in the resolution of conflicts 26427  
between ground water users. Such meetings or hearings shall be 26428  
called upon written request from boards of health of city or 26429  
general health districts created by or under the authority of 26430  
Chapter 3709. of the Revised Code or authorities having the duties 26431  
of a board of health as authorized by section 3709.05 of the 26432  
Revised Code, boards of county commissioners, boards of township 26433  
trustees, legislative authorities of municipal corporations, or 26434  
boards of directors of conservancy districts and may be called by 26435



the chief upon the request of any other person or at the chief's 26436  
discretion. The chief shall collect and present at such meetings 26437  
or hearings the available technical information relevant to the 26438  
conflicts and to the ground water resource. The chief shall 26439  
prepare a report, and may make recommendations, based upon the 26440  
available technical data and the record of the meetings or 26441  
hearings, about the use of the ground water resource. In making 26442  
the report and any recommendations, the chief also may consider 26443  
the factors listed in division (B) of section 1521.17 of the 26444  
Revised Code. The technical information presented, the report 26445  
prepared, and any recommendations made under this division shall 26446  
be presumed to be prima-facie authentic and admissible as evidence 26447  
in any court pursuant to Evidence Rule 902. 26448

(F) Perform stream or ground water gauging and may contract 26449  
with the United States government or any other agency for the 26450  
gauging of any streams or ground water within the state; 26451

(G) Primarily with regard to water quantity, have authority 26452  
to collect, study, map, and interpret all available information, 26453  
statistics, and data pertaining to the availability, supply, use, 26454  
conservation, and replenishment of the ground and surface waters 26455  
in the state in coordination with other agencies of this state; 26456

(H) Primarily with regard to water quantity and availability, 26457  
be authorized to cooperate with and negotiate for the state with 26458  
any agency of the United States government, of this state, or of 26459  
any other state pertaining to the water resources of the state; 26460

(I) Provide engineering support for the coastal management 26461  
program established under Chapter 1506. of the Revised Code. 26462

**Sec. 1521.031.** There is hereby created in the department of 26463  
natural resources the Ohio water advisory council. The council 26464  
shall consist of seven members appointed by the governor with the 26465  
advice and consent of the senate. No more than four of the members 26466

shall be of the same political party. Members shall be persons who 26467  
have a demonstrated interest in water management and whose 26468  
expertise reflects the various responsibilities of the division of 26469  
soil and water resources under this chapter and Chapter 1523. of 26470  
the Revised Code, including, but not limited to, dam safety, 26471  
surface water, groundwater, and flood plain management. The chief 26472  
of the division of soil and water resources may participate in the 26473  
deliberations of the council, but shall not vote. 26474

Terms of office of members shall be for two years commencing 26475  
on the second day of February and ending on the first day of 26476  
February. Each member shall hold office from the date of 26477  
appointment until the end of the term for which ~~he was~~ appointed. 26478  
The governor may remove any member at any time for inefficiency, 26479  
neglect of duty, or malfeasance in office. In the event of the 26480  
death, removal, resignation, or incapacity of any member, the 26481  
governor, with the advice and consent of the senate, shall appoint 26482  
a successor to hold office for the remainder of the term for which 26483  
~~his~~ the member's predecessor was appointed. Any member shall 26484  
continue in office following the expiration date of ~~his~~ the 26485  
member's term until ~~his~~ the member's successor takes office or 26486  
until sixty days have elapsed, whichever occurs first. Membership 26487  
on the council does not constitute holding a public office or 26488  
position of employment under the Revised Code and is not grounds 26489  
for removal of public officers or employees from their offices or 26490  
positions of employment. 26491

The council annually shall select from its members a ~~chairman~~ 26492  
chairperson and a ~~vice-chairman~~ vice-chairperson. The council 26493  
shall hold at least one meeting each calendar quarter and shall 26494  
keep a record of its proceedings, which shall be open to the 26495  
public for inspection. Special meetings may be called by the 26496  
~~chairman~~ chairperson and shall be called upon the written request 26497  
of two or more members. A majority of the members constitutes a 26498

quorum. The division shall furnish clerical, technical, legal, and 26499  
other services required by the council in the performance of its 26500  
duties. 26501

Members shall receive no compensation, but shall be 26502  
reimbursed from the appropriations for the division for the actual 26503  
and necessary expenses incurred by them in the performance of 26504  
their official duties. 26505

The council shall: 26506

(A) Advise the chief of the division of soil and water 26507  
resources in carrying out the duties of the division under this 26508  
chapter and Chapter 1523. of the Revised Code; 26509

(B) Recommend such policy and legislation with respect to 26510  
water management and conservation as will promote the economic, 26511  
industrial, and social development of the state while minimizing 26512  
threats to the state's natural environment; 26513

(C) Review and make recommendations on the development of 26514  
plans and programs for long-term, comprehensive water management 26515  
throughout the state; and 26516

(D) Recommend ways to enhance cooperation among governmental 26517  
agencies having an interest in water to encourage wise use and 26518  
protection of the state's ground and surface waters. To this end, 26519  
the council shall request nonvoting representation from 26520  
appropriate governmental agencies. 26521

**Sec. 1521.04.** The chief of the division of soil and water 26522  
resources, with the approval of the director of natural resources, 26523  
may make loans and grants from the water management fund created 26524  
in section 1501.32 of the Revised Code to governmental agencies 26525  
for water management, water supply improvements, and planning and 26526  
may administer grants from the federal government and from other 26527  
public or private sources for carrying out those functions and for 26528

the performance of any acts that may be required by the United States or by any agency or department thereof as a condition for the participation by any governmental agency in any federal financial or technical assistance program. Direct and indirect costs of administration may be paid from the fund.

The chief may use the water management fund for the purposes of administering the water diversion and consumptive use permit programs established in sections 1501.30 to 1501.35 of the Revised Code; to perform watershed and water resources studies for the purposes of water management planning; and to acquire, construct, reconstruct, improve, equip, maintain, operate, and dispose of water management improvements. The chief may fix, alter, charge, and collect rates, fees, rentals, and other charges to be paid into the fund by governmental agencies and persons who are supplied with water by facilities constructed or operated by the department of natural resources in order to amortize and defray the cost of the construction, maintenance, and operation of those facilities.

**Sec. 1521.05.** (A) As used in this section:

(1) "Construct" or "construction" includes drilling, boring, digging, deepening, altering, and logging.

(2) "Altering" means changing the configuration of a well, including, without limitation, deepening a well, extending or replacing any portion of the inside or outside casing or wall of a well that extends below ground level, plugging a portion of a well back to a certain depth, and reaming out a well to enlarge its original diameter.

(3) "Logging" means describing the lithology, grain size, color, and texture of the formations encountered during the drilling, boring, digging, deepening, or altering of a well.

(4) "Grouting" means neat cement; bentonite products in slurry, granular, or pelletized form, excluding drilling mud or fluids; or any combination of neat cement and bentonite products that is placed within a well to seal the annular space or to seal an abandoned well and that is impervious to and capable of preventing the movement of water.

(5) "Abandoned well" means a well whose use has been permanently discontinued and that poses potential health and safety hazards or that has the potential to transmit surface contaminants into the aquifer in which the well has been constructed.

(6) "Sealing" means the complete filling of an abandoned well with grouting or other approved materials in order to permanently prevent the vertical movement of water in the well and thus prevent the contamination of ground water or the intermixing of water between aquifers.

(B) Any person that constructs a well shall keep a careful and accurate log of the construction of the well. The log shall show all of the following:

(1) The character, including, without limitation, the lithology, color, texture, and grain size, the name, if known, and the depth of all formations passed through or encountered;

(2) The depths at which water is encountered;

(3) The static water level of the completed well;

(4) A copy of the record of all pumping tests and analyses related to those tests, if any;

(5) Construction details, including lengths, diameters, and thicknesses of casing and screening and the volume, type of material, and method of introducing gravel packing and grouting into the well;

(6) The type of pumping equipment installed, if any;	26589
(7) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	26590 26591 26592
(8) The signature of the individual who constructed the well and filed the well log;	26593 26594
(9) Any other information required by the chief of the division of <u>soil and water resources</u> .	26595 26596
The log shall be <del>furnished to</del> <u>filed with</u> the division of <u>soil and water resources</u> within thirty days after the completion of construction of the well on forms prescribed and prepared by the division. The log shall be kept on file by the division.	26597 26598 26599 26600
(C) Any person that seals a well shall keep a careful and accurate report of the sealing of the well. The sealing report shall show all of the following:	26601 26602 26603
(1) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	26604 26605 26606
(2) The depth of the well, the size and length of its casing, and the static water level of the well;	26607 26608
(3) The sealing procedures, including the volume and type of sealing material or materials and the method and depth of placement of each material;	26609 26610 26611
(4) The date on which the sealing was performed;	26612
(5) The signature of the individual who sealed the well and filed the sealing report;	26613 26614
(6) Any other information required by the chief.	26615
The sealing report shall be <del>furnished to</del> <u>filed with</u> the division within thirty days after the completion of the sealing of	26616 26617

the well on forms prescribed and prepared by the division. 26618

(D) In accordance with Chapter 119. of the Revised Code, the 26619  
chief may adopt, amend, and rescind rules requiring other persons 26620  
that are involved in the construction or subsequent development of 26621  
a well to submit well logs under division (B) of this section 26622  
containing any or all of the information specified in divisions 26623  
(B)(1) to (9) of this section and specifying additional 26624  
information to be included in sealing reports required under 26625  
division (C) of this section. The chief shall adopt rules 26626  
establishing procedures and requirements governing the payment and 26627  
collection of water well log filing fees, including the amount of 26628  
any filing fee to be imposed as an alternative to the 26629  
twenty-dollar filing fee established in division (G) of this 26630  
section and including procedures for the quarterly transfer of 26631  
filing fees by boards of health and the director of environmental 26632  
protection under that division. 26633

(E)(1) No person shall fail to keep and ~~submit~~ file a well 26634  
log or a sealing report as required by this section. 26635

(2) No person shall make a false statement in any well log or 26636  
sealing report required to be kept and ~~submitted~~ filed under this 26637  
section. Violation of division (E)(2) of this section is 26638  
falsification under section 2921.13 of the Revised Code. 26639

(F) For the purposes of prosecution of a violation of 26640  
division (E)(1) of this section, a prima-facie case is established 26641  
when the division obtains either of the following: 26642

(1) A certified copy of a permit for a private water system 26643  
issued in accordance with rules adopted under section 3701.344 of 26644  
the Revised Code, or a certified copy of the invoice or a canceled 26645  
check from the owner of a well indicating the construction or 26646  
sealing services performed; 26647

(2) A certified copy of any permit issued under Chapter 3734. 26648

or 6111. of the Revised Code or plan approval granted under 26649  
Chapter 6109. of the Revised Code for any activity that includes 26650  
the construction or sealing of a well as applicable. 26651

(G) In accordance with rules adopted under this section, a 26652  
person or entity that constructs a well for the purpose of 26653  
extracting potable water as part of a private water system that is 26654  
subject to rules adopted under section 3701.344 of the Revised 26655  
Code or a public water system that is required to be licensed 26656  
under Chapter 6109. of the Revised Code shall pay a well log 26657  
filing fee of twenty dollars per well log or, if the chief has 26658  
adopted rules establishing an alternative fee amount, the fee 26659  
amount established under rules. The fee shall be collected by a 26660  
board of health under section 3701.344 of the Revised Code or the 26661  
environmental protection agency under section 6109.22 of the 26662  
Revised Code, as applicable. 26663

Each calendar quarter, a board of health or the environmental 26664  
protection agency, as applicable, shall forward all well log 26665  
filing fees collected during the previous calendar quarter to the 26666  
division of soil and water resources. The fees shall be forwarded 26667  
in accordance with procedures established in rules adopted under 26668  
this section. 26669

Proceeds of well log filing fees shall be used by the 26670  
division of soil and water resources for the purposes of 26671  
acquiring, maintaining, and dispensing digital and paper records 26672  
of well logs that are filed with the division. 26673

**Sec. 1521.06.** (A) No dam may be constructed for the purpose 26674  
of storing, conserving, or retarding water, or for any other 26675  
purpose, nor shall any levee be constructed for the purpose of 26676  
diverting or retaining flood water, unless the person or 26677  
governmental agency desiring the construction has a construction 26678  
permit for the dam or levee issued by the chief of the division of 26679



soil and water resources. 26680

A construction permit is not required under this section for: 26681

(1) A dam that is or will be less than ten feet in height and 26682  
that has or will have a storage capacity of not more than fifty 26683  
acre-feet at the elevation of the top of the dam, as determined by 26684  
the chief. For the purposes of this section, the height of a dam 26685  
shall be measured from the natural stream bed or lowest ground 26686  
elevation at the downstream or outside limit of the dam to the 26687  
elevation of the top of the dam. 26688

(2) A dam, regardless of height, that has or will have a 26689  
storage capacity of not more than fifteen acre-feet at the 26690  
elevation of the top of the dam, as determined by the chief; 26691

(3) A dam, regardless of storage capacity, that is or will be 26692  
six feet or less in height, as determined by the chief; 26693

(4) A dam or levee that belongs to a class exempted by the 26694  
chief; 26695

(5) The repair, maintenance, improvement, alteration, or 26696  
removal of a dam or levee that is subject to section 1521.062 of 26697  
the Revised Code, unless the construction constitutes an 26698  
enlargement or reconstruction of the structure as determined by 26699  
the chief; 26700

(6) A dam or impoundment constructed under Chapter 1513. of 26701  
the Revised Code. 26702

(B) Before a construction permit may be issued, three copies 26703  
of the plans and specifications, including a detailed cost 26704  
estimate, for the proposed construction, prepared by a registered 26705  
professional engineer, together with the filing fee specified by 26706  
this section and the bond or other security required by section 26707  
1521.061 of the Revised Code, shall be filed with the chief. The 26708  
detailed estimate of the cost shall include all costs associated 26709

with the construction of the dam or levee, including supervision 26710  
and inspection of the construction by a registered professional 26711  
engineer. The filing fee shall be based on the detailed cost 26712  
estimate for the proposed construction as filed with and approved 26713  
by the chief, and shall be determined by the following schedule 26714  
unless otherwise provided by rules adopted under this section: 26715

(1) For the first one hundred thousand dollars of estimated 26716  
cost, a fee of four per cent; 26717

(2) For the next four hundred thousand dollars of estimated 26718  
cost, a fee of three per cent; 26719

(3) For the next five hundred thousand dollars of estimated 26720  
cost, a fee of two per cent; 26721

(4) For all costs in excess of one million dollars, a fee of 26722  
one-half of one per cent. 26723

In no case shall the filing fee be less than one thousand 26724  
five hundred dollars or more than ~~one~~ five hundred thousand 26725  
dollars. If the actual cost exceeds the estimated cost by more 26726  
than fifteen per cent, an additional filing fee shall be required 26727  
equal to the fee determined by the preceding schedule less the 26728  
original filing fee. All fees collected pursuant to this section, 26729  
and all fines collected pursuant to section 1521.99 of the Revised 26730  
Code, shall be deposited in the state treasury to the credit of 26731  
the dam safety fund, which is hereby created. Expenditures from 26732  
the fund shall be made by the chief for the purpose of 26733  
administering this section and sections 1521.061 and 1521.062 of 26734  
the Revised Code. 26735

(C) The chief shall, within thirty days from the date of the 26736  
receipt of the application, fee, and bond or other security, issue 26737  
or deny a construction permit for the construction or may issue a 26738  
construction permit conditioned upon the making of such changes in 26739  
the plans and specifications for the construction as the chief 26740

considers advisable if the chief determines that the construction 26741  
of the proposed dam or levee, in accordance with the plans and 26742  
specifications filed, would endanger life, health, or property. 26743

(D) The chief may deny a construction permit after finding 26744  
that a dam or levee built in accordance with the plans and 26745  
specifications would endanger life, health, or property, because 26746  
of improper or inadequate design, or for such other reasons as the 26747  
chief may determine. 26748

In the event the chief denies a permit for the construction 26749  
of the dam or levee, or issues a permit conditioned upon a making 26750  
of changes in the plans or specifications for the construction, 26751  
the chief shall state the reasons therefor and so notify, in 26752  
writing, the person or governmental agency making the application 26753  
for a permit. If the permit is denied, the chief shall return the 26754  
bond or other security to the person or governmental agency making 26755  
application for the permit. 26756

The decision of the chief conditioning or denying a 26757  
construction permit is subject to appeal as provided in Chapter 26758  
119. of the Revised Code. A dam or levee built substantially at 26759  
variance from the plans and specifications upon which a 26760  
construction permit was issued is in violation of this section. 26761  
The chief may at any time inspect any dam or levee, or site upon 26762  
which any dam or levee is to be constructed, in order to determine 26763  
whether it complies with this section. 26764

(E) A registered professional engineer shall inspect the 26765  
construction for which the permit was issued during all phases of 26766  
construction and shall furnish to the chief such regular reports 26767  
of the engineer's inspections as the chief may require. When the 26768  
chief finds that construction has been fully completed in 26769  
accordance with the terms of the permit and the plans and 26770  
specifications approved by the chief, the chief shall approve the 26771  
construction. When one year has elapsed after approval of the 26772

completed construction, and the chief finds that within this 26773  
period no fact has become apparent to indicate that the 26774  
construction was not performed in accordance with the terms of the 26775  
permit and the plans and specifications approved by the chief, or 26776  
that the construction as performed would endanger life, health, or 26777  
property, the chief shall release the bond or other security. No 26778  
bond or other security shall be released until one year after 26779  
final approval by the chief, unless the dam or levee has been 26780  
modified so that it will not retain water and has been approved as 26781  
nonhazardous after determination by the chief that the dam or 26782  
levee as modified will not endanger life, health, or property. 26783

(F) When inspections required by this section are not being 26784  
performed, the chief shall notify the person or governmental 26785  
agency to which the permit has been issued that inspections are 26786  
not being performed by the registered professional engineer and 26787  
that the chief will inspect the remainder of the construction. 26788  
Thereafter, the chief shall inspect the construction and the cost 26789  
of inspection shall be charged against the owner. Failure of the 26790  
registered professional engineer to submit required inspection 26791  
reports shall be deemed notice that the engineer's inspections are 26792  
not being performed. 26793

(G) The chief may order construction to cease on any dam or 26794  
levee that is being built in violation of this section, and may 26795  
prohibit the retention of water behind any dam or levee that has 26796  
been built in violation of this section. The attorney general, 26797  
upon written request of the chief, may bring an action for an 26798  
injunction against any person who violates this section or to 26799  
enforce an order or prohibition of the chief made pursuant to this 26800  
section. 26801

(H) The chief may adopt rules in accordance with Chapter 119. 26802  
of the Revised Code, for the design and construction of dams and 26803  
levees for which a construction permit is required by this section 26804

or for which periodic inspection is required by section 1521.062 26805  
of the Revised Code, for establishing a filing fee schedule in 26806  
lieu of the schedule established under division (B) of this 26807  
section and for establishing the minimum and maximum amounts of a 26808  
filing fee in lieu of the amounts established in that division, 26809  
for deposit and forfeiture of bonds and other securities required 26810  
by section 1521.061 of the Revised Code, for the periodic 26811  
inspection, operation, repair, improvement, alteration, or removal 26812  
of all dams and levees, as specified in section 1521.062 of the 26813  
Revised Code, and for establishing classes of dams or levees that 26814  
are exempt from the requirements of this section and section 26815  
1521.062 of the Revised Code as being of a size, purpose, or 26816  
situation that does not present a substantial hazard to life, 26817  
health, or property. The chief may, by rule, limit the period 26818  
during which a construction permit issued under this section is 26819  
valid. The rules may allow for the extension of the period during 26820  
which a permit is valid upon written request, provided that the 26821  
written request includes a revised construction cost estimate, and 26822  
may require the payment of an additional filing fee for the 26823  
requested extension. If a construction permit expires without an 26824  
extension before construction is completed, the person or agency 26825  
shall apply for a new permit, and shall not continue construction 26826  
until the new permit is issued. 26827

**Sec. 1521.061.** Except as otherwise provided in this section, 26828  
a construction permit shall not be issued under section 1521.06 of 26829  
the Revised Code unless the person or governmental agency applying 26830  
for the permit executes and files a surety bond conditioned on 26831  
completion of the dam or levee in accordance with the terms of the 26832  
permit and the plans and specifications approved by the chief of 26833  
the division of soil and water resources, in an amount equal to 26834  
fifty per cent of the estimated cost of the project. 26835

If a permittee requests an extension of the time period 26836

during which a construction permit is valid in accordance with 26837  
rules adopted under section 1521.06 of the Revised Code, the chief 26838  
shall determine whether the revised construction cost estimate 26839  
provided with the request exceeds the original construction cost 26840  
estimate that was filed with the chief by more than twenty-five 26841  
per cent. If the revised construction cost estimate exceeds the 26842  
original construction cost estimate by more than twenty-five per 26843  
cent, the chief may require an additional surety bond to be filed 26844  
so that the total amount of the surety bonds equals at least fifty 26845  
per cent of the revised construction cost estimate. 26846

The chief shall not approve any bond until it is personally 26847  
signed and acknowledged by both principal and surety, or as to 26848  
either by the attorney in fact thereof, with a certified copy of 26849  
the power of attorney attached. The chief shall not approve the 26850  
bond unless there is attached a certificate of the superintendent 26851  
of insurance that the company is authorized to transact a fidelity 26852  
and surety business in this state. 26853

All bonds shall be given in a form prescribed by the chief 26854  
and shall run to the state as obligee. 26855

The applicant may deposit, in lieu of a bond, cash in an 26856  
amount equal to the amount of the bond or United States government 26857  
securities or negotiable certificates of deposit issued by any 26858  
bank organized or transacting business in this state having a par 26859  
value equal to or greater than the amount of the bond. Such cash 26860  
or securities shall be deposited upon the same terms as bonds. If 26861  
one or more certificates of deposit are deposited in lieu of a 26862  
bond, the chief shall require the bank that issued any such 26863  
certificate to pledge securities of the aggregate market value 26864  
equal to the amount of the certificate that is in excess of the 26865  
amount insured by the federal deposit insurance corporation. The 26866  
securities to be pledged shall be those designated as eligible 26867  
under section 135.18 of the Revised Code. The securities shall be 26868

security for the repayment of the certificate of deposit. 26869

Immediately upon a deposit of cash, securities, or 26870  
certificates of deposit, the chief shall deliver them to the 26871  
treasurer of state, who shall hold them in trust for the purposes 26872  
for which they have been deposited. The treasurer of state is 26873  
responsible for the safekeeping of such deposits. An applicant 26874  
making a deposit of cash, securities, or certificates of deposit 26875  
may withdraw and receive from the treasurer of state, on the 26876  
written order of the chief, all or any portion of the cash, 26877  
securities, or certificates of deposit, upon depositing with the 26878  
treasurer of state cash, other United States government 26879  
securities, or negotiable certificates of deposit issued by any 26880  
bank organized or transacting business in this state equal in par 26881  
value to the par value of the cash, securities, or certificates of 26882  
deposit withdrawn. An applicant may demand and receive from the 26883  
treasurer of state all interest or other income from any such 26884  
securities or certificates as it becomes due. If securities so 26885  
deposited with and in the possession of the treasurer of state 26886  
mature or are called for payment by the issuer thereof, the 26887  
treasurer of state, at the request of the applicant who deposited 26888  
them, shall convert the proceeds of the redemption or payment of 26889  
the securities into such other United States government 26890  
securities, negotiable certificates of deposit issued by any bank 26891  
organized or transacting business in this state, or cash as the 26892  
applicant designates. 26893

When the chief finds that a person or governmental agency has 26894  
failed to comply with the conditions of the person's or agency's 26895  
bond, the chief shall make a finding of that fact and declare the 26896  
bond, cash, securities, or certificates of deposit forfeited in 26897  
the amount set by rule of the chief. The chief shall thereupon 26898  
certify the total forfeiture to the attorney general, who shall 26899  
proceed to collect that amount. 26900

In lieu of total forfeiture, the surety, at its option, may  
cause the dam or levee to be completed as required by section  
1521.06 of the Revised Code and rules of the chief, or otherwise  
rendered nonhazardous, or pay to the treasurer of state the cost  
thereof.

All moneys collected on account of forfeitures of bonds,  
cash, securities, and certificates of deposit under this section  
shall be credited to the dam safety fund created in section  
1521.06 of the Revised Code. The chief shall make expenditures  
from the fund to complete dams and levees for which bonds have  
been forfeited or to otherwise render them nonhazardous.

Expenditures from the fund for those purposes shall be made  
pursuant to contracts entered into by the chief with persons who  
agree to furnish all of the materials, equipment, work, and labor  
as specified and provided in the contract.

A surety bond shall not be required for a permit for a dam or  
levee that is to be designed and constructed by an agency of the  
United States government, if the agency files with the chief  
written assurance of the agency's financial responsibility for the  
structure during the one-year period following the chief's  
approval of the completed construction provided for under division  
(E) of section 1521.06 of the Revised Code.

**Sec. 1521.062.** (A) All dams and levees constructed in this  
state and not exempted by this section or by the chief of the  
division of soil and water resources under section 1521.06 of the  
Revised Code shall be inspected periodically by the chief, except  
for classes of dams that, in accordance with rules adopted under  
this section, are required to be inspected by registered  
professional engineers who have been approved for that purpose by  
the chief. The inspection shall ensure that continued operation  
and use of the dam or levee does not constitute a hazard to life,



health, or property. Periodic inspections shall not be required of 26932  
the following structures: 26933

(1) A dam that is less than ten feet in height and has a 26934  
storage capacity of not more than fifty acre-feet at the elevation 26935  
of the top of the dam, as determined by the chief. For the 26936  
purposes of this section, the height of a dam shall be measured 26937  
from the natural stream bed or lowest ground elevation at the 26938  
downstream or outside limit of the dam to the elevation of the top 26939  
of the dam. 26940

(2) A dam, regardless of height, that has a storage capacity 26941  
of not more than fifteen acre-feet at the elevation of the top of 26942  
the dam, as determined by the chief; 26943

(3) A dam, regardless of storage capacity, that is six feet 26944  
or less in height, as determined by the chief; 26945

(4) A dam or levee belonging to a class exempted by the 26946  
chief; 26947

(5) A dam or levee that has been exempted in accordance with 26948  
rules adopted under section 1521.064 of the Revised Code. 26949

(B) In accordance with rules adopted under this section, the 26950  
owner of a dam that is in a class of dams that is designated in 26951  
the rules for inspection by registered professional engineers 26952  
shall obtain the services of a registered professional engineer 26953  
who has been approved by the chief to conduct the periodic 26954  
inspection of dams pursuant to schedules and other standards and 26955  
procedures established in the rules. The registered professional 26956  
engineer shall prepare a report of the inspection in accordance 26957  
with the rules and provide the inspection report to the dam owner 26958  
who shall submit it to the chief. A dam that is designated under 26959  
the rules for inspection by a registered professional engineer, 26960  
but that is not inspected within a five-year period may be 26961  
inspected by the chief at the owner's expense. 26962

(C) Intervals between periodic inspections shall be 26963  
determined by the chief, but shall not exceed five years. 26964

(D) In the case of a dam or levee that the chief inspects, 26965  
the chief shall furnish a report of the inspection to the owner of 26966  
the dam or levee. With regard to a dam or levee that has been 26967  
inspected, either by the chief or by a registered professional 26968  
engineer, and that is the subject of an inspection report prepared 26969  
or received by the chief, the chief shall inform the owner of any 26970  
required repairs, maintenance, investigations, and other remedial 26971  
and operational measures. The chief shall order the owner to 26972  
perform such repairs, maintenance, investigations, or other 26973  
remedial or operational measures as the chief considers necessary 26974  
to safeguard life, health, or property. The order shall permit the 26975  
owner a reasonable time in which to perform the needed repairs, 26976  
maintenance, investigations, or other remedial measures, and the 26977  
cost thereof shall be borne by the owner. All orders of the chief 26978  
are subject to appeal as provided in Chapter 119. of the Revised 26979  
Code. The attorney general, upon written request of the chief, may 26980  
bring an action for an injunction against any person who violates 26981  
this section or to enforce an order of the chief made pursuant to 26982  
this section. 26983

(E) The owner of a dam or levee shall monitor, maintain, and 26984  
operate the structure and its appurtenances safely in accordance 26985  
with state rules, terms and conditions of permits, orders, and 26986  
other requirements issued pursuant to this section or section 26987  
1521.06 of the Revised Code. The owner shall fully and promptly 26988  
notify the division of soil and water resources and other 26989  
responsible authorities of any condition that threatens the safety 26990  
of the structure and shall take all necessary actions to safeguard 26991  
life, health, and property. 26992

(F) Before commencing the repair, improvement, alteration, or 26993  
removal of a dam or levee, the owner shall file an application 26994

including plans, specifications, and other required information 26995  
with the division and shall secure written approval of the 26996  
application by the chief. Emergency actions by the owner required 26997  
to safeguard life, health, or property are exempt from this 26998  
requirement. The chief may, by rule, define maintenance, repairs, 26999  
or other remedial measures of a routine nature that are exempt 27000  
from this requirement. 27001

(G) The chief may remove or correct, at the expense of the 27002  
owner, any unsafe structures found to be constructed or maintained 27003  
in violation of this section or section 1521.06 of the Revised 27004  
Code. In the case of an owner other than a governmental agency, 27005  
the cost of removal or correction of any unsafe structure, 27006  
together with a description of the property on which the unsafe 27007  
structure is located, shall be certified by the chief to the 27008  
county auditor and placed by the county auditor upon the tax 27009  
duplicate. This cost is a lien upon the lands from the date of 27010  
entry and shall be collected as other taxes and returned to the 27011  
division. In the case of an owner that is a governmental agency, 27012  
the cost of removal or correction of any unsafe structure shall be 27013  
recoverable from the owner by appropriate action in a court of 27014  
competent jurisdiction. 27015

(H) If the condition of any dam or levee is found, in the 27016  
judgment of the chief, to be so dangerous to the safety of life, 27017  
health, or property as not to permit time for the issuance and 27018  
enforcement of an order relative to repair, maintenance, or 27019  
operation, the chief shall employ any of the following remedial 27020  
means necessary to protect life, health, and property: 27021

(1) Lower the water level of the lake or reservoir by 27022  
releasing water; 27023

(2) Completely drain the lake or reservoir; 27024

(3) Take such other measures or actions as the chief 27025

considers necessary to safeguard life, health, and property. 27026

The chief shall continue in full charge and control of the 27027  
dam or levee until the structure is rendered safe. The cost of the 27028  
remedy shall be recoverable from the owner of the structure by 27029  
appropriate action in a court of competent jurisdiction. 27030

(I) The chief may accept and expend gifts, bequests, and 27031  
grants from the United States government or from any other public 27032  
or private source and may contract with the United States 27033  
government or any other agency or entity for the purpose of 27034  
carrying out the dam safety functions set forth in this section 27035  
and section 1521.06 of the Revised Code. 27036

(J) In accordance with Chapter 119. of the Revised Code, the 27037  
chief may adopt, and may amend or rescind, rules that do all of 27038  
the following: 27039

(1) Designate classes of dams for which dam owners must 27040  
obtain the services of a registered professional engineer to 27041  
periodically inspect the dams and to prepare reports of the 27042  
inspections for submittal to the chief; 27043

(2) Establish standards in accordance with which the chief 27044  
must approve or disapprove registered professional engineers to 27045  
inspect dams together with procedures governing the approval 27046  
process; 27047

(3) Establish schedules, standards, and procedures governing 27048  
periodic inspections and standards and procedures governing the 27049  
preparation and submittal of inspection reports; 27050

(4) Establish provisions regarding the enforcement of this 27051  
section and rules adopted under it. 27052

(K) The owner of a dam or levee shall notify the chief in 27053  
writing of a change in ownership of the dam or levee prior to the 27054  
exchange of the property. 27055

Sec. 1521.063. (A) Except for the federal government, the  
owner of any a dam, that is classified as a class I, class II, or  
class III dam under rules adopted under section 1521.06 of the  
Revised Code and subject to section 1521.062 of the Revised Code  
shall pay an annual fee, based upon the height of the dam, the  
linear foot length of the dam, and the per-acre foot of volume of  
water impounded by the dam. The fee shall be paid to the division  
of soil and water ~~on or before June 30, 1988,~~ and resources on or  
before the thirtieth day of June of each ~~succeeding~~ year. The  
annual fee shall be as follows until otherwise provided by rules  
adopted under this section:

(1) For any dam classified as a class I dam under rules  
adopted by the chief of the division of soil and water resources  
under section 1521.06 of the Revised Code, ~~thirty three hundred~~  
dollars plus ten dollars per foot of height of dam, five cents per  
foot of length of the dam and five cents per-acre foot of water  
impounded by the dam;

(2) For any dam classified as a class II dam under those  
rules, ~~thirty ninety~~ dollars plus ~~one dollar~~ six dollars per foot  
of height of dam, five cents per foot of length of the dam and  
five cents per-acre foot of water impounded by the dam;

(3) For any dam classified as a class III dam under those  
rules, ~~thirty ninety~~ dollars plus four dollars per foot of height  
of the dam, five cents per foot of length of the dam, and five  
cents per-acre foot of volume of water impounded by the dam.

For purposes of this section, the height of a dam is the  
vertical height, to the nearest foot, as determined by the  
division under section 1521.062 of the Revised Code.

All fees collected under this section shall be deposited in  
the dam safety fund created in section 1521.06 of the Revised  
Code. Any owner who fails to pay any annual fee required by this

section within sixty days after the due date shall be assessed a 27087  
penalty of ten per cent of the annual fee plus interest at the 27088  
rate of one-half per cent per month from the due date until the 27089  
date of payment. 27090

There is hereby created the compliant dam discount program to 27091  
be administered by the chief. Under the program, the chief may 27092  
reduce the amount of the annual fee that an owner of a dam is 27093  
required to pay under division (A)(1), (2), or (3) of this section 27094  
if the owner is in compliance with section 1521.062 of the Revised 27095  
Code and has developed an emergency action plan pursuant to 27096  
standards established in rules adopted under this section. The 27097  
chief shall not discount an annual fee by more than twenty-five 27098  
per cent of the total annual fee that is due. In addition, the 27099  
chief shall not discount the annual fee that is due from the owner 27100  
of a dam who has been assessed a penalty under this section. 27101

27102

(B) The chief shall, in accordance with Chapter 119. of the 27103  
Revised Code and subject to the prior approval of the director of 27104  
natural resources, adopt, and may amend or rescind, rules for the 27105  
collection of fees and the administration, implementation, and 27106  
enforcement of this section and for the establishment of an annual 27107  
fee schedule in lieu of the schedule established ~~under~~ in division 27108  
(A) of this section. 27109

(C)(1) No person, political subdivision, or state 27110  
governmental agency shall violate or fail to comply with this 27111  
section or any rule or order adopted or issued under it. 27112

(2) The attorney general, upon written request of the chief, 27113  
may commence an action against any such violator. Any action under 27114  
division (C)(2) of this section is a civil action. 27115

(D) As used in this section, "political subdivision" includes 27116  
townships, municipal corporations, counties, school districts, 27117

municipal universities, park districts, sanitary districts, and 27118  
conservancy districts and subdivisions thereof. 27119

**Sec. 1521.064.** The chief of the division of soil and water 27120  
resources, in accordance with Chapter 119. of the Revised Code, 27121  
shall adopt, and may amend and rescind, rules establishing a 27122  
program under which dams and levees may be exempted from 27123  
inspections under section 1521.062 of the Revised Code if the 27124  
continued operation and use of, and any rupturing of or other 27125  
structural damage to, the dams and levees will not constitute a 27126  
hazard to life, health, or property. The rules shall establish, 27127  
without limitation, all of the following: 27128

(A) A procedure by which the owner of such a dam or levee may 27129  
apply for an exemption under this section; 27130

(B) The standards that a dam or levee shall meet in order to 27131  
be exempted under this section; 27132

(C) A procedure by which the chief shall periodically review 27133  
the status of a dam or levee that has been exempted under this 27134  
section to determine if the exemption should be rescinded; 27135

(D) A requirement that the owner of any dam or levee exempted 27136  
under this section shall agree, in writing, to accept liability 27137  
for any injury, death, or loss to persons or property caused by 27138  
the rupturing of or other structural damage to the dam or levee. 27139

**Sec. 1521.07.** The chief of the division of soil and water 27140  
resources or any employee in the service of the division may enter 27141  
upon lands to make surveys and inspections in accordance with this 27142  
chapter, when necessary in the discharge of the duties enumerated 27143  
in this chapter. 27144

**Sec. 1521.10.** In order to be entitled to the compensation 27145  
provided for in section 1521.09 of the Revised Code, the landowner 27146

~~must~~ shall have prepared and submit to the division of soil and 27147  
water resources complete plans for the dam provided for in such 27148  
section. The plans shall have the approval of the chief of the 27149  
division of soil and water resources and the dam shall be 27150  
constructed in accordance with such plans before compensation can 27151  
be claimed. 27152

**Sec. 1521.11.** Upon the completion of the dam referred to in 27153  
section 1521.09 of the Revised Code to the satisfaction of the 27154  
division of soil and water resources, it shall certify the 27155  
completion and the capacity thereof to the county auditor who 27156  
shall thereupon make such reduction in the assessed valuation of 27157  
the contiguous landowner as ~~he~~ the contiguous landowner is 27158  
entitled to receive under sections 1521.09 to 1521.12, ~~inclusive,~~ 27159  
of the Revised Code. 27160

**Sec. 1521.12.** In the event that any dam is constructed before 27161  
plans are submitted to and approved by the division of soil and 27162  
water resources as required by section 1521.10 of the Revised 27163  
Code, the landowner may submit plans of the dam ~~he~~ the landowner 27164  
has built, showing the area of the drainage basin above the dam, a 27165  
cross section of the dam site, a cross section, plan, and 27166  
elevation of the dam, a map of the spillway, a topographic map of 27167  
the reservoir basin, and such other data and information as the 27168  
division requires. If the plans receive the approval of the 27169  
division, and upon examination the dam is found to be 27170  
satisfactorily completed in accordance with such plans, ~~said~~ the 27171  
division shall certify the completion and capacity thereof to the 27172  
county auditor. If the plans fail to meet the requirements of the 27173  
division, the owner may submit revised plans, and when such 27174  
revised plans have been approved and the dam rebuilt to conform to 27175  
such plans, the completion of the dam and its capacity shall then 27176  
be certified to the auditor who shall thereupon make such 27177



reduction in the assessed valuation of the contiguous land as such 27178  
owner is entitled to receive under sections 1521.09 to 1521.12~~7~~ 27179  
~~inclusive~~, of the Revised Code. 27180

**Sec. 1521.13.** (A) Development in one-hundred-year floodplain 27181  
areas shall be protected to at least the one-hundred-year flood 27182  
level, and flood water conveyance shall be maintained, at a 27183  
minimum, in accordance with standards established under the 27184  
national flood insurance program. This division does not preclude 27185  
a state agency or political subdivision from establishing flood 27186  
protection standards that are more restrictive than this division. 27187

(B) Prior to the expenditure of money for or the construction 27188  
of buildings, structures, roads, bridges, or other facilities in 27189  
locations that may be subject to flooding or flood damage, all 27190  
state agencies and political subdivisions shall notify and consult 27191  
with the division of soil and water resources and shall furnish 27192  
information that the division reasonably requires in order to 27193  
avoid the uneconomic, hazardous, or unnecessary use of floodplains 27194  
in connection with such facilities. 27195

(C) The chief of the division of soil and water resources 27196  
shall do all of the following: 27197

(1) Coordinate the floodplain management activities of state 27198  
agencies and political subdivisions with the floodplain management 27199  
activities of the United States, including the national flood 27200  
insurance program; 27201

(2) Collect, prepare, and maintain technical data and 27202  
information on floods and floodplain management and make the data 27203  
and information available to the public, state agencies, political 27204  
subdivisions, and agencies of the United States; 27205

(3) Cooperate and enter into agreements with persons for the 27206  
preparation of studies and reports on floods and floodplain 27207

management;	27208
(4) Assist any county, municipal corporation, or state agency in developing comprehensive floodplain management programs;	27209 27210
(5) Provide technical assistance to any county, municipal corporation, or state agency through engineering assistance, data collection, preparation of model laws, training, and other activities relating to floodplain management;	27211 27212 27213 27214
(6) For the purpose of reducing damages and the threat to life, health, and property in the event of a flood, cooperate with state agencies, political subdivisions, and the United States in the development of flood warning systems, evacuation plans, and flood emergency preparedness plans;	27215 27216 27217 27218 27219
(7) Upon request, assist the emergency management agency established by section 5502.22 of the Revised Code in the preparation of flood hazard mitigation reports required as a condition for receiving federal disaster aid under the "Disaster Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, and regulations adopted under it;	27220 27221 27222 27223 27224 27225
(8) Adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code for the administration, implementation, and enforcement of this section and sections 1521.14 and 1521.18 of the Revised Code;	27226 27227 27228 27229
(9) Establish, by rule, technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains and for the assessment of development impacts on flood heights and flood conveyance. The standards established in rules adopted under this division shall be consistent with and no more stringent than the analogous standards established under the national flood insurance program.	27230 27231 27232 27233 27234 27235 27236 27237
(10) On behalf of the director of natural resources,	27238

administer section 1506.04 of the Revised Code. 27239

In addition to the duties imposed in divisions (C)(1) to (10) 27240  
of this section, and with respect to existing publicly owned 27241  
facilities that have suffered flood damage or that may be subject 27242  
to flood damage, the chief may conspicuously mark past and 27243  
probable flood heights in order to assist in creating public 27244  
awareness of and knowledge about flood hazards. 27245

(D)(1) Development that is funded, financed, undertaken, or 27246  
preempted by state agencies shall comply with division (A) of this 27247  
section and with rules adopted under division (C)(9) of this 27248  
section. 27249

(2) State agencies shall apply floodproofing measures in 27250  
order to reduce potential additional flood damage of existing 27251  
publicly owned facilities that have suffered flood damage. 27252

(3) Before awarding funding or financing or granting a 27253  
license, permit, or other authorization for a development that is 27254  
or is to be located within a one-hundred-year floodplain, a state 27255  
agency shall require the applicant to demonstrate to the 27256  
satisfaction of the agency that the development will comply with 27257  
division (A) of this section, rules adopted under division (C)(9) 27258  
of this section, and any applicable local floodplain management 27259  
resolution or ordinance. 27260

(4) Prior to the disbursement of any state disaster 27261  
assistance money in connection with any incident of flooding to or 27262  
within a county or municipal corporation that is not listed by the 27263  
chief as being in compliance under division (D)(1) of section 27264  
1521.18 of the Revised Code, a state agency that has authority to 27265  
disburse such money shall require the county or municipal 27266  
corporation to establish or reestablish compliance as provided in 27267  
that division. 27268

(E)(1) Subject to section 1521.18 of the Revised Code, a 27269

county or a municipal corporation may do all of the following:	27270
(a) Adopt floodplain maps that reflect the best available data and that indicate the areas to be regulated under a floodplain management resolution or ordinance, as applicable;	27271 27272 27273
(b) Develop and adopt a floodplain management resolution or ordinance, as applicable;	27274 27275
(c) Adopt floodplain management standards that exceed the standards that are established under the national flood insurance program.	27276 27277 27278
(2) A county or municipal corporation shall examine and apply, where economically feasible, floodproofing measures in order to reduce potential additional flood damage of existing publicly owned facilities that have suffered flood damage.	27279 27280 27281 27282
(3) A county that adopts a floodplain management resolution shall do so in accordance with the procedures established in section 307.37 of the Revised Code. The county may enforce the resolution by issuing stop work orders, seeking injunctive relief, or pursuing other civil actions that the county considers necessary to ensure compliance with the resolution. In addition, failure to comply with the floodplain management resolution constitutes a violation of division (D) of section 307.37 of the Revised Code.	27283 27284 27285 27286 27287 27288 27289 27290 27291
(4) No action challenging the validity of a floodplain management resolution adopted by a county or a floodplain management ordinance adopted by a municipal corporation, or an amendment to such a resolution or ordinance, because of a procedural error in the adoption of the resolution, ordinance, or amendment shall be brought more than two years after the adoption of the resolution, ordinance, or amendment.	27292 27293 27294 27295 27296 27297 27298
<b>Sec. 1521.14.</b> Upon the written request of the director of	27299

natural resources, the attorney general shall bring an action for 27300  
appropriate relief in a court of competent jurisdiction against 27301  
any development that is not in compliance with the standards of 27302  
the national flood insurance program and that is one of the 27303  
following: 27304

(A) Located in a county or municipal corporation that is not 27305  
listed by the chief of the division of soil and water resources as 27306  
being in compliance under division (D)(1) of section 1521.18 of 27307  
the Revised Code; 27308

(B) Funded, financed, undertaken, or preempted by a state 27309  
agency. 27310

**Sec. 1521.15.** (A) The chief of the division of soil and water 27311  
resources shall develop and maintain, in cooperation with local, 27312  
state, federal, and private agencies and entities, a water 27313  
resources inventory for the collection, interpretation, storage, 27314  
retrieval, exchange, and dissemination of information concerning 27315  
the water resources of this state, including, but not limited to, 27316  
information on the location, type, quantity, and use of those 27317  
resources and the location, type, and quantity of consumptive use 27318  
and diversion of the water resources. The water resources 27319  
inventory also shall include, without limitation, information to 27320  
assist in determining the reasonableness of water use and sharing 27321  
under common law, promoting reasonable use and development of 27322  
water resources, and resolving water use conflicts. 27323

All agencies of the state shall cooperate with the chief in 27324  
the development and maintenance of the inventory. 27325

(B) The chief shall cooperate with the other great lakes 27326  
states and provinces to develop a common base of data regarding 27327  
the management of the water resources of the Lake Erie drainage 27328  
basin and to establish systematic arrangements for the exchange of 27329  
those data. 27330

~~(C) The chief shall prepare and present to the governor no later than September 1, 1998, a long term water resources plan for the protection, conservation, and management of the water resources of the Lake Erie drainage basin. The plan shall include, without limitation, all of the following:~~

~~(1) An inventory of surface and ground water resources;~~

~~(2) Identification and assessment of existing uses and future demand for all of the following:~~

~~(a) Withdrawal of water resources for domestic, agricultural, manufacturing, mining, navigation, power production, recreation, fish and wildlife, and other uses;~~

~~(b) Diversion;~~

~~(c) Consumptive use.~~

~~(3) Guidelines to minimize consumptive use;~~

~~(4) Guidelines and procedures to coordinate, conserve, develop, protect, use, and manage the water resources of the Lake Erie drainage basin.~~

**Sec. 1521.16.** (A) Any person who owns a facility that has the capacity to withdraw waters of the state in an amount greater than one hundred thousand gallons per day from all sources and whose construction is completed before January 1, 1990, shall register the facility by January 1, 1991, with the chief of the division of soil and water resources, and any person who owns a facility that has the capacity to withdraw waters of the state in such an amount and whose construction is completed on or after January 1, 1990, shall register the facility with the chief within three months after the facility is completed. The person shall register the facility using a form prescribed by the chief that shall include, without limitation, the name and address of the registrant and date of registration; the locations and sources of the facility's

water supply; the facility's withdrawal capacity per day and the amount withdrawn from each source; the uses made of the water, places of use, and places of discharge; and such other information as the chief may require by rule.

The registration date of any facility whose construction was completed prior to January 1, 1990, and that is registered under this division prior to January 1, 1991, shall be January 1, 1990. The registration date of any facility whose construction was completed prior to January 1, 1990, and that is required to register under this division prior to January 1, 1991, but that is not registered prior to that date, and the registration date of any facility whose construction was completed after January 1, 1990, and that is required to register under this division shall be the date on which the registration is received by the chief.

(B) In accordance with division (D) of this section, the chief shall adopt rules establishing standards and criteria for determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold withdrawal capacity for the area below which registration under this division shall not be required. At any time following the adoption of those rules, the chief may by order designate an area of ground water as a ground water stress area and shall establish in any such order a threshold withdrawal capacity for the area below which registration under this division shall not be required.

Following the designation of a ground water stress area, the chief immediately shall give notice by publication in a newspaper of general circulation in the designated area that shall include a map delineating the designated ground water stress area and a statement of the threshold withdrawal capacity established for the area below which registration under this division shall not be required. The notice shall not appear in the legal notices section

of the newspaper. Any person who owns a facility in the designated 27393  
ground water stress area that is not registered under division (A) 27394  
of this section and that has the capacity to withdraw waters of 27395  
the state in an amount greater than the threshold withdrawal 27396  
capacity for the area from all sources shall register ~~his~~ the 27397  
facility with the chief not later than thirty days after 27398  
publication of the notice. A person registering a facility under 27399  
this division shall do so using a form prescribed by the chief. 27400  
The form shall include the information specified in division (A) 27401  
of this section. 27402

(C) Any person who owns a facility registered under division 27403  
(A) or (B) of this section shall file a report annually with the 27404  
chief listing the amount of water withdrawn per day by the 27405  
facility, the return flow per day, and any other information the 27406  
chief may require by rule. Any person who, under Chapter 6109. of 27407  
the Revised Code, provides such information to the Ohio 27408  
environmental protection agency is exempt from reporting under 27409  
this division. The director of environmental protection shall 27410  
provide the chief any such reported information upon ~~his~~ request. 27411

(D) The chief shall adopt, and may amend or rescind, rules in 27412  
accordance with Chapter 119. of the Revised Code to carry out this 27413  
section. 27414

(E)(1) No person knowingly shall fail to register a facility 27415  
or file a report as required under this section. 27416

(2) No person shall file a false report under this section. 27417  
Violation of division (E)(2) of this section is falsification 27418  
under section 2921.13 of the Revised Code. 27419

(F) At the request of the director of natural resources, the 27420  
attorney general may commence a civil action to compel compliance 27421  
with this section, in a court of common pleas, against any person 27422  
who has violated or is violating division (E)(1) of this section. 27423



The court of common pleas in which a civil action is commenced 27424  
under this division has jurisdiction to and shall compel 27425  
compliance with this section upon a showing that the person 27426  
against whom the action is brought has violated or is violating 27427  
that division. 27428

Any action under this division is a civil action, governed by 27429  
the rules of civil procedure and other rules of practice and 27430  
procedure applicable to civil actions. 27431

**Sec. 1521.18.** (A) For the purposes of this section, a 27432  
one-hundred-year floodplain is limited to an area identified as a 27433  
one-hundred-year floodplain in accordance with the "National Flood 27434  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 27435  
amended. 27436

(B) Each municipal corporation or county that has within its 27437  
boundaries a one-hundred-year floodplain and that adopts a 27438  
floodplain management ordinance or resolution or any amendments to 27439  
such an ordinance or resolution on or after April 11, 1991, after 27440  
adopting the ordinance, resolution, or amendments and before 27441  
submitting the ordinance, resolution, or amendments to the federal 27442  
emergency management agency for final approval for compliance with 27443  
applicable standards adopted under the "National Flood Insurance 27444  
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 27445  
submit the ordinance, resolution, or amendments to the chief of 27446  
the division of soil and water resources for the chief's review 27447  
for compliance with those standards. Within forty-five days after 27448  
receiving any such ordinance, resolution, or amendments, the chief 27449  
shall complete the review and notify the municipal corporation or 27450  
county as to whether the ordinance, resolution, or amendments 27451  
comply with those standards. If the chief finds that the 27452  
ordinance, resolution, or amendments comply with those standards, 27453  
the chief shall forward it or them to the federal emergency 27454

management agency for final approval. 27455

(C)(1) If the chief determines that a county or municipal 27456  
corporation that has adopted a floodplain management resolution or 27457  
ordinance fails to administer or enforce the resolution or 27458  
ordinance, the chief shall send a written notice by certified mail 27459  
to the board of county commissioners of the county or the chief 27460  
executive officer of the municipal corporation stating the nature 27461  
of the noncompliance. 27462

(2) In order to maintain its compliance status in accordance 27463  
with division (D) of this section, a county or municipal 27464  
corporation that has received a notice of noncompliance under 27465  
division (C)(1) of this section may submit information to the 27466  
chief not later than thirty days after receiving the notice that 27467  
demonstrates compliance or indicates the actions that the county 27468  
or municipal corporation is taking to administer or enforce the 27469  
resolution or ordinance. The chief shall review the information 27470  
and shall issue a final determination by certified mail to the 27471  
county or municipal corporation of the compliance or noncompliance 27472  
status of the county or municipal corporation. If the chief issues 27473  
a final determination of noncompliance, the chief shall send a 27474  
copy of that determination to the federal emergency management 27475  
agency concurrently with mailing the notice to the municipal 27476  
corporation or county. 27477

(D)(1) A county or municipal corporation is considered to be 27478  
in compliance for the purposes of this section if either of the 27479  
following applies: 27480

(a) The county or municipal corporation has adopted a 27481  
floodplain management resolution or ordinance that the chief has 27482  
determined complies with applicable standards adopted under the 27483  
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 27484  
4001, as amended, and is adequately administering and enforcing it 27485  
as determined under division (C) of this section. 27486

(b) The county or municipal corporation is participating in 27487  
the national flood insurance program and has not received a notice 27488  
of noncompliance under division (B) or (C) of this section. 27489

(2) The chief shall maintain a list of all counties and 27490  
municipal corporations that have one-hundred-year floodplains 27491  
within their boundaries. The list shall indicate whether each such 27492  
county or municipal corporation is in compliance or noncompliance 27493  
as provided in division (D)(1) of this section and whether each 27494  
such county or municipal corporation is participating in the 27495  
national flood insurance program. The chief shall provide a copy 27496  
of the list to the general assembly and all state agencies 27497  
annually and shall notify the general assembly and the agencies of 27498  
any changes at least quarterly. 27499

(E) Any county or municipal corporation that is adversely 27500  
affected by any determination of the chief under this section may 27501  
appeal it in accordance with Chapter 119. of the Revised Code not 27502  
later than thirty days after the final determination. 27503

**Sec. 1521.19.** (A) There is hereby created the Ohio water 27504  
resources council consisting of the directors of agriculture, 27505  
development, environmental protection, health, natural resources, 27506  
transportation, and the Ohio public works commission, the 27507  
chairperson of the public utilities commission of Ohio, the 27508  
executive director of the Ohio water development authority, and an 27509  
executive assistant in the office of the governor appointed by the 27510  
governor. The governor shall appoint one of the members of the 27511  
council to serve as its chairperson. The council may adopt bylaws 27512  
that are necessary for the implementation of this section. The 27513  
council shall provide a forum for policy development, 27514  
collaboration and coordination among state agencies, and strategic 27515  
direction with respect to state water resource programs. The 27516  
council shall be assisted in its functions by a state agency 27517

coordinating group and an advisory group as provided in this 27518  
section. 27519

(B) The state agency coordinating group shall consist of the 27520  
executive director of the Ohio Lake Erie commission and a member 27521  
or members from each state agency, commission, and authority 27522  
represented on the council, to be appointed by the applicable 27523  
director, chairperson, or executive director. However, the 27524  
environmental protection agency shall be represented on the group 27525  
by the chiefs of the divisions within that agency having 27526  
responsibility for surface water programs and drinking and ground 27527  
water programs, and the department of natural resources shall be 27528  
represented on the group by the chief of the division of ~~water and~~ 27529  
~~the chief of the division of~~ soil and water ~~conservation~~ 27530  
resources. The chairperson of the council shall appoint a leader 27531  
of the state agency coordinating group. The group shall provide 27532  
assistance to and perform duties on behalf of the council as 27533  
directed by the council. 27534

(C) The advisory group shall consist of not more than 27535  
twenty-four members, each representing an organization or entity 27536  
with an interest in water resource issues. The council shall 27537  
appoint the members of the advisory group. Of the initial 27538  
appointments, not more than ten members shall be appointed for 27539  
one-year terms, and not more than ten members shall be appointed 27540  
for two-year terms. Of the four initial appointments made after 27541  
~~the effective date of this amendment~~ April 6, 2007, two of the 27542  
members shall be appointed for one-year terms, and two of the 27543  
members shall be appointed for two-year terms. Thereafter, all 27544  
advisory group members shall serve two-year terms. Members may be 27545  
reappointed. Each member shall hold office from the date of the 27546  
member's appointment until the end of the member's term. A member 27547  
shall continue in office subsequent to the expiration date of the 27548  
member's term until the member's successor takes office or until a 27549

period of sixty days has elapsed, whichever occurs first. The 27550  
council may remove a member for misfeasance, nonfeasance, or 27551  
malfeasance in office. The council shall appoint members to fill 27552  
any vacancies on the group. A member appointed to fill a vacancy 27553  
shall hold office for the remainder of the term for which that 27554  
member was appointed. 27555

The chairperson of the council shall appoint a chairperson of 27556  
the advisory group. The advisory group shall advise the council on 27557  
water resources issues addressed by the council. 27558

(D) There is hereby created in the state treasury the Ohio 27559  
water resources council fund. The department of natural resources 27560  
shall serve as the fiscal agent for the fund. The departments of 27561  
agriculture, development, environmental protection, health, 27562  
natural resources, and transportation shall transfer moneys to the 27563  
fund in equal amounts via intrastate transfer voucher. The public 27564  
utilities commission of Ohio, Ohio public works commission, and 27565  
Ohio water development authority may transfer moneys to the fund. 27566  
If a voluntary transfer of moneys is made to the fund, the portion 27567  
that is required to be transferred by the departments of 27568  
agriculture, development, environmental protection, health, 27569  
natural resources, and transportation may be equally reduced. 27570  
Moneys in the fund shall be used to pay the operating expenses of 27571  
the Ohio water resources council, including those specified in 27572  
division (E) of this section. 27573

(E) The Ohio water resources council may hire staff to 27574  
support its activities. The council may enter into contracts and 27575  
agreements with federal agencies, state agencies, political 27576  
subdivisions, and private entities to assist in accomplishing its 27577  
objectives. Advisory group members shall be reimbursed for 27578  
expenses necessarily incurred in the performance of their duties 27579  
pursuant to section 126.31 of the Revised Code and any applicable 27580  
rules pertaining to travel reimbursement adopted by the office of 27581

budget and management. 27582

**Sec. 1523.01.** In addition to all other powers granted to and 27583  
duties devolving upon the chief of the division of soil and water 27584  
resources, when in the chief's judgment it is for the public 27585  
welfare and the best interests of the citizens of the state that 27586  
the surplus, flood, and other waters of any of the watersheds, 27587  
rivers, streams, watercourses, or public waters should be 27588  
conserved, impounded, and stored in order to insure and promote 27589  
the public health, welfare, and safety and to encourage and 27590  
promote agriculture, commerce, manufacturing, and other public 27591  
purposes, such chief shall proceed in furtherance of the purposes 27592  
of sections 1523.01 to 1523.13 of the Revised Code, and for the 27593  
preservation of the use of such waters for navigation, in case 27594  
such waters are required for navigation, to construct such 27595  
reservoirs, dams, storage basins, dikes, canals, raceways, and 27596  
other improvements as are necessary for such purposes, or the 27597  
chief may make additions to, enlarge, and make alterations in and 27598  
upon such reservoirs, dams, storage basins, dikes, canals, 27599  
raceways, and other improvements already in existence and 27600  
constituting a part of the public works, as are necessary for such 27601  
purposes. Any rights or privileges granted by sections 1523.01 to 27602  
1523.13 of the Revised Code, shall not interfere with the control 27603  
and maintenance of the state reservoirs or public parks which have 27604  
been dedicated to the public for purposes of recreation and 27605  
pleasure. 27606

~~Said~~ The chief, subject to the written approval of the 27607  
director of natural resources and the governor, may acquire by 27608  
gift, purchase, or by appropriation proceedings, in the name of 27609  
and on behalf of the state, such real and personal property, 27610  
rights, privileges, and appurtenances as are necessary in the 27611  
chief's judgment for the construction of such reservoirs, dams, 27612  
storage basins, dikes, canals, raceways, and other improvements, 27613

or for the alteration, enlargement, or maintenance of existing 27614  
reservoirs, dams, and other improvements, together with such 27615  
rights of way, drives, and roadways as are necessary for 27616  
convenient access thereto. The appropriation proceedings referred 27617  
to in this section shall be restricted to private property only. 27618

Before proceeding to purchase or appropriate any such 27619  
property or rights, the cost of which, together with the land or 27620  
real estate necessary upon which to locate and construct such 27621  
improvements, including damages to remaining property, is in 27622  
excess of one thousand dollars, the chief shall prepare plans, 27623  
specifications, and estimates of such cost, including all material 27624  
and labor therefor, together with the cost of such land or real 27625  
estate and damages, and shall thereupon submit such plans, 27626  
specifications, and estimates to the director, who in turn shall 27627  
submit them to the governor for approval. 27628

The governor shall thereupon publish written notice once a 27629  
week for two consecutive weeks in a newspaper published in and of 27630  
general circulation in the counties where any such improvements 27631  
are proposed to be constructed, setting forth the location and 27632  
character of the proposed improvements, that the plans, 27633  
specifications, and estimates therefor are on file in the 27634  
governor's office, and that objections thereto will be heard by 27635  
the governor on a day to be named in ~~said~~ the notice, which day 27636  
shall be not less than ten nor more than twenty days after the 27637  
first publication thereof. Within thirty days after the date fixed 27638  
for ~~said~~ the hearing, the governor shall return such plans, 27639  
specifications, and estimates to the director, with the governor's 27640  
written approval or rejection thereof indorsed thereon. The 27641  
director shall immediately return such plans, specifications, and 27642  
estimates, together with the governor's indorsement thereon, to 27643  
the chief. 27644

Any instrument by which real property is acquired pursuant to 27645

this section shall identify the agency of the state that has the 27646  
use and benefit of the real property as specified in section 27647  
5301.012 of the Revised Code. 27648

**Sec. 1523.02.** If the governor approves the plans, 27649  
specifications, and estimates authorized by section 1523.01 of the 27650  
Revised Code, the chief of the division of soil and water 27651  
resources shall thereupon proceed, as provided in sections 1523.02 27652  
to 1523.13 of the Revised Code, to construct the improvements or 27653  
to make alterations in or to enlarge those already existing, in 27654  
such manner and form as is shown by such plans and specifications. 27655  
In order to provide the funds for such construction, alteration, 27656  
or enlargement, the chief shall issue and sell bonds of the state, 27657  
not in excess of the estimated cost of such improvements. The 27658  
bonds shall be issued in denominations of not less than one 27659  
hundred dollars payable as a whole or in series on or before fifty 27660  
years from the date thereof, with interest not to exceed the rate 27661  
provided in section 9.95 of the Revised Code, payable either 27662  
annually or semiannually. 27663

The bonds shall show on their face the purpose for which 27664  
issued and shall create no liability upon or be considered an 27665  
indebtedness of the state, but both the principal and interest 27666  
shall be paid solely out of the proceeds arising from the 27667  
improvements constructed, altered, or enlarged by the chief, or 27668  
from the proceeds of the sale or foreclosure of the lien securing 27669  
the bonds on such improvement or such part thereof as is 27670  
constructed from the money realized from the sale of the bonds. 27671

The form of the bonds shall be approved by the attorney 27672  
general, and they shall be signed by the governor and attested by 27673  
the director of natural resources and the chief. The bonds may be 27674  
issued as coupon bonds, payable to bearer only, or upon demand of 27675  
the owner or holder thereof as registered bonds. 27676



Such bonds shall be sold by the chief to the highest bidder 27677  
therefor, but for not less than the par value thereof, with 27678  
accrued interest thereon, after thirty days' notice in at least 27679  
two newspapers of general circulation in the county where such 27680  
improvements are to be constructed, altered, or enlarged, setting 27681  
forth the nature, amount, rate of interest, and length of time the 27682  
bonds have to run, with the time and place of sale. 27683

The treasurer of state shall be the treasurer of the fund 27684  
realized from the sale of such bonds, and the auditor of state 27685  
shall be the auditor of such fund. The proceeds of such sale shall 27686  
be turned over to the treasurer of state and shall be deposited by 27687  
the treasurer of state in a solvent bank, located either in 27688  
Columbus or in the county in which such improvements are located. 27689  
Such proceeds shall be kept by such bank in a fund to be known as 27690  
the water conservation improvement fund. Such fund shall be used 27691  
to acquire the necessary real estate and to construct such new 27692  
improvements and for no other purpose, except that the treasurer 27693  
of state may pay the interest on the bonds during the period of 27694  
condemnation and the construction, alteration, or enlargement of 27695  
such improvements out of the proceeds arising from the sale of the 27696  
bonds for a term not exceeding three years from the date on which 27697  
the bonds are issued. The bank shall give bond to the state in 27698  
such amount as the treasurer of state considers advisable, and 27699  
with surety to the satisfaction of the treasurer of state, for the 27700  
benefit of the holders of the bonds, and for the benefit of any 27701  
contractors performing labor or furnishing material for such 27702  
improvements, as provided by law, conditioned that it will safely 27703  
keep the money and will make no payments or disbursements 27704  
therefrom except as provided in sections 1523.01 to 1523.13 of the 27705  
Revised Code. 27706

The treasurer of state shall hold such fund as trustee for 27707  
the holders of the bonds and for all persons performing labor or 27708

furnishing material for the construction, alteration, or 27709  
enlargement of any improvement made under such sections. Such 27710  
funds shall not be turned into the state treasury, but shall be 27711  
deposited and disbursed by the treasurer of state as provided in 27712  
such sections. The interest coupons attached to such bonds shall 27713  
bear the signature of the treasurer of state, executed by the 27714  
treasurer of state or printed or lithographed thereon. 27715

Both the interest and principal of such bonds shall be made 27716  
payable at the office of the treasurer of state in Columbus, and 27717  
shall be paid by the treasurer of state, without warrant or 27718  
authority of the director of budget and management, to the owner 27719  
or holder of such bonds upon presentation by the owner or holder 27720  
of matured interest coupons or bonds. 27721

**Sec. 1523.03.** Immediately after the sale of the bonds 27722  
authorized by section 1523.02 of the Revised Code and the payment 27723  
of the proceeds thereof to the treasurer of state as provided in 27724  
such section, the chief of the division of soil and water 27725  
resources shall make a written contract for the construction of 27726  
the improvements or for the making of additions to or alterations 27727  
in existing improvements with the lowest responsive and 27728  
responsible bidder, in accordance with section 9.312 of the 27729  
Revised Code, after advertisements once a week for four 27730  
consecutive weeks in one newspaper in each of the cities of 27731  
Columbus, Cleveland, and Cincinnati having a general circulation 27732  
therein, one trade paper having a circulation among contractors 27733  
engaged in the construction of public improvement work of like 27734  
character, and two newspapers having a general circulation within 27735  
the county in which the dam, reservoir, storage basin, or other 27736  
improvement is located or is to be located. 27737

All bids shall be filed with the chief, within the time fixed 27738  
for the filing of such bids in ~~said~~ the advertisement. The bids 27739

shall be opened and publicly read by the chief at twelve noon on 27740  
the last day for filing them. Each bid shall contain the full 27741  
names of every person or company interested in it, shall 27742  
separately state the price of both the labor and material to be 27743  
furnished under it, and shall meet the requirements of section 27744  
153.54 of the Revised Code. 27745

The chief may reject any bids. If the chief rejects all bids, 27746  
the chief shall within sixty days thereafter readvertise for bids 27747  
for the construction of such improvements, as provided in this 27748  
section, and may continue to readvertise for bids every sixty days 27749  
until bids are received which are made to the chief's satisfaction 27750  
and in conformity to sections 1523.01 to 1523.13 of the Revised 27751  
Code. 27752

The chief may award separate contracts to bidders for each 27753  
part of the labor to be done or material to be furnished for the 27754  
construction of such improvements, provided that the amount of the 27755  
contract, if awarded as a whole, or the aggregate of ~~said the~~ the 27756  
several contracts, if awarded separately, shall not, together with 27757  
the cost of the land necessary for such improvements and the 27758  
estimated damages to remaining property, be in excess of the 27759  
estimated cost of the construction thereof, including such land 27760  
and damages. Such contracts shall provide that all payments 27761  
thereunder shall be made only from the proceeds of the sale of the 27762  
bonds issued for the construction of such improvements. No 27763  
contractor shall receive payment for any work or labor performed 27764  
or material furnished for such improvements unless the contract 27765  
therefor was, at the time of its execution, approved by the 27766  
governor by the governor's written indorsement on such contract. 27767

**Sec. 1523.04.** When estimates or statements for either 27768  
material theretofore furnished or labor theretofore performed 27769  
under a contract entered into as provided in section 1523.03 of 27770

the Revised Code are presented to the chief of the division of 27771  
soil and water ~~of the department of natural~~ resources by the 27772  
contractor, certified as to the correctness thereof under oath by 27773  
~~him~~ the contractor or ~~his~~ the contractor's authorized agent and 27774  
approved in writing by the chief, the chief shall pay the amount 27775  
of such estimates or statements from the water conservation 27776  
improvement fund. 27777

**Sec. 1523.05.** The chief of the division of soil and water 27778  
resources shall by contract in writing sell or lease for 27779  
agricultural, commercial, manufacturing, or other lawful purposes, 27780  
for any term not exceeding fifty years, the water, or any part 27781  
thereof, conserved and stored by the improvements then existing, 27782  
or that will be conserved and stored by any improvements 27783  
thereafter to be constructed by ~~him~~ the chief. The chief may lease 27784  
the land surrounding ~~said~~ the water for a term not exceeding fifty 27785  
years, as shown by the plans and specifications prepared by ~~him~~ 27786  
the chief and approved by the governor as provided in section 27787  
1523.01 of the Revised Code. Such agreements shall be for a 27788  
certain price or rental for the water or lands furnished to or 27789  
used by the grantees, lessees, or their assigns, to be paid 27790  
quarterly, semiannually, or annually as the chief deems advisable. 27791

~~Said~~ The chief may, for a term not exceeding fifty years, 27792  
sell or lease power generated by any head of water raised or 27793  
maintained by any such improvement, or ~~he~~ the chief may sell or 27794  
lease the right to use such head of water for generating power or 27795  
other hydraulic purposes. 27796

All such contracts of sale or lease, whether for water or 27797  
power, shall contain such reservations or restrictions as the 27798  
chief deems necessary and proper in furtherance of the purposes of 27799  
sections 1523.01 to 1523.13, ~~inclusive,~~ of the Revised Code, and 27800  
the preservation of the use of such waters for navigation in case 27801

they are required therefor. 27802

Such contracts or leases ~~must~~ shall be approved by the 27803  
attorney general as to their general form and legality and, before 27804  
becoming binding obligations on the state, they shall be approved 27805  
by the governor by ~~his~~ the governor's written indorsement thereon. 27806

**Sec. 1523.06.** (A) The chief of the division of soil and water 27807  
resources before selling bonds as provided in section 1523.02 of 27808  
the Revised Code or before receiving bids for the construction of 27809  
improvements as authorized by section 1523.03 of the Revised Code 27810  
may enter into tentative agreements for the sale or lease of water 27811  
or power to: 27812

(1) Ascertain whether the public interest and welfare 27813  
reasonably require the proposed improvements in the proposed 27814  
locality; 27815

(2) Determine whether the revenues which the state may derive 27816  
from the lease of lands and the lease and sale of the waters which 27817  
are estimated will be conserved, impounded, and stored, or from 27818  
the sale or lease of the power generated by such improvements, 27819  
will be sufficient: 27820

(a) To pay the interest on bonds issued under section 1523.02 27821  
of the Revised Code; 27822

(b) To create a sinking fund to retire ~~said~~ the bonds at 27823  
their maturity; 27824

(c) To maintain and keep ~~said~~ the improvements in repair. 27825

(B) The performance and carrying out of such tentative 27826  
agreements shall be conditioned upon the ability of such chief to: 27827

(1) Sell ~~said~~ the proposed bonds at not less than par and 27828  
accrued interest; 27829

(2) Secure bids for the furnishing of all the labor and 27830

material necessary in the construction of such improvements, 27831  
including all real estate required and damages incurred, at such a 27832  
price that the rentals or compensation to be paid will provide 27833  
during the terms of such contracts or leases a sum sufficient to 27834  
pay ~~said~~ the interest, retire ~~said~~ the bonds, and maintain and 27835  
keep ~~said~~ the improvements in repair. 27836

**Sec. 1523.07.** The treasurer of state shall be treasurer and 27837  
the auditor of state shall be auditor of all moneys derived from 27838  
the use of the improvements authorized by sections 1523.01 to 27839  
1523.13, ~~inclusive,~~ of the Revised Code. The treasurer of state 27840  
shall hold ~~said~~ the moneys as trustee for the maintenance of any 27841  
improvements constructed under such sections, and for the holders 27842  
of any bonds issued in accordance with section 1523.02 of the 27843  
Revised Code. ~~Said~~ The moneys shall not be turned into the state 27844  
treasury, but shall be deposited and disbursed by the treasurer of 27845  
state in the manner provided in this section. All such moneys 27846  
shall be collected by the treasurer of state on statements to be 27847  
furnished by the chief of the division of soil and water resources 27848  
and when so collected shall be deposited in solvent banks in the 27849  
state upon the same terms as state funds are now loaned. ~~Said~~ The 27850  
funds shall be kept by such banks in a fund known as the "water 27851  
conservation fund" and shall be used, first, to maintain and keep 27852  
in repair the dams, reservoirs, storage basins, and other 27853  
improvements, and, second, to pay the interest upon and principal 27854  
of the bonds issued and sold pursuant to section 1523.02 of the 27855  
Revised Code, as such interest falls due or ~~said~~ the bonds mature. 27856

The banks in which the treasurer of state deposits any of the 27857  
moneys belonging either to the water conservation improvement fund 27858  
provided for in section 1523.02 of the Revised Code or the water 27859  
conservation fund provided for in this section shall be state 27860  
depository banks as provided for in sections 135.01 to 135.21, ~~inclusive,~~ 27861  
~~inclusive,~~ of the Revised Code. An amount not to exceed fifty 27862

thousand dollars of the money on deposit at any one time in the 27863  
water conservation improvement fund, and an amount not to exceed 27864  
ten thousand dollars in the water conservation fund shall be held 27865  
by any of ~~said the~~ banks as an active deposit, and ~~said the~~ banks 27866  
shall pay the treasurer of state on such deposits, both active and 27867  
inactive, the same rate of interest then being paid by them upon 27868  
the funds of the state then deposited with them by the treasurer 27869  
of state. All such payments of interest shall be credited to the 27870  
respective funds upon which such interest is paid. 27871

**Sec. 1523.08.** When the cost of any repairs to the 27872  
improvements authorized by section 1523.01 of the Revised Code 27873  
does not exceed one thousand dollars, the chief of the division of 27874  
soil and water ~~of the department of natural~~ resources either may 27875  
make such repairs ~~himself~~ or may let a contract therefor without 27876  
advertising for bids. If the cost of any such repairs is in excess 27877  
of one thousand dollars, the chief shall advertise for bids for 27878  
the making of such repairs and let a contract therefor as provided 27879  
in section 1523.03 of the Revised Code. 27880

When itemized statements are presented to the chief showing 27881  
the amount of labor performed and material furnished in the making 27882  
of such repairs, verified by the person making them and approved 27883  
in writing by the chief, the chief shall pay the amount of such 27884  
statement from the water conservation fund. 27885

**Sec. 1523.09.** If a reservoir, dam, storage basin, or other 27886  
improvement constructed or enlarged by the chief of the division 27887  
of soil and water resources as provided in sections 1523.01 to 27888  
1523.13 of the Revised Code constitutes a part of the canal system 27889  
of the state or is located upon any river, stream, or body of 27890  
water formerly used as a feeder for the canal system, no water 27891  
shall be sold or leased from the improvement ~~by the chief~~ except 27892  
in accordance with section 1520.03 of the Revised Code. 27893

Sec. 1523.10. The funds derived from the sale, use, or lease 27894  
of the water impounded and conserved or the power generated by the 27895  
improvements constructed pursuant to sections 1523.01 to 1523.13~~7~~ 27896  
~~inclusive~~, of the Revised Code, or from the lease of the lands and 27897  
improvements adjacent thereto are hereby expressly pledged for the 27898  
purpose of maintaining and keeping ~~said the~~ improvements in repair 27899  
and for the payment of the interest on and principal of the bonds 27900  
issued under section 1523.02 of the Revised Code, as the same fall 27901  
due and mature. The owners of such bonds are hereby given a lien 27902  
for the payment of the principal and interest of such bonds upon 27903  
any dam, reservoir, storage basin, or other improvements, or any 27904  
part thereof, with the appurtenances belonging thereto, 27905  
constructed by the chief of the division of soil and water 27906  
resources with the funds derived from the sale of such bonds. 27907

If default is made in the payment of the interest on any of 27908  
~~said the~~ bonds for three or more successive years, or if bonds, 27909  
aggregating in par value not less than ten per cent of the total 27910  
amount of such bonds then outstanding are not paid at maturity, 27911  
then all of ~~said the~~ bonds, both principal and interest, shall 27912  
become due and payable, and the owners of any of ~~said the~~ bonds, 27913  
aggregating in par value not less than ten per cent of the total 27914  
amount of such bonds then outstanding, may institute proceedings 27915  
to foreclose such lien against the state in the court of common 27916  
pleas of the county in which is located any of ~~said the~~ 27917  
improvements, constructed, altered, or enlarged out of the 27918  
proceeds of the sale of such bonds. 27919

~~Said The~~ court shall have jurisdiction of such action with 27920  
full power to foreclose such lien and to make an order to the 27921  
sheriff of ~~said the~~ county, acting as a master commissioner, 27922  
directing ~~him~~ the sheriff to make a sale of such improvements or 27923  
part thereof at not less than two-thirds of the appraised value 27924  
thereof, and upon such terms and in manner and form as provided 27925



for in ~~said~~ the order, and to pay the proceeds of such sale to the 27926  
clerk of the court of common pleas. Upon motion of the purchaser 27927  
of such improvements at such sale, the court, if such sale is 27928  
found to be regular in all respects and according to law, shall 27929  
confirm the sale and order the sheriff to execute a deed to such 27930  
purchaser and ~~his~~ the purchaser's assigns, conveying to ~~him~~ the 27931  
purchaser and the purchaser's assigns all the right, title, and 27932  
interest of the holders of ~~said~~ the bonds in and to ~~said~~ the 27933  
improvements, and all the right, title, and interest of the state, 27934  
for a period of not more than fifty years from the date of such 27935  
conveyance, in the same, with full right and franchise, for ~~said~~ 27936  
the period of not to exceed fifty years, to operate ~~said~~ the 27937  
improvements and dispose of the water conserved or the power 27938  
generated thereby, with the further right, for ~~said~~ the period of 27939  
fifty years, to flow, transport, and convey ~~said~~ the water from 27940  
~~said~~ the improvements, or to conduct and transmit power generated 27941  
thereby through, over, and upon any of the lands of the state or 27942  
channels or beds of any of its reservoirs, lakes, canals, races, 27943  
aqueducts, or watercourses. In the exercise of such rights, such 27944  
purchaser or ~~his~~ the purchaser's assigns shall at all times during 27945  
the term of ~~said~~ the grant maintain the improvements so conveyed 27946  
to them in a good state of repair and shall not interfere with the 27947  
navigation of the canals of the state or with the control and 27948  
maintenance thereof or with the sale of water by the state from 27949  
its dams, reservoirs, and improvements other than those so 27950  
constructed. The state does not incur any liability by reason of 27951  
such sale and the rights granted thereunder to continue to 27952  
maintain such canals, races, channels, or watercourses, or to 27953  
continue the use thereof. Such conveyance or grant by the sheriff 27954  
as such master commissioner shall contain a clause giving the 27955  
chief such control of waste gates and wickets as to regulate the 27956  
flow of water in the state reservoirs or canals, in such manner as 27957  
to maintain the proper level therein and to prevent the flowing 27958

into such reservoirs and canals of such quantities of water as 27959  
might impair any of the property of the state or its lessees, 27960  
except as otherwise provided in section 1520.03 of the Revised 27961  
Code. 27962

Upon the foreclosure of ~~said~~ the lien and the sale of ~~said~~ 27963  
the improvements, all contracts or leases for the sale, use, or 27964  
lease of water, the lands and improvements adjacent thereto, or 27965  
power rights then outstanding shall become void, and the rights of 27966  
the state and the several lessees thereunder, shall cease. 27967

Upon the making of an order by the court for the sale of such 27968  
improvements, and before they are offered for sale by the sheriff, 27969  
the court shall appoint three disinterested appraisers, one of 27970  
whom shall be a water-works or hydraulic engineer with at least 27971  
five years' experience in the practice of ~~his~~ the engineer's 27972  
profession, and two of whom shall be freeholders residing in the 27973  
county in which any of such improvements are located. ~~Said~~ The 27974  
appraisers shall appraise ~~said~~ the improvements and shall, within 27975  
the time fixed by the court, file such appraisal in writing with 27976  
the clerk. If the lien given by this section as security for the 27977  
payment of ~~said~~ the bonds covers a part only of ~~said~~ the 27978  
improvements, ~~said~~ the appraisers shall appraise ~~said~~ the 27979  
improvements as an entirety, and shall also appraise separately 27980  
the part constructed from the proceeds of the sale of ~~said~~ the 27981  
bonds, the lien of which is being foreclosed in such proceeding. 27982

In making such appraisal and fixing the value of ~~said~~ the 27983  
improvements or of such part thereof, ~~said~~ the appraisers shall 27984  
have access to all papers and documents on file in the office of 27985  
the chief relating to such improvements, including the plans and 27986  
specifications therefor, and the bids made and contracts entered 27987  
into for the construction thereof, and all leases and contracts 27988  
for the sale of water impounded therein and power generated 27989  
thereby. The order of the court shall direct the sale only of such 27990

part of ~~said~~ the improvements as have been constructed from the 27991  
proceeds of the sale of ~~said~~ the bonds. The purchaser at such 27992  
sale, in the operation of such improvements during the term of the 27993  
franchise granted to ~~him~~ the purchaser by this section, shall draw 27994  
from the dam or reservoir impounding such water only such portion 27995  
thereof as the appraised value of that part of such improvements, 27996  
constructed from the proceeds of the sale of such bonds and sold 27997  
to ~~him~~ the purchaser under the order of the court, bears to the 27998  
entire appraised value of such improvements. 27999

If at any time during the term of the franchise granted to 28000  
the purchaser of such improvements at such foreclosure sale any 28001  
controversy arises between ~~him~~ the purchaser or ~~his~~ the 28002  
purchaser's assigns and the chief as to the operation of such 28003  
improvements, or as to the amount of water which ~~said~~ the 28004  
purchaser is drawing or is entitled to draw therefrom, either ~~said~~ 28005  
the purchaser or ~~said~~ the chief may file a petition in ~~said~~ the 28006  
court, setting forth the facts connected with such controversy. 28007

Notice in writing of the filing of such petition shall be 28008  
given to the opposite party to ~~said~~ the controversy within thirty 28009  
days from the date of the filing thereof, either by service of 28010  
such notice personally upon such opposite party by the sheriff of 28011  
such county or by service by mail by the clerk. Such notice shall 28012  
be mailed to the name and address which the purchaser filed with 28013  
~~said~~ the clerk at the time of the delivery to the purchaser by the 28014  
sheriff of the deed. Within thirty days from the serving or 28015  
mailing of such notice, the opposite party to ~~said~~ the controversy 28016  
shall file ~~his~~ an answer in ~~said~~ the court, and thereupon the 28017  
court shall hear and determine ~~said~~ the controversy and make such 28018  
order in regard to it as is just and proper, which order shall be 28019  
binding upon all the parties to ~~said~~ the controversy. 28020

At the termination of ~~said~~ the period of not to exceed fifty 28021  
years, all of the rights and privileges conveyed to ~~said~~ the 28022

purchaser by the deed and grant of such sheriff as master 28023  
commissioner shall cease and ~~said~~ the improvements, with all the 28024  
appurtenances belonging thereto, shall revert to and become the 28025  
property of the state, free and clear of any claims whatever 28026  
against them. 28027

The clerk shall distribute and pay the money received by ~~him~~ 28028  
the clerk from the sheriff as such master commissioner from the 28029  
sale of such improvements to the holders of ~~said~~ the bonds pro 28030  
rata, and upon such payment to any of ~~said~~ the bondholders, they 28031  
shall surrender to the ~~said~~ the clerk their bonds, with all unpaid 28032  
interest coupons thereon. The clerk shall thereupon cancel the 28033  
same and deliver them, so canceled, to the treasurer of the water 28034  
conservation improvement fund. 28035

**Sec. 1523.11.** All appropriations of property made by the 28036  
chief of the division of soil and water resources in carrying out 28037  
sections 1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, shall 28038  
be made in accordance with sections 163.01 to 163.22, ~~inclusive~~, 28039  
of the Revised Code, provided that possession of any property so 28040  
appropriated shall not be taken by the state or the chief before 28041  
the compensation and damages awarded therefor in the appropriation 28042  
proceedings have been paid into court. 28043

**Sec. 1523.12.** Sections 1523.01 to 1523.13, ~~inclusive~~, of the 28044  
Revised Code do not authorize any reduction in the quantity or any 28045  
impairment in the quality of the water in any watershed, stream, 28046  
or basin, developed or undeveloped, from which any political 28047  
subdivision is, at the time the chief of the division of soil and 28048  
water resources proposes and is proceeding to construct in such 28049  
watershed, stream, or basin any of the improvements authorized by 28050  
such sections, taking water for the use of itself or its 28051  
inhabitants, or has plans under way, or has made or begun 28052  
appropriation of any property or rights in such watershed, stream, 28053

or basin for the purpose of acquiring a water supply for itself or 28054  
its inhabitants for either domestic, industrial, or other uses. 28055  
Such sections do not authorize the chief to sell or lease the 28056  
right to use water at any time for any purpose or to such an 28057  
extent as to prejudice, abrogate, or supersede any of the water 28058  
rights granted by the state to the city of Akron as provided in 28059  
volume 102, Ohio Laws, page 175, sections 1 to 3, ~~inclusive~~. 28060

**Sec. 1523.13.** If by reason of severe drought or other causes 28061  
the water supply of any political subdivision is, in the judgment 28062  
of the chief of the division of soil and water resources, at any 28063  
time so reduced or impaired as to endanger the property of such 28064  
political subdivision, or the health, safety, or property of the 28065  
inhabitants thereof, then the chief, under such regulations as ~~he~~ 28066  
the chief prescribes, may grant to such political subdivision the 28067  
right, during the continuance of such emergency, to draw or take 28068  
such quantity of water as is necessary to protect the property of 28069  
such political subdivision and the health, safety, or property of 28070  
its inhabitants from any improvement constructed under sections 28071  
1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, before any of 28072  
the lessees or grantees of the state using the water for 28073  
industrial purposes take water therefrom. Such political 28074  
subdivision shall pay such price per thousand gallons for the 28075  
water so taken by it as is fixed by the chief and the governor. 28076  
The price so fixed shall not exceed the maximum price then being 28077  
paid for water to the state by any of its lessees or grantees. 28078  
Such grant by the chief to such political subdivision shall not 28079  
modify the terms or impair the validity of any leases then 28080  
existing between the state and other persons, firms, or 28081  
corporations, except as expressly provided in this section. 28082

**Sec. 1523.14.** The director of transportation in constructing 28083  
highways, bridges, and culverts as provided by law; the board of 28084

county commissioners in constructing highways, bridges, and 28085  
culverts as provided by law; the board of township trustees of any 28086  
township in constructing highways, bridges, and culverts as 28087  
provided by law; and any municipal corporation constructing or 28088  
improving viaducts, bridges, and culverts under section 717.01 of 28089  
the Revised Code, either severally or jointly, upon request of the 28090  
chief of the division of soil and water resources and with the 28091  
approval of the director of transportation, may construct and 28092  
maintain slack-water dams in connection with ~~said~~ the highway, 28093  
highway bridge, or culvert so as to create reservoirs, ponds, 28094  
water parks, basins, lakes, or other incidental works to conserve 28095  
the water supply of the state. 28096

**Sec. 1523.15.** The chief of the division of soil and water ~~of~~ 28097  
~~the department of natural~~ resources may request the public 28098  
authority having charge of the construction of state, county, or 28099  
township highways, highway bridges, and culverts, or municipal 28100  
streets, for the construction of slack-water dams in connection 28101  
with the construction of any such highway, street, highway bridge, 28102  
or culvert whenever, in ~~his~~ the chief's opinion, the construction 28103  
of such dam is desirable and feasible for the economical creation 28104  
and construction of reservoirs, ponds, water parks, basins, lakes, 28105  
or other incidental works for the conservation of the water supply 28106  
of the state. 28107

The public authority having charge of such construction may 28108  
approve such request when, in its opinion, the construction of 28109  
such dams will not unnecessarily delay or hinder the construction 28110  
of the highway, street, highway bridge, or culvert, or will not 28111  
interfere with its value or use for highway purposes. 28112

If such request is approved, the chief, in cooperation with 28113  
the department of transportation and the public authority 28114  
participating in the project, shall make a survey and prepare 28115

plans, specifications, and estimates for the construction of such 28116  
dams and the reservoir, pond, water park, basin, lake, or other 28117  
incidental works in connection therewith. 28118

Upon approval of the plans and specifications and 28119  
determination to proceed with the project, the chief shall enter 28120  
into an agreement with the public authority on the distribution of 28121  
the cost and expense of the construction of such dams and 28122  
incidental works in connection therewith. The portion of the cost 28123  
to be paid by the division of soil and water resources shall be 28124  
paid from any funds appropriated for or paid into the division and 28125  
available for such purpose. 28126

Such dams shall be constructed under and subject to any laws 28127  
governing the construction of state, county, or township highways, 28128  
bridges, or culverts. Any public authority undertaking 28129  
construction under sections 1523.14 to 1523.20 of the Revised Code 28130  
shall proceed in the same manner as provided for the construction 28131  
of highway or street improvements. 28132

**Sec. 1523.16.** Any department or division of the state 28133  
government, or any county, township, municipal corporation, park 28134  
board, or district, or any organization, club, corporation, or 28135  
private person may petition the chief of the division of soil and 28136  
water resources for the construction of dams and reservoir 28137  
projects in connection with the construction of any highway, 28138  
highway bridge, or culvert. 28139

Upon receipt of such a petition and its approval by the 28140  
chief, ~~he~~ the chief shall proceed as authorized by section 1523.15 28141  
of the Revised Code. If the public authority having charge of the 28142  
construction of such highway, street, highway bridge, or culvert 28143  
approves the request, then the chief shall enter into an agreement 28144  
with the public authority, organization, or person petitioning for 28145  
the construction of such dam or reservoir on the apportionment of 28146

the cost and expense of construction. The cost and expense of such 28147  
dam project shall include the cost of clearing and grubbing and 28148  
the cost of property and damages incidental thereto. Such 28149  
agreement shall also contain provisions for the proper maintenance 28150  
and repair of such projects after completion, and also apportion 28151  
the revenue derived therefrom between the division of soil and 28152  
water resources and the petitioner. 28153

**Sec. 1523.17.** In all cases in which a public authority, 28154  
private organization, or person petitions for the construction of 28155  
a dam and reservoir project as authorized by ~~section~~ sections 28156  
1523.14 to 1523.20 of the Revised Code, the chief of the division 28157  
of soil and water ~~of the department of natural~~ resources, as a 28158  
condition precedent to the construction of such project, shall 28159  
require the petitioning authority, organization, or person to pay 28160  
~~his~~ the petitioning authority's, organization's, or person's share 28161  
of the cost and expense of such project. 28162

Any deficiency shall be made up by the parties bearing the 28163  
cost before any further work is done. If the deficiency is not 28164  
made up within sixty days after it is known, the amount paid in, 28165  
less the expense incurred by the chief and the cooperating public 28166  
authorities, shall be refunded to the donor. After completion of 28167  
the work, any amount remaining to the credit of the project shall 28168  
likewise be refunded. 28169

**Sec. 1523.18.** In the construction of dams, reservoirs, and 28170  
other incidental works under sections 1523.14 to 1523.20 of the 28171  
Revised Code, the chief of the division of soil and water 28172  
resources shall proceed as provided by law, and shall enter into 28173  
contracts therefor as provided in sections 153.01 to 153.29 of the 28174  
Revised Code. The director of transportation, the chief of the 28175  
division of wildlife with the approval of the director of natural 28176  
resources, and any county, township, municipal corporation, and 28177



public park board or district may proceed with the letting of 28178  
contracts for the construction of such dams or reservoir projects, 28179  
approved by the chief of the division of soil and water resources, 28180  
under any laws regulating the letting of contracts applicable to 28181  
their respective departments, divisions, districts, or political 28182  
subdivisions, and the authority of sections 1523.14 to 1523.20 of 28183  
the Revised Code. 28184

**Sec. 1523.19.** The chief of the division of soil and water 28185  
resources shall have the supervision, care, and control of all 28186  
dams, reservoirs, ponds, water parks, basins, lakes, or other 28187  
incidental works constructed under sections 1523.14 to 1523.20~~7~~ 28188  
~~inclusive~~, of the Revised Code, and shall maintain and keep them 28189  
in repair. The cost of such maintenance and repair shall be paid 28190  
from any funds appropriated to the division of soil and water 28191  
resources for that purpose or paid into the state treasury as 28192  
agreed upon with the public or contracting authorities 28193  
co-operating in the construction of such projects. 28194

Such projects may also be maintained by any department or 28195  
division of state government or other public authorities leasing 28196  
or operating the projects, through agreements made with ~~said the~~ the 28197  
chief. All rentals derived from the lessees of such projects shall 28198  
be used by ~~said the~~ the chief in the maintenance or repair of all such 28199  
projects constructed under such sections. The costs and expenses 28200  
of the reconstruction of any such projects shall be distributed, 28201  
unless otherwise agreed, on the same basis and pro-rata share of 28202  
the costs and expenses as was paid by the contracting authorities 28203  
contributing to the cost of the original project. 28204

**Sec. 1523.20.** When the chief of the division of soil and 28205  
water resources and the owners of the lands, waters, or riparian 28206  
rights are unable to agree upon the terms, purchase price, and 28207  
sale thereof, the chief may acquire the lands by appropriation 28208

proceedings in the manner provided by sections 163.01 to 163.22 of 28209  
the Revised Code. 28210

The title or lease to any such lands, waters, or riparian 28211  
rights shall be taken by the chief, subject to the approval of the 28212  
governor and the attorney general, in the name of the state. The 28213  
lease rentals or purchase price of any such lands, waters, or 28214  
riparian rights, as well as all costs and expenses of constructing 28215  
any such reservoirs, ponds, water parks, basins, lakes, or other 28216  
incidental works on those lands, may be paid for from any funds 28217  
appropriated for the use of or paid into the division of soil and 28218  
water resources and available for that purpose. The chief may 28219  
accept contributions to those funds from individuals, 28220  
associations, clubs, organizations, and corporations. 28221

**Sec. 1531.01.** As used in this chapter and Chapter 1533. of 28222  
the Revised Code: 28223

(A) "Person" means a person as defined in section 1.59 of the 28224  
Revised Code or a company; an employee, agent, or officer of such 28225  
a person or company; a combination of individuals; the state; a 28226  
political subdivision of the state; an interstate body created by 28227  
a compact; or the federal government or a department, agency, or 28228  
instrumentality of it. 28229

(B) "Resident" means any individual who has resided in this 28230  
state for not less than six months next preceding the date of 28231  
making application for a license. 28232

(C) "Nonresident" means any individual who does not qualify 28233  
as a resident. 28234

(D) "Division rule" or "rule" means any rule adopted by the 28235  
chief of the division of wildlife under section 1531.10 of the 28236  
Revised Code unless the context indicates otherwise. 28237

(E) "Closed season" means that period of time during which 28238

the taking of wild animals protected by this chapter and Chapter 28239  
1533. of the Revised Code is prohibited. 28240

(F) "Open season" means that period of time during which the 28241  
taking of wild animals protected by this chapter and Chapter 1533. 28242  
of the Revised Code is permitted. 28243

(G) "Take or taking" includes pursuing, shooting, hunting, 28244  
killing, trapping, angling, fishing with a trotline, or netting 28245  
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 28246  
wild bird, or wild quadruped, and any lesser act, such as 28247  
wounding, or placing, setting, drawing, or using any other device 28248  
for killing or capturing any wild animal, whether it results in 28249  
killing or capturing the animal or not. "Take or taking" includes 28250  
every attempt to kill or capture and every act of assistance to 28251  
any other person in killing or capturing or attempting to kill or 28252  
capture a wild animal. 28253

(H) "Possession" means both actual and constructive 28254  
possession and any control of things referred to. 28255

(I) "Bag limit" means the number, measurement, or weight of 28256  
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 28257  
birds, and wild quadrupeds permitted to be taken. 28258

(J) "Transport and transportation" means carrying or moving 28259  
or causing to be carried or moved. 28260

(K) "Sell and sale" means barter, exchange, or offer or 28261  
expose for sale. 28262

(L) "Whole to include part" means that every provision 28263  
relating to any wild animal protected by this chapter and Chapter 28264  
1533. of the Revised Code applies to any part of the wild animal 28265  
with the same effect as it applies to the whole. 28266

(M) "Angling" means fishing with not more than two hand 28267  
lines, not more than two units of rod and line, or a combination 28268

of not more than one hand line and one rod and line, either in 28269  
hand or under control at any time while fishing. The hand line or 28270  
rod and line shall have attached to it not more than three baited 28271  
hooks, not more than three artificial fly rod lures, or one 28272  
artificial bait casting lure equipped with not more than three 28273  
sets of three hooks each. 28274

(N) "Trotline" means a device for catching fish that consists 28275  
of a line having suspended from it, at frequent intervals, 28276  
vertical lines with hooks attached. 28277

(O) "Fish" means a cold-blooded vertebrate having fins. 28278

(P) "Measurement of fish" means length from the end of the 28279  
nose to the longest tip or end of the tail. 28280

(Q) "Wild birds" includes game birds and nongame birds. 28281

(R) "Game" includes game birds, game quadrupeds, and 28282  
fur-bearing animals. 28283

(S) "Game birds" includes mourning doves, ringneck pheasants, 28284  
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated 28285  
grouse, wild turkey, Hungarian partridge, Chukar partridge, 28286  
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 28287  
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 28288  
duck, geese, brant, and crows. 28289

(T) "Nongame birds" includes all other wild birds not 28290  
included and defined as game birds or migratory game birds. 28291

(U) "Wild quadrupeds" includes game quadrupeds and 28292  
fur-bearing animals. 28293

(V) "Game quadrupeds" includes cottontail rabbits, gray 28294  
squirrels, black squirrels, fox squirrels, red squirrels, flying 28295  
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 28296  
wild boar, and black bears. 28297

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 28298

skunks, opossums, muskrats, fox, beavers, badgers, otters, 28299  
coyotes, and bobcats. 28300

(X) "Wild animals" includes mollusks, crustaceans, aquatic 28301  
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 28302  
and all other wild mammals, but does not include domestic deer. 28303

(Y) "Hunting" means pursuing, shooting, killing, following 28304  
after or on the trail of, lying in wait for, shooting at, or 28305  
wounding wild birds or wild quadrupeds while employing any device 28306  
commonly used to kill or wound wild birds or wild quadrupeds 28307  
whether or not the acts result in killing or wounding. "Hunting" 28308  
includes every attempt to kill or wound and every act of 28309  
assistance to any other person in killing or wounding or 28310  
attempting to kill or wound wild birds or wild quadrupeds. 28311

(Z) "Trapping" means securing or attempting to secure 28312  
possession of a wild bird or wild quadruped by means of setting, 28313  
placing, drawing, or using any device that is designed to close 28314  
upon, hold fast, confine, or otherwise capture a wild bird or wild 28315  
quadruped whether or not the means results in capture. "Trapping" 28316  
includes every act of assistance to any other person in capturing 28317  
wild birds or wild quadrupeds by means of the device whether or 28318  
not the means results in capture. 28319

(AA) "Muskrat spear" means any device used in spearing 28320  
muskrats. 28321

(BB) "Channels and passages" means those narrow bodies of 28322  
water lying between islands or between an island and the mainland 28323  
in Lake Erie. 28324

(CC) "Island" means a rock or land elevation above the waters 28325  
of Lake Erie having an area of five or more acres above water. 28326

(DD) "Reef" means an elevation of rock, either broken or in 28327  
place, or gravel shown by the latest United States chart to be 28328  
above the common level of the surrounding bottom of the lake, 28329

other than the rock bottom, or in place forming the base or 28330  
foundation rock of an island or mainland and sloping from the 28331  
shore of it. "Reef" also means all elevations shown by that chart 28332  
to be above the common level of the sloping base or foundation 28333  
rock of an island or mainland, whether running from the shore of 28334  
an island or parallel with the contour of the shore of an island 28335  
or in any other way and whether formed by rock, broken or in 28336  
place, or from gravel. 28337

(EE) "Fur farm" means any area used exclusively for raising 28338  
fur-bearing animals or in addition thereto used for hunting game, 28339  
the boundaries of which are plainly marked as such. 28340

(FF) "Waters" includes any lake, pond, reservoir, stream, 28341  
channel, lagoon, or other body of water, or any part thereof, 28342  
whether natural or artificial. 28343

(GG) "Crib" or "car" refers to that particular compartment of 28344  
the net from which the fish are taken when the net is lifted. 28345

(HH) "Commercial fish" means those species of fish permitted 28346  
to be taken, possessed, bought, or sold unless otherwise 28347  
restricted by the Revised Code or division rule and are alewife 28348  
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 28349  
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 28350  
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 28351  
*cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead 28352  
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 28353  
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 28354  
*olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), 28355  
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 28356  
(*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish 28357  
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 28358  
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 28359  
(*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* 28360  
sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other 28361

than buffalo and quillback (Carpiodes sp., Catostomus sp.,  
Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone  
chrysops), white perch (Roccus americanus), and yellow perch  
(Perca flavescens). When the common name of a fish is used in this  
chapter or Chapter 1533. of the Revised Code, it refers to the  
fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any  
method, and all other acts such as placing, setting, drawing, or  
using any device commonly used to take fish whether resulting in a  
taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from  
both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from  
one side of a fish.

(LL) "Round" when used in describing fish means with head and  
tail intact.

(MM) "Migrate" means the transit or movement of fish to or  
from one place to another as a result of natural forces or  
instinct and includes, but is not limited to, movement of fish  
induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across  
the entire width of the back, at the top and bottom of the cars in  
all trap, crib, and fyke nets for the purpose of keeping the  
meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration  
or hire, operates a boat, rents, leases, or otherwise furnishes  
angling devices, ice fishing shanties or shelters of any kind, or  
other fishing equipment, and accompanies, guides, directs, or  
assists any other person in order for the other person to engage  
in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time.

(UU) "Tenant" means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code.

(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.

(WW) "Reptiles" includes common musk turtle (*sternotherus odoratus*), common snapping turtle (*Chelydra serpentina serpentina*), spotted turtle (*Clemmys guttata*), eastern box turtle (*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea blandingii*), common map turtle (*Graptemys geographica*), ouachita



map turtle ( <i>Graptemys pseudogeographica ouachitensis</i> ), midland	28423
painted turtle ( <i>Chrysemys picta marginata</i> ), red-eared slider	28424
( <i>Trachemys scripta elegans</i> ), eastern spiny softshell turtle	28425
( <i>Apalone spinifera spinifera</i> ), midland smooth softshell turtle	28426
( <i>Apalone mutica mutica</i> ), northern fence lizard ( <i>Sceloporus</i>	28427
<i>undulatus hyacinthinus</i> ), ground skink ( <i>Scincella lateralis</i> ),	28428
five-lined skink ( <i>Eumeces fasciatus</i> ), broadhead skink ( <i>Eumeces</i>	28429
<i>laticeps</i> ), northern coal skink ( <i>Eumeces anthracinus anthracinus</i> ),	28430
European wall lizard ( <i>Podarcis muralis</i> ), queen snake ( <i>Regina</i>	28431
<i>septemvittata</i> ), Kirtland's snake ( <i>Clonophis kirtlandii</i> ), northern	28432
water snake ( <i>Nerodia sipedon sipedon</i> ), Lake Erie watersnake	28433
( <i>Nerodia sipedon insularum</i> ), copperbelly water snake ( <i>Nerodia</i>	28434
<i>erythrogaster neglecta</i> ), northern brown snake ( <i>Storeria dekayi</i>	28435
<i>dekayi</i> ), midland brown snake ( <i>Storeria dekayi wrightorum</i> ),	28436
northern redbelly snake ( <i>Storeria occipitomaculata</i>	28437
<i>occipitomaculata</i> ), eastern garter snake ( <i>Thamnophis sirtalis</i>	28438
<i>sirtalis</i> ), eastern plains garter snake ( <i>Thamnophis radix radix</i> ),	28439
Butler's garter snake ( <i>Thamnophis butleri</i> ), shorthead garter snake	28440
( <i>Thamnophis brachystoma</i> ), eastern ribbon snake ( <i>Thamnophis</i>	28441
<i>sauritus sauritus</i> ), northern ribbon snake ( <i>Thamnophis sauritus</i>	28442
<i>septentrionalis</i> ), eastern hognose snake ( <i>Heterodon platirhinos</i> ),	28443
eastern smooth earth snake ( <i>Virginia valeriae valeriae</i> ), northern	28444
ringneck snake ( <i>Diadophis punctatus edwardsii</i> ), midwest worm snake	28445
( <i>Carphophis amoenus helena</i> ), eastern worm snake ( <i>Carphophis</i>	28446
<i>amoenus amoenus</i> ), black racer ( <i>Coluber constrictor constrictor</i> ),	28447
blue racer ( <i>Coluber constrictor foxii</i> ), rough green snake	28448
( <i>Opheodrys aestivus</i> ), smooth green snake ( <i>Opheodrys vernalis</i>	28449
<i>vernalis</i> ), black rat snake ( <i>Elaphe obsoleta obsoleta</i> ), eastern fox	28450
snake ( <i>Elaphe vulpina gloydi</i> ), black kingsnake ( <i>Lampropeltis</i>	28451
<i>getula nigra</i> ), eastern milk snake ( <i>Lampropeltis triangulum</i>	28452
<i>triangulum</i> ), northern copperhead ( <i>Agkistrodon contortrix mokasen</i> ),	28453
eastern massasauga ( <i>Sistrurus catenatus catenatus</i> ), and timber	28454
rattlesnake ( <i>Crotalus horridus horridus</i> ).	28455

(XX) "Amphibians" includes eastern hellbender ( <i>Cryptobranchus</i>	28456
<i>alleganiensis alleganiensis</i> ), mudpuppy ( <i>Necturus maculosus</i>	28457
<i>maculosus</i> ), red-spotted newt ( <i>Notophthalmus viridescens</i>	28458
<i>viridescens</i> ), Jefferson salamander ( <i>Ambystoma jeffersonianum</i> ),	28459
spotted salamander ( <i>Ambystoma maculatum</i> ), blue-spotted salamander	28460
( <i>Ambystoma laterale</i> ), smallmouth salamander ( <i>Ambystoma texanum</i> ),	28461
streamside salamander ( <i>Ambystoma barbouri</i> ), marbled salamander	28462
( <i>Ambystoma opacum</i> ), eastern tiger salamander ( <i>Ambystoma tigrinum</i>	28463
<i>tigrinum</i> ), northern dusky salamander ( <i>Desmognathus fuscus fuscus</i> ),	28464
mountain dusky salamander ( <i>Desmognathus ochrophaeus</i> ), redback	28465
salamander ( <i>Plethodon cinereus</i> ), ravine salamander ( <i>Plethodon</i>	28466
<i>richmondi</i> ), northern slimy salamander ( <i>Plethodon glutinosus</i> ),	28467
Wehrle's salamander ( <i>Plethodon wehrlei</i> ), four-toed salamander	28468
( <i>Hemidactylium scutatum</i> ), Kentucky spring salamander ( <i>Gyrinophilus</i>	28469
<i>porphyriticus duryi</i> ), northern spring salamander ( <i>Gyrinophilus</i>	28470
<i>porphyriticus porphyriticus</i> ), mud salamander ( <i>Pseudotriton</i>	28471
<i>montanus</i> ), northern red salamander ( <i>Pseudotriton ruber ruber</i> ),	28472
green salamander ( <i>Aneides aeneus</i> ), northern two-lined salamander	28473
( <i>Eurycea bislineata</i> ), longtail salamander ( <i>Eurycea longicauda</i>	28474
<i>longicauda</i> ), cave salamander ( <i>Eurycea lucifuga</i> ), southern	28475
two-lined salamander ( <i>Eurycea cirrigera</i> ), Fowler's toad ( <i>Bufo</i>	28476
<i>woodhousii fowleri</i> ), American toad ( <i>Bufo americanus</i> ), eastern	28477
spadefoot ( <i>Scaphiopus holbrookii</i> ), Blanchard's cricket frog ( <i>Acris</i>	28478
<i>crepitans blanchardi</i> ), northern spring peeper ( <i>Pseudacris crucifer</i>	28479
<i>crucifer</i> ), gray treefrog ( <i>Hyla versicolor</i> ), Cope's gray treefrog	28480
( <i>Hyla chrysoscelis</i> ), western chorus frog ( <i>Pseudacris triseriata</i>	28481
<i>triseriata</i> ), mountain chorus frog ( <i>Pseudacris brachyphona</i> ),	28482
bullfrog ( <i>Rana catesbeiana</i> ), green frog ( <i>Rana clamitans melanota</i> ),	28483
northern leopard frog ( <i>Rana pipiens</i> ), pickerel frog ( <i>Rana</i>	28484
<i>palustris</i> ), southern leopard frog ( <i>Rana utricularia</i> ), and wood	28485
frog ( <i>Rana sylvatica</i> ).	28486
(YY) "Deer" means white-tailed deer ( <i>Odocoileus</i>	28487
<i>virginianus</i> ).	28488

(ZZ) "Domestic deer" means nonnative deer that have been 28489  
legally acquired or their offspring and that are held in private 28490  
ownership for primarily agricultural purposes. 28491

(AAA) "Migratory game bird" includes waterfowl (Anatidae); 28492  
doves (Columbidae); cranes (Gruidae); cormorants 28493  
(Phalacrocoracidea); rails, coots, and gallinules (Rallidae); and 28494  
woodcock and snipe (Scolopacidae). 28495

(BBB) "Accompany" means to go along with another person while 28496  
staying within a distance from the person that enables 28497  
uninterrupted, unaided visual and auditory communication. 28498

(CCC) "Electric-powered all-purpose vehicle" means any 28499  
battery-powered self-propelled electric vehicle that is designed 28500  
primarily for cross-country travel on land, water, or land and 28501  
water and that is steered by wheels, caterpillar treads, or a 28502  
combination of wheels and caterpillar treads and includes vehicles 28503  
that operate on a cushion of air, vehicles commonly known as 28504  
all-terrain vehicles, all-season vehicles, mini-bikes, and trail 28505  
bikes. "Electric-powered all-purpose vehicle" does not include a 28506  
utility vehicle as defined in section 4501.01 of the Revised Code, 28507  
any vehicle that is principally used in playing golf, any motor 28508  
vehicle or aircraft that is required to be registered under 28509  
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 28510  
excluded from the definition of "motor vehicle" as provided in 28511  
division (B) of section 4501.01 of the Revised Code. 28512

(DDD) "Children" means biological or adopted sons or 28513  
daughters and adopted stepsons or stepdaughters. 28514

(EEE) "Grandchildren" means the children of one's child. 28515

**Sec. 1533.10.** Except as provided in this section or division 28516  
(A)(2) of section 1533.12 of the Revised Code, no person shall 28517  
hunt any wild bird or wild quadruped without a hunting license. 28518

Each day that any person hunts within the state without procuring 28519  
such a license constitutes a separate offense. Except as otherwise 28520  
provided in this section, every applicant for a hunting license 28521  
who is a resident of the state and eighteen years of age or more 28522  
shall procure a resident hunting license or an apprentice resident 28523  
hunting license, the fee for which shall be eighteen dollars 28524  
unless the rules adopted under division (B) of section 1533.12 of 28525  
the Revised Code provide for issuance of a resident hunting 28526  
license to the applicant free of charge. Except as provided in 28527  
rules adopted under division (B)(2) of that section, each 28528  
applicant who is a resident of this state and who at the time of 28529  
application is sixty-six years of age or older shall procure a 28530  
special senior hunting license, the fee for which shall be 28531  
one-half of the regular hunting license fee. Every applicant who 28532  
is under the age of eighteen years shall procure a special youth 28533  
hunting license or an apprentice youth hunting license, the fee 28534  
for which shall be one-half of the regular hunting license fee. 28535  
~~The owner of~~ A resident of this state who owns lands in the state 28536  
and the owner's children of any age and grandchildren ~~under~~ 28537  
~~eighteen years~~ of any age may hunt on the lands without a hunting 28538  
license. The tenant and children of the tenant, residing on lands 28539  
in the state, may hunt on them without a hunting license. Except 28540  
as otherwise provided in division (A)(1) of section 1533.12 of the 28541  
Revised Code, every applicant for a hunting license who is a 28542  
nonresident of the state and who is eighteen years of age or older 28543  
shall procure a nonresident hunting license or an apprentice 28544  
nonresident hunting license, the fee for which shall be one 28545  
hundred twenty-four dollars unless the applicant is a resident of 28546  
a state that is a party to an agreement under section 1533.91 of 28547  
the Revised Code, in which case the fee shall be eighteen dollars. 28548  
Apprentice resident hunting licenses, apprentice youth hunting 28549  
licenses, and apprentice nonresident hunting licenses are subject 28550  
to the requirements established under section 1533.102 of the 28551

Revised Code and rules adopted pursuant to it. 28552

The chief of the division of wildlife may issue a small game 28553  
hunting license expiring three days from the effective date of the 28554  
license to a nonresident of the state, the fee for which shall be 28555  
thirty-nine dollars. No person shall take or possess deer, wild 28556  
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 28557  
animal while possessing only a small game hunting license. A small 28558  
game hunting license or an apprentice nonresident hunting license 28559  
does not authorize the taking or possessing of ducks, geese, or 28560  
brant without having obtained, in addition to the small game 28561  
hunting license or the apprentice nonresident hunting license, a 28562  
wetlands habitat stamp as provided in section 1533.112 of the 28563  
Revised Code. A small game hunting license or an apprentice 28564  
nonresident hunting license does not authorize the taking or 28565  
possessing of deer, wild turkeys, or fur-bearing animals. A 28566  
nonresident of the state who wishes to take or possess deer, wild 28567  
turkeys, or fur-bearing animals in this state shall procure, 28568  
respectively, a deer or wild turkey permit as provided in section 28569  
1533.11 of the Revised Code or a fur taker permit as provided in 28570  
section 1533.111 of the Revised Code in addition to a nonresident 28571  
hunting license, an apprentice nonresident hunting license, a 28572  
special youth hunting license, or an apprentice youth hunting 28573  
license, as applicable, as provided in this section. 28574

No person shall procure or attempt to procure a hunting 28575  
license by fraud, deceit, misrepresentation, or any false 28576  
statement. 28577

This section does not authorize the taking and possessing of 28578  
deer or wild turkeys without first having obtained, in addition to 28579  
the hunting license required by this section, a deer or wild 28580  
turkey permit as provided in section 1533.11 of the Revised Code 28581  
or the taking and possessing of ducks, geese, or brant without 28582  
first having obtained, in addition to the hunting license required 28583

by this section, a wetlands habitat stamp as provided in section 28584  
1533.112 of the Revised Code. 28585

This section does not authorize the hunting or trapping of 28586  
fur-bearing animals without first having obtained, in addition to 28587  
a hunting license required by this section, a fur taker permit as 28588  
provided in section 1533.111 of the Revised Code. 28589

No hunting license shall be issued unless it is accompanied 28590  
by a written explanation of the law in section 1533.17 of the 28591  
Revised Code and the penalty for its violation, including a 28592  
description of terms of imprisonment and fines that may be 28593  
imposed. 28594

No hunting license, other than an apprentice hunting license, 28595  
shall be issued unless the applicant presents to the agent 28596  
authorized to issue the license a previously held hunting license 28597  
or evidence of having held such a license in content and manner 28598  
approved by the chief, a certificate of completion issued upon 28599  
completion of a hunter education and conservation course approved 28600  
by the chief, or evidence of equivalent training in content and 28601  
manner approved by the chief. A previously held apprentice hunting 28602  
license does not satisfy the requirement concerning the 28603  
presentation of a previously held hunting license or evidence of 28604  
it. 28605

No person shall issue a hunting license, except an apprentice 28606  
hunting license, to any person who fails to present the evidence 28607  
required by this section. No person shall purchase or obtain a 28608  
hunting license, other than an apprentice hunting license, without 28609  
presenting to the issuing agent the evidence required by this 28610  
section. Issuance of a hunting license in violation of the 28611  
requirements of this section is an offense by both the purchaser 28612  
of the illegally obtained hunting license and the clerk or agent 28613  
who issued the hunting license. Any hunting license issued in 28614  
violation of this section is void. 28615

The chief, with approval of the wildlife council, shall adopt 28616  
rules prescribing a hunter education and conservation course for 28617  
first-time hunting license buyers, other than buyers of apprentice 28618  
hunting licenses, and for volunteer instructors. The course shall 28619  
consist of subjects including, but not limited to, hunter safety 28620  
and health, use of hunting implements, hunting tradition and 28621  
ethics, the hunter and conservation, the law in section 1533.17 of 28622  
the Revised Code along with the penalty for its violation, 28623  
including a description of terms of imprisonment and fines that 28624  
may be imposed, and other law relating to hunting. Authorized 28625  
personnel of the division or volunteer instructors approved by the 28626  
chief shall conduct such courses with such frequency and at such 28627  
locations throughout the state as to reasonably meet the needs of 28628  
license applicants. The chief shall issue a certificate of 28629  
completion to each person who successfully completes the course 28630  
and passes an examination prescribed by the chief. 28631

**Sec. 1541.03.** All lands and waters dedicated and set apart 28632  
for state park purposes shall be under the control and management 28633  
of the division of parks and recreation, which shall protect, 28634  
maintain, and keep them in repair. The division shall have the 28635  
following powers over all such lands and waters: 28636

(A) To make alterations and improvements; 28637

(B) To construct and maintain dikes, wharves, landings, 28638  
docks, dams, and other works; 28639

(C) To construct and maintain roads and drives in, around, 28640  
upon, and to the lands and waters to make them conveniently 28641  
accessible and useful to the public; 28642

(D) Except as otherwise provided in this section, to adopt, 28643  
amend, and rescind, in accordance with Chapter 119. of the Revised 28644  
Code, rules necessary for the proper management of state parks, 28645  
bodies of water, and the lands adjacent to them under its 28646

jurisdiction and control, including the following:	28647
(1) Governing opening and closing times and dates of the parks;	28648
(2) Establishing fees and charges for use of facilities in state parks;	28649
(3) Governing camps, camping, and fees for camps and camping;	28650
(4) Governing the application for and rental of, rental fees for, and the use of cottages;	28651
(5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds, and parking on those lands;	28652
(6) Governing all advertising within state parks and the requirements for the operation of places selling tangible personal property and control of food service sales on lands and waters under the control of the division, which rules shall establish uniform requirements;	28653
(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft, as those terms are defined in section 1547.01 of the Revised Code, over waters under the control of the division and establishing reasonable fees for the construction of and annual use permits for those structures and devices;	28654
(8) Governing state beaches, swimming, inflatable devices, and fees for them;	28655
(9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft, as those terms are defined in section 1547.01 of the Revised Code, left unattended for more than seven days on any lands or waters under the control of the division;	28656



(10) Governing the establishment and collection of check 28677  
collection charges for checks that are returned to the division or 28678  
dishonored for any reason. 28679

(E) To coordinate and plan trails in accordance with section 28680  
1519.03 of the Revised Code; 28681

(F) To cooperate with the United States and agencies of it 28682  
and with political subdivisions in administering federal 28683  
recreation moneys under the "Land and Water Conservation Fund Act 28684  
of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and 28685  
distribute the statewide comprehensive outdoor recreation plan; 28686  
and administer the state recreational vehicle fund created in 28687  
section 4519.11 of the Revised Code; 28688

(G) To administer any state or federally funded grant program 28689  
that is related to natural resources and recreation as considered 28690  
necessary by the director of natural resources; 28691

(H) To assist the department of natural resources and its 28692  
divisions by providing department-wide planning, capital 28693  
improvements planning, and special purpose planning. 28694

With the approval of the director, the chief of the division 28695  
of parks and recreation may enter into contracts or agreements 28696  
with any agency of the United States government, any other public 28697  
agency, or any private entity or organization for the performance 28698  
of the duties of the division. 28699

The division shall adopt rules under this section 28700  
establishing a discount program for all persons who are issued a 28701  
golden buckeye card under section 173.06 of the Revised Code. The 28702  
discount program shall provide a discount for all park services 28703  
and rentals, but shall not provide a discount for the purchase of 28704  
merchandise. 28705

The division shall not adopt rules establishing fees or 28706  
charges for parking a motor vehicle in a state park or for 28707

admission to a state park. 28708

Every resident of this state with a disability that has been 28709  
determined by the veterans administration to be permanently and 28710  
totally disabling, who receives a pension or compensation from the 28711  
veterans administration, and who received an honorable discharge 28712  
from the armed forces of the United States, and every veteran to 28713  
whom the registrar of motor vehicles has issued a set of license 28714  
plates under section 4503.41 of the Revised Code, shall be exempt 28715  
from the fees for camping, provided that the resident or veteran 28716  
carries in the state park such evidence of the resident's or 28717  
veteran's disability as the chief ~~of the division of parks and~~ 28718  
~~recreation~~ prescribes by rule. 28719

Unless otherwise provided by division rule, every resident of 28720  
this state who is sixty-five years of age or older or who is 28721  
permanently and totally disabled and who furnishes evidence of 28722  
that age or disability in a manner prescribed by division rule 28723  
shall be charged one-half of the regular fee for camping, except 28724  
on the weekends and holidays designated by the division, and shall 28725  
not be charged more than ninety per cent of the regular charges 28726  
for state recreational facilities, equipment, services, and food 28727  
service operations utilized by the person at any time of year, 28728  
whether maintained or operated by the state or leased for 28729  
operation by another entity. 28730

As used in this section, "food service operations" means 28731  
restaurants that are owned by the department of natural resources 28732  
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 28733  
parks or are part of a state park lodge. "Food service operations" 28734  
does not include automatic vending machines, concession stands, or 28735  
snack bars. 28736

As used in this section, "prisoner of war" means any 28737  
regularly appointed, enrolled, enlisted, or inducted member of the 28738  
military forces of the United States who was captured, separated, 28739

and incarcerated by an enemy of the United States. Any person who 28740  
has been a prisoner of war, was honorably discharged from the 28741  
military forces, and is a resident of this state is exempt from 28742  
the fees for camping. To claim this exemption, the person shall 28743  
present written evidence in the form of a record of separation, a 28744  
letter from one of the military forces of the United States, or 28745  
such other evidence as the chief prescribes by rule that satisfies 28746  
the eligibility criteria established by this section. 28747

**Sec. 1547.01.** (A) As used in sections 1541.03, 1547.26, 28748  
1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 1547.543, 28749  
1547.56, 1547.57, 1547.66, 3733.21, and 5311.01 of the Revised 28750  
Code, "watercraft" means any of the following when used or capable 28751  
of being used for transportation on the water: 28752

(1) A vessel operated by machinery either permanently or 28753  
temporarily affixed; 28754

(2) A sailboat other than a sailboard; 28755

(3) An inflatable, manually propelled boat that is required 28756  
by federal law to have a hull identification number meeting the 28757  
requirements of the United States coast guard; 28758

(4) A canoe or rowboat. 28759

"Watercraft" does not include ferries as referred to in 28760  
Chapter 4583. of the Revised Code. 28761

Watercraft subject to section 1547.54 of the Revised Code 28762  
shall be divided into five classes as follows: 28763

Class A: Less than sixteen feet in length; 28764

Class 1: At least sixteen feet, but less than twenty-six feet 28765  
in length; 28766

Class 2: At least twenty-six feet, but less than forty feet 28767  
in length; 28768

Class 3: At least forty feet, but less than sixty-five feet	28769
in length;	28770
Class 4: At least sixty-five feet in length.	28771
(B) As used in this chapter:	28772
(1) "Vessel" includes every description of craft, including	28773
nondisplacement craft and seaplanes, designed to be used as a	28774
means of transportation on water.	28775
(2) "Rowboat" means any vessel, except a canoe, that is	28776
designed to be rowed and that is propelled by human muscular	28777
effort by oars or paddles and upon which no mechanical propulsion	28778
device, electric motor, internal combustion engine, or sail has	28779
been affixed or is used for the operation of the vessel.	28780
(3) "Sailboat" means any vessel, equipped with mast and	28781
sails, dependent upon the wind to propel it in the normal course	28782
of operation.	28783
(a) Any sailboat equipped with an inboard engine is deemed a	28784
powercraft with auxiliary sail.	28785
(b) Any sailboat equipped with a detachable motor is deemed a	28786
sailboat with auxiliary power.	28787
(c) Any sailboat being propelled by mechanical power, whether	28788
under sail or not, is deemed a powercraft and subject to all laws	28789
and rules governing powercraft operation.	28790
(4) "Powercraft" means any vessel propelled by machinery,	28791
fuel, rockets, or similar device.	28792
(5) "Person" includes any legal entity defined as a person in	28793
section 1.59 of the Revised Code and any body politic, except the	28794
United States and this state, and includes any agent, trustee,	28795
executor, receiver, assignee, or other representative thereof.	28796
(6) "Owner" includes any person who claims lawful possession	28797
of a vessel by virtue of legal title or equitable interest therein	28798

that entitled the person to that possession. 28799

(7) "Operator" includes any person who navigates or has under 28800  
the person's control a vessel, or vessel and detachable motor, on 28801  
the waters in this state. 28802

(8) "Visible" means visible on a dark night with clear 28803  
atmosphere. 28804

(9) "Waters in this state" means all streams, rivers, lakes, 28805  
ponds, marshes, watercourses, waterways, and other bodies of 28806  
water, natural or humanmade, that are situated wholly or partially 28807  
within this state or within its jurisdiction and are used for 28808  
recreational boating. 28809

(10) "Navigable waters" means waters that come under the 28810  
jurisdiction of the department of the army of the United States 28811  
and any waterways within or adjacent to this state, except inland 28812  
lakes having neither a navigable inlet nor outlet. 28813

(11) "In operation" in reference to a vessel means that the 28814  
vessel is being navigated or otherwise used on the waters in this 28815  
state. 28816

(12) "Sewage" means human body wastes and the wastes from 28817  
toilets and other receptacles intended to receive or retain body 28818  
waste. 28819

(13) "Canoe" means a narrow vessel of shallow draft, pointed 28820  
at both ends and propelled by human muscular effort, and includes 28821  
kayaks, racing shells, and rowing sculls. 28822

(14) "Coast guard approved" means bearing an approval number 28823  
assigned by the United States coast guard. 28824

(15) "Type one personal flotation device" means a device that 28825  
is designed to turn an unconscious person floating in water from a 28826  
face downward position to a vertical or slightly face upward 28827  
position and that has at least nine kilograms, approximately 28828

twenty pounds, of buoyancy. 28829

(16) "Type two personal flotation device" means a device that 28830  
is designed to turn an unconscious person in the water from a face 28831  
downward position to a vertical or slightly face upward position 28832  
and that has at least seven kilograms, approximately fifteen and 28833  
four-tenths pounds, of buoyancy. 28834

(17) "Type three personal flotation device" means a device 28835  
that is designed to keep a conscious person in a vertical or 28836  
slightly face upward position and that has at least seven 28837  
kilograms, approximately fifteen and four-tenths pounds, of 28838  
buoyancy. 28839

(18) "Type four personal flotation device" means a device 28840  
that is designed to be thrown to a person in the water and not 28841  
worn and that has at least seven and five-tenths kilograms, 28842  
approximately sixteen and five-tenths pounds, of buoyancy. 28843

(19) "Type five personal flotation device" means a device 28844  
that, unlike other personal flotation devices, has limitations on 28845  
its approval by the United States coast guard, including, without 28846  
limitation, all of the following: 28847

(a) The approval label on the type five personal flotation 28848  
device indicates that the device is approved for the activity in 28849  
which the vessel is being used or as a substitute for a personal 28850  
flotation device of the type required on the vessel in use. 28851

(b) The personal flotation device is used in accordance with 28852  
any requirements on the approval label. 28853

(c) The personal flotation device is used in accordance with 28854  
requirements in its owner's manual if the approval label refers to 28855  
such a manual. 28856

(20) "Inflatable watercraft" means any vessel constructed of 28857  
rubber, canvas, or other material that is designed to be inflated 28858

with any gaseous substance, constructed with two or more air 28859  
cells, and operated as a vessel. Inflatable watercraft propelled 28860  
by a motor shall be classified as powercraft and shall be 28861  
registered by length. Inflatable watercraft propelled by a sail 28862  
shall be classified as a sailboat and shall be registered by 28863  
length. 28864

(21) "Idle speed" means the slowest possible speed needed to 28865  
maintain steerage or maneuverability. 28866

(22) "Diver's flag" means a red flag not less than one foot 28867  
square having a diagonal white stripe extending from the masthead 28868  
to the opposite lower corner that when displayed indicates that 28869  
divers are in the water. 28870

(23) "Muffler" means an acoustical suppression device or 28871  
system that is designed and installed to abate the sound of 28872  
exhaust gases emitted from an internal combustion engine and that 28873  
prevents excessive or unusual noise. 28874

(24) "Law enforcement vessel" means any vessel used in law 28875  
enforcement and under the command of a law enforcement officer. 28876

(25) "Personal watercraft" means a vessel, less than sixteen 28877  
feet in length, that is propelled by machinery and designed to be 28878  
operated by an individual sitting, standing, or kneeling on the 28879  
vessel rather than by an individual sitting or standing inside the 28880  
vessel. 28881

(26) "No wake" has the same meaning as "idle speed." 28882

(27) "Watercraft dealer" means any person who is regularly 28883  
engaged in the business of manufacturing, selling, displaying, 28884  
offering for sale, or dealing in vessels at an established place 28885  
of business. "Watercraft dealer" does not include a person who is 28886  
a marine salvage dealer or any other person who dismantles, 28887  
salvages, or rebuilds vessels using used parts. 28888

(28) "Electronic" includes electrical, digital, magnetic, 28889  
optical, electromagnetic, or any other form of technology that 28890  
entails capabilities similar to these technologies. 28891

(29) "Electronic record" means a record generated, 28892  
communicated, received, or stored by electronic means for use in 28893  
an information system or for transmission from one information 28894  
system to another. 28895

(30) "Electronic signature" means a signature in electronic 28896  
form attached to or logically associated with an electronic 28897  
record. 28898

(31) "Drug of abuse" has the same meaning as in section 28899  
4506.01 of the Revised Code. 28900

~~(C) Unless otherwise provided, this chapter applies to all 28901  
vessels operating on the waters in this state. Nothing in this 28902  
chapter shall be construed in contravention of any valid federal 28903  
act or regulation, but is in addition to the act or regulation 28904  
where not inconsistent. 28905~~

~~The state reserves to itself the exclusive right to regulate 28906  
the minimum equipment requirements of watercraft and vessels 28907  
operated on the waters in this state. 28908~~

(32) "Watercourse" means a substantially natural channel with 28909  
recognized banks and bottom in which a flow of water occurs, with 28910  
an average of at least ten feet mean surface water width and at 28911  
least five miles of length. 28912

(33) "Impoundment" means the reservoir created by a dam or 28913  
other artificial barrier across a watercourse that causes water to 28914  
be stored deeper than and generally beyond the banks of the 28915  
natural channel of the watercourse during periods of normal flow, 28916  
but does not include water stored behind rock piles, rock riffle 28917  
dams, and low channel dams where the depth of water is less than 28918  
ten feet above the channel bottom and is essentially confined 28919



within the banks of the natural channel during periods of normal 28920  
stream flow. 28921

(34) "Wild river area" means an area declared a wild river 28922  
area by the director of natural resources under this chapter and 28923  
includes those rivers or sections of rivers that are free of 28924  
impoundments and generally inaccessible except by trail, with 28925  
watersheds or shorelines essentially primitive and waters 28926  
unpolluted, representing vestiges of primitive America. 28927

(35) "Scenic river area" means an area declared a scenic 28928  
river area by the director under this chapter and includes those 28929  
rivers or sections of rivers that are free of impoundments, with 28930  
shorelines or watersheds still largely primitive and shorelines 28931  
largely undeveloped, but accessible in places by roads. 28932

(36) "Recreational river area" means an area declared a 28933  
recreational river area by the director under this chapter and 28934  
includes those rivers or sections of rivers that are readily 28935  
accessible by road or railroad, that may have some development 28936  
along their shorelines, and that may have undergone some 28937  
impoundment or diversion in the past. 28938

**Sec. 1547.02.** Unless otherwise provided, this chapter applies 28939  
to all vessels operating on the waters in this state. Nothing in 28940  
this chapter shall be construed in contravention of any valid 28941  
federal act or regulation, but is in addition to the act or 28942  
regulation where not inconsistent. 28943

The state reserves to itself the exclusive right to regulate 28944  
the minimum equipment requirements of watercraft and vessels 28945  
operated on the waters in this state. 28946

**Sec. 1547.51.** There is hereby created within the department 28947  
of natural resources the division of watercraft. The division 28948  
shall ~~administer~~ do all of the following: 28949

(A) Administer and enforce all laws relative to the 28950  
identification, numbering, registration, titling, use, and 28951  
operation of vessels operated on the waters in this state ~~and,~~ 28952  
~~with the approval of the director of natural resources, educate;~~ 28953

(B) Educate and inform the citizens of the state about, and 28954  
promote, conservation, navigation, safety practices, and the 28955  
benefits of recreational boating; 28956

(C) Provide wild, scenic, and recreational river area 28957  
conservation education and provide for corridor protection, 28958  
restoration, habitat enhancement, and clean-up projects in wild 28959  
river areas, scenic river areas, and recreational river areas; 28960

(D) Provide for and assist in the development, maintenance, 28961  
and operation of marine recreational facilities, docks, launching 28962  
facilities, and harbors for the benefit of public navigation, 28963  
recreation, or commerce if the chief of the division of watercraft 28964  
determines that they are in the best interests of the state. 28965

**Sec. 1547.52.** (A) The division of watercraft shall be 28966  
administered by the chief of the division of watercraft. The chief 28967  
may adopt, amend, and rescind: 28968

(1) Rules considered necessary by the chief to supplement the 28969  
identification, operation, titling, use, registration, and 28970  
numbering of watercraft or vessels as provided in this chapter and 28971  
Chapter 1548. of the Revised Code; 28972

(2) Rules governing the navigation of vessels on waters in 28973  
this state, including, but not limited to, rules regarding 28974  
steering and sailing, the conduct of vessels in sight of one 28975  
another or in restricted visibility, lights and shapes of lights 28976  
used on vessels, and sound and light signals. As the chief 28977  
considers necessary, these navigational rules shall be consistent 28978  
with and equivalent to the regulations and interpretive rulings 28979

governing inland waters adopted or issued under the "Inland Navigational Rules Act of 1980," 94 Stat. 3415, 33 U.S.C.A. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 2073.

(3) Rules governing the use, visitation, protection, and administration of wild river areas, scenic river areas, and recreational river areas;

(4) Rules establishing fees and charges for all of the following:

(a) Boating skill development classes and other educational classes;

(b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;

(c) Inspections of vessels or motors conducted under this chapter or Chapter 1548. of the Revised Code;

(d) The conducting of stream impact reviews of any planned or proposed construction, modification, renovation, or development project that may potentially impact a watercourse within a designated wild, scenic, or recreational river area.

All rules adopted by the chief under division (A) of this section shall be adopted in accordance with Chapter 119. of the Revised Code and are subject to the prior approval of the director of natural resources.

(B) The chief, with the approval of the director, may employ such clerical and technical help as the chief considers necessary.

(C) The chief may designate license agents with the approval of the director.

(D) The division is hereby designated as the agency to administer the Ohio boating safety program and allocated federal funds under, and the chief shall prepare and submit reports in such form as may be required by, the "Federal Boat Safety Act of

1971," 85 Stat. 222, 46 U.S.C.A. 1475(a)(6), as amended.	29010
(E) The chief may sell any of the following:	29011
(1) Items related to or that promote boating safety,	29012
including, but not limited to, pins, badges, books, bulletins,	29013
maps, publications, calendars, and other educational articles;	29014
(2) Artifacts pertaining to boating;	29015
(3) Confiscated or forfeited items;	29016
(4) Surplus equipment.	29017
<b>Sec. 1547.531.</b> (A)(1) Except as provided in division (A)(2)	29018
or (B) of this section, no person shall operate or give permission	29019
for the operation of any watercraft on the waters in this state	29020
unless the watercraft is registered in the name of the current	29021
owner in accordance with section 1547.54 of the Revised Code, and	29022
the registration is valid and in effect.	29023
(2) On and after January 1, 1999, if a watercraft that is	29024
required to be issued a certificate of title under Chapter 1548.	29025
of the Revised Code is transferred to a new owner, it need not be	29026
registered under section 1547.54 of the Revised Code for	29027
forty-five days following the date of the transfer, provided that	29028
the new owner purchases a temporary watercraft registration under	29029
division (A) of this section or holds a bill of sale from a	29030
watercraft dealer.	29031
For the purposes of division (A)(2) of this section, a	29032
temporary watercraft registration or a bill of sale from a	29033
watercraft dealer shall contain at least all of the following	29034
information:	29035
(a) The hull identification number or serial number of the	29036
watercraft;	29037
(b) The make of the watercraft;	29038

(c) The length of the watercraft;	29039
(d) The type of propulsion, if any;	29040
(e) The state in which the watercraft principally is operated;	29041 29042
(f) The name of the owner;	29043
(g) The address of the owner, including the zip code;	29044
(h) The signature of the owner;	29045
(i) The date of purchase;	29046
(j) A notice to the owner that the temporary watercraft registration expires forty-five days after the date of purchase of the watercraft or that the watercraft cannot be operated on the waters in this state solely under the bill of sale beginning forty-five days after the date of purchase of the watercraft, as applicable.	29047 29048 29049 29050 29051 29052
(3) A person may purchase a temporary watercraft registration from the chief of the division of watercraft or from an authorized agent designated under section 1547.54 of the Revised Code. The chief shall furnish forms for temporary watercraft registrations to authorized agents. In addition to completing the registration form with the information specified in divisions (A)(2)(a) to (i) of this section, the person shall pay one of the applicable fees required under divisions (A)(2)(a) to (g) of section 1547.54 of the Revised Code as provided in that section.	29053 29054 29055 29056 29057 29058 29059 29060 29061
Moneys received for the payment of temporary watercraft registrations shall be deposited to the credit of the waterways safety fund created in section 1547.75 of the Revised Code.	29062 29063 29064
(4) In addition to the applicable fee required under division (A)(3) of this section, the chief or an authorized agent shall charge an additional <u>writing</u> fee of three dollars for a temporary watercraft registration that the chief or the authorized agent	29065 29066 29067 29068

issues. When the temporary watercraft registration is issued by an authorized agent, the agent may retain the additional writing fee. When the temporary watercraft registration is issued by the chief, the additional writing fee shall be deposited to the credit of the waterways safety fund.

(5) A person who purchases a temporary watercraft registration for a watercraft and who subsequently applies for a registration certificate under section 1547.54 of the Revised Code need not pay the fee required under division (A)(2) of that section for the initial registration certificate issued for that watercraft, provided that at the time of application for the registration certificate, the person furnishes proof of payment for the temporary watercraft registration.

(6) A person who purchases a temporary watercraft registration, who subsequently applies for a registration certificate under section 1547.54 of the Revised Code, and who is exempt from payment for the registration certificate under division ~~(O)~~(P) of that section may apply to the chief for a refund of the amount paid for the temporary watercraft registration at the time that the person applies for a registration certificate. The chief shall refund that amount upon issuance to the person of a registration certificate.

(7) All records of the division of watercraft made or maintained for the purposes of divisions (A)(2) to (8) of this section are public records. The records shall be available for inspection at reasonable hours and in a manner that is compatible with normal operations of the division.

(8) Pursuant to division (A)(1) of section 1547.52 of the Revised Code, the chief may adopt rules establishing all of the following:

(a) Record-keeping requirements governing the issuance of

temporary watercraft registrations and the use of bills of sale	29100
from watercraft dealers for the purposes of division (A)(2) of	29101
this section;	29102
(b) Procedures and requirements for the refund of fees under	29103
division (A)(6) of this section;	29104
(c) Any other procedures and requirements necessary for the	29105
administration and enforcement of divisions (A)(2) to (8) of this	29106
section.	29107
(B) All of the following watercraft are exempt from	29108
registration:	29109
(1) Those that are exempt from numbering by the state under	29110
divisions (B) to (G) of section 1547.53 of the Revised Code;	29111
(2) Those that have been issued a commercial documentation by	29112
the United States coast guard or its successor and are used	29113
exclusively for commercial purposes;	29114
(3) Those that have been documented by the United States	29115
coast guard or its successor as temporarily transitting, whose	29116
principal use is not on the waters in this state, and that have	29117
not been used within this state for more than sixty days.	29118
(C) No person shall operate a watercraft documented by the	29119
United States coast guard or its successor unless the certificate	29120
of documentation is valid, is on the watercraft for which it has	29121
been issued, and is available for inspection whenever the	29122
watercraft is in operation. In accordance with 46 C.F.R. part 67,	29123
as amended, the watercraft shall display the official number, the	29124
vessel name, and the home port listed on the certificate of	29125
documentation.	29126
(D)(1) For the purposes of this section and section 1547.53	29127
of the Revised Code, a watercraft is principally using the waters	29128
in this state if any of the following applies:	29129

(a) The owner resides in this state and declares that the watercraft principally is using the waters in this state. 29130  
29131

(b) The owner resides in another state, but declares that the watercraft principally is using the waters in this state. 29132  
29133

(c) The watercraft is registered in another state or documented by the United States coast guard and is used within this state for more than sixty days regardless of whether it has been assigned a seasonal or permanent mooring at any public or private docking facility in this state. 29134  
29135  
29136  
29137  
29138

(2) Notwithstanding division (D)(1)(c) of this section, a person on active duty in the armed forces of the United States may register a watercraft in the person's state of permanent residence in lieu of registering it in this state regardless of the number of days that the watercraft is used in this state. 29139  
29140  
29141  
29142  
29143

**Sec. 1547.54.** (A)(1) Except as otherwise provided in section 1547.542 of the Revised Code, the owner of every watercraft requiring registration under this chapter shall file an application for a triennial registration certificate with the chief of the division of watercraft on forms that shall be provided by the chief or by an electronic means approved by the chief. The application shall be signed by the following: 29144  
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29146  
29147  
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29150

(a) If the watercraft is owned by two persons under joint ownership with right of survivorship established under section 2131.12 of the Revised Code, by both of those persons as owners of the watercraft. The signatures may be done by electronic signature if the owners themselves are renewing the registration and there are no changes in the registration information since the issuance of the immediately preceding registration certificate. In all other instances, the signatures shall be done manually. 29151  
29152  
29153  
29154  
29155  
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(b) If the watercraft is owned by a minor, by the minor and a 29159



parent or legal guardian. The signatures may be done by electronic 29160  
signature if the parent or legal guardian and the minor themselves 29161  
are renewing the registration and there are no changes in the 29162  
registration information since the issuance of the immediately 29163  
preceding registration certificate. In all other instances, the 29164  
signatures shall be done manually. 29165

(c) In all other cases, by the owner of the watercraft. The 29166  
signature may be done by electronic signature if the owner is 29167  
renewing the registration personally and there are no changes in 29168  
the registration information since the issuance of the immediately 29169  
preceding registration certificate. In all other instances, the 29170  
signatures shall be done manually. 29171

(2) An application for a triennial registration of a 29172  
watercraft filed under division (A)(1) of this section shall be 29173  
accompanied by the following fee: 29174

(a) For canoes, rowboats, and inflatable watercraft that are 29175  
numbered under section 1547.53 of the Revised Code, twelve 29176  
dollars; 29177

(b) For canoes, row boats, and inflatable watercraft that are 29178  
not numbered under section 1547.53 of the Revised Code, seventeen 29179  
dollars; 29180

(c) For class A watercraft, including motorized canoes, 29181  
thirty dollars; 29182

(d) For class 1 watercraft, forty-five dollars; 29183

(e) For class 2 watercraft, sixty dollars; 29184

(f) For class 3 watercraft, seventy-five dollars; 29185

(g) For class 4 watercraft, ninety dollars. 29186

(3) For the purpose of registration, any watercraft operated 29187  
by means of power, sail, or any other mechanical or electrical 29188  
means of propulsion, except motorized canoes, shall be registered 29189

by length as prescribed in this section. 29190

(4) If an application for registration is filed by two 29191  
persons as owners under division (A)(1)(a) of this section, the 29192  
person who is listed first on the title shall serve as and perform 29193  
the duties of the "owner" and shall be considered the person "in 29194  
whose name the watercraft is registered" for purposes of divisions 29195  
(B) to ~~(Q)~~(R) of this section and for purposes of all other 29196  
sections in this chapter. 29197

(B) All registration certificates issued under this section 29198  
are valid for three years and are renewable on a triennial basis 29199  
unless sooner terminated or discontinued in accordance with this 29200  
chapter. The renewal date shall be printed on the registration 29201  
certificate. A registration certificate may be renewed by the 29202  
owner in the manner prescribed by the chief. All fees shall be 29203  
charged according to a proration of the time remaining in the 29204  
registration cycle to the nearest year. 29205

(C) In addition to the fees set forth in this section, the 29206  
chief, or any authorized agent, shall charge an additional writing 29207  
fee of three dollars for any registration certificate the chief or 29208  
authorized agent issues. When the registration certificate is 29209  
issued by an authorized agent, the additional writing fee of three 29210  
dollars shall be retained by the issuing agent. When the 29211  
registration certificate is issued by the chief, the additional 29212  
writing fee of three dollars shall be deposited to the credit of 29213  
the waterways safety fund established in section 1547.75 of the 29214  
Revised Code. 29215

(D) In addition to the fees established in this section, 29216  
watercraft that are not powercraft shall be charged a waterways 29217  
conservation assessment fee of five dollars. The fee shall be 29218  
collected at the time of the issuance of a triennial watercraft 29219  
registration under division (A)(2) of this section and deposited 29220  
in the state treasury and credited to a distinct account in the 29221

waterways safety fund created in section 1547.75 of the Revised Code. 29222  
29223

(E)(1) Upon receipt of the application in approved form, the 29224  
chief shall enter the same upon the records of the office of the 29225  
division of watercraft, assign a number to the watercraft if a 29226  
number is required under section 1547.53 of the Revised Code, and 29227  
issue to the applicant a registration certificate. If a number is 29228  
assigned by the chief, it shall be set forth on the certificate. 29229  
The registration certificate shall be on the watercraft for which 29230  
it is issued and available at all times for inspection whenever 29231  
the watercraft is in operation, except that livery operators may 29232  
retain the registration certificate at the livery where it shall 29233  
remain available for inspection at all times and except as 29234  
otherwise provided in division ~~(D)~~(E)(2) of this section. 29235

(2) A person who is operating on the waters of this state a 29236  
canoe, rowboat, or inflatable watercraft that has not been 29237  
numbered under section 1547.53 of the Revised Code and who is 29238  
stopped by a law enforcement officer in the enforcement of this 29239  
chapter or rules adopted under it shall present to the officer, 29240  
not later than seventy-two hours after being stopped, a 29241  
registration certificate. The registration certificate shall have 29242  
been obtained under this section for the canoe, rowboat, or 29243  
inflatable watercraft prior to the time that it was stopped. 29244  
Failure of the person to present the registration certificate 29245  
within seventy-two hours constitutes prima-facie evidence of a 29246  
violation of this section. 29247

~~(E)~~(F) No person shall issue or be issued a registration 29248  
certificate for a watercraft that is required to be issued a 29249  
certificate of title under Chapter 1548. of the Revised Code 29250  
except upon presentation of a certificate of title for the 29251  
watercraft as provided in that chapter, proof of current 29252  
documentation by the United States coast guard, a renewal 29253

registration form provided by the division of watercraft, or a 29254  
certificate of registration issued under this section that has 29255  
expired if there is no change in the ownership or description of 29256  
the watercraft. 29257

~~(F)~~(G) Whenever the ownership of a watercraft changes, a new 29258  
application form together with the prescribed fee shall be filed 29259  
with the chief or the chief's agent and a new registration 29260  
certificate shall be issued. The application shall be signed 29261  
manually by the person or persons specified in divisions (A)(1)(a) 29262  
to (c) of this section and shall be accompanied by a two-dollar 29263  
transfer fee. Any remaining time on the registration shall be 29264  
transferred. An authorized agent of the chief shall charge an 29265  
additional writing fee of three dollars, which shall be retained 29266  
by the issuing agent. If the certificate is issued by the chief, 29267  
an additional writing fee of three dollars for each certificate 29268  
issued shall be collected and deposited to the credit of the 29269  
waterways safety fund. 29270

~~(G)~~(H) If an agency of the United States has in force an 29271  
overall system of identification numbering for watercraft or 29272  
certain types of watercraft within the United States, the 29273  
numbering system employed by the division shall be in conformity 29274  
with that system. 29275

~~(H)~~(I)(1) The chief may assign any registration certificates 29276  
to any authorized agent for the assignment of the registration 29277  
certificates. If a person accepts that authorization, the person 29278  
may be assigned a block of numbers and certificates that upon 29279  
assignment, in conformity with this chapter and Chapter 1548. of 29280  
the Revised Code and with rules of the division, shall be valid as 29281  
if assigned directly by the division. Any person so designated as 29282  
an agent by the chief shall post with the division security as may 29283  
be required by the director of natural resources. The chief may 29284  
issue an order temporarily or permanently restricting or 29285

suspending an agent's authorization without a hearing if the chief 29286  
finds that the agent has violated this chapter or Chapter 1548. of 29287  
the Revised Code, rules adopted under them, or any agreements 29288  
prescribed by the chief. 29289

(2) A clerk of the court of common pleas may apply for 29290  
designation as an authorized agent of the chief. The division 29291  
shall accept the clerk's bond that is required under section 29292  
2303.02 of the Revised Code for any security that is required for 29293  
agents under this division, provided that the bond includes a 29294  
rider or other provision specifically covering the clerk's duties 29295  
as an authorized agent of the chief. 29296

~~(I)~~(J) All records of the division made or kept pursuant to 29297  
this section shall be public records. Those records shall be 29298  
available for inspection at reasonable hours and in a manner 29299  
compatible with normal operations of the division. 29300

~~(J)~~(K) The owner shall furnish the division notice within 29301  
fifteen days of the following: 29302

(1) The transfer, other than through the creation of a 29303  
security interest in any watercraft, of all or any part of the 29304  
owner's interest or, if the watercraft is owned by two persons 29305  
under joint ownership with right of survivorship established under 29306  
section 2131.12 of the Revised Code, of all or any part of the 29307  
joint interest of either of the two persons. The transfer shall 29308  
not terminate the registration certificate. 29309

(2) Any change in the address appearing on the certificate . 29310  
As a part of the notification, the owner shall furnish the chief 29311  
with the owner's new address. 29312

(3) The destruction or abandonment of the watercraft. 29313

~~(K)~~(L) The chief may issue duplicate registration 29314  
certificates or duplicate tags to owners of currently registered 29315  
watercraft, the fee for which shall be four dollars. 29316

~~(L)~~(M) If the chief finds that a registration certificate 29317  
previously issued to an owner is in error to a degree that would 29318  
impair its basic purpose and use, the chief may issue a corrected 29319  
certificate to the owner without charge. 29320

~~(M)~~(N) No authorized agent shall issue and no person shall 29321  
receive or accept from an authorized agent a registration 29322  
certificate assigned to the authorized agent under division ~~(H)~~(I) 29323  
of this section unless the exact month, day, and year of issue are 29324  
plainly written on the certificate by the agent. Certificates 29325  
issued with incorrect dates of issue are void from the time they 29326  
are issued. 29327

~~(N)~~(O) The chief, in accordance with Chapter 119. of the 29328  
Revised Code, shall adopt rules governing the renewal of 29329  
watercraft registrations by electronic means. 29330

~~(O)~~(P) As used in this section: 29331

(1) "Disabled veteran" means a person who is included in 29332  
either of the following categories: 29333

(a) Because of a service-connected disability, has been or is 29334  
awarded funds for the purchase of a motor vehicle under the 29335  
"Disabled Veterans' and Servicemen's Automobile Assistance Act of 29336  
1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 29337

(b) Has a service-connected disability rated at one hundred 29338  
per cent by the veterans administration. 29339

(2) "Prisoner of war" means any regularly appointed, 29340  
enrolled, enlisted, or inducted member of the military forces of 29341  
the United States who was captured, separated, and incarcerated by 29342  
an enemy of the United States at any time, and any regularly 29343  
appointed, enrolled, or enlisted member of the military forces of 29344  
Great Britain, France, Australia, Belgium, Brazil, Canada, China, 29345  
Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, 29346  
South Africa, or the republics formerly associated with the Union 29347

of Soviet Socialist Republics or Yugoslavia who was a citizen of 29348  
the United States at the time of the appointment, enrollment, or 29349  
enlistment, and was captured, separated, and incarcerated by an 29350  
enemy of this country during World War II. 29351

~~(P)~~(Q) Any disabled veteran, congressional medal of honor 29352  
awardee, or prisoner of war may apply to the chief for a 29353  
certificate of registration, or for a renewal of the certificate 29354  
of registration, without the payment of any fee required by this 29355  
section. The application for a certificate of registration shall 29356  
be accompanied by evidence of disability or by documentary 29357  
evidence in support of a congressional medal of honor that the 29358  
chief requires by rule. The application for a certificate of 29359  
registration by any person who has been a prisoner of war shall be 29360  
accompanied by written evidence in the form of a record of 29361  
separation, a letter from one of the armed forces of a country 29362  
listed in division ~~(O)~~(P)(2) of this section, or other evidence 29363  
that the chief may require by rule, that the person was honorably 29364  
discharged or is currently residing in this state on active duty 29365  
with one of the branches of the armed forces of the United States, 29366  
or was a prisoner of war and was honorably discharged or received 29367  
an equivalent discharge or release from one of the armed forces of 29368  
a country listed in division ~~(O)~~(P)(2) of this section. 29369

~~(O)~~(R) Annually by the fifteenth day of January, the director 29370  
of natural resources shall determine the amount of fees that would 29371  
have been collected in the prior calendar year for each 29372  
certificate of registration issued or renewed pursuant to division 29373  
~~(P)~~(Q) of this section and shall certify the total amount of 29374  
foregone revenue to the director of budget and management for 29375  
reimbursement. The director of budget and management shall 29376  
transfer the amount certified from the general revenue fund to the 29377  
waterways safety fund ~~created pursuant to section 1547.75 of the~~ 29378  
~~Revised Code.~~ 29379

**Sec. 1547.542.** Any person or organization owning any number of canoes, rowboats, inflatable watercraft, or sailboats for the purpose of rental to the public may apply with the chief of the division of watercraft for and receive an annual certificate of livery registration. No watercraft shall be rented to the public from a livery or other place of business in this state unless it first has been numbered and registered in accordance with this section or section 1547.54 of the Revised Code. Certificates of livery registration shall be issued by an authorized agent who is selected by the chief from among those designated under section 1547.54 of the Revised Code. The certificate shall display the name of the owner of the livery, the date of issuance, the date of expiration, the number of watercraft registered, the fee paid, an authorized facsimile of the signature of the chief provided by the authorized agent who is selected to issue the certificate, and the signature of the livery owner. The certificate shall bear the livery watercraft registration number assigned to the livery owner, which shall be displayed in accordance with section 1547.57 of the Revised Code on each watercraft in the fleet for which the certificate was issued. The owner of a livery shall obtain an amended certificate of livery registration from the chief whenever the composition of the fleet changes.

The fee for each watercraft registered under this section shall be an annual registration fee. The fee shall be one-third of the triennial registration fees prescribed in section 1547.54 of the Revised Code. However, if the size of the fleet does not increase, the fee for an amended certificate of livery registration shall be the fee prescribed for issuing a duplicate registration certificate under section 1547.54 of the Revised Code, and the chief shall not refund to the livery owner all or any portion of an annual registration fee applicable to a watercraft transferred or abandoned by the livery owner. If the



size of the fleet increases, the livery owner shall be required to 29412  
pay the applicable annual registration fee for each watercraft 29413  
registered under an amended certificate of livery registration 29414  
that is in excess of the number of watercraft contained in the 29415  
annual certificate of livery registration. 29416

In addition to the fees established in this section, 29417  
watercraft that are not powercraft shall be charged a waterways 29418  
conservation assessment fee. The fee shall be collected at the 29419  
time of the issuance of an annual livery registration under this 29420  
section and shall be one dollar and fifty cents for each 29421  
watercraft included in the registration. The fee shall be 29422  
deposited in the state treasury and credited to a distinct account 29423  
in the waterways safety fund created in section 1547.75 of the 29424  
Revised Code. 29425

The certificate of livery registration, rental receipts, and 29426  
required safety equipment are subject to inspection at any time at 29427  
the livery's place of business by any authorized representative of 29428  
the division of watercraft or any law enforcement officer in 29429  
accordance with section 1547.63 of the Revised Code. 29430

Except as provided in this section, all watercraft registered 29431  
under this section are subject to this chapter and Chapter 1548. 29432  
of the Revised Code. 29433

The chief may issue an order temporarily or permanently 29434  
restricting or suspending a livery certificate of registration and 29435  
the privileges associated with it without a hearing if the chief 29436  
finds that the holder of the certificate has violated this 29437  
chapter. 29438

**Sec. 1547.73.** There is hereby created in the division of 29439  
watercraft, a waterways safety council composed of five members 29440  
appointed by the governor with the advice and consent of the 29441  
senate. Not more than three of such appointees shall belong to the 29442

same political party. Terms of office shall be for five years, 29443  
commencing on the first day of February and ending on the 29444  
thirty-first day of January, ~~except that upon expiration of the~~ 29445  
~~term ending February 4, 1973, the new term which succeeds it shall~~ 29446  
~~commence on February 5, 1973 and end on January 31, 1978; upon~~ 29447  
~~expiration of the term ending February 3, 1974, the new term which~~ 29448  
~~succeeds it shall commence on February 4, 1974 and end on January~~ 29449  
~~31, 1979; upon expiration of the term ending February 2, 1975, the~~ 29450  
~~new term which succeeds it shall commence on February 3, 1975 and~~ 29451  
~~end on January 31, 1980; and upon expiration of the term ending~~ 29452  
~~February 6, 1977, the new term which succeeds it shall commence on~~ 29453  
~~February 7, 1977 and end on January 31, 1982.~~ Each member shall 29454  
hold office from the date of ~~his~~ appointment until the end of the 29455  
term for which ~~he~~ the member was appointed. The chief of the 29456  
division of watercraft shall act as secretary of the council. In 29457  
the event of the death, removal, resignation, or incapacity of a 29458  
member of the council, the governor, with the advice and consent 29459  
of the senate, shall appoint a successor to fill the unexpired 29460  
term who shall hold office for the remainder of the term for which 29461  
~~his~~ the member's predecessor was appointed. Any member shall 29462  
continue in office subsequent to the expiration date of ~~his~~ the 29463  
member's term until ~~his~~ the member's successor takes office, or 29464  
until a period of sixty days has elapsed, whichever occurs first. 29465  
The governor may remove any appointed member of the council for 29466  
misfeasance, nonfeasance, or malfeasance in office. 29467

The council may: 29468

(A) Advise with and recommend to the chief as to plans and 29469  
~~program~~ programs for the construction, maintenance, repair, and 29470  
operation of refuge harbors and other projects for the harboring, 29471  
mooring, docking, and storing of light draft vessels as provided 29472  
in sections 1547.71, 1547.72, and 1547.78 of the Revised Code; 29473

(B) Advise with and recommend to the chief as to the methods 29474

of coordinating the shore erosion projects of the department of 29475  
natural resources with the refuge of light draft vessel harbor 29476  
projects; 29477

(C) Advise with and recommend to the chief as to plans and 29478  
programs for the acquisition, protection, construction, 29479  
maintenance, and administration of wild river areas, scenic river 29480  
areas, and recreational river areas; 29481

(D) Consider and make recommendations upon any matter which 29482  
is brought to its attention by any person or ~~which~~ that the chief 29483  
may submit to it; 29484

~~(D)~~(E) Submit to the governor biennially recommendations for 29485  
amendments to the laws of the state relative to refuge and light 29486  
draft vessel harbor projects. 29487

Before entering upon the discharge of ~~his~~ official duties, 29488  
each member of the council shall take and subscribe to an oath of 29489  
office, which oath, in writing, shall be filed in the office of 29490  
the secretary of state. 29491

The members of the council shall serve without compensation, 29492  
but shall be entitled to receive their actual and necessary 29493  
expenses incurred in the performance of their official duties from 29494  
the waterways safety fund as provided in section 1547.75 of the 29495  
Revised Code. 29496

The council shall, by a majority vote of all its members, 29497  
adopt and amend bylaws. 29498

To be eligible for appointment as a member of the council, a 29499  
person shall be a citizen of the United States, and an elector of 29500  
the state, and possess a knowledge of and have an interest in 29501  
small boat operations. 29502

The council shall hold at least four regular quarterly 29503  
meetings each year. Special meetings shall be held at such times 29504

as the bylaws of the council provide, or at the behest of a 29505  
majority of its members. Notices of all meetings shall be given in 29506  
such manner as the bylaws provide. The council shall choose 29507  
annually from among its members a ~~chairman~~ chairperson to preside 29508  
over its meetings. A majority of the members of the council shall 29509  
constitute a quorum. No advice shall be given or recommendation 29510  
made without a majority of the members of the council concurring 29511  
therein. 29512

**Sec. ~~1517.14~~ 1547.81.** ~~As used in sections 1517.14 to 1517.18~~ 29513  
~~of the Revised Code, "watercourse" means a substantially natural~~ 29514  
~~channel with recognized banks and bottom, in which a flow of water~~ 29515  
~~occurs, with an average of at least ten feet mean surface water~~ 29516  
~~width and at least five miles of length. The director of natural~~ 29517  
~~resources or the director's representative may create, supervise,~~ 29518  
~~operate, protect, and maintain wild, scenic, and recreational~~ 29519  
~~river areas under the classifications established in section~~ 29520  
~~1517.15 of the Revised Code. In creating wild, scenic, and~~ 29521  
~~recreational river areas, the director shall classify each such~~ 29522  
~~area as either a wild river area, a scenic river area, or a~~ 29523  
~~recreational river area. The director or the director's~~ 29524  
~~representative may prepare and maintain a plan for the~~ 29525  
~~establishment, development, use, and administration of those areas~~ 29526  
~~as a part of the comprehensive state plans for water management~~ 29527  
~~and outdoor recreation. The director or the director's~~ 29528  
~~representative may cooperate with federal agencies administering~~ 29529  
~~any federal program concerning wild, scenic, or recreational river~~ 29530  
~~areas.~~ 29531

The director may propose for establishment as a wild, scenic, 29532  
or recreational river area a part or parts of any watercourse in 29533  
this state, with adjacent lands, that in the director's judgment 29534  
possesses water conservation, scenic, fish, wildlife, historic, or 29535  
outdoor recreation values that should be preserved, ~~using the~~ 29536

~~classifications established in section 1517.15 of the Revised~~ 29537  
~~Code.~~ The area shall include lands adjacent to the watercourse in 29538  
sufficient width to preserve, protect, and develop the natural 29539  
character of the watercourse, but shall not include any lands more 29540  
than one thousand feet from the normal waterlines of the 29541  
watercourse unless an additional width is necessary to preserve 29542  
water conservation, scenic, fish, wildlife, historic, or outdoor 29543  
recreation values. 29544

The director shall publish the intention to declare an area a 29545  
wild, scenic, or recreational river area at least once in a 29546  
newspaper of general circulation in each county, any part of which 29547  
is within the area, and shall send written notice of the intention 29548  
to the legislative authority of each county, township, and 29549  
municipal corporation and to each conservancy district established 29550  
under Chapter 6101. of the Revised Code, any part of which is 29551  
within the area, and to the director of transportation, the 29552  
director of development, the director of administrative services, 29553  
and the director of environmental protection. The notices shall 29554  
include a copy of a map and description of the area. 29555

After thirty days from the last date of publication or 29556  
dispatch of written notice as required in this section, the 29557  
director shall enter a declaration in the director's journal that 29558  
the area is a wild river area, scenic river area, or recreational 29559  
river area. When so entered, the area is a wild, scenic, or 29560  
recreational river area, as applicable. The director, after thirty 29561  
days' notice as prescribed in this section and upon the approval 29562  
of the recreation and resources commission created in section 29563  
1501.04 of the Revised Code, may terminate the status of an area 29564  
as a wild river area, scenic river area, or recreational river 29565  
area by an entry in the director's journal. 29566

Declaration by the director that an area is a wild, scenic, 29567  
or recreational river area does not authorize the director or any 29568

governmental agency or political subdivision to restrict the use 29569  
of land by the owner thereof or any person acting under the 29570  
landowner's authority or to enter upon the land and does not 29571  
expand or abridge the regulatory authority of any governmental 29572  
agency or political subdivision over the area. 29573

The director may enter into a lease or other agreement with a 29574  
political subdivision to administer all or part of a wild, scenic, 29575  
or recreational river area and may acquire real property or any 29576  
estate, right, or interest therein in order to provide for the 29577  
protection and public recreational use of a wild, scenic, or 29578  
recreational river area. 29579

The chief of the division of ~~natural areas and preserves~~ 29580  
watercraft or the chief's representative may participate in 29581  
watershed-wide planning with federal, state, and local agencies in 29582  
order to protect the values of wild, scenic, and recreational 29583  
river areas. 29584

**Sec. ~~1517.16~~ 1547.82.** No state department, state agency, or 29585  
political subdivision shall build or enlarge any highway, road, or 29586  
structure or modify or cause the modification of the channel of 29587  
any watercourse within a wild, scenic, or recreational river area 29588  
outside the limits of a municipal corporation without first having 29589  
obtained approval of the plans for the highway, road, or structure 29590  
or channel modification from the director of natural resources or 29591  
~~his~~ the director's representative. The court of common pleas 29592  
having jurisdiction, upon petition by the director, shall enjoin 29593  
work on any highway, road, or structure or channel modification 29594  
for which such approval has not been obtained. 29595

**Sec. ~~1517.17~~ 1547.83.** The chief of the division of ~~natural~~ 29596  
~~areas and preserves~~ watercraft shall administer the state programs 29597  
for wild river areas, scenic river areas, and recreational river 29598

areas. The chief may accept and administer state and federal 29599  
financial assistance programs for the maintenance, protection, and 29600  
administration of wild, scenic, and recreational river areas and 29601  
for construction of facilities within those areas. The chief, with 29602  
the approval of the director of natural resources, may expend for 29603  
the purpose of administering the state programs for wild, scenic, 29604  
and recreational river areas money that is appropriated by the 29605  
general assembly for that purpose, money that is in the scenic 29606  
river protection fund created in section 4501.24 of the Revised 29607  
Code, and money that is in the waterways safety fund created in 29608  
section 1547.75 of the Revised Code as determined to be necessary 29609  
by the division of watercraft not to exceed four per cent of all 29610  
money accruing to the fund. The chief may condition any 29611  
expenditures, maintenance activities, or construction of 29612  
facilities on the adoption and enforcement of adequate floodplain 29613  
zoning or land use rules. 29614

~~The director of natural resources may make a lease or~~ 29615  
~~agreement with a political subdivision to administer all or part~~ 29616  
~~of a wild, scenic, or recreational river area.~~ 29617

~~The director may acquire real property or any estate, right,~~ 29618  
~~or interest therein for protection and public recreational use as~~ 29619  
~~a wild, scenic, or recreational river area.~~ 29620

~~The chief may expend funds for the acquisition, protection,~~ 29621  
~~construction, maintenance, and administration of real property and~~ 29622  
~~public use facilities in wild, scenic, or recreational river areas~~ 29623  
~~when the funds are so appropriated by the general assembly. The~~ 29624  
~~chief may condition such expenditures, acquisition of land or~~ 29625  
~~easements, or construction of facilities within a wild, scenic, or~~ 29626  
~~recreational river area upon adoption and enforcement of adequate~~ 29627  
~~floodplain zoning rules.~~ 29628

Any instrument by which real property is acquired pursuant to 29629  
this section shall identify the agency of the state that has the 29630

use and benefit of the real property as specified in section 29631  
5301.012 of the Revised Code. 29632

The chief may cooperate with federal agencies administering 29633  
any federal program concerning wild, scenic, or recreational river 29634  
areas. 29635

**Sec. ~~1517.18~~ 1547.84.** The director of natural resources shall 29636  
appoint an advisory council for each wild, scenic, or recreational 29637  
river area, composed of not more than ten persons who are 29638  
representative of local government and local organizations and 29639  
interests in the vicinity of the wild, scenic, or recreational 29640  
river area, who shall serve without compensation. The chief of the 29641  
division of ~~natural areas and preserves~~ watercraft or ~~his~~ the 29642  
chief's representative shall serve as an ex officio member of each 29643  
council. 29644

~~The terms of all members serving on any advisory council~~ 29645  
~~under this section on the effective date of this amendment shall~~ 29646  
~~end on January 31, 1995. The director shall appoint new members to~~ 29647  
~~serve on each council for terms beginning on February 1, 1995,~~ 29648  
~~provided that a member serving on a council on the effective date~~ 29649  
~~of this amendment may be appointed to such a new term. The initial~~ 29650  
members appointed to each council shall serve for terms of not 29651  
more than three years, with the terms of not more than four 29652  
members of any council ending in the same year. Thereafter, terms 29653  
of office shall be for three years commencing on the first day of 29654  
February and ending on the last day of January. 29655

Each council shall advise the chief on the acquisition of 29656  
land and easements and on the lands and waters that should be 29657  
included in a wild, scenic, or recreational river area or a 29658  
proposed wild, scenic, or recreational river area, facilities 29659  
therein, and other aspects of establishment and administration of 29660  
the area that may affect the local interest. 29661



Sec. 1547.85. The director of natural resources may 29662  
participate in the federal program for the protection of certain 29663  
selected rivers that are located within the boundaries of the 29664  
state as provided in the "Wild and Scenic Rivers Act," 82 Stat. 29665  
906 (1968), 16 U.S.C. 1271 et seq., as amended. The director may 29666  
authorize the chief of the division of watercraft to participate 29667  
in any other federal program established for the purpose of 29668  
protecting, conserving, or developing recreational access to 29669  
waters in this state that possess outstanding scenic, 29670  
recreational, geologic, fish and wildlife, historic, cultural, or 29671  
other similar values. 29672

Sec. 1547.86. Any action taken by the chief of the division 29673  
of watercraft under sections 1547.81 to 1547.87 of the Revised 29674  
Code shall not be deemed in conflict with certain powers and 29675  
duties conferred on and delegated to federal agencies and to 29676  
municipal corporations under Section 7 of Article XVIII, Ohio 29677  
Constitution, or as provided by sections 721.04 to 721.11 of the 29678  
Revised Code. 29679

Sec. 1547.87. The division of watercraft, in carrying out 29680  
sections 1547.81 to 1547.87 of the Revised Code, may accept, 29681  
receive, and expend gifts, devises, or bequests of money, lands, 29682  
or other properties under the terms established in section 9.20 of 29683  
the Revised Code. 29684

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 29685  
Revised Code is guilty of a felony of the fourth degree. 29686

(B) Whoever violates division (F) of section 1547.08, section 29687  
1547.10, division (I) of section 1547.111, section 1547.13, or 29688  
section 1547.66 of the Revised Code is guilty of a misdemeanor of 29689  
the first degree. 29690

(C) Whoever violates a provision of this chapter or a rule adopted thereunder, for which no penalty is otherwise provided, is guilty of a minor misdemeanor. 29691  
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(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. 29694  
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(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code causing injury to persons or damage to property is guilty of a misdemeanor of the third degree. 29697  
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(F) Whoever violates division ~~(M)~~(N) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 of the Revised Code or a rule adopted under division (A)(2) of section 1547.52 of the Revised Code is guilty of a misdemeanor of the fourth degree. 29700  
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(G) Whoever violates section 1547.11 of the Revised Code is guilty of a misdemeanor of the first degree and shall be punished as provided in division (G)(1), (2), or (3) of this section. 29706  
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(1) Except as otherwise provided in division (G)(2) or (3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to section 2929.24 of the Revised Code to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars. 29709  
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The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by division (G)(1) of this section if the court, in lieu of the suspended jail term, places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to 29715  
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section 3793.10 of the Revised Code. The court also may suspend 29722  
the execution of any part of the mandatory jail term of three 29723  
consecutive days that it is required to impose by division (G)(1) 29724  
of this section if the court places the offender under a community 29725  
control sanction pursuant to section 2929.25 of the Revised Code 29726  
for part of the three consecutive days; requires the offender to 29727  
attend, for that part of the three consecutive days, a drivers' 29728  
intervention program that is certified pursuant to section 3793.10 29729  
of the Revised Code; and sentences the offender to a jail term 29730  
equal to the remainder of the three consecutive days that the 29731  
offender does not spend attending the drivers' intervention 29732  
program. The court may require the offender, as a condition of 29733  
community control, to attend and satisfactorily complete any 29734  
treatment or education programs, in addition to the required 29735  
attendance at a drivers' intervention program, that the operators 29736  
of the drivers' intervention program determine that the offender 29737  
should attend and to report periodically to the court on the 29738  
offender's progress in the programs. The court also may impose any 29739  
other conditions of community control on the offender that it 29740  
considers necessary. 29741

(2) If, within six years of the offense, the offender has 29742  
been convicted of or pleaded guilty to one violation of section 29743  
1547.11 of the Revised Code or one other equivalent offense, the 29744  
court shall sentence the offender to a jail term of ten 29745  
consecutive days and may sentence the offender pursuant to section 29746  
2929.24 of the Revised Code to a longer jail term. In addition, 29747  
the court shall impose upon the offender a fine of not less than 29748  
one hundred fifty nor more than one thousand dollars. 29749

In addition to any other sentence that it imposes upon the 29750  
offender, the court may require the offender to attend a drivers' 29751  
intervention program that is certified pursuant to section 3793.10 29752  
of the Revised Code. 29753

(3) If, within six years of the offense, the offender has  
been convicted of or pleaded guilty to more than one violation or  
offense identified in division (G)(2) of this section, the court  
shall sentence the offender to a jail term of thirty consecutive  
days and may sentence the offender to a longer jail term of not  
more than one year. In addition, the court shall impose upon the  
offender a fine of not less than one hundred fifty nor more than  
one thousand dollars.

In addition to any other sentence that it imposes upon the  
offender, the court may require the offender to attend a drivers'  
intervention program that is certified pursuant to section 3793.10  
of the Revised Code.

(4) Upon a showing that serving a jail term would seriously  
affect the ability of an offender sentenced pursuant to division  
(G)(1), (2), or (3) of this section to continue the offender's  
employment, the court may authorize that the offender be granted  
work release after the offender has served the mandatory jail term  
of three, ten, or thirty consecutive days that the court is  
required by division (G)(1), (2), or (3) of this section to  
impose. No court shall authorize work release during the mandatory  
jail term of three, ten, or thirty consecutive days that the court  
is required by division (G)(1), (2), or (3) of this section to  
impose. The duration of the work release shall not exceed the time  
necessary each day for the offender to commute to and from the  
place of employment and the place in which the jail term is served  
and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that  
authorizes the suspension of the imposition or execution of a  
sentence or the placement of an offender in any treatment program  
in lieu of being imprisoned or serving a jail term, no court shall  
suspend the mandatory jail term of ten or thirty consecutive days  
required to be imposed by division (G)(2) or (3) of this section

or place an offender who is sentenced pursuant to division (G)(2) 29786  
or (3) of this section in any treatment program in lieu of being 29787  
imprisoned or serving a jail term until after the offender has 29788  
served the mandatory jail term of ten or thirty consecutive days 29789  
required to be imposed pursuant to division (G)(2) or (3) of this 29790  
section. Notwithstanding any section of the Revised Code that 29791  
authorizes the suspension of the imposition or execution of a 29792  
sentence or the placement of an offender in any treatment program 29793  
in lieu of being imprisoned or serving a jail term, no court, 29794  
except as specifically authorized by division (G)(1) of this 29795  
section, shall suspend the mandatory jail term of three 29796  
consecutive days required to be imposed by division (G)(1) of this 29797  
section or place an offender who is sentenced pursuant to division 29798  
(G)(1) of this section in any treatment program in lieu of 29799  
imprisonment until after the offender has served the mandatory 29800  
jail term of three consecutive days required to be imposed 29801  
pursuant to division (G)(1) of this section. 29802

(6) As used in division (G) of this section: 29803

(a) "Equivalent offense" has the same meaning as in section 29804  
4511.181 of the Revised Code. 29805

(b) "Jail term" and "mandatory jail term" have the same 29806  
meanings as in section 2929.01 of the Revised Code. 29807

(H) Whoever violates section 1547.304 of the Revised Code is 29808  
guilty of a misdemeanor of the fourth degree and also shall be 29809  
assessed any costs incurred by the state or a county, township, 29810  
municipal corporation, or other political subdivision in disposing 29811  
of an abandoned junk vessel or outboard motor, less any money 29812  
accruing to the state, county, township, municipal corporation, or 29813  
other political subdivision from that disposal. 29814

(I) Whoever violates division (B) or (C) of section 1547.49 29815  
of the Revised Code is guilty of a minor misdemeanor. 29816

(J) Whoever violates section 1547.31 of the Revised Code is 29817  
guilty of a misdemeanor of the fourth degree on a first offense. 29818  
On each subsequent offense, the person is guilty of a misdemeanor 29819  
of the third degree. 29820

(K) Whoever violates section 1547.05 or 1547.051 of the 29821  
Revised Code is guilty of a misdemeanor of the fourth degree if 29822  
the violation is not related to a collision, injury to a person, 29823  
or damage to property and a misdemeanor of the third degree if the 29824  
violation is related to a collision, injury to a person, or damage 29825  
to property. 29826

(L) The sentencing court, in addition to the penalty provided 29827  
under this section for a violation of this chapter or a rule 29828  
adopted under it that involves a powercraft powered by more than 29829  
ten horsepower and that, in the opinion of the court, involves a 29830  
threat to the safety of persons or property, shall order the 29831  
offender to complete successfully a boating course approved by the 29832  
national association of state boating law administrators before 29833  
the offender is allowed to operate a powercraft powered by more 29834  
than ten horsepower on the waters in this state. Violation of a 29835  
court order entered under this division is punishable as contempt 29836  
under Chapter 2705. of the Revised Code. 29837

**Sec. 1548.10.** (A) The clerk of the court of common pleas 29838  
shall charge and retain fees as follows: 29839

(1) Fifteen dollars for each duplicate copy of a certificate 29840  
of title. The clerk shall retain that entire fee. 29841

(2) Fifteen dollars for each certificate of title, which 29842  
shall include any notation or indication of any lien or security 29843  
interest on a certificate of title and any memorandum certificate 29844  
of title or non-negotiable evidence of ownership requested at the 29845  
time the certificate of title is issued. The clerk shall retain 29846  
ten dollars and fifty cents of that fee when there is a notation 29847

of a lien or security interest on the certificate of title and 29848  
twelve dollars when there is no lien or security interest noted on 29849  
the certificate of title. 29850

(3) Five dollars for each certificate of title with no 29851  
security interest noted that is issued to a licensed watercraft 29852  
dealer for resale purposes. The clerk shall retain two dollars of 29853  
that fee. 29854

(4) Five dollars for each memorandum certificate of title or 29855  
non-negotiable evidence of ownership that is applied for 29856  
separately. The clerk shall retain that entire fee. 29857

(B) The fees charged for a certificate of title and the 29858  
notation or indication of any lien or security interest on a 29859  
certificate of title that are not retained by the clerk shall be 29860  
paid to the chief of the division of watercraft by monthly 29861  
returns, which shall be forwarded to the chief not later than the 29862  
fifth day of the month next succeeding that in which the 29863  
certificate is forwarded, or that in which the chief is notified 29864  
of a lien or security interest or cancellation of a lien or 29865  
security interest. 29866

The chief shall deposit one dollar of the amount the chief 29867  
receives for each certificate of title in the automated title 29868  
processing fund created in section 4505.09 of the Revised Code. 29869  
Moneys deposited in that fund under this section shall be used for 29870  
the purpose specified in division (B)(3)(b) of that section. 29871

**Sec. 1707.17.** (A)(1) The license of every dealer in and 29872  
salesperson of securities shall expire on the thirty-first day of 29873  
December of each year, and may be renewed upon the filing with the 29874  
division of securities of an application for renewal, and the 29875  
payment of the fee prescribed in this section. The division shall 29876  
give notice, without unreasonable delay, of its action on any 29877  
application for renewal of a dealer's or salesperson's license. 29878

(2) The license of every investment adviser and investment adviser representative licensed under section 1707.141 or 1707.161 of the Revised Code shall expire on the thirty-first day of December of each year. The licenses may be renewed upon the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(3) An investment adviser required to make a notice filing under division (B) of section 1707.141 of the Revised Code annually shall file with the division the notice filing and the fee prescribed in division (B) of this section, no later than the thirty-first day of December of each year.

(4) The license of every state retirement system investment officer licensed under section 1707.163 of the Revised Code and the license of a bureau of workers' compensation chief investment officer issued under section 1707.165 of the Revised Code shall expire on the thirtieth day of June of each year. The licenses may be renewed on the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(B)(1) The fee for each dealer's license, and for each annual renewal thereof, shall be ~~one~~ two hundred dollars.

(2) The fee for each salesperson's license, and for each annual renewal thereof, shall be ~~fifty~~ sixty dollars.

(3) The fee for each investment adviser's license, and for each annual renewal thereof, shall be ~~fifty~~ one hundred dollars.

(4) The fee for each investment adviser notice filing required by division (B) of section 1707.141 of the Revised Code shall be ~~fifty~~ one hundred dollars.



(5) The fee for each investment adviser representative's license, and for each annual renewal thereof, shall be ~~thirty-five~~ fifty dollars.

(6) The fee for each state retirement system investment officer's license, and for each annual renewal thereof, shall be fifty dollars.

(7) The fee for a bureau of workers' compensation chief investment officer's license, and for each annual renewal thereof, shall be fifty dollars.

(C) A dealer's, salesperson's, investment adviser's, investment adviser representative's, bureau of workers' compensation chief investment officer's, or state retirement system investment officer's license may be issued at any time for the remainder of the calendar year. In that event, the annual fee shall not be reduced.

**Sec. 1707.18.** (A)(1) If a partnership licensed as a dealer is terminated under the laws of the state where the partnership is organized, or by death, resignation, withdrawal, or addition of a general partner, the license of the partnership shall be automatically extended for a period of thirty days after the termination. The license of the partnership and the licenses of its salespersons may be transferred to the successor partnership within that period if the division of securities finds that the successor partnership is substantially similar to its predecessor partnership, and if an application for transfer of license has been filed. The fee for such a transfer shall be fifty dollars, plus ~~ten~~ fifteen dollars for every salesperson's license that is transferred.

(2) If a partnership licensed as an investment adviser is terminated under the laws of the state where the partnership is organized, or by death, resignation, withdrawal, or addition of a

general partner, the license of the partnership shall be 29941  
automatically extended for a period of thirty days after the 29942  
termination. The license of the partnership shall, and the 29943  
licenses of its investment adviser representatives may, be 29944  
transferred to the successor partnership within that period if the 29945  
division finds that the successor partnership is substantially 29946  
similar to its predecessor partnership, and if an application for 29947  
transfer of license has been filed. The fee for such transfer 29948  
shall be fifty dollars, plus ~~ten~~ fifteen dollars for every 29949  
investment adviser representative's license that is transferred. 29950

(B)(1) If a licensed dealer changes its business form, 29951  
reincorporates, or by merger or otherwise becomes a different 29952  
person, as person is defined in section 1707.01 of the Revised 29953  
Code, upon application the division may transfer the dealer's 29954  
license and the licenses of its salespersons to the successor 29955  
entity, if the division finds that the successor entity is 29956  
substantially similar to the predecessor entity. The fee for such 29957  
a transfer shall be fifty dollars plus ~~ten~~ fifteen dollars for 29958  
every salesperson's license transferred. 29959

(2) If a licensed investment adviser changes its business 29960  
form, reincorporates, or by merger or otherwise becomes a 29961  
different person, as person is defined in section 1707.01 of the 29962  
Revised Code, upon application, the division may transfer the 29963  
investment adviser license and the licenses of its investment 29964  
adviser representatives to the successor entity, if the division 29965  
finds that the successor entity is substantially similar to the 29966  
predecessor entity. The fee for the transfer shall be fifty 29967  
dollars plus ~~ten~~ fifteen dollars for every investment adviser 29968  
representative's license transferred. 29969

**Sec. 1707.37.** (A) All fees and charges collected under 29970  
~~Chapter 1707. of the Revised Code~~ this chapter shall be paid into 29971

the state treasury to the credit of the division of securities fund, which is hereby created. All expenses of the division of securities, other than those specified in division (B) of this section, shall be paid from the fund.

The fund shall be assessed a proportionate share of the administrative costs of the department of commerce in accordance with procedures prescribed by the director of commerce and approved by the director of budget and management. The assessments shall be paid from the division of securities fund to the division of administration fund.

If moneys in the division of securities fund are determined by the director of budget and management and the director of commerce to be in excess of those necessary to defray all the expenses in any fiscal year, the director of budget and management shall transfer the excess to the general revenue fund.

(B) There is hereby created in the state treasury the division of securities investor education and enforcement expense fund, which shall consist of all money received in settlement of any violation of this chapter and any cash transfers. Money in the fund shall be used to pay expenses of the division of securities relating to education or enforcement for the protection of securities investors and the public. The division may adopt rules pursuant to section 1707.20 of the Revised Code that establish what qualifies as such an expense.

If the director of budget and management and the director of commerce determine that money in the fund is in excess of one million dollars at the end of a fiscal year and that any amount of that excess is not needed to defray the qualifying expenses of the division, the director of budget and management may transfer that amount to the general revenue fund.

**Sec. 1710.01.** As used in this chapter:

- (A) "Special improvement district" means a special improvement district organized under this chapter. 30003  
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- (B) "Church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person. 30005  
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- (C) "Church property" means property that is described as being exempt from taxation under division (A)(2) of section 5709.07 of the Revised Code and that the county auditor has entered on the exempt list compiled under section 5713.07 of the Revised Code. 30009  
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- (D) "Municipal executive" means the mayor, city manager, or other chief executive officer of the municipal corporation in which a special improvement district is located. 30014  
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- (E) "Participating political subdivision" means the municipal corporation or township, or each of the municipal corporations or townships, that has territory within the boundaries of a special improvement district created under this chapter. 30017  
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- (F) "Legislative authority of a participating political subdivision" means, with reference to a township, the board of township trustees. 30021  
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- (G) "Public improvement" means the planning, design, construction, reconstruction, enlargement, or alteration of any facility or improvement, including the acquisition of land, for which a special assessment may be levied under Chapter 727. of the Revised Code. 30024  
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- (H) "Public service" means any service that can be provided by a municipal corporation or any service for which a special assessment may be levied under Chapter 727. of the Revised Code. 30029  
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- (I) "Existing qualified nonprofit corporation" means a 30032

nonprofit corporation that existed before the creation of the 30033  
corresponding district under this chapter, that is composed of 30034  
members located within or adjacent to the district, that has 30035  
established a police department under section 1702.80 of the 30036  
Revised Code, and that is organized for purposes that include 30037  
acquisition of real property within an area specified by its 30038  
articles for the subsequent transfer of such property to its 30039  
members exclusively for charitable, scientific, literary, or 30040  
educational purposes, or holding and maintaining and leasing such 30041  
property; planning for and assisting in the development of its 30042  
members; providing for the relief of the poor and distressed or 30043  
underprivileged in the area and adjacent areas; combating 30044  
community deterioration and lessening the burdens of government; 30045  
providing or assisting others in providing housing for low- or 30046  
moderate-income persons; and assisting its members by the 30047  
provision of public safety and security services, parking 30048  
facilities, transit service, landscaping, and parks. 30049

**Sec. 1710.02.** (A) A special improvement district may be 30050  
created within the boundaries of any one municipal corporation, 30051  
any one township, or any combination of contiguous municipal 30052  
corporations and townships ~~by a petition of the property owners~~ 30053  
~~within the proposed district,~~ for the purpose of developing and 30054  
implementing plans for public improvements and public services 30055  
that benefit the district. A district may be created by petition 30056  
of the owners of real property within the proposed district, or by 30057  
an existing qualified nonprofit corporation. If the district is 30058  
created by an existing qualified nonprofit corporation, the 30059  
purposes for which the district is created may be supplemental to 30060  
the other purposes for which the corporation is organized. All 30061  
territory in a district shall be contiguous. 30062

The district shall be governed by the board of trustees of a 30063  
nonprofit corporation. This board shall be known as the board of 30064

directors of the special improvement district. No special 30065  
improvement district shall include any church property, or 30066  
property of the federal or state government or a county, township, 30067  
or municipal corporation, unless the church or the county, 30068  
township, or municipal corporation specifically requests in 30069  
writing that the property be included within the district, or 30070  
unless the church is a member of the existing qualified nonprofit 30071  
corporation creating the district at the time the district is 30072  
created. More than one district may be created within a 30073  
participating political subdivision, but no real property may be 30074  
included within more than one district unless the owner of the 30075  
property files a written consent with the clerk of the legislative 30076  
authority, the township fiscal officer, or the village clerk, as 30077  
appropriate. The area of each district shall be contiguous. 30078

(B) Except as provided in division (C) of this section, a 30079  
district created under this chapter is not a political 30080  
subdivision. A district created under this chapter shall be 30081  
considered a public agency under section 102.01 and a public 30082  
authority under section 4115.03 of the Revised Code. Each member 30083  
of the board of directors of a district, each member's designee or 30084  
proxy, and each officer and employee of a district shall be 30085  
considered a public official or employee under section 102.01 of 30086  
the Revised Code and a public official and public servant under 30087  
section 2921.42 of the Revised Code. Districts created under this 30088  
chapter are not subject to section 121.24 of the Revised Code. 30089  
Districts created under this chapter are subject to sections 30090  
121.22 and 121.23 of the Revised Code. 30091

(C) Each district created under this chapter shall be 30092  
considered a political subdivision for purposes of section 4905.34 30093  
of the Revised Code. 30094

Membership on the board of directors of the district shall 30095  
not be considered as holding a public office. Directors and their 30096

designees shall be entitled to the immunities provided by Chapter 30097  
1702. and to the same immunity as an employee under division 30098  
(A)(6) of section 2744.03 of the Revised Code, except that 30099  
directors and their designees shall not be entitled to the 30100  
indemnification provided in section 2744.07 of the Revised Code 30101  
unless the director or designee is an employee or official of a 30102  
participating political subdivision of the district and is acting 30103  
within the scope of the director's or designee's employment or 30104  
official responsibilities. 30105

District officers and district members and directors and 30106  
their designees or proxies shall not be required to file a 30107  
statement with the Ohio ethics commission under section 102.02 of 30108  
the Revised Code. All records of the district shall be treated as 30109  
public records under section 149.43 of the Revised Code, except 30110  
that records of organizations contracting with a district shall 30111  
not be considered to be public records under section 149.43 or 30112  
section 149.431 of the Revised Code solely by reason of any 30113  
contract with a district. 30114

(D) Except as otherwise provided in this section, the 30115  
nonprofit corporation that governs a district shall be organized 30116  
in the manner described in Chapter 1702. of the Revised Code. ~~The~~ 30117  
Except in the case of a district created by an existing qualified 30118  
nonprofit corporation, the corporation's articles of incorporation 30119  
are required to be approved, as provided in division (E) of this 30120  
section, by resolution of the legislative authority of each 30121  
participating political subdivision of the district. A copy of 30122  
that resolution shall be filed along with the articles of 30123  
incorporation in the secretary of state's office. 30124

In addition to meeting the requirements for articles of 30125  
incorporation set forth in Chapter 1702. of the Revised Code, the 30126  
articles of incorporation for the nonprofit corporation governing 30127  
a district formed under this chapter shall provide all the 30128

following: 30129

(1) The name for the district, which shall include the name 30130  
of each participating political subdivision of the district; 30131

(2) A description of the territory within the district, which 30132  
may be all or part of each participating political subdivision. 30133  
The description shall be specific enough to enable real property 30134  
owners to determine if their property is located within the 30135  
district. 30136

(3) A description of the procedure by which the articles of 30137  
incorporation may be amended. The procedure shall include 30138  
receiving approval of the amendment, by resolution, from the 30139  
legislative authority of each participating political subdivision 30140  
and filing the approved amendment and resolution with the 30141  
secretary of state. 30142

(4) The reasons for creating the district, plus an 30143  
explanation of how the district will be conducive to the public 30144  
health, safety, peace, convenience, and welfare of the district. 30145

(E) The articles of incorporation for a nonprofit corporation 30146  
governing a district created under this chapter and amendments to 30147  
them shall be submitted to the municipal executive, if any, and 30148  
the legislative authority of each municipal corporation or 30149  
township in which the proposed district is to be located<sup>7</sup>. Except 30150  
in the case of a district created by an existing qualified 30151  
nonprofit corporation, the articles or amendments shall be 30152  
accompanied by a petition signed either by the owners of at least 30153  
sixty per cent of the front footage of all real property located 30154  
in the proposed district that abuts upon any street, alley, public 30155  
road, place, boulevard, parkway, park entrance, easement, or other 30156  
existing public improvement within the proposed district, 30157  
excluding church property or property owned by the state, county, 30158  
township, municipal, or federal government, unless a church, 30159



county, township, or municipal corporation has specifically 30160  
requested in writing that the property be included in the 30161  
district, or by the owners of at least seventy-five per cent of 30162  
the area of all real property located within the proposed 30163  
district, excluding church property or property owned by the 30164  
state, county, township, municipal, or federal government, unless 30165  
a church, county, township, or municipal corporation has 30166  
specifically requested in writing that the property be included in 30167  
the district. For purposes of determining compliance with these 30168  
requirements, the area of the district, or the front footage and 30169  
ownership of property, shall be as shown in the most current 30170  
records available at the county recorder's office and the county 30171  
engineer's office sixty days prior to the date on which the 30172  
petition is filed. 30173

Each municipal corporation or township with which the 30174  
petition is filed has sixty days to approve or disapprove, by 30175  
resolution, the petition, including the articles of incorporation. 30176  
In the case of a district created by an existing qualified 30177  
nonprofit corporation, each municipal corporation or township has 30178  
sixty days to approve or disapprove the creation of the district 30179  
after the corporation submits the articles of incorporation or 30180  
amendments thereto. This chapter does not prohibit or restrict the 30181  
rights of municipal corporations under Article XVIII of the Ohio 30182  
Constitution or the right of the municipal legislative authority 30183  
to impose reasonable conditions in a resolution of approval. 30184

(F) Persons proposing creation and operation of the district 30185  
may propose an initial plan for public services or public 30186  
improvements that benefit all or any part of the district. Any 30187  
initial plan shall be submitted as part of the petition proposing 30188  
creation of the district or, in the case of a district created by 30189  
an existing qualified nonprofit corporation, shall be submitted 30190  
with the articles of incorporation or amendments thereto. 30191

An initial plan may include provisions for the following:	30192
(1) Creation and operation of the district and of the nonprofit corporation to govern the district under this chapter;	30193 30194
(2) Hiring employees and professional services;	30195
(3) Contracting for insurance;	30196
(4) Purchasing or leasing office space and office equipment;	30197
(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;	30198 30199 30200
(6) A plan for public improvements or public services that benefit all or part of the district, which plan shall comply with the requirements of division (A) of section 1710.06 of the Revised Code and may include, but is not limited to, any of the permissive provisions described in the fourth sentence of that division or listed in divisions (A)(1) to (5) of that section.	30201 30202 30203 30204 30205 30206
After the initial plan is approved by all municipal corporations and townships to which it is submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. The levy shall be for no more than ten years from the date of the approval of the initial plan. For purposes of levying an assessment for this initial plan, the services or improvements included in the initial plan shall be deemed a special benefit to property owners within the district.	30207 30208 30209 30210 30211 30212 30213 30214 30215
(G) Each nonprofit corporation governing a district under this chapter may do the following:	30216 30217
(1) Exercise all powers of nonprofit corporations granted under Chapter 1702. of the Revised Code that do not conflict with this chapter;	30218 30219 30220
(2) Develop, adopt, revise, implement, and repeal plans for	30221

public improvements and public services for all or any part of the 30222  
district; 30223

(3) Contract with any person, political subdivision as 30224  
defined in section 2744.01 of the Revised Code, or state agency as 30225  
defined in section 1.60 of the Revised Code to develop and 30226  
implement plans for public improvements or public services within 30227  
the district; 30228

(4) Contract and pay for insurance for the district and for 30229  
directors, officers, agents, contractors, employees, or members of 30230  
the district for any consequences of the implementation of any 30231  
plan adopted by the district or any actions of the district. 30232

**Sec. 1710.03.** (A) ~~Each owner, other than a church or the~~ 30233  
~~state, county, township, municipal, or federal government, unless~~ 30234  
~~a church or county, township, or municipal corporation has~~ 30235  
~~specifically requested in writing that the property be included in~~ 30236  
~~the district, Except as otherwise provided in this division, each~~ 30237  
owner of real property within a special improvement district other 30238  
than the state or federal government is a member of the district, 30239  
and the real property of each member of the district is subject to 30240  
special assessment under division (C) of section 1710.06 of the 30241  
Revised Code. ~~The~~ A church is not a member of the district unless 30242  
the church specifically requested in writing that its property be 30243  
included in the district or unless, in the case of a district 30244  
created by an existing qualified nonprofit corporation, the church 30245  
is a member of the corporation at the time the district is 30246  
created. A county, township, or municipal corporation owning real 30247  
property in the district is not a member of the district unless 30248  
such entity specifically requested in writing that its property be 30249  
included in the district. 30250

The identity and address of the owners shall be determined 30251  
for any particular action of the nonprofit corporation that 30252

governs the district, including notice of meetings of the 30253  
district, no more than sixty days prior to the date of the action, 30254  
from the most current records available at the county auditor's 30255  
office. For purposes of this chapter, the persons shown on such 30256  
records as having common or joint ownership interests in a parcel 30257  
of real property collectively shall constitute the owner of the 30258  
real property. 30259

(B) A member may file a written statement with the district's 30260  
secretary at least three days prior to any meeting of the entire 30261  
membership of the district to appoint a proxy to carry out the 30262  
member's rights and responsibilities under this chapter at that 30263  
meeting. 30264

(C) A member also may appoint a designee to carry out the 30265  
member's rights and responsibilities under this chapter by filing 30266  
a written designation form with the district's secretary. This 30267  
form shall include the name and address of the member, the name 30268  
and address of the designee, and the expiration date, if any, of 30269  
the designation and may authorize the designee to vote at any 30270  
meeting of the district. 30271

(D) A proxy or designee need not be an elector or resident of 30272  
any participating political subdivision of the district or a 30273  
member of the district. The appointment of a proxy or a designee 30274  
may be changed by filing a new form with the district's secretary. 30275  
The most current form filed with the secretary is the valid 30276  
appointment. Service of any notice upon a proxy or designee at the 30277  
proxy's or designee's address as shown on that form satisfies any 30278  
requirements for notification of the member. 30279

**Sec. 1710.04.** (A) A special improvement district created 30280  
under this chapter shall be governed by the board of directors of 30281  
the special improvement district. The board shall consist of at 30282  
least five directors. The board shall include a person appointed 30283

by the legislative authority of each participating political 30284  
subdivision and the municipal executive of each municipal 30285  
corporation with territory within the boundaries of the special 30286  
improvement district. The remainder of the board's members shall 30287  
be members of the district. Except for the municipal executives 30288  
and the appointees of the legislative authorities, and except as 30289  
otherwise provided in this division, members of the board of 30290  
directors shall be elected at a meeting of the entire membership 30291  
of the district. The initial election of directors may occur at 30292  
the first meeting of the entire membership of the district after 30293  
its creation. All subsequent elections shall be held at a November 30294  
meeting of the membership. 30295

Each municipal executive may designate one person who is an 30296  
employee of the municipal corporation involved with its planning 30297  
or economic development functions to serve in the municipal 30298  
executive's stead. This designee shall serve at the pleasure of 30299  
the municipal executive. 30300

In the case of a district created by an existing qualified 30301  
nonprofit corporation, the corporation's board of trustees or 30302  
other governing board, however denominated, shall be the board of 30303  
directors of the special improvement district for the purposes of 30304  
this chapter. The election of directors otherwise required by this 30305  
division shall not be required, and the requirement that municipal 30306  
executives and appointees of the legislative authorities be 30307  
members of the district's board of directors may be satisfied by 30308  
the membership on the corporation's governing board of 30309  
representatives of such participating political subdivisions, or 30310  
may be waived if approved by resolution of the legislative 30311  
authorities of the participating political subdivisions. 30312

(B) A director may file a written statement with the 30313  
district's secretary at least three days prior to any meeting of 30314  
the board to have a person act as proxy to carry out the 30315

director's rights and responsibilities under this chapter at that meeting. 30316  
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A director may also appoint a designee to carry out the director's rights and responsibilities under this chapter by filing a written designation form with the district's secretary. This form shall include the name and address of the director, the name and address of the designee, and the expiration date, if any, of the designation. 30318  
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A proxy or designee need not be an elector or resident of a participating political subdivision of the district or a member of the district. The appointment of a proxy or designee may be changed by filing a new form with the district's secretary. The most current form filed with the secretary is the valid appointment. Service of any notice upon a proxy or designee at the proxy's or designee's address as shown on that form satisfies any requirements for notification of the director. 30324  
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(C) Notice of the time, date, place, and agenda for any meeting of the board of directors shall be by written notice to each director, transmitted by certified mail, personal service, or electronic device prior to the meeting. If possible, the notice shall be served at least one week prior to the meeting. 30332  
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The board shall act by a majority vote of those present and authorized to vote at any meeting where proper notice has been served. 30337  
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(D) The board shall elect a chairperson, vice-chairperson, secretary, and treasurer of the board. These officers shall serve at the board's pleasure. A director may be elected to more than one office, except that the director elected as treasurer shall not be elected to any other office of the board. 30340  
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By the first day of March of each year, the treasurer shall submit to each member of the district and to the municipal 30345  
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executive, chief fiscal officer, and legislative authority of each 30347  
municipal corporation with territory within the boundaries of the 30348  
special improvement district and the board of township trustees of 30349  
each township with territory within the boundaries of the special 30350  
improvement district, a report of the district's activities and 30351  
financial condition for the previous year. 30352

(E) Divisions (B), (C), and (D) of this section do not apply 30353  
to a district created by an existing qualified nonprofit 30354  
corporation to the extent those divisions are not consistent with 30355  
the regulations of the corporation, in which case the regulations 30356  
of the corporation shall govern. 30357

**Sec. 1710.06.** (A) The board of directors of a special 30358  
improvement district may develop and adopt one or more written 30359  
plans for public improvements or public services that benefit all 30360  
or any part of the district. Each plan shall set forth the 30361  
specific public improvements or public services that are to be 30362  
provided, identify the area in which they will be provided, and 30363  
specify the method of assessment to be used. Each plan for public 30364  
improvements or public services shall indicate the period of time 30365  
the assessments are to be levied for the improvements and services 30366  
and, if public services are included in the plan, the period of 30367  
time the services are to remain in effect. Plans for public 30368  
improvements may include the planning, design, construction, 30369  
reconstruction, enlargement, or alteration of any public 30370  
improvements and the acquisition of land for the improvements. 30371  
Plans for public improvements or public services may also include, 30372  
but are not limited to, provisions for the following: 30373

(1) Creating and operating the district and the nonprofit 30374  
corporation under this chapter, including hiring employees and 30375  
professional services, contracting for insurance, and purchasing 30376  
or leasing office space and office equipment and other 30377

requirements of the district; 30378

(2) Planning, designing, and implementing a public 30379  
improvements or public services plan, including hiring 30380  
architectural, engineering, legal, appraisal, insurance, and 30381  
planning services, and, for public services, managing, protecting, 30382  
and maintaining public and private facilities, including public 30383  
improvements; 30384

(3) Conducting court proceedings to carry out this chapter; 30385

(4) Paying damages resulting from the provision of public 30386  
improvements or public services and implementing the plans; 30387

(5) Paying the costs of issuing, paying interest on, and 30388  
redeeming notes and bonds issued for funding public improvements 30389  
and public services plans. 30390

(B) Once the board of directors adopts a plan, it shall 30391  
submit the plan to the legislative authority of each participating 30392  
political subdivision and the municipal executive of each 30393  
municipal corporation in which the district is located, if any. 30394  
The legislative authorities and municipal executives shall review 30395  
the plan and, within sixty days after receiving it, may submit 30396  
their comments and recommendations about it to the district. After 30397  
reviewing these comments and recommendations, the board of 30398  
directors may amend the plan. It may then submit the plan, amended 30399  
or otherwise, in the form of a petition to members of the district 30400  
whose property may be assessed for the plan. Once the petition is 30401  
signed by those members who own at least sixty per cent of the 30402  
front footage of property that is to be assessed and that abuts 30403  
upon a street, alley, public road, place, boulevard, parkway, park 30404  
entrance, easement, or other public improvement, or those members 30405  
who own at least seventy-five per cent of the area to be assessed 30406  
for the improvement or service, the petition may be submitted to 30407  
each legislative authority for approval. 30408



Each legislative authority shall, by resolution, approve or 30409  
reject the petition within sixty days after receiving it. If the 30410  
petition is approved by the legislative authority of each 30411  
participating political subdivision, the plan contained in the 30412  
petition shall be effective at the earliest date on which a 30413  
nonemergency resolution of the legislative authority with the 30414  
latest effective date may become effective. A plan may not be 30415  
resubmitted to the legislative authorities and municipal 30416  
executives more than three times in any twelve-month period. 30417

(C) Each participating political subdivision shall levy, by 30418  
special assessment upon specially benefited property located 30419  
within the district, the costs of any public improvements or 30420  
public services plan contained in a petition approved by the 30421  
participating political subdivisions under this section or 30422  
division (F) of section 1710.02 of the Revised Code. The levy 30423  
shall be made in accordance with the procedures set forth in 30424  
Chapter 727. of the Revised Code, except that: 30425

(1) The assessment for each improvements or services plan may 30426  
be levied by any one or any combination of the methods of 30427  
assessment listed in section 727.01 of the Revised Code, provided 30428  
that the assessment is uniformly applied. 30429

(2) For the purpose of levying an assessment, the board of 30430  
directors may combine one or more improvements or services plans 30431  
or parts of plans and levy a single assessment against specially 30432  
benefited property. 30433

(3) For purposes of special assessments levied by a township 30434  
pursuant to this chapter, references in Chapter 727. of the 30435  
Revised Code to the municipal corporation shall be deemed to refer 30436  
to the township, and references to the legislative authority of 30437  
the municipal corporation shall be deemed to refer to the board of 30438  
township trustees. 30439

Church property or property owned by a political subdivision, 30440  
including any participating political subdivision in which a 30441  
special improvement district is located, shall be included in and 30442  
be subject to special assessments made pursuant to a plan adopted 30443  
under this section or division (F) of section 1710.02 of the 30444  
Revised Code, if the church or political subdivision has 30445  
specifically requested in writing that its property be included 30446  
within the special improvement district and the church or 30447  
political subdivision is a member of the district or, in the case 30448  
of a district created by an existing qualified nonprofit 30449  
corporation, if the church is a member of the corporation. 30450

(D) All rights and privileges of property owners who are 30451  
assessed under Chapter 727. of the Revised Code shall be granted 30452  
to property owners assessed under this chapter, including those 30453  
rights and privileges specified in sections 727.15 to 727.17 and 30454  
727.18 to 727.22 of the Revised Code and the right to notice of 30455  
the resolution of necessity and the filing of the estimated 30456  
assessment under section 727.13 of the Revised Code. Property 30457  
owners assessed for public services under this chapter shall have 30458  
the same rights and privileges as property owners assessed for 30459  
public improvements under this chapter. 30460

**Sec. 1710.10.** (A) When a participating political subdivision 30461  
contracts to provide improvements or services to a special 30462  
improvement district, the participating political subdivision 30463  
shall charge only its additional cost of providing the improvement 30464  
or service, without any allocation of overhead costs, fixed costs, 30465  
or assignment of costs at rates higher than those at which the 30466  
participating political subdivision assigns costs for similar 30467  
improvements or services for political subdivision purposes. 30468

(B) ~~Any~~ Except in the case of a district created by an 30469  
existing qualified nonprofit corporation, any law enforcement or 30470

fire protection service to be provided under a district's public 30471  
service plan shall be provided only by contract with a 30472  
participating political subdivision of the district. ~~The~~ In the 30473  
case of a district created by an existing qualified nonprofit 30474  
corporation, the corporation may provide law enforcement service 30475  
as provided under section 1702.80 of the Revised Code. 30476

The district shall reimburse the participating political 30477  
subdivision for any additional cost incurred in providing that law 30478  
enforcement or fire protection service. This additional cost shall 30479  
not include any overhead, fixed costs, or assignment of costs at 30480  
rates higher than those at which the political subdivision assigns 30481  
costs for these services for political subdivision purposes. 30482

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(C) Any liability for providing fire or police services under 30484  
this section by a participating political subdivision shall remain 30485  
with the participating political subdivision and shall not be 30486  
assumed by the district. 30487

**Sec. 1710.13.** ~~The~~ This section does not apply to a special 30488  
improvement district created by an existing qualified nonprofit 30489  
corporation. 30490

The process for dissolving a special improvement district or 30491  
repealing an improvements or services plan may be initiated by a 30492  
petition signed by members of the district who own at least twenty 30493  
per cent of the appraised value of the real property located in 30494  
the district, excluding church property or real property owned by 30495  
the federal government, the state, or a county, township, or 30496  
municipal corporation, unless the church, county, township, or 30497  
municipal corporation has specifically requested in writing that 30498  
the property be included in the district, and filed with the 30499  
municipal executive, if any, and the legislative authorities of 30500  
all the participating political subdivisions of the district. As 30501

used in this section, "appraised value" means the taxable value 30502  
established by the county auditor for purposes of real estate 30503  
taxation. 30504

No later than forty-five days after such a petition is filed, 30505  
the members of the district shall meet to consider it. Notice of 30506  
the meeting shall be given as provided in section 1710.05 of the 30507  
Revised Code. Upon the affirmative vote of members who 30508  
collectively own more than fifty per cent of the appraised value 30509  
of the real property in the district that may be subject to 30510  
assessment under division (C) of section 1710.06 of the Revised 30511  
Code, the district shall be dissolved, or the plan shall be 30512  
repealed, as applicable. 30513

No rights or obligations of any person under any contract, or 30514  
in relation to any bonds, notes, or assessments made under this 30515  
chapter, shall be affected by the dissolution of the district or 30516  
the repeal of a plan, except with the consent of that person or by 30517  
order of a court with jurisdiction over the matter. Upon 30518  
dissolution of a district, any assets or rights of the district, 30519  
after payment of all bonds, notes, or other obligations of the 30520  
district, shall be deposited in a special account in the treasury 30521  
of each participating political subdivision, prorated among all 30522  
participating political subdivisions to reflect the percentage of 30523  
the district's territory within that political subdivision, to be 30524  
used for the benefit of the territory that made up the district. 30525

Once the members have approved the repeal of a plan, all 30526  
bonds, notes, and other obligations of the district associated 30527  
with the plan shall be paid. Thereafter, the plan shall be 30528  
repealed. Upon receipt of proof that all bonds, notes, and other 30529  
obligations have been paid and that the plan has been repealed, 30530  
the participating political subdivisions shall terminate any 30531  
levies imposed to pay for costs of the plan. 30532

**Sec. 1724.04.** A county ~~having a population of more than one million two hundred thousand as of the most recent decennial census~~ that elects under section 5722.02 of the Revised Code to adopt and implement the procedures set forth in sections 5722.02 to 5722.15 of the Revised Code may organize a county land reutilization corporation under this chapter and Chapter 1702. of the Revised Code for the purpose of exercising the powers granted to a county under Chapter 5722. of the Revised Code. The county treasurer of the county for the benefit of which the corporation is being organized shall be the incorporator of the county land reutilization corporation. The form of the articles of incorporation of the corporation shall be approved by resolution of the board of county commissioners of the county. A county land reutilization corporation may not be organized under this chapter after the day that is one year after ~~the effective date of the amendment of this section by S.B. 353 of the 127th General Assembly~~ April 7, 2009.

When the articles of incorporation of any community improvement corporation, or any amendment, amended articles, merger, or consolidation which provides for the creation of such a corporation, are deposited for filing and recording in the office of the secretary of state, the secretary of state shall submit them to the attorney general for examination. If such articles, amendment, amended articles, merger, or consolidation, are found by the attorney general to be in accordance with Chapter 1724. of the Revised Code, and not inconsistent with the constitution and laws of the United States and of this state, the attorney general shall endorse thereon the attorney general's approval and deliver them to the secretary of state, who shall file and record them pursuant to section 1702.07 of the Revised Code.

**Sec. 1739.05.** (A) A multiple employer welfare arrangement

that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:

(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.

(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.

(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 3923.84, 3924.031, 3924.032, and 3924.27 of the Revised Code.

(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance.

(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees, or are eligible for continuation of coverage under section 1751.53 or 3923.38 of the Revised Code or under Title X of the "Consolidated Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29

U.S.C.A. 1161, as amended. 30595

**Sec. 1751.03.** (A) Each application for a certificate of 30596  
authority under this chapter shall be verified by an officer or 30597  
authorized representative of the applicant, shall be in a format 30598  
prescribed by the superintendent of insurance, and shall set forth 30599  
or be accompanied by the following: 30600

(1) A certified copy of the applicant's articles of 30601  
incorporation and all amendments to the articles of incorporation; 30602

(2) A copy of any regulations adopted for the government of 30603  
the corporation, any bylaws, and any similar documents, and a copy 30604  
of all amendments to these regulations, bylaws, and documents. The 30605  
corporate secretary shall certify that these regulations, bylaws, 30606  
documents, and amendments have been properly adopted or approved. 30607

(3) A list of the names, addresses, and official positions of 30608  
the persons responsible for the conduct of the applicant, 30609  
including all members of the board, the principal officers, and 30610  
the person responsible for completing or filing financial 30611  
statements with the department of insurance, accompanied by a 30612  
completed original biographical affidavit and release of 30613  
information for each of these persons on forms acceptable to the 30614  
department; 30615

(4) A full and complete disclosure of the extent and nature 30616  
of any contractual or other financial arrangement between the 30617  
applicant and any provider or a person listed in division (A)(3) 30618  
of this section, including, but not limited to, a full and 30619  
complete disclosure of the financial interest held by any such 30620  
provider or person in any health care facility, provider, or 30621  
insurer that has entered into a financial relationship with the 30622  
health insuring corporation; 30623

(5) A description of the applicant, its facilities, and its 30624

personnel, including, but not limited to, the location, hours of operation, and telephone numbers of all contracted facilities;	30625 30626
(6) The applicant's projected annual enrollee population over a three-year period;	30627 30628
(7) A clear and specific description of the health care plan or plans to be used by the applicant, including a description of the proposed providers, procedures for accessing care, and the form of all proposed and existing contracts relating to the administration, delivery, or financing of health care services;	30629 30630 30631 30632 30633
(8) A copy of each type of evidence of coverage and identification card or similar document to be issued to subscribers;	30634 30635 30636
(9) A copy of each type of individual or group policy, contract, or agreement to be used;	30637 30638
(10) The schedule of the proposed contractual periodic prepayments or premium rates, or both, accompanied by appropriate supporting data;	30639 30640 30641
(11) A financial plan which provides a three-year projection of operating results, including the projected expenses, income, and sources of working capital;	30642 30643 30644
(12) The enrollee complaint procedure to be utilized as required under section 1751.19 of the Revised Code;	30645 30646
(13) A description of the procedures and programs to be implemented on an ongoing basis to assure the quality of health care services delivered to enrollees, including, if applicable, a description of a quality assurance program complying with the requirements of sections 1751.73 to 1751.75 of the Revised Code;	30647 30648 30649 30650 30651
(14) A statement describing the geographic area or areas to be served, by county;	30652 30653
(15) A copy of all solicitation documents;	30654



(16) A balance sheet and other financial statements showing 30655  
the applicant's assets, liabilities, income, and other sources of 30656  
financial support; 30657

(17) A description of the nature and extent of any 30658  
reinsurance program to be implemented, and a demonstration that 30659  
errors and omission insurance and, if appropriate, fidelity 30660  
insurance, will be in place upon the applicant's receipt of a 30661  
certificate of authority; 30662

(18) Copies of all proposed or in force related-party or 30663  
intercompany agreements with an explanation of the financial 30664  
impact of these agreements on the applicant. If the applicant 30665  
intends to enter into a contract for managerial or administrative 30666  
services, with either an affiliated or an unaffiliated person, the 30667  
applicant shall provide a copy of the contract and a detailed 30668  
description of the person to provide these services. The 30669  
description shall include that person's experience in managing or 30670  
administering health care plans, a copy of that person's most 30671  
recent audited financial statement, and a completed biographical 30672  
affidavit on a form acceptable to the superintendent for each of 30673  
that person's principal officers and board members and for any 30674  
additional employee to be directly involved in providing 30675  
managerial or administrative services to the health insuring 30676  
corporation. If the person to provide managerial or administrative 30677  
services is affiliated with the health insuring corporation, the 30678  
contract must provide for payment for services based on actual 30679  
costs. 30680

(19) A statement from the applicant's board that the admitted 30681  
assets of the applicant have not been and will not be pledged or 30682  
hypothecated; 30683

(20) A statement from the applicant's board that the 30684  
applicant will submit monthly financial statements during the 30685  
first year of operations; 30686

(21) The name and address of the applicant's Ohio statutory agent for service of process, notice, or demand;	30687 30688
(22) Copies of all documents the applicant filed with the secretary of state;	30689 30690
(23) The location of those books and records of the applicant that must be maintained, which books and records shall be maintained in Ohio if the applicant is a domestic corporation, and which may be maintained either in the applicant's state of domicile or in Ohio if the applicant is a foreign corporation;	30691 30692 30693 30694 30695
(24) The applicant's federal identification number, corporate address, and mailing address;	30696 30697
(25) An internal and external organizational chart;	30698
(26) A list of the assets representing the initial net worth of the applicant;	30699 30700
(27) If the applicant has a parent company, the parent company's guaranty, on a form acceptable to the superintendent, that the applicant will maintain Ohio's minimum net worth. If no parent company exists, a statement regarding the availability of future funds if needed.	30701 30702 30703 30704 30705
(28) The names and addresses of the applicant's actuary and external auditors;	30706 30707
(29) If the applicant is a foreign corporation, a copy of the most recent financial statements filed with the insurance regulatory agency in the applicant's state of domicile;	30708 30709 30710
(30) If the applicant is a foreign corporation, a statement from the insurance regulatory agency of the applicant's state of domicile stating that the regulatory agency has no objection to the applicant applying for an Ohio license and that the applicant is in good standing in the applicant's state of domicile;	30711 30712 30713 30714 30715
(31) Any other information that the superintendent may	30716

require; 30717

(32) Documentation acceptable to the superintendent of the 30718  
bond or securities required by section 1751.271 of the Revised 30719  
Code. 30720

(B)(1) A health insuring corporation, unless otherwise 30721  
provided for in this chapter or in section 3901.321 of the Revised 30722  
Code, shall file a timely notice with the superintendent 30723  
describing any change to the corporation's articles of 30724  
incorporation or regulations, or any major modification to its 30725  
operations as set out in the information required by division (A) 30726  
of this section that affects any of the following: 30727

(a) The solvency of the health insuring corporation; 30728

(b) The health insuring corporation's continued provision of 30729  
services that it has contracted to provide; 30730

(c) The manner in which the health insuring corporation 30731  
conducts its business. 30732

(2) If the change or modification is to be the result of an 30733  
action to be taken by the health insuring corporation, the notice 30734  
shall be filed with the superintendent prior to the health 30735  
insuring corporation taking the action. The action shall be deemed 30736  
approved if the superintendent does not disapprove it within sixty 30737  
days of filing. 30738

(3) The filing of a notice pursuant to division (B)(1) or (2) 30739  
of this section shall also serve as the submission of a notice 30740  
when required for the superintendent's review for purposes of 30741  
section 3901.341 of the Revised Code, if the notice contains all 30742  
of the information that section 3901.341 of the Revised Code 30743  
requires for such submissions and a copy of any written agreement. 30744  
The filing of such a notice, for the purpose of satisfying this 30745  
division and section 3901.341 of the Revised Code, shall be 30746  
subject to the sixty-day review period of division (B)(2) of this 30747

section. 30748

(C)(1) No health insuring corporation shall expand its 30749  
approved service area until a copy of the request for expansion, 30750  
accompanied by documentation of the network of providers, forms of 30751  
all proposed or existing provider contracts relating to the 30752  
delivery of health care services, a schedule of proposed 30753  
contractual periodic prepayments and premium rates for group 30754  
contracts accompanied by appropriate supporting data, enrollment 30755  
projections, plan of operation, and any other changes have been 30756  
filed with the superintendent. 30757

~~(2) Within ten calendar days after receipt of a complete 30758  
filing under division (C)(1) of this section, the superintendent 30759  
shall refer the appropriate jurisdictional issues to the director 30760  
of health if required pursuant to section 1751.04 of the Revised 30761  
Code. 30762~~

~~(3) Within seventy-five days after the superintendent's 30763  
receipt of a complete filing under division (C)(1) of this 30764  
section, the superintendent shall determine whether the plan for 30765  
expansion is lawful, fair, and reasonable. If a referral is 30766  
required pursuant to section 1751.04 of the Revised Code, the 30767  
superintendent may not make a determination until the 30768  
superintendent has received the director's certification of 30769  
compliance, which the director shall furnish within forty five 30770  
days after the referral under division (C)(2) of this section. The 30771  
director shall not certify that the requirements of section 30772  
1751.04 of the Revised Code are not met, unless the applicant has 30773  
been given an opportunity for a hearing as provided in division 30774  
(D) of section 1751.04 of the Revised Code. The forty five day and 30775  
seventy five day review periods provided for in division (C)(3) of 30776  
this section shall cease to run as of the date on which the notice 30777  
of the applicant's right to request a hearing is mailed and shall 30778  
remain suspended until the director issues a final certification. 30779~~

~~(4)~~ If the superintendent has not approved or disapproved all or a portion of a service area expansion within the seventy-five-day period ~~provided for in division (C)(3) of this section~~, the filing shall be deemed approved.

~~(5)(3)~~ Disapproval of all or a portion of the filing shall be effected by written notice, which shall state the grounds for the order of disapproval and shall be given in accordance with Chapter 119. of the Revised Code.

**Sec. 1751.04.** (A) Except as provided by division ~~(F)(D)~~ of this section, upon the receipt by the superintendent of insurance of a complete application for a certificate of authority to establish or operate a health insuring corporation, which application sets forth or is accompanied by the information and documents required by division (A) of section 1751.03 of the Revised Code, the superintendent shall ~~transmit copies of the application and accompanying documents to the director of health.~~

~~(B)~~ ~~The director shall~~ review the application and accompanying documents and make findings as to whether the applicant for a certificate of authority has done all of the following with respect to any basic health care services and supplemental health care services to be furnished:

(1) Demonstrated the willingness and potential ability to ensure that all basic health care services and supplemental health care services described in the evidence of coverage will be provided to all its enrollees as promptly as is appropriate and in a manner that assures continuity;

(2) Made effective arrangements to ensure that its enrollees have reliable access to qualified providers in those specialties that are generally available in the geographic area or areas to be served by the applicant and that are necessary to provide all basic health care services and supplemental health care services

described in the evidence of coverage; 30811

(3) Made appropriate arrangements for the availability of 30812  
short-term health care services in emergencies within the 30813  
geographic area or areas to be served by the applicant, 30814  
twenty-four hours per day, seven days per week, and for the 30815  
provision of adequate coverage whenever an out-of-area emergency 30816  
arises; 30817

(4) Made appropriate arrangements for an ongoing evaluation 30818  
and assurance of the quality of health care services provided to 30819  
enrollees, including, if applicable, the development of a quality 30820  
assurance program complying with the requirements of sections 30821  
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 30822  
personnel, facilities, and equipment by or through which the 30823  
services are rendered; 30824

(5) Developed a procedure to gather and report statistics 30825  
relating to the cost and effectiveness of its operations, the 30826  
pattern of utilization of its services, and the quality, 30827  
availability, and accessibility of its services. 30828

~~(C) Within ninety days of the director's receipt of (B) Based~~ 30829  
~~upon the information provided in the application for issuance of a~~ 30830  
~~certificate of authority, the director shall certify to the~~ 30831  
~~superintendent shall determine~~ whether or not the applicant meets 30832  
the requirements of division ~~(B)(A)~~ of this section ~~and sections~~ 30833  
~~3702.51 to 3702.62 of the Revised Code. If the director certifies~~ 30834  
~~superintendent determines~~ that the applicant does not meet these 30835  
requirements, the ~~director~~ superintendent shall specify in what 30836  
respects it is deficient. However, the ~~director~~ superintendent 30837  
shall not ~~certify that~~ deny an application because the 30838  
requirements of this section are not met unless the applicant has 30839  
been given an opportunity for a hearing on that issue. 30840

~~(D)(C)~~ If the applicant requests a hearing, the ~~director~~ 30841

superintendent shall hold a hearing before ~~certifying that~~ denying  
an application because the applicant does not meet the  
requirements of this section. The hearing shall be held in  
accordance with Chapter 119. of the Revised Code.

~~(E) The ninety day review period provided for under division  
(C) of this section shall cease to run as of the date on which the  
notice of the applicant's right to request a hearing is mailed and  
shall remain suspended until the director issues a final  
certification order.~~

~~(F)~~(D) Nothing in this section requires the ~~director~~  
superintendent to review or make findings with regard to an  
application and accompanying documents to establish or operate any  
of the following:

(1) A health insuring corporation to cover solely medicaid  
recipients;

(2) A health insuring corporation to cover solely medicare  
beneficiaries;

(3) A health insuring corporation to cover solely medicaid  
recipients and medicare beneficiaries;

(4) A health insuring corporation to cover solely  
participants of the children's buy-in program;

(5) A health insuring corporation to cover solely medicaid  
recipients and participants of the children's buy-in program;

(6) A health insuring corporation to cover solely medicaid  
recipients, medicare beneficiaries, and participants of the  
children's buy-in program.

**Sec. 1751.05.** (A) The superintendent of insurance shall issue  
or deny a certificate of authority to ~~health insuring corporations~~  
~~within the deadlines specified as follows:~~

~~(1) For a health insuring corporation filing an application pursuant to section 1751.03 of the Revised Code, forty five days from the superintendent's receipt of the certification from the director of health under division (C) of section 1751.04 of the Revised Code;~~ 30871  
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~~(2) One one hundred thirty-five days from the superintendent's receipt of a complete application and accompanying documents if the health insuring corporation is to cover solely the following;~~ 30876  
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~~(a) Medicaid recipients;~~ 30880

~~(b) Medicare beneficiaries;~~ 30881

~~(c) Medicaid recipients and medicare beneficiaries;~~ 30882

~~(d) Participants of the children's buy in program;~~ 30883

~~(e) Medicaid recipients and participants of the children's buy in program;~~ 30884  
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~~(f) Medicaid recipients, medicare beneficiaries, and participants of the children's buy in program.~~ 30886  
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(B) A certificate of authority shall be issued upon payment of the application fee prescribed in section 1751.44 of the Revised Code if the superintendent is satisfied that the following conditions are met: 30888  
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(1) The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy, and possess good reputations. 30892  
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(2) The ~~director certifies~~ superintendent determines, in accordance with division ~~(C)~~(B) of section 1751.04 of the Revised Code, that the organization's proposed plan of operation meets the requirements of division ~~(B)~~(A) of that section ~~and sections 3702.51 to 3702.62 of the Revised Code. If, after the director has certified compliance, the application is amended in a manner that~~ 30895  
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~~affects its approval under section 1751.04 of the Revised Code, 30901  
the superintendent shall request the director to review and 30902  
recertify the amended plan of operation. Within forty five days of 30903  
receipt of the amended plan from the superintendent, the director 30904  
shall certify to the superintendent, pursuant to section 1751.04 30905  
of the Revised Code, whether or not the amended plan meets the 30906  
requirements of section 1751.04 of the Revised Code. The 30907  
superintendent's forty five day review period shall cease to run 30908  
as of the date on which the amended plan is transmitted to the 30909  
director and shall remain suspended until the superintendent 30910  
receives a new certification from the director. 30911~~

(3) The applicant constitutes an appropriate mechanism to 30912  
effectively provide or arrange for the provision of the basic 30913  
health care services, supplemental health care services, or 30914  
specialty health care services to be provided to enrollees. 30915

(4) The applicant is financially responsible, complies with 30916  
section 1751.28 of the Revised Code, and may reasonably be 30917  
expected to meet its obligations to enrollees and prospective 30918  
enrollees. In making this determination, the superintendent may 30919  
consider: 30920

(a) The financial soundness of the applicant's arrangements 30921  
for health care services, including the applicant's proposed 30922  
contractual periodic prepayments or premiums and the use of 30923  
copayments and deductibles; 30924

(b) The adequacy of working capital; 30925

(c) Any agreement with an insurer, a government, or any other 30926  
person for insuring the payment of the cost of health care 30927  
services or providing for automatic applicability of an 30928  
alternative coverage in the event of discontinuance of the health 30929  
insuring corporation's operations; 30930

(d) Any agreement with providers or health care facilities 30931

for the provision of health care services; 30932

(e) Any deposit of securities submitted in accordance with 30933  
section 1751.27 of the Revised Code as a guarantee that the 30934  
obligations will be performed. 30935

(5) The applicant has submitted documentation of an 30936  
arrangement to provide health care services to its enrollees until 30937  
the expiration of the enrollees' contracts with the applicant if a 30938  
health care plan or the operations of the health insuring 30939  
corporation are discontinued prior to the expiration of the 30940  
enrollees' contracts. An arrangement to provide health care 30941  
services may be made by using any one, or any combination, of the 30942  
following methods: 30943

(a) The maintenance of insolvency insurance; 30944

(b) A provision in contracts with providers and health care 30945  
facilities, but no health insuring corporation shall rely solely 30946  
on such a provision for more than thirty days; 30947

(c) An agreement with other health insuring corporations or 30948  
insurers, providing enrollees with automatic conversion rights 30949  
upon the discontinuation of a health care plan or the health 30950  
insuring corporation's operations; 30951

(d) Such other methods as approved by the superintendent. 30952

(6) Nothing in the applicant's proposed method of operation, 30953  
as shown by the information submitted pursuant to section 1751.03 30954  
of the Revised Code or by independent investigation, will cause 30955  
harm to an enrollee or to the public at large, as determined by 30956  
the superintendent. 30957

(7) Any deficiencies ~~certified~~ identified by the ~~director~~ 30958  
superintendent under section 1751.04 of the Revised Code have been 30959  
corrected. 30960

(8) The applicant has deposited securities as set forth in 30961

section 1751.27 of the Revised Code. 30962

(C) If an applicant elects to fulfill the requirements of 30963  
division ~~(A)~~(B)(5) of this section through an agreement with other 30964  
health insuring corporations or insurers, the agreement shall 30965  
require those health insuring corporations or insurers to give 30966  
thirty days' notice to the superintendent prior to cancellation or 30967  
discontinuation of the agreement for any reason. 30968

(D) A certificate of authority shall be denied only after 30969  
compliance with the requirements of section 1751.36 of the Revised 30970  
Code. 30971

**Sec. 1751.14.** (A) ~~Any~~ Notwithstanding section 3901.71 of the 30972  
Revised Code, any policy, contract, or agreement for health care 30973  
services authorized by this chapter that is issued, delivered, or 30974  
renewed in this state and that provides that coverage of an 30975  
unmarried dependent child will terminate upon attainment of the 30976  
limiting age for dependent children specified in the policy, 30977  
contract, or agreement, shall also provide in substance ~~that~~ both 30978  
of the following: 30979

(1) Once an unmarried child has attained the limiting age for 30980  
dependent children, as provided in the policy, contract, or 30981  
agreement, upon the request of the subscriber, the health insuring 30982  
corporation shall offer to cover the unmarried child until the 30983  
child attains twenty-nine years of age if all of the following are 30984  
true: 30985

(a) The child is a resident of this state or a full-time 30986  
student at an accredited public or private institution of higher 30987  
education. 30988

(b) The child is not employed by an employer that offers any 30989  
health benefit plan under which the child is eligible for 30990  
coverage. 30991

(c) The child is not eligible for coverage under the medicaid program established under Chapter 5111. of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395. 30992  
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(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of the a dependent child if the child is and continues to be both of the following: 30996  
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+1)(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap; 31000  
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+2)(b) Primarily dependent upon the subscriber for support and maintenance. 31002  
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(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the health insuring corporation within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the health insuring corporation may require proof satisfactory to it of the continuance of such incapacity and dependency. 31004  
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(C) Nothing in this section shall do any of the following: 31011

(1) Require that any policy, contract, or agreement offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the policy, contract, or agreement; 31012  
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(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the policy, contract, or agreement; 31016  
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(3) Require an employer to offer health insurance coverage to the dependents of any employee. 31020  
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(D) This section does not apply to any health insuring corporation policy, contract, or agreement offering only supplemental health care services or specialty health care services.

(E) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following:

(1) A public employee benefit plan;

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.

**Sec. 1751.15.** (A) After a health insuring corporation has furnished, directly or indirectly, basic health care services for a period of twenty-four months, and if it currently meets the financial requirements set forth in section 1751.28 of the Revised Code and had net income as reported to the superintendent of insurance for at least one of the preceding four calendar quarters, it shall hold an annual open enrollment period of not less than thirty days during its month of licensure for individuals who are not federally eligible individuals at the time they apply for enrollment.

(B) During the open enrollment period described in division (A) of this section, the health insuring corporation shall accept applicants and their dependents in the order in which they apply for enrollment and in accordance with any of the following:

(1) Up to its capacity, as determined by the health insuring corporation subject to review by the superintendent;

(2) If less than its capacity, ~~one~~ the health insuring corporation shall not be required to accept applicants under this section if the total number of subscribers covered by the health insuring corporation under this section and section 3923.581 of

the Revised Code exceeds four and one-half per cent of the health 31052  
insuring corporation's total number of subscribers residing in 31053  
this state as of the immediately preceding thirty-first day of 31054  
December. 31055

(C) Premiums charged to individuals for open enrollment 31056  
coverage under this section shall not exceed an amount that is one 31057  
and one-half times the base rate for coverage offered to any other 31058  
individual to which the health insuring corporation is currently 31059  
accepting new business, and for which similar copayments and 31060  
deductibles are applied. 31061

(D) Where a health insuring corporation demonstrates to the 31062  
satisfaction of the superintendent that such open enrollment would 31063  
jeopardize its economic viability, the superintendent may do any 31064  
of the following: 31065

(1) Waive the requirement for open enrollment; 31066

(2) Impose a limit on the number of applicants and their 31067  
dependents that must be enrolled; 31068

(3) Authorize such underwriting restrictions upon open 31069  
enrollment as are necessary to do any of the following: 31070

(a) Preserve its financial stability; 31071

(b) Prevent excessive adverse selection; 31072

(c) Avoid unreasonably high or unmarketable charges for 31073  
coverage of health care services. 31074

~~(D)~~(E)(1) A request to the superintendent under division 31075  
~~(C)~~(D) of this section for any restriction, limit, or waiver 31076  
during an open enrollment period must be accompanied by supporting 31077  
documentation, including financial data. In reviewing the request, 31078  
the superintendent may consider various factors, including the 31079  
size of the health insuring corporation, the health insuring 31080  
corporation's net worth and profitability, the health insuring 31081

corporation's delivery system structure, and the effect on 31082  
profitability of prior open enrollments. 31083

(2) Any action taken by the superintendent under division 31084  
~~(C)~~(D) of this section shall be effective for a period of not more 31085  
than one year. At the expiration of such time, a new demonstration 31086  
of the health insuring corporation's need for the restriction, 31087  
limit, or waiver shall be made before a new restriction, limit, or 31088  
waiver is granted by the superintendent. 31089

(3) Irrespective of the granting of any restriction, limit, 31090  
or waiver by the superintendent, a health insuring corporation may 31091  
reject an applicant or a dependent of the applicant during its 31092  
open enrollment period if the applicant or dependent: 31093

(a) Was eligible for and was covered under any 31094  
employer-sponsored health care coverage, or if employer-sponsored 31095  
health care coverage was available at the time of open enrollment; 31096

(b) Is eligible for continuation coverage under state or 31097  
federal law; 31098

(c) Is eligible for medicare, and the health insuring 31099  
corporation does not have an agreement on appropriate payment 31100  
mechanisms with the governmental agency administering the medicare 31101  
program. 31102

~~(E)~~(F) A health insuring corporation shall not be required 31103  
either to enroll applicants or their dependents who are confined 31104  
to a health care facility because of chronic illness, permanent 31105  
injury, or other infirmity that would cause economic impairment to 31106  
the health insuring corporation if such applicants or their 31107  
dependents were enrolled or to make the effective date of benefits 31108  
for applicants or their dependents enrolled under this section 31109  
earlier than ninety days after the date of enrollment. 31110

~~(F)~~(G) A health insuring corporation shall not be required to 31111  
cover the fees or costs, or both, for any basic health care 31112

service related to a transplant of a body organ if the transplant 31113  
occurs within one year after the effective date of an enrollee's 31114  
coverage under this section. This limitation on coverage does not 31115  
apply to a newly born child who meets the requirements for 31116  
coverage under section 1751.61 of the Revised Code. 31117

~~(G)~~(H) Each health insuring corporation required to hold an 31118  
open enrollment pursuant to division (A) of this section shall 31119  
file with the superintendent, not later than sixty days prior to 31120  
the commencement of the proposed open enrollment period, the 31121  
following documents: 31122

(1) The proposed public notice of open enrollment; 31123

(2) The evidence of coverage approved pursuant to section 31124  
1751.11 of the Revised Code that will be used during open 31125  
enrollment; 31126

(3) The contractual periodic prepayment and premium rate 31127  
approved pursuant to this section and section 1751.12 of the 31128  
Revised Code that will be applicable during open enrollment; 31129

(4) Any solicitation document approved pursuant to section 31130  
1751.31 of the Revised Code to be sent to applicants, including 31131  
the application form that will be used during open enrollment; 31132

(5) A list of the proposed dates of publication of the public 31133  
notice, and the names of the newspapers in which the notice will 31134  
appear; 31135

(6) Any request for a restriction, limit, or waiver with 31136  
respect to the open enrollment period, along with any supporting 31137  
documentation. 31138

~~(H)~~(I)(1) An open enrollment period shall not satisfy the 31139  
requirements of this section unless the health insuring 31140  
corporation provides adequate public notice in accordance with 31141  
divisions ~~(H)~~(I)(2) and (3) of this section. No public notice 31142



shall be used until the form of the public notice has been filed 31143  
by the health insuring corporation with the superintendent. If the 31144  
superintendent does not disapprove the public notice within sixty 31145  
days after it is filed, it shall be deemed approved, unless the 31146  
superintendent sooner gives approval for the public notice. If the 31147  
superintendent determines within this sixty-day period that the 31148  
public notice fails to meet the requirements of this section, the 31149  
superintendent shall so notify the health insuring corporation and 31150  
it shall be unlawful for the health insuring corporation to use 31151  
the public notice. Such disapproval shall be effected by a written 31152  
order, which shall state the grounds for disapproval and shall be 31153  
issued in accordance with Chapter 119. of the Revised Code. 31154

31155

(2) A public notice pursuant to division ~~(H)~~(I)(1) of this 31156  
section shall be published in at least one newspaper of general 31157  
circulation in each county in the health insuring corporation's 31158  
service area, at least once in each of the two weeks immediately 31159  
preceding the month in which the open enrollment is to occur and 31160  
in each week of that month, or until the enrollment limitation is 31161  
reached, whichever occurs first. The notice published during the 31162  
last week of open enrollment shall appear not less than five days 31163  
before the end of the open enrollment period. It shall be at least 31164  
two newspaper columns wide or two and one-half inches wide, 31165  
whichever is larger. The first two lines of the text shall be 31166  
published in not less than twelve-point, boldface type. The 31167  
remainder of the text of the notice shall be published in not less 31168  
than eight-point type. The entire public notice shall be 31169  
surrounded by a continuous black line not less than one-eighth of 31170  
an inch wide. 31171

(3) The following information shall be included in the public 31172  
notice provided under division ~~(H)~~(I)(2) of this section: 31173

(a) The dates that open enrollment will be held and the date 31174

coverage obtained under the open enrollment will become effective;	31175
(b) Notice that an applicant or the applicant's dependents will not be denied coverage during open enrollment because of a preexisting health condition, but that some limitations and restrictions may apply;	31176 31177 31178 31179
(c) The address where a person may obtain an application;	31180
(d) The telephone number that a person may call to request an application or to ask questions;	31181 31182
(e) The date the first payment will be due;	31183
(f) The actual rates or range of rates that will be applicable for applicants;	31184 31185
(g) Any limitation granted by the superintendent on the number of applications that will be accepted by the health insuring corporation.	31186 31187 31188
(4) Within thirty days after the end of an open enrollment period, the health insuring corporation shall submit to the superintendent proof of publication for the public notices, and shall report the total number of applicants and their dependents enrolled during the open enrollment period.	31189 31190 31191 31192 31193
<del>(I)</del> (J)(1) No health insuring corporation may employ any scheme, plan, or device that restricts the ability of any person to enroll during open enrollment.	31194 31195 31196
(2) No health insuring corporation may require enrollment to be made in person. Every health insuring corporation shall permit application for coverage by mail. A representative of the health insuring corporation may visit an applicant who has submitted an application by mail, in order to explain the operations of the health insuring corporation and to answer any questions the applicant may have. Every health insuring corporation shall make open enrollment applications and solicitation documents readily	31197 31198 31199 31200 31201 31202 31203 31204

available to any potential applicant who requests such material. 31205

~~(J)~~(K) An application postmarked on the last day of an open 31206  
enrollment period shall qualify as a valid application, regardless 31207  
of the date on which it is received by the health insuring 31208  
corporation. 31209

~~(K)~~(L) This section does not apply to any of the following: 31210

(1) Any health insuring corporation that offers only 31211  
supplemental health care services or specialty health care 31212  
services; 31213

(2) Any health insuring corporation that offers plans only 31214  
through medicare, medicaid, or the children's buy-in program and 31215  
that has no other commercial enrollment; 31216

(3) Any health insuring corporation that offers plans only 31217  
through other federal health care programs regulated by federal 31218  
regulatory bodies and that has no other commercial enrollment; 31219

(4) Any health insuring corporation that offers plans only 31220  
through contracts covering officers or employees of the state that 31221  
have been entered into by the department of administrative 31222  
services and that has no other commercial enrollment. 31223

~~(I)~~(M) Each health insuring corporation shall accept 31224  
federally eligible individuals for open enrollment coverage as 31225  
provided in section 3923.581 of the Revised Code. A health 31226  
insuring corporation may reinsure coverage of any federally 31227  
eligible individual acquired under that section with the open 31228  
enrollment reinsurance program in accordance with division (G) of 31229  
section 3924.11 of the Revised Code. Fixed periodic prepayment 31230  
rates charged for coverage reinsured by the program shall be 31231  
established in accordance with section 3924.12 of the Revised 31232  
Code. 31233

~~(M)~~(N) As used in this section, ~~"federally:~~ 31234

(1) "Base rate" means, as to any health benefit plan that is issued by a health insuring corporation in the individual market, the lowest premium rate for new or existing business prescribed by the health insuring corporation for the same or similar coverage under a plan or arrangement covering any individual with similar case characteristics.

(2) "Federally eligible individual" means an eligible individual as defined in 45 C.F.R. 148.103.

**Sec. 1751.16.** (A) Except as provided in division (F) of this section, every group contract issued by a health insuring corporation shall provide an option for conversion to an individual contract issued on a direct-payment basis to any subscriber covered by the group contract who terminates employment or membership in the group, unless:

(1) Termination of the conversion option or contract is based upon nonpayment of premium after reasonable notice in writing has been given by the health insuring corporation to the subscriber.

(2) The subscriber is, or is eligible to be, covered for benefits at least comparable to the group contract under any of the following:

(a) Medicare;

(b) Any act of congress or law under this or any other state of the United States providing coverage at least comparable to the benefits under division (A)(2)(a) of this section;

(c) Any policy of insurance or health care plan providing coverage at least comparable to the benefits under division (A)(2)(a) of this section.

(B)(1) The direct-payment contract offered by the health insuring corporation pursuant to division (A) of this section shall provide the following:

(a) In the case of an individual who is not a federally 31265  
eligible individual, benefits comparable to benefits in any of the 31266  
individual contracts then being issued to individual subscribers 31267  
by the health insuring corporation; 31268

(b) In the case of a federally eligible individual, a basic 31269  
and standard plan established ~~by the board of directors of the~~ 31270  
~~Ohio health reinsurance program~~ under section 3924.10 of the 31271  
Revised Code or plans substantially similar to the basic and 31272  
standard plan in benefit design and scope of covered services. For 31273  
purposes of division (B)(1)(b) of this section, the superintendent 31274  
of insurance shall determine whether a plan is substantially 31275  
similar to the basic or standard plan in benefit design and scope 31276  
of covered services. The contractual periodic prepayments charged 31277  
for such plans may not exceed an amount that is ~~two~~ one and 31278  
one-half times the ~~midpoint of the standard~~ base rate charged any 31279  
other individual of a group to which the organization is currently 31280  
accepting new business and for which similar copayments and 31281  
deductibles are applied. 31282

(2) The direct payment contract offered pursuant to division 31283  
(A) of this section may include a coordination of benefits 31284  
provision as approved by the superintendent. 31285

(3) For purposes of division (B) of this section "~~federally:~~ 31286

(a) "Federally eligible individual" means an eligible 31287  
individual as defined in 45 C.F.R. 148.103. 31288

(b) "Base rate" means, as to any health benefit plan that is 31289  
issued by a health insuring corporation in the individual market, 31290  
the lowest premium rate for new or existing business prescribed by 31291  
the health insuring corporation for the same or similar coverage 31292  
under a plan or arrangement covering any individual with similar 31293  
case characteristics. 31294

(C) The option for conversion shall be available: 31295

(1) Upon the death of the subscriber, to the surviving spouse 31296  
with respect to such of the spouse and dependents as are then 31297  
covered by the group contract; 31298

(2) To a child solely with respect to the child upon the 31299  
child's attaining the limiting age of coverage under the group 31300  
contract while covered as a dependent under the contract; 31301

(3) Upon the divorce, dissolution, or annulment of the 31302  
marriage of the subscriber, to the divorced spouse, or, in the 31303  
event of annulment, to the former spouse of the subscriber. 31304

(D) No health insuring corporation shall use age or health 31305  
status as the basis for refusing to renew a converted contract. 31306

(E) Written notice of the conversion option provided by this 31307  
section shall be given to the subscriber by the health insuring 31308  
corporation by mail. The notice shall be sent to the subscriber's 31309  
address in the records of the employer upon receipt of notice from 31310  
the employer of the event giving rise to the conversion option. If 31311  
the subscriber has not received notice of the conversion privilege 31312  
at least fifteen days prior to the expiration of the thirty-day 31313  
conversion period, then the subscriber shall have an additional 31314  
period within which to exercise the privilege. This additional 31315  
period shall expire fifteen days after the subscriber receives 31316  
notice, but in no event shall the period extend beyond sixty days 31317  
after the expiration of the thirty-day conversion period. 31318

(F) This section does not apply to any group contract 31319  
offering only supplemental health care services or specialty 31320  
health care services. 31321

**Sec. 1751.19.** (A) A health insuring corporation shall 31322  
establish and maintain a complaint system that has been approved 31323  
by the superintendent of insurance to provide adequate and 31324  
reasonable procedures for the expeditious resolution of written 31325

complaints initiated by subscribers or enrollees concerning any 31326  
matter relating to services provided, directly or indirectly, by 31327  
the health insuring corporation, including, but not limited to, 31328  
complaints regarding cancellations or nonrenewals of coverage. 31329  
Complaints regarding a health insuring corporation's decision to 31330  
deny, reduce, or terminate coverage for health care services are 31331  
subject to section 1751.83 of the Revised Code. 31332

(B) A health insuring corporation shall provide a timely 31333  
written response to each written complaint it receives. 31334

(C)(1) Copies of complaints and responses, including medical 31335  
records related to those complaints, shall be available to the 31336  
superintendent ~~and the director of health~~ for inspection for three 31337  
years. Any document or information provided to the superintendent 31338  
pursuant to this division that contains a medical record is 31339  
confidential, and is not a public record subject to section 149.43 31340  
of the Revised Code. 31341

(2) Notwithstanding division (C)(1) of this section, the 31342  
superintendent may share documents and information that contain a 31343  
medical record in connection with the investigation or prosecution 31344  
of any illegal or criminal activity with the chief deputy 31345  
rehabilitator, the chief deputy liquidator, other deputy 31346  
rehabilitators and liquidators, and any other person employed by, 31347  
or acting on behalf of, the superintendent pursuant to Chapter 31348  
3901. or 3903. of the Revised Code, with other local, state, 31349  
federal, and international regulatory and law enforcement 31350  
agencies, with local, state, and federal prosecutors, and with the 31351  
national association of insurance commissioners and its affiliates 31352  
and subsidiaries, provided that the recipient agrees to maintain 31353  
the confidential or privileged status of the confidential or 31354  
privileged document or information and has authority to do so. 31355

(3) Nothing in this section shall prohibit the superintendent 31356  
from receiving documents and information in accordance with 31357

section 3901.045 of the Revised Code. 31358

(4) The superintendent may enter into agreements governing 31359  
the sharing and use of documents and information consistent with 31360  
the requirements of this section. 31361

(5) No waiver of any applicable privilege or claim of 31362  
confidentiality in the documents and information described in 31363  
division (C)(1) of this section occurs as a result of sharing or 31364  
receiving documents and information as authorized in divisions 31365  
(C)(2) and (3) of this section. 31366

(D) A health insuring corporation shall establish and 31367  
maintain a procedure to accept complaints over the telephone or in 31368  
person. These complaints are not subject to the reporting 31369  
requirement under division (C) of section 1751.32 of the Revised 31370  
Code. 31371

(E) A health insuring corporation may comply with this 31372  
section and section 1751.83 of the Revised Code by establishing 31373  
one system for receiving and reviewing complaints and requests for 31374  
internal review from enrollees and subscribers if the system meets 31375  
the requirements of both sections. 31376

**Sec. 1751.32.** Each health insuring corporation, annually, on 31377  
or before the first day of March, shall file a report with the 31378  
superintendent of insurance ~~and the director of health~~, covering 31379  
the preceding calendar year. 31380

The report shall be verified by an officer of the health 31381  
insuring corporation, shall be in the form the superintendent 31382  
prescribes, and shall include: 31383

(A) A financial statement of the health insuring corporation, 31384  
including its balance sheet and receipts and disbursements for the 31385  
preceding year, which reflect, at a minimum: 31386

(1) All premium rate and other payments received for health 31387



care services rendered;	31388
(2) Expenditures with respect to all categories of providers, facilities, insurance companies, and other persons engaged to fulfill obligations of the health insuring corporation arising out of its health care policies, contracts, certificates, and agreements;	31389 31390 31391 31392 31393
(3) Expenditures for capital improvements or additions thereto, including, but not limited to, construction, renovation, or purchase of facilities and equipment.	31394 31395 31396
(B) A description of the enrollee population and composition, group and nongroup;	31397 31398
(C) A summary of enrollee written complaints and their disposition;	31399 31400
(D) A statement of the number of subscriber policies, contracts, certificates, and agreements that have been terminated by action of the health insuring corporation, including the number of enrollees affected;	31401 31402 31403 31404
(E) A summary of the information compiled pursuant to division (B)(5) of section 1751.04 of the Revised Code;	31405 31406
(F) A current report of the names and addresses of the persons responsible for the conduct of the affairs of the health insuring corporation as required by section 1751.03 of the Revised Code. Additionally, the report shall include the amount of wages, expense reimbursements, and other payments to these persons for services to the health insuring corporation, and shall include a full disclosure of the financial interests related to the operations of the health insuring corporation acquired by these persons during the preceding year.	31407 31408 31409 31410 31411 31412 31413 31414 31415
(G) An actuarial opinion in the form prescribed by the superintendent by rule;	31416 31417

(H) Any other information relating to the performance of the 31418  
health insuring corporation that is necessary to enable the 31419  
superintendent to carry out the superintendent's duties under this 31420  
chapter. 31421

**Sec. 1751.321.** Each health insuring corporation, annually, on 31422  
or before the first day of June, shall file with the 31423  
superintendent of insurance ~~and the director of health~~ an audit 31424  
report certified by an independent certified public accountant 31425  
covering the preceding calendar year. The report shall be verified 31426  
by an officer of the health insuring corporation and shall be in 31427  
the form prescribed by the superintendent by rule. 31428

**Sec. 1751.34.** (A) Each health insuring corporation and each 31429  
applicant for a certificate of authority under this chapter shall 31430  
be subject to examination by the superintendent of insurance in 31431  
accordance with section 3901.07 of the Revised Code. Section 31432  
3901.07 of the Revised Code shall govern every aspect of the 31433  
examination, including the circumstances under and frequency with 31434  
which it is conducted, the authority of the superintendent and any 31435  
examiner or other person appointed by the superintendent, the 31436  
liability for the assessment of expenses incurred in conducting 31437  
the examination, and the remittance of the assessment to the 31438  
superintendent's examination fund. 31439

(B) The ~~director of health~~ superintendent shall make an 31440  
examination concerning the matters subject to the ~~director's~~ 31441  
superintendent's consideration in section 1751.04 of the Revised 31442  
Code as often as the ~~director~~ superintendent considers it 31443  
necessary for the protection of the interests of the people of 31444  
this state, ~~but not less frequently than once every three years.~~ 31445  
The expenses of such examinations shall be assessed against the 31446  
health insuring corporation being examined in the manner in which 31447  
expenses of examinations are assessed against an insurance company 31448

under section 3901.07 of the Revised Code. Nothing in this 31449  
division requires the ~~director~~ superintendent to make an 31450  
examination of any of the following: 31451

(1) A health insuring corporation that covers solely medicaid 31452  
recipients; 31453

(2) A health insuring corporation that covers solely medicare 31454  
beneficiaries; 31455

(3) A health insuring corporation that covers solely medicaid 31456  
recipients and medicare beneficiaries; 31457

(4) A health insuring corporation that covers solely 31458  
participants of the children's buy-in program; 31459

(5) A health insuring corporation that covers solely medicaid 31460  
recipients and participants of the children's buy-in program; 31461

(6) A health insuring corporation that covers solely medicaid 31462  
recipients, medicare beneficiaries, and participants of the 31463  
children's buy-in program. 31464

(C) An examination, pursuant to section 3901.07 of the 31465  
Revised Code, of an insurance company holding a certificate of 31466  
authority under this chapter to organize and operate a health 31467  
insuring corporation shall include an examination of the health 31468  
insuring corporation pursuant to this section and the examination 31469  
shall satisfy the requirements of divisions (A) and (B) of this 31470  
section. 31471

(D) The superintendent may conduct market conduct 31472  
examinations pursuant to section 3901.011 of the Revised Code of 31473  
any health insuring corporation as often as the superintendent 31474  
considers it necessary for the protection of the interests of 31475  
subscribers and enrollees. The expenses of such market conduct 31476  
examinations shall be assessed against the health insuring 31477  
corporation being examined. All costs, assessments, or fines 31478

collected under this division shall be paid into the state 31479  
treasury to the credit of the department of insurance operating 31480  
fund. 31481

**Sec. 1751.35.** (A) The superintendent of insurance may suspend 31482  
or revoke any certificate of authority issued to a health insuring 31483  
corporation under this chapter if the superintendent finds that: 31484  
31485

(1) The health insuring corporation is operating in 31486  
contravention of its articles of incorporation, its health care 31487  
plan or plans, or in a manner contrary to that described in and 31488  
reasonably inferred from any other information submitted under 31489  
section 1751.03 of the Revised Code, unless amendments to such 31490  
submissions have been filed and have taken effect in compliance 31491  
with this chapter. 31492

(2) The health insuring corporation fails to issue evidences 31493  
of coverage in compliance with the requirements of section 1751.11 31494  
of the Revised Code. 31495

(3) The contractual periodic prepayments or premium rates 31496  
used do not comply with the requirements of section 1751.12 of the 31497  
Revised Code. 31498

(4) The health insuring corporation enters into a contract, 31499  
agreement, or other arrangement with any health care facility or 31500  
provider, that does not comply with the requirements of section 31501  
1751.13 of the Revised Code, or the corporation fails to provide 31502  
an annual certificate as required by section 1751.13 of the 31503  
Revised Code. 31504

(5) The ~~director of health has certified~~ superintendent 31505  
determines, after a hearing conducted in accordance with Chapter 31506  
119. of the Revised Code, that the health insuring corporation no 31507  
longer meets the requirements of section 1751.04 of the Revised 31508

Code.	31509
(6) The health insuring corporation is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees.	31510 31511 31512
(7) The health insuring corporation has failed to implement the complaint system that complies with the requirements of section 1751.19 of the Revised Code.	31513 31514 31515
(8) The health insuring corporation, or any agent or representative of the corporation, has advertised, merchandised, or solicited on its behalf in contravention of the requirements of section 1751.31 of the Revised Code.	31516 31517 31518 31519
(9) The health insuring corporation has unlawfully discriminated against any enrollee or prospective enrollee with respect to enrollment, disenrollment, or price or quality of health care services.	31520 31521 31522 31523
(10) The continued operation of the health insuring corporation would be hazardous or otherwise detrimental to its enrollees.	31524 31525 31526
(11) The health insuring corporation has submitted false information in any filing or submission required under this chapter or any rule adopted under this chapter.	31527 31528 31529
(12) The health insuring corporation has otherwise failed to substantially comply with this chapter or any rule adopted under this chapter.	31530 31531 31532
(13) The health insuring corporation is not operating a health care plan.	31533 31534
(14) The health insuring corporation has failed to comply with any of the requirements of sections 1751.77 to 1751.88 of the Revised Code.	31535 31536 31537
(B) A certificate of authority shall be suspended or revoked	31538

only after compliance with the requirements of Chapter 119. of the Revised Code.

(C) When the certificate of authority of a health insuring corporation is suspended, the health insuring corporation, during the period of suspension, shall not enroll any additional subscribers or enrollees except newborn children or other newly acquired dependents of existing subscribers or enrollees, and shall not engage in any advertising or solicitation whatsoever.

(D) When the certificate of authority of a health insuring corporation is revoked, the health insuring corporation, following the effective date of the order of revocation, shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the health insuring corporation. The health insuring corporation shall engage in no further advertising or solicitation whatsoever. The superintendent, by written order, may permit such further operation of the health insuring corporation as the superintendent may find to be in the best interest of enrollees, to the end that enrollees will be afforded the greatest practical opportunity to obtain continuing health care coverage.

**Sec. 1751.36.** (A) When the superintendent of insurance has cause to believe that grounds for the denial of an application for a certificate of authority exist, or that grounds for the suspension or revocation of a certificate of authority exist, the superintendent shall notify the applicant or health insuring corporation ~~and the director of health~~ in writing, specifically stating the grounds for the denial, suspension, or revocation and setting a date of at least thirty days after the notification for a hearing on the matter.

(B) ~~The recommendations and findings of the director of health with respect to matters subject to the director's~~

~~consideration under section 1751.04 of the Revised Code, provided 31570  
in connection with any decision regarding the denial, suspension, 31571  
or revocation of a certificate of authority, shall be reviewed and 31572  
considered by the superintendent. After the hearing authorized by 31573  
division (A) of this section, or upon the failure of the applicant 31574  
or health insuring corporation to appear at the hearing, the 31575  
superintendent shall take such action as in accordance with law 31576  
and the evidence. The action shall be set out in written findings 31577  
which shall be mailed to the applicant or health insuring 31578  
corporation with a copy to the director of health. The action of 31579  
the superintendent is subject to review in accordance with Chapter 31580  
119. of the Revised Code, except that a certification by the 31581  
director under division (D) of section 1751.04 or division (A)(5) 31582  
of section 1751.35 of the Revised Code that was made in accordance 31583  
with Chapter 119. of the Revised Code shall be final as to the 31584  
matters certified. 31585~~

(C) Chapter 119. of the Revised Code applies to proceedings 31586  
under this section to the extent that it is not in conflict with 31587  
divisions (A) and (B) of this section. 31588

**Sec. 1751.45.** (A) In lieu of the suspension or revocation of 31589  
a certificate of authority under section 1751.35 of the Revised 31590  
Code, the superintendent of insurance, pursuant to an adjudication 31591  
hearing initiated and conducted in accordance with Chapter 119. of 31592  
the Revised Code, or by consent of the health insuring corporation 31593  
without an adjudication hearing, may levy an administrative 31594  
penalty. The administrative penalty shall be in an amount 31595  
determined by the superintendent, but the administrative penalty 31596  
shall not exceed one hundred thousand dollars per violation. 31597  
Additionally, the superintendent may require the health insuring 31598  
corporation to correct any deficiency that may be the basis for 31599  
the suspension or revocation of the health insuring corporation's 31600  
certificate of authority. All penalties collected shall be paid 31601

into the state treasury to the credit of the department of 31602  
insurance operating fund. 31603

(B) If the superintendent ~~or the director of health~~ for any 31604  
reason has cause to believe that any violation of this chapter has 31605  
occurred or is threatened, the superintendent ~~or the director~~ may 31606  
give notice to the health insuring corporation and to the 31607  
representatives or other persons who appear to be involved in the 31608  
suspected violation to arrange a conference with the suspected 31609  
violators or their authorized representatives for the purpose of 31610  
attempting to ascertain the facts relating to the suspected 31611  
violation, and, if it appears that any violation has occurred or 31612  
is threatened, to arrive at an adequate and effective means of 31613  
correcting or preventing the violation. 31614

Proceedings under this division shall not be covered by any 31615  
formal procedural requirements, and may be conducted in the manner 31616  
the superintendent ~~or the director of health~~ may consider 31617  
appropriate under the circumstances. 31618

(C)(1) The superintendent may issue an order directing a 31619  
health insuring corporation or a representative of the health 31620  
insuring corporation to cease and desist from engaging in any act 31621  
or practice in violation of this chapter. Within thirty days after 31622  
service of the order to cease and desist, the respondent may 31623  
request a hearing on the question of whether acts or practices in 31624  
violation of this chapter have occurred. Such hearings shall be 31625  
conducted in accordance with Chapter 119. of the Revised Code and 31626  
judicial review shall be available as provided by that chapter. 31627

(2) If the superintendent has reasonable cause to believe 31628  
that an order issued pursuant to this division has been violated 31629  
in whole or in part, the superintendent may request the attorney 31630  
general to commence and prosecute any appropriate action or 31631  
proceeding in the name of the state against the violators in the 31632  
court of common pleas of Franklin county. The court in any such 31633



action or proceeding may levy civil penalties, not to exceed one 31634  
hundred thousand dollars per violation, in addition to any other 31635  
appropriate relief, including requiring a violator to pay the 31636  
expenses reasonably incurred by the superintendent in enforcing 31637  
the order. The penalties and fees collected under this division 31638  
shall be paid into the state treasury to the credit of the 31639  
department of insurance operating fund. 31640

**Sec. 1751.46.** (A) The superintendent of insurance ~~and the~~ 31641  
~~director of health~~ may contract with qualified persons to make 31642  
recommendations concerning the determinations required to be made 31643  
by the superintendent ~~or the director~~ relative to an expansion of 31644  
a service area pursuant to division (C) of section 1751.03 of the 31645  
Revised Code, an application for a certificate of authority 31646  
pursuant to sections 1751.04 and 1751.05 of the Revised Code, a 31647  
contractual periodic prepayment or premium rate pursuant to 31648  
section 1751.12 of the Revised Code, and an examination pursuant 31649  
to division (B) of section 1751.34 of the Revised Code. The 31650  
recommendations may be accepted in full or in part, or may be 31651  
rejected, by the superintendent ~~or director~~. 31652

The total cost of a contract with a qualified person pursuant 31653  
to this division shall represent the fair market value of the 31654  
services provided and shall be borne by the health insuring 31655  
corporation that is the subject of the determination required to 31656  
be made by the superintendent ~~or the director~~. 31657

(B) No qualified person placed on contract by the 31658  
superintendent ~~or the director~~ pursuant to division (A) of this 31659  
section shall have a conflict of interest with the department of 31660  
insurance, ~~the department of health~~, or the health insuring 31661  
corporation. 31662

**Sec. 1751.48.** ~~(A)~~ The superintendent of insurance may adopt 31663

rules as are necessary to carry out the provisions of this 31664  
chapter. These rules shall be adopted in accordance with Chapter 31665  
119. of the Revised Code. 31666

~~(B) The director of health may make recommendations to the 31667  
superintendent for rules that are necessary to enable the director 31668  
to carry out the director's responsibilities under this chapter, 31669  
including rules that prescribe standards relating to the 31670  
requirements set forth in division (B) of section 1751.04 of the 31671  
Revised Code. In adopting any rules pertaining to the director's 31672  
responsibilities, the superintendent shall consider the 31673  
recommendations of the director. 31674~~

Sec. 1751.68. (A) Notwithstanding section 3901.71 of the 31675  
Revised Code, no health insuring corporation policy, contract, or 31676  
agreement that provides basic health care services that is 31677  
delivered, issued for delivery, or renewed in this state shall 31678  
exclude coverage for the screening and diagnosis of autism 31679  
spectrum disorders or for any of the following services when those 31680  
services are medically necessary and are prescribed, provided, or 31681  
ordered for an individual diagnosed with an autism spectrum 31682  
disorder by a health care professional licensed or certified under 31683  
the laws of this state to prescribe, provide, or order such 31684  
services: 31685

(1) Habilitative or rehabilitative care; 31686

(2) Pharmacy care if the policy, contract, or agreement 31687  
provides coverage for other prescription drug services; 31688

(3) Psychiatric care; 31689

(4) Psychological care; 31690

(5) Therapeutic care; 31691

(6) Counseling services; 31692

(7) Any additional treatments or therapies adopted by the 31693

director of mental retardation and developmental disabilities 31694  
pursuant to division (I)(4) of section 3923.84 of the Revised 31695  
Code. 31696

(B) Coverage provided under this section shall be delineated 31697  
in a treatment plan developed by the attending psychologist or 31698  
physician and shall not be subject to any limits on the number or 31699  
duration of visits an individual may make to any autism service 31700  
provider, except as delineated in the treatment plan, if the 31701  
services are medically necessary. 31702

(C) Coverage provided under this section may be subject to 31703  
any copayment, deductible, and coinsurance provisions of the 31704  
policy, contract, or agreement to the extent that other medical 31705  
services covered by the policy, contract, or agreement are subject 31706  
to those provisions. Coverage provided under this section may be 31707  
subject to a yearly maximum limitation of thirty-six thousand 31708  
dollars on claims paid for services related to coverage provided 31709  
under this section. 31710

(D)(1) Not more than once every six months, a health insuring 31711  
corporation may request a review of any treatment provided under 31712  
this section unless the insured's licensed physician or licensed 31713  
psychologist agrees that more frequent review is necessary. The 31714  
health insuring corporation shall pay for any review requested 31715  
under this division. 31716

(2) If requested by the health insuring corporation, the 31717  
provider shall provide the health insuring corporation with an 31718  
annual treatment plan. 31719

(3) Inpatient services are not subject to the six-month 31720  
review limitations under division (D)(1) of this section. 31721

(E) This section shall not be construed as limiting benefits 31722  
otherwise available under an individual's policy, contract, or 31723  
agreement. 31724

(F) This section shall not be construed as affecting any 31725  
obligation to provide services to an individual under an 31726  
individualized family service plan developed under 20 U.S.C. 1436 31727  
or individualized service plan developed under section 5126.31 of 31728  
the Revised Code, or affecting the duty of a public school to 31729  
provide a child with a disability with a free appropriate public 31730  
education under the "Individuals with Disabilities Education 31731  
Improvement Act of 2004," 20 U.S.C. 1400 et seq., as amended, and 31732  
Chapter 3323. of the Revised Code. 31733

(G) A health insuring corporation that offers coverage for 31734  
basic health care services is not required to offer the coverage 31735  
required under division (A) of this section in combination with 31736  
the offer of coverage for basic health care services if all of the 31737  
following apply: 31738

(1) The health insuring corporation submits documentation 31739  
certified by an independent member of the American academy of 31740  
actuaries to the superintendent of insurance showing that incurred 31741  
claims for the coverage required under division (A) of this 31742  
section for a period of at least six months independently caused 31743  
the health insuring corporation's costs for claims and 31744  
administrative expenses for the coverage of all covered services 31745  
to increase by more than one per cent per year. 31746

(2) The health insuring corporation submits a signed letter 31747  
from an independent member of the American academy of actuaries to 31748  
the superintendent of insurance opining that the increase in costs 31749  
described in division (D)(1) of this section could reasonably 31750  
justify an increase of more than one per cent in the annual 31751  
premiums or rates charged by the health insuring corporation for 31752  
the coverage of basic health care services. 31753

(3) The superintendent of insurance makes the following 31754  
determinations from the documentation and opinion submitted 31755  
pursuant to divisions (D)(1) and (2) of this section: 31756

(a) Incurred claims for the coverage required under division (A) of this section for a period of at least six months independently caused the health insuring corporation's costs for claims and administrative expenses for the coverage of all covered services to increase by more than one per cent per year. 31757  
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(b) The increase in costs reasonably justifies an increase of more than one per cent in the annual premiums or rates charged by the health insuring corporation for the coverage of basic health care services. 31762  
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Any determination made by the superintendent under this division is subject to Chapter 119. of the Revised Code. 31766  
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(H) The services covered under this section shall not be considered supplemental health care services under division (B)(1) of section 1751.01 of the Revised Code. 31768  
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(I) As used in this section: 31771

(1) "Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, but not limited to, the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior. 31772  
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(2) "Autism services provider" means any person whose professional scope of practice allows treatment of autism spectrum disorders, whose services are delineated in the treatment plan under division (B) of this section, and of whom one of the following is true: 31779  
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(a) The person is licensed, certified, or registered by an appropriate agency of this state to perform the services assigned to the person in the treatment plan. 31784  
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(b) The person is directly supervised by an individual who is licensed, certified, or registered by an appropriate agency of this state to perform the services assigned to the person in the treatment plan. 31787  
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(3) "Autism spectrum disorder" means any of the pervasive developmental disorders as defined by the most recent edition of the diagnostic and statistical manual of mental disorders, published by the American psychiatric association, or if that manual is no longer published, a similar diagnostic manual. Autism spectrum disorders includes, but is not limited to, autistic disorder, Asperger's disorder, Rett's disorder, childhood disintegrative disorder, and pervasive developmental disorder. 31791  
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(4) "Diagnosis of autism spectrum disorders" means medically necessary assessments, evaluations, or tests, including but not limited to genetic and psychological tests to determine whether an individual has an autism spectrum disorder. 31799  
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(5) "Habilitative or rehabilitative care" means professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are necessary to develop, maintain, or restore the functioning of an individual to the maximum extent practicable. 31803  
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(6) "Medically necessary" means the service is based upon evidence; is prescribed, provided, or ordered by a health care professional licensed or certified under the laws of this state to prescribe, provide, or order autism-related services in accordance with accepted standards of practice; and will or is reasonably expected to do any of the following: 31808  
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(a) Prevent the onset of an illness, condition, injury, or disability; 31814  
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(b) Reduce or ameliorate the physical, mental or developmental effects of an illness, condition, injury, or 31816  
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disability; 31818

(c) Assist in achieving or maintaining maximum functional capacity for performing daily activities, taking into account both the functional capacity of the individual and the appropriate functional capacities of individuals of the same age. 31819  
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(7) "Pharmacy care" means prescribed medications and any medically necessary health-related services used to determine the need or effectiveness of the medications. 31823  
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(8) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices psychiatry. 31826  
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(9) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices psychology. 31829  
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(10) "Therapeutic care" means services, communication devices, or other adaptive devices or equipment provided by a licensed speech-language pathologist, licensed occupational therapist, or licensed physical therapist. 31832  
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**Sec. 1751.831.** The superintendent of insurance shall 31836  
establish and maintain a system for receiving and reviewing 31837  
requests for review from or on behalf of enrollees who, under 31838  
section 1751.83 of the Revised Code, have been denied coverage of 31839  
a health care service or had coverage reduced or terminated when 31840  
the grounds for the denial, reduction, or termination is that the 31841  
service is not a service covered under the terms of the enrollee's 31842  
policy, contract, or agreement. 31843

On receipt of a written request from an enrollee or 31844  
authorized person, the superintendent shall consider whether the 31845  
health care service is a service covered under the terms of the 31846  
enrollee's policy, contract, or agreement, except that the 31847

superintendent shall not conduct a review under this section 31848  
unless the enrollee has exhausted the health insuring 31849  
corporation's internal review process established pursuant to 31850  
section 1751.83 of the Revised Code. The health insuring 31851  
corporation and the enrollee or authorized person shall provide 31852  
the superintendent with any information required by the 31853  
superintendent that is in their possession and is germane to the 31854  
review. 31855

Unless the superintendent is not able to do so because making 31856  
the determination requires resolution of a medical issue, the 31857  
superintendent shall determine whether the health care service at 31858  
issue is a service covered under the terms of the enrollee's 31859  
contract, policy, or agreement. The superintendent shall notify 31860  
the enrollee, or authorized person, and the health insuring 31861  
corporation of the superintendent's determination or that the 31862  
superintendent is not able to make a determination. 31863

If the superintendent notifies the health insuring 31864  
corporation that making the determination requires the resolution 31865  
of a medical issue, the health insuring corporation shall ~~afford~~ 31866  
~~the enrollee an opportunity for~~ initiate an external review under 31867  
section 1751.84 or 1751.85 of the Revised Code. If the 31868  
superintendent notifies the health insuring corporation that the 31869  
health service is a covered service, the health insuring 31870  
corporation shall ~~either~~ cover the service ~~or afford the enrollee~~ 31871  
~~an opportunity for an external review under section 1751.84 or~~ 31872  
~~1751.85 of the Revised Code.~~ If the superintendent notifies the 31873  
health insuring corporation that the health care service is not a 31874  
covered service, the health insuring corporation is not required 31875  
to cover the service or afford the enrollee an external review. 31876

**Sec. 1751.84.** (A) Except as provided in divisions (B) and (C) 31877  
of this section, a health insuring corporation shall afford an 31878



enrollee an opportunity for an external review if both of the 31879  
following are the case: 31880

(1) The health insuring corporation has denied, reduced, or 31881  
terminated coverage for what would be a covered health care 31882  
service except for the fact that the health insuring corporation 31883  
has determined that the health care service is not medically 31884  
necessary; 31885

(2) Except in the case of an expedited review, the service, 31886  
plus any ancillary services and follow-up care, will cost the 31887  
enrollee more than five hundred dollars if the proposed service is 31888  
not covered by the health insuring corporation. 31889

External review shall be conducted in accordance with this 31890  
section, except that if an enrollee with a terminal condition 31891  
meets all of the criteria of division (A) of section 1751.85 of 31892  
the Revised Code, an external review shall be conducted under that 31893  
section. 31894

(B) An enrollee need not be afforded a review under this 31895  
section in any of the following circumstances: 31896

(1) The superintendent of insurance has determined under 31897  
section 1751.831 of the Revised Code that the health care service 31898  
is not a service covered under the terms of the enrollee's policy, 31899  
contract, or agreement. 31900

(2) Except as provided in section 1751.811 of the Revised 31901  
Code, the enrollee has failed to exhaust the health insuring 31902  
corporation's internal review process established pursuant to 31903  
section 1751.83 of the Revised Code. 31904

(3) The enrollee has previously been afforded an external 31905  
review for the same adverse determination and no new clinical 31906  
information has been submitted to the health insuring corporation. 31907

(C)(1) A health insuring corporation may deny a request for 31908

an external review of an adverse determination if it is requested 31909  
later than ~~sixty~~ one hundred eighty days after the enrollee's 31910  
receipt of notice of the result of an internal review brought 31911  
under section 1751.83 of the Revised Code. An external review may 31912  
be requested by the enrollee, an authorized person, the enrollee's 31913  
provider, or a health care facility rendering health care service 31914  
to the enrollee. The enrollee may request a review without the 31915  
approval of the provider or the health care facility rendering the 31916  
health care service. The provider or health care facility may not 31917  
request a review without the prior consent of the enrollee. 31918

(2) An external review must be requested in writing, except 31919  
that if the enrollee has a condition that requires expedited 31920  
review, the review may be requested orally or by electronic means. 31921  
When an oral or electronic request for review is made, written 31922  
confirmation of the request shall be submitted to the health 31923  
insuring corporation not later than five days after the oral or 31924  
written request is submitted. 31925

Except in the case of an expedited review, a request for an 31926  
external review must be accompanied by written certification from 31927  
the enrollee's provider or the health care facility rendering the 31928  
health care service to the enrollee that the proposed service, 31929  
plus any ancillary services and follow-up care, will cost the 31930  
enrollee more than five hundred dollars if the proposed service is 31931  
not covered by the health insuring corporation. 31932

(3) For an expedited review, the enrollee's provider must 31933  
certify that the enrollee's condition could, in the absence of 31934  
immediate medical attention, result in any of the following: 31935

(a) Placing the health of the enrollee or, with respect to a 31936  
pregnant woman, the health of the enrollee or the unborn child, in 31937  
serious jeopardy; 31938

(b) Serious impairment to bodily functions; 31939

(c) Serious dysfunction of any bodily organ or part.	31940
(D) The procedures used in conducting an external review of an adverse determination shall include all of the following:	31941 31942
(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.	31943 31944 31945
(2) Except as provided in division (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:	31946 31947 31948 31949 31950
(a) The health insuring corporation or any officer, director, or managerial employee of the health insuring corporation;	31951 31952
(b) The enrollee, the enrollee's provider, or the practice group of the enrollee's provider;	31953 31954
(c) The health care facility at which the health care service requested by the enrollee would be provided;	31955 31956
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the enrollee.	31957 31958
(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	31959 31960 31961
(a) The clinical peer is affiliated with an academic medical center that provides health care services to enrollees of the health insuring corporation.	31962 31963 31964
(b) The clinical peer has staff privileges at a health care facility that provides health care services to enrollees of the health insuring corporation.	31965 31966 31967
(c) The clinical peer is a participating provider but was not involved with the health insuring corporation's adverse	31968 31969

determination. 31970

(4) Division (D)(2) of this section does not prohibit the 31971  
health insuring corporation from paying the independent review 31972  
organization for the conduct of the review. 31973

(5) An enrollee shall not be required to pay for any part of 31974  
the cost of the review. The cost of the review shall be borne by 31975  
the health insuring corporation. 31976

(6)(a) The health insuring corporation shall provide to the 31977  
independent review organization conducting the review a copy of 31978  
those records in its possession that are relevant to the 31979  
enrollee's medical condition and the review. The records shall be 31980  
used solely for the purpose of this division. 31981

At the request of the independent review organization, the 31982  
health insuring corporation, enrollee, or the provider or health 31983  
care facility rendering health care services to the enrollee shall 31984  
provide any additional information the independent review 31985  
organization requests to complete the review. A request for 31986  
additional information may be made in writing, orally, or by 31987  
electronic means. The independent review organization shall submit 31988  
the request to the enrollee and health insuring corporation. If a 31989  
request is submitted orally or by electronic means to an enrollee 31990  
or health insuring corporation, not later than five days after the 31991  
request is submitted, the independent review organization shall 31992  
provide written confirmation of the request. If the review was 31993  
initiated by a provider or health care facility, a copy of the 31994  
request shall be submitted to the provider or health care 31995  
facility. 31996

(b) An independent review organization is not required to 31997  
make a decision if it has not received any requested information 31998  
that it considers necessary to complete a review. An independent 31999  
review organization that does not make a decision for this reason 32000

shall notify the enrollee and the health insuring corporation that 32001  
a decision is not being made. The notice may be made in writing, 32002  
orally, or by electronic means. An oral or electronic notice shall 32003  
be confirmed in writing not later than five days after the oral or 32004  
electronic notice is made. If the review was initiated by a 32005  
provider or health care facility, a copy of the notice shall be 32006  
submitted to the provider or health care facility. 32007

(7) The health insuring corporation may elect to cover the 32008  
service requested and terminate the review. The health insuring 32009  
corporation shall notify the enrollee and all other parties 32010  
involved with the decision by mail or, with the consent or 32011  
approval of the enrollee, by electronic means. 32012

(8) In making its decision, an independent review 32013  
organization conducting the review shall take into account all of 32014  
the following: 32015

(a) Information submitted by the health insuring corporation, 32016  
the enrollee, the enrollee's provider, and the health care 32017  
facility rendering the health care service, including the 32018  
following: 32019

(i) The enrollee's medical records; 32020

(ii) The standards, criteria, and clinical rationale used by 32021  
the health insuring corporation to make its decision. 32022

(b) Findings, studies, research, and other relevant documents 32023  
of government agencies and nationally recognized organizations, 32024  
including the national institutes of health or any board 32025  
recognized by the national institutes of health, the national 32026  
cancer institute, the national academy of sciences, the United 32027  
States food and drug administration, the health care financing 32028  
administration of the United States department of health and human 32029  
services, and the agency for health care policy and research; 32030

(c) Relevant findings in peer-reviewed medical or scientific 32031

literature, published opinions of nationally recognized medical 32032  
experts, and clinical guidelines adopted by relevant national 32033  
medical societies. 32034

(9)(a) In the case of an expedited review, the independent 32035  
review organization shall issue a written decision not later than 32036  
seven days after the filing of the request for review. In all 32037  
other cases, the independent review organization shall issue a 32038  
written decision not later than thirty days after the filing of 32039  
the request. The independent review organization shall send a copy 32040  
of its decision to the health insuring corporation and the 32041  
enrollee. If the enrollee's provider or the health care facility 32042  
rendering health care services to the enrollee requested the 32043  
review, the independent review organization shall also send a copy 32044  
of its decision to the enrollee's provider or the health care 32045  
facility. 32046

(b) The independent review organization's decision shall 32047  
include a description of the enrollee's condition and the 32048  
principal reasons for the decision and an explanation of the 32049  
clinical rationale for the decision. 32050

(E) The independent review organization shall base its 32051  
decision on the information submitted under division (D)(8) of 32052  
this section. In making its decision, the independent review 32053  
organization shall consider safety, efficacy, appropriateness, and 32054  
cost effectiveness. 32055

(F) The health insuring corporation shall provide any 32056  
coverage determined by the independent review organization's 32057  
decision to be medically necessary, subject to the other terms, 32058  
limitations, and conditions of the enrollee's contract. The 32059  
decision shall apply only to the individual enrollee's external 32060  
review. 32061

**Sec. 1751.85.** (A) Each health insuring corporation shall 32062

establish a reasonable external, independent review process to 32063  
examine the health insuring corporation's coverage decisions for 32064  
enrollees who meet all of the following criteria: 32065

(1) The enrollee has a terminal condition that, according to 32066  
the current diagnosis of the enrollee's physician, has a high 32067  
probability of causing death within two years. 32068

(2) The enrollee requests a review not later than ~~sixty one~~ 32069  
hundred eighty days after receipt by the enrollee of notice of the 32070  
result of an internal review under section 1751.83 of the Revised 32071  
Code. 32072

(3) The enrollee's physician certifies that the enrollee has 32073  
the condition described in division (A)(1) of this section and any 32074  
of the following situations are applicable: 32075

(a) Standard therapies have not been effective in improving 32076  
the condition of the enrollee; 32077

(b) Standard therapies are not medically appropriate for the 32078  
enrollee; 32079

(c) There is no standard therapy covered by the health 32080  
insuring corporation that is more beneficial than therapy 32081  
described in division (A)(4) of this section. 32082

(4) The enrollee's physician has recommended a drug, device, 32083  
procedure, or other therapy that the physician certifies, in 32084  
writing, is likely to be more beneficial to the enrollee, in the 32085  
physician's opinion, than standard therapies, or, the enrollee has 32086  
requested a therapy that has been found in a preponderance of 32087  
peer-reviewed published studies to be associated with effective 32088  
clinical outcomes for the same condition. 32089

(5) The enrollee has been denied coverage by the health 32090  
insuring corporation for a drug, device, procedure, or other 32091  
therapy recommended or requested pursuant to division (A)(4) of 32092

this section, and has exhausted the health insuring corporation's 32093  
internal review process established pursuant to section 1751.83 of 32094  
the Revised Code. 32095

(6) The drug, device, procedure, or other therapy, for which 32096  
coverage has been denied would be a covered health care service 32097  
except for the health insuring corporation's determination that 32098  
the drug, device, procedure, or other therapy is experimental or 32099  
investigational. 32100

(B) A review shall be requested in writing, except that if 32101  
the enrollee's physician determines that a therapy would be 32102  
significantly less effective if not promptly initiated, the review 32103  
may be requested orally or by electronic means. When an oral or 32104  
electronic request for review is made, written confirmation of the 32105  
request shall be submitted to the health insuring corporation not 32106  
later than five days after the oral or written request is 32107  
submitted. 32108

(C) The external, independent review process established by a 32109  
health insuring corporation shall meet all of the following 32110  
criteria: 32111

(1) Except as provided in division (E) of this section, the 32112  
process shall afford all enrollees who meet the criteria set forth 32113  
in division (A) of this section the opportunity to have the health 32114  
insuring corporation's decision to deny coverage of the 32115  
recommended or requested therapy reviewed under the process. 32116

(2) The review shall be conducted by an independent review 32117  
organization assigned by the superintendent of insurance under 32118  
section 3901.80 of the Revised Code. 32119

The independent review organization shall select a panel to 32120  
conduct the review, which panel shall be composed of at least 32121  
three physicians or other providers who, through clinical 32122  
experience in the past three years, are experts in the treatment 32123



of the enrollee's medical condition and knowledgeable about the 32124  
recommended or requested therapy. 32125

In either of the following circumstances, an exception may be 32126  
made to the requirement that the review be conducted by an expert 32127  
panel composed of a minimum of three physicians or other 32128  
providers: 32129

(a) A review may be conducted by an expert panel composed of 32130  
only two physicians or other providers if an enrollee has 32131  
consented in writing to a review by the smaller panel; 32132

(b) A review may be conducted by a single expert physician or 32133  
other provider if only one expert physician or other provider is 32134  
available for the review. 32135

(3) Neither the health insuring corporation nor the enrollee 32136  
shall choose, or control the choice of, the physician or other 32137  
provider experts. 32138

(4) The selected experts, any health care facility with which 32139  
an expert is affiliated, and the independent review organization 32140  
arranging for the experts' review, shall not have any 32141  
professional, familial, or financial affiliation with any of the 32142  
following: 32143

(a) The health insuring corporation or any officer, director, 32144  
or managerial employee of the health insuring corporation; 32145

(b) The enrollee, the enrollee's physician, or the practice 32146  
group of the enrollee's physician; 32147

(c) The health care facility at which the recommended or 32148  
requested therapy would be provided; 32149

(d) The development or manufacture of the principal drug, 32150  
device, procedure, or therapy involved in the recommended or 32151  
requested therapy. 32152

However, experts affiliated with academic medical centers who 32153

provide health care services to enrollees of the health insuring corporation may serve as experts on the review panel. Further, experts with staff privileges at a health care facility that provides health care services to enrollees of the health insuring corporation, as well as experts who are participating providers, but who were not involved with the health insuring corporation's denial of coverage for the therapy under review, may serve as experts on the review panel. These nonaffiliation provisions do not preclude a health insuring corporation from paying for the experts' review, as specified in division (C)(5) of this section.

(5) Enrollees shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the health insuring corporation.

(6) The health insuring corporation shall provide to the independent review organization arranging for the experts' review a copy of those records in the health insuring corporation's possession that are relevant to the enrollee's medical condition and the review. The records shall be disclosed solely to the expert reviewers and shall be used solely for the purpose of this section. At the request of the expert reviewers, the health insuring corporation or the physician recommending the therapy shall provide any additional information that the expert reviewers request to complete the review. An expert reviewer is not required to render an opinion if the reviewer has not received any requested information that the reviewer considers necessary to complete the review.

(7)(a) The opinions of the experts on the panel shall be rendered within thirty days after the enrollee's request for review. If the enrollee's physician determines that a therapy would be significantly less effective if not promptly initiated, the opinions shall be rendered within seven days after the enrollee's request for review.

(b) In conducting the review, the experts on the panel shall	32186
take into account all of the following:	32187
(i) Information submitted by the health insuring corporation,	32188
the enrollee, and the enrollee's physician, including the	32189
enrollee's medical records and the standards, criteria, and	32190
clinical rationale used by the health insuring corporation to	32191
reach its coverage decision;	32192
(ii) Findings, studies, research, and other relevant	32193
documents of government agencies and nationally recognized	32194
organizations;	32195
(iii) Relevant findings in peer-reviewed medical or	32196
scientific literature and published opinions of nationally	32197
recognized medical experts;	32198
(iv) Clinical guidelines adopted by relevant national medical	32199
societies;	32200
(v) Safety, efficacy, appropriateness, and cost	32201
effectiveness.	32202
(8) Each expert on the panel shall provide the independent	32203
review organization with a professional opinion as to whether	32204
there is sufficient evidence to demonstrate that the recommended	32205
or requested therapy is likely to be more beneficial to the	32206
enrollee than standard therapies.	32207
(9) Each expert's opinion shall be presented in written form	32208
and shall include the following information:	32209
(a) A description of the enrollee's condition;	32210
(b) A description of the indicators relevant to determining	32211
whether there is sufficient evidence to demonstrate that the	32212
recommended or requested therapy is more likely than not to be	32213
more beneficial to the enrollee than standard therapies;	32214
(c) A description and analysis of any relevant findings	32215

published in peer-reviewed medical or scientific literature or the 32216  
published opinions of medical experts or specialty societies; 32217

(d) A description of the enrollee's suitability to receive 32218  
the recommended or requested therapy according to a treatment 32219  
protocol in a clinical trial, if applicable. 32220

(10) The independent review organization shall provide the 32221  
health insuring corporation with the opinions of the experts. The 32222  
health insuring corporation shall make the experts' opinions 32223  
available to the enrollee and the enrollee's physician, upon 32224  
request. 32225

(11) The opinion of the majority of the experts on the panel, 32226  
rendered pursuant to division (C)(8) of this section, is binding 32227  
on the health insuring corporation with respect to that enrollee. 32228  
If the opinions of the experts on the panel are evenly divided as 32229  
to whether the therapy should be covered, then the health insuring 32230  
corporation's final decision shall be in favor of coverage. If 32231  
less than a majority of the experts on the panel recommend 32232  
coverage of the therapy, the health insuring corporation may, in 32233  
its discretion, cover the therapy. However, any coverage provided 32234  
pursuant to division (C)(11) of this section is subject to the 32235  
terms, limitations, and conditions of the enrollee's contract with 32236  
the health insuring corporation. 32237

(12) The health insuring corporation shall have written 32238  
policies describing the external, independent review process. 32239

(D) At any time during the external, independent review 32240  
process, the health insuring corporation may elect to cover the 32241  
recommended or requested health care service and terminate the 32242  
review. The health insuring corporation shall notify the enrollee 32243  
and all other parties involved by mail or, with the consent or 32244  
approval of the enrollee, by electronic means. 32245

(E) If a health insuring corporation's initial denial of 32246

coverage for a therapy recommended or requested pursuant to 32247  
division (A)(4) of this section is based upon an external, 32248  
independent review of that therapy meeting the requirements of 32249  
division (C) of this section, this section shall not be a basis 32250  
for requiring a second external, independent review of the 32251  
recommended or requested therapy. 32252

(F) The health insuring corporation shall annually file a 32253  
certificate with the superintendent of insurance certifying its 32254  
compliance with the requirements of this section. 32255

**Sec. 1753.09.** (A) Except as provided in division (D) of this 32256  
section, prior to terminating the participation of a provider on 32257  
the basis of the participating provider's failure to meet the 32258  
health insuring corporation's standards for quality or utilization 32259  
in the delivery of health care services, a health insuring 32260  
corporation shall give the participating provider notice of the 32261  
reason or reasons for its decision to terminate the provider's 32262  
participation and an opportunity to take corrective action. The 32263  
health insuring corporation shall develop a performance 32264  
improvement plan in conjunction with the participating provider. 32265  
If after being afforded the opportunity to comply with the 32266  
performance improvement plan, the participating provider fails to 32267  
do so, the health insuring corporation may terminate the 32268  
participation of the provider. 32269

(B)(1) A participating provider whose participation has been 32270  
terminated under division (A) of this section may appeal the 32271  
termination to the appropriate medical director of the health 32272  
insuring corporation. The medical director shall give the 32273  
participating provider an opportunity to discuss with the medical 32274  
director the reason or reasons for the termination. 32275

(2) If a satisfactory resolution of a participating 32276  
provider's appeal cannot be reached under division (B)(1) of this 32277

section, the participating provider may appeal the termination to 32278  
a panel composed of participating providers who have comparable or 32279  
higher levels of education and training than the participating 32280  
provider making the appeal. A representative of the participating 32281  
provider's specialty shall be a member of the panel, if possible. 32282  
This panel shall hold a hearing, and shall render its 32283  
recommendation in the appeal within thirty days after holding the 32284  
hearing. The recommendation shall be presented to the medical 32285  
director and to the participating provider. 32286

(3) The medical director shall review and consider the 32287  
panel's recommendation before making a decision. The decision 32288  
rendered by the medical director shall be final. 32289

(C) A provider's status as a participating provider shall 32290  
remain in effect during the appeal process set forth in division 32291  
(B) of this section unless the termination was based on any of the 32292  
reasons listed in division (D) of this section. 32293

(D) Notwithstanding division (A) of this section, a 32294  
provider's participation may be immediately terminated if the 32295  
participating provider's conduct presents an imminent risk of harm 32296  
to an enrollee or enrollees; or if there has occurred unacceptable 32297  
quality of care, fraud, patient abuse, loss of clinical 32298  
privileges, loss of professional liability coverage, incompetence, 32299  
or loss of authority to practice in the participating provider's 32300  
field; or if a governmental action has impaired the participating 32301  
provider's ability to practice. 32302

(E) Divisions (A) to (D) of this section apply only to 32303  
providers who are natural persons. 32304

(F)(1) Nothing in this section prohibits a health insuring 32305  
corporation from rejecting a provider's application for 32306  
participation, or from terminating a participating provider's 32307  
contract, if the health insuring corporation determines that the 32308

health care needs of its enrollees are being met and no need 32309  
exists for the provider's or participating provider's services. 32310

(2) Nothing in this section shall be construed as prohibiting 32311  
a health insuring corporation from terminating a participating 32312  
provider who does not meet the terms and conditions of the 32313  
participating provider's contract. 32314

(3) Nothing in this section shall be construed as prohibiting 32315  
a health insuring corporation from terminating a participating 32316  
provider's contract pursuant to any provision of the contract 32317  
described in division (E)(2) of section 3963.02 of the Revised 32318  
Code, except that, notwithstanding any provision of a contract 32319  
described in that division, this section applies to the 32320  
termination of a participating provider's contract for any of the 32321  
causes described in divisions (A), (D), and (F)(1) and (2) of this 32322  
section. 32323

(G) The superintendent of insurance may adopt rules as 32324  
necessary to implement and enforce sections 1753.06, 1753.07, and 32325  
1753.09 of the Revised Code. Such rules shall be adopted in 32326  
accordance with Chapter 119. of the Revised Code. ~~The director of 32327  
health may make recommendations to the superintendent for rules 32328  
necessary to implement and enforce sections 1753.06, 1753.07, and 32329  
1753.09 of the Revised Code. In adopting any rules pursuant to 32330  
this division, the superintendent shall consider the 32331  
recommendations of the director.~~ 32332

**Sec. 1901.26.** (A) Subject to division (E) of this section, 32333  
costs in a municipal court shall be fixed and taxed as follows: 32334

(1)(a) The municipal court shall require an advance deposit 32335  
for the filing of any new civil action or proceeding when required 32336  
by division (C) of this section, and in all other cases, by rule, 32337  
shall establish a schedule of fees and costs to be taxed in any 32338  
civil or criminal action or proceeding. 32339

(b)(i) The legislative authority of a municipal corporation 32340  
may by ordinance establish a schedule of fees to be taxed as costs 32341  
in any civil, criminal, or traffic action or proceeding in a 32342  
municipal court for the performance by officers or other employees 32343  
of the municipal corporation's police department or marshal's 32344  
office of any of the services specified in sections 311.17 and 32345  
509.15 of the Revised Code. No fee in the schedule shall be higher 32346  
than the fee specified in section 311.17 of the Revised Code for 32347  
the performance of the same service by the sheriff. If a fee 32348  
established in the schedule conflicts with a fee for the same 32349  
service established in another section of the Revised Code or a 32350  
rule of court, the fee established in the other section of the 32351  
Revised Code or the rule of court shall apply. 32352

(ii) When an officer or employee of a municipal police 32353  
department or marshal's office performs in a civil, criminal, or 32354  
traffic action or proceeding in a municipal court a service 32355  
specified in section 311.17 or 509.15 of the Revised Code for 32356  
which a taxable fee has been established under this or any other 32357  
section of the Revised Code, the applicable legal fees and any 32358  
other extraordinary expenses, including overtime, provided for the 32359  
service shall be taxed as costs in the case. The clerk of the 32360  
court shall pay those legal fees and other expenses, when 32361  
collected, into the general fund of the municipal corporation that 32362  
employs the officer or employee. 32363

(iii) If a bailiff of a municipal court performs in a civil, 32364  
criminal, or traffic action or proceeding in that court a service 32365  
specified in section 311.17 or 509.15 of the Revised Code for 32366  
which a taxable fee has been established under this section or any 32367  
other section of the Revised Code, the fee for the service is the 32368  
same and is taxable to the same extent as if the service had been 32369  
performed by an officer or employee of the police department or 32370  
marshal's office of the municipal corporation in which the court 32371



is located. The clerk of that court shall pay the fee, when 32372  
collected, into the general fund of the entity or entities that 32373  
fund the bailiff's salary, in the same prorated amount as the 32374  
salary is funded. 32375

(iv) Division (A)(1)(b) of this section does not authorize or 32376  
require any officer or employee of a police department or 32377  
marshal's office of a municipal corporation or any bailiff of a 32378  
municipal court to perform any service not otherwise authorized by 32379  
law. 32380

(2) The municipal court, by rule, may require an advance 32381  
deposit for the filing of any civil action or proceeding and 32382  
publication fees as provided in section 2701.09 of the Revised 32383  
Code. The court may waive the requirement for advance deposit upon 32384  
affidavit or other evidence that a party is unable to make the 32385  
required deposit. 32386

(3) When a jury trial is demanded in any civil action or 32387  
proceeding, the party making the demand may be required to make an 32388  
advance deposit as fixed by rule of court, unless, upon affidavit 32389  
or other evidence, the court concludes that the party is unable to 32390  
make the required deposit. If a jury is called, the fees of a jury 32391  
shall be taxed as costs. 32392

(4) In any civil or criminal action or proceeding, each 32393  
witness shall receive twelve dollars for each full day's 32394  
attendance and six dollars for each half day's attendance. Each 32395  
witness in a municipal court that is not a county-operated 32396  
municipal court also shall receive fifty and one-half cents for 32397  
each mile necessarily traveled to and from the witness's place of 32398  
residence to the action or proceeding. 32399

(5) A reasonable charge for driving, towing, carting, 32400  
storing, keeping, and preserving motor vehicles and other personal 32401  
property recovered or seized in any proceeding may be taxed as 32402

part of the costs in a trial of the cause, in an amount that shall 32403  
be fixed by rule of court. 32404

(6) Chattel property seized under any writ or process issued 32405  
by the court shall be preserved pending final disposition for the 32406  
benefit of all persons interested and may be placed in storage 32407  
when necessary or proper for that preservation. The custodian of 32408  
any chattel property so stored shall not be required to part with 32409  
the possession of the property until a reasonable charge, to be 32410  
fixed by the court, is paid. 32411

(7) The municipal court, as it determines, may refund all 32412  
deposits and advance payments of fees and costs, including those 32413  
for jurors and summoning jurors, when they have been paid by the 32414  
losing party. 32415

(8) Charges for the publication of legal notices required by 32416  
statute or order of court may be taxed as part of the costs, as 32417  
provided by section 7.13 of the Revised Code. 32418

(B)(1) The municipal court may determine that, for the 32419  
efficient operation of the court, additional funds are necessary 32420  
to acquire and pay for special projects of the court including, 32421  
but not limited to, the acquisition of additional facilities or 32422  
the rehabilitation of existing facilities, the acquisition of 32423  
equipment, the hiring and training of staff, community service 32424  
programs, mediation or dispute resolution services, the employment 32425  
of magistrates, the training and education of judges, acting 32426  
judges, and magistrates, and other related services. Upon that 32427  
determination, the court by rule may charge a fee, in addition to 32428  
all other court costs, on the filing of each criminal cause, civil 32429  
action or proceeding, or judgment by confession. 32430

If the municipal court offers a special program or service in 32431  
cases of a specific type, the municipal court by rule may assess 32432  
an additional charge in a case of that type, over and above court 32433

costs, to cover the special program or service. The municipal 32434  
court shall adjust the special assessment periodically, but not 32435  
retroactively, so that the amount assessed in those cases does not 32436  
exceed the actual cost of providing the service or program. 32437

All moneys collected under division (B) of this section shall 32438  
be paid to the county treasurer if the court is a county-operated 32439  
municipal court or to the city treasurer if the court is not a 32440  
county-operated municipal court for deposit into either a general 32441  
special projects fund or a fund established for a specific special 32442  
project. Moneys from a fund of that nature shall be disbursed upon 32443  
an order of the court in an amount no greater than the actual cost 32444  
to the court of a project. If a specific fund is terminated 32445  
because of the discontinuance of a program or service established 32446  
under division (B) of this section, the municipal court may order 32447  
that moneys remaining in the fund be transferred to an account 32448  
established under this division for a similar purpose. 32449

(2) As used in division (B) of this section: 32450

(a) "Criminal cause" means a charge alleging the violation of 32451  
a statute or ordinance, or subsection of a statute or ordinance, 32452  
that requires a separate finding of fact or a separate plea before 32453  
disposition and of which the defendant may be found guilty, 32454  
whether filed as part of a multiple charge on a single summons, 32455  
citation, or complaint or as a separate charge on a single 32456  
summons, citation, or complaint. "Criminal cause" does not include 32457  
separate violations of the same statute or ordinance, or 32458  
subsection of the same statute or ordinance, unless each charge is 32459  
filed on a separate summons, citation, or complaint. 32460

(b) "Civil action or proceeding" means any civil litigation 32461  
that must be determined by judgment entry. 32462

(C) The municipal court shall collect in all its divisions 32463  
except the small claims division the sum of ~~twenty-six~~ thirty-one 32464

dollars as additional filing fees in each new civil action or 32465  
proceeding for the charitable public purpose of providing 32466  
financial assistance to legal aid societies that operate within 32467  
the state and to support the office of the state public defender. 32468  
The municipal court shall collect in its small claims division the 32469  
sum of eleven dollars as additional filing fees in each new civil 32470  
action or proceeding for the charitable public purpose of 32471  
providing financial assistance to legal aid societies that operate 32472  
within the state and to support the office of the state public 32473  
defender. This division does not apply to any execution on a 32474  
judgment, proceeding in aid of execution, or other post-judgment 32475  
proceeding arising out of a civil action. The filing fees required 32476  
to be collected under this division shall be in addition to any 32477  
other court costs imposed in the action or proceeding and shall be 32478  
collected at the time of the filing of the action or proceeding. 32479  
The court shall not waive the payment of the additional filing 32480  
fees in a new civil action or proceeding unless the court waives 32481  
the advanced payment of all filing fees in the action or 32482  
proceeding. All such moneys collected during a month except for an 32483  
amount equal to up to one per cent of those moneys retained to 32484  
cover administrative costs shall be transmitted on or before the 32485  
twentieth day of the following month by the clerk of the court to 32486  
the treasurer of state in a manner prescribed by the treasurer of 32487  
state or by the Ohio legal assistance foundation. The treasurer of 32488  
state shall deposit four per cent of the funds collected under 32489  
this division to the credit of the civil case filing fee fund 32490  
established under section 120.07 of the Revised Code and 32491  
ninety-six per cent of the funds collected under this division to 32492  
the credit of the legal aid fund established under section 120.52 32493  
of the Revised Code. 32494

The court may retain up to one per cent of the moneys it 32495  
collects under this division to cover administrative costs, 32496  
including the hiring of any additional personnel necessary to 32497

implement this division. If the court fails to transmit to the 32498  
treasurer of state the moneys the court collects under this 32499  
division in a manner prescribed by the treasurer of state or by 32500  
the Ohio legal assistance foundation, the court shall forfeit the 32501  
moneys the court retains under this division to cover 32502  
administrative costs, including the hiring of any additional 32503  
personnel necessary to implement this division, and shall transmit 32504  
to the treasurer of state all moneys collected under this 32505  
division, including the forfeited amount retained for 32506  
administrative costs, for deposit in the legal aid fund. 32507

(D) In the Cleveland municipal court, reasonable charges for 32508  
investigating titles of real estate to be sold or disposed of 32509  
under any writ or process of the court may be taxed as part of the 32510  
costs. 32511

(E) Under the circumstances described in sections 2969.21 to 32512  
2969.27 of the Revised Code, the clerk of the municipal court 32513  
shall charge the fees and perform the other duties specified in 32514  
those sections. 32515

(F) As used in this section: 32516

(1) "Full day's attendance" means a day on which a witness is 32517  
required or requested to be present at an action or proceeding 32518  
before and after twelve noon, regardless of whether the witness 32519  
actually testifies. 32520

(2) "Half day's attendance" means a day on which a witness is 32521  
required or requested to be present at an action or proceeding 32522  
either before or after twelve noon, but not both, regardless of 32523  
whether the witness actually testifies. 32524

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 32525  
court shall be selected, be compensated, give bond, and have 32526  
powers and duties as follows: 32527

(A) There shall be a clerk of the court who is appointed or  
elected as follows:

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton  
county, Portage county, and Wayne county municipal courts and  
through December 31, 2008, the Cuyahoga Falls municipal court, if  
the population of the territory equals or exceeds one hundred  
thousand at the regular municipal election immediately preceding  
the expiration of the term of the present clerk, the clerk shall  
be nominated and elected by the qualified electors of the  
territory in the manner that is provided for the nomination and  
election of judges in section 1901.07 of the Revised Code.

The clerk so elected shall hold office for a term of six  
years, which term shall commence on the first day of January  
following the clerk's election and continue until the clerk's  
successor is elected and qualified.

(b) In the Hamilton county municipal court, the clerk of  
courts of Hamilton county shall be the clerk of the municipal  
court and may appoint an assistant clerk who shall receive the  
compensation, payable out of the treasury of Hamilton county in  
semimonthly installments, that the board of county commissioners  
prescribes. The clerk of courts of Hamilton county, acting as the  
clerk of the Hamilton county municipal court and assuming the  
duties of that office, shall receive compensation at one-fourth  
the rate that is prescribed for the clerks of courts of common  
pleas as determined in accordance with the population of the  
county and the rates set forth in sections 325.08 and 325.18 of  
the Revised Code. This compensation shall be paid from the county  
treasury in semimonthly installments and is in addition to the  
annual compensation that is received for the performance of the  
duties of the clerk of courts of Hamilton county, as provided in  
sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts,

the clerks of courts of Portage county and Wayne county shall be 32560  
the clerks, respectively, of the Portage county and Wayne county 32561  
municipal courts and may appoint a chief deputy clerk for each 32562  
branch that is established pursuant to section 1901.311 of the 32563  
Revised Code and assistant clerks as the judges of the municipal 32564  
court determine are necessary, all of whom shall receive the 32565  
compensation that the legislative authority prescribes. The clerks 32566  
of courts of Portage county and Wayne county, acting as the clerks 32567  
of the Portage county and Wayne county municipal courts and 32568  
assuming the duties of these offices, shall receive compensation 32569  
payable from the county treasury in semimonthly installments at 32570  
one-fourth the rate that is prescribed for the clerks of courts of 32571  
common pleas as determined in accordance with the population of 32572  
the county and the rates set forth in sections 325.08 and 325.18 32573  
of the Revised Code. 32574

(d) Except as otherwise provided in division (A)(1)(d) of 32575  
this section, in the Akron municipal court, candidates for 32576  
election to the office of clerk of the court shall be nominated by 32577  
primary election. The primary election shall be held on the day 32578  
specified in the charter of the city of Akron for the nomination 32579  
of municipal officers. Notwithstanding any contrary provision of 32580  
section 3513.05 or 3513.257 of the Revised Code, the declarations 32581  
of candidacy and petitions of partisan candidates and the 32582  
nominating petitions of independent candidates for the office of 32583  
clerk of the Akron municipal court shall be signed by at least 32584  
fifty qualified electors of the territory of the court. 32585

The candidates shall file a declaration of candidacy and 32586  
petition, or a nominating petition, whichever is applicable, not 32587  
later than four p.m. of the seventy-fifth day before the day of 32588  
the primary election, in the form prescribed by section 3513.07 or 32589  
3513.261 of the Revised Code. The declaration of candidacy and 32590  
petition, or the nominating petition, shall conform to the 32591

applicable requirements of section 3513.05 or 3513.257 of the Revised Code. 32592  
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If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Akron municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code. 32594  
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Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Akron municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified. 32606  
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(e) Except as otherwise provided in division (A)(1)(e) of this section, in the Barberton municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Barberton for the nomination of municipal officers. Notwithstanding any contrary 32618  
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provision of section 3513.05 or 3513.257 of the Revised Code, the 32624  
declarations of candidacy and petitions of partisan candidates and 32625  
the nominating petitions of independent candidates for the office 32626  
of clerk of the Barberton municipal court shall be signed by at 32627  
least fifty qualified electors of the territory of the court. 32628

The candidates shall file a declaration of candidacy and 32629  
petition, or a nominating petition, whichever is applicable, not 32630  
later than four p.m. of the seventy-fifth day before the day of 32631  
the primary election, in the form prescribed by section 3513.07 or 32632  
3513.261 of the Revised Code. The declaration of candidacy and 32633  
petition, or the nominating petition, shall conform to the 32634  
applicable requirements of section 3513.05 or 3513.257 of the 32635  
Revised Code. 32636

If no valid declaration of candidacy and petition is filed by 32637  
any person for nomination as a candidate of a particular political 32638  
party for election to the office of clerk of the Barberton 32639  
municipal court, a primary election shall not be held for the 32640  
purpose of nominating a candidate of that party for election to 32641  
that office. If only one person files a valid declaration of 32642  
candidacy and petition for nomination as a candidate of a 32643  
particular political party for election to that office, a primary 32644  
election shall not be held for the purpose of nominating a 32645  
candidate of that party for election to that office, and the 32646  
candidate shall be issued a certificate of nomination in the 32647  
manner set forth in section 3513.02 of the Revised Code. 32648

Declarations of candidacy and petitions, nominating 32649  
petitions, and certificates of nomination for the office of clerk 32650  
of the Barberton municipal court shall contain a designation of 32651  
the term for which the candidate seeks election. At the following 32652  
regular municipal election, all candidates for the office shall be 32653  
submitted to the qualified electors of the territory of the court 32654  
in the manner that is provided in section 1901.07 of the Revised 32655

Code for the election of the judges of the court. The clerk so 32656  
elected shall hold office for a term of six years, which term 32657  
shall commence on the first day of January following the clerk's 32658  
election and continue until the clerk's successor is elected and 32659  
qualified. 32660

(f)(i) Through December 31, 2008, except as otherwise 32661  
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 32662  
Falls municipal court, candidates for election to the office of 32663  
clerk of the court shall be nominated by primary election. The 32664  
primary election shall be held on the day specified in the charter 32665  
of the city of Cuyahoga Falls for the nomination of municipal 32666  
officers. Notwithstanding any contrary provision of section 32667  
3513.05 or 3513.257 of the Revised Code, the declarations of 32668  
candidacy and petitions of partisan candidates and the nominating 32669  
petitions of independent candidates for the office of clerk of the 32670  
Cuyahoga Falls municipal court shall be signed by at least fifty 32671  
qualified electors of the territory of the court. 32672

The candidates shall file a declaration of candidacy and 32673  
petition, or a nominating petition, whichever is applicable, not 32674  
later than four p.m. of the seventy-fifth day before the day of 32675  
the primary election, in the form prescribed by section 3513.07 or 32676  
3513.261 of the Revised Code. The declaration of candidacy and 32677  
petition, or the nominating petition, shall conform to the 32678  
applicable requirements of section 3513.05 or 3513.257 of the 32679  
Revised Code. 32680

If no valid declaration of candidacy and petition is filed by 32681  
any person for nomination as a candidate of a particular political 32682  
party for election to the office of clerk of the Cuyahoga Falls 32683  
municipal court, a primary election shall not be held for the 32684  
purpose of nominating a candidate of that party for election to 32685  
that office. If only one person files a valid declaration of 32686  
candidacy and petition for nomination as a candidate of a 32687

particular political party for election to that office, a primary 32688  
election shall not be held for the purpose of nominating a 32689  
candidate of that party for election to that office, and the 32690  
candidate shall be issued a certificate of nomination in the 32691  
manner set forth in section 3513.02 of the Revised Code. 32692

Declarations of candidacy and petitions, nominating 32693  
petitions, and certificates of nomination for the office of clerk 32694  
of the Cuyahoga Falls municipal court shall contain a designation 32695  
of the term for which the candidate seeks election. At the 32696  
following regular municipal election, all candidates for the 32697  
office shall be submitted to the qualified electors of the 32698  
territory of the court in the manner that is provided in section 32699  
1901.07 of the Revised Code for the election of the judges of the 32700  
court. The clerk so elected shall hold office for a term of six 32701  
years, which term shall commence on the first day of January 32702  
following the clerk's election and continue until the clerk's 32703  
successor is elected and qualified. 32704

(ii) Division (A)(1)(f)(i) of this section shall have no 32705  
effect after December 31, 2008. 32706

(g) Except as otherwise provided in division (A)(1)(g) of 32707  
this section, in the Toledo municipal court, candidates for 32708  
election to the office of clerk of the court shall be nominated by 32709  
primary election. The primary election shall be held on the day 32710  
specified in the charter of the city of Toledo for the nomination 32711  
of municipal officers. Notwithstanding any contrary provision of 32712  
section 3513.05 or 3513.257 of the Revised Code, the declarations 32713  
of candidacy and petitions of partisan candidates and the 32714  
nominating petitions of independent candidates for the office of 32715  
clerk of the Toledo municipal court shall be signed by at least 32716  
fifty qualified electors of the territory of the court. 32717

The candidates shall file a declaration of candidacy and 32718  
petition, or a nominating petition, whichever is applicable, not 32719

later than four p.m. of the seventy-fifth day before the day of 32720  
the primary election, in the form prescribed by section 3513.07 or 32721  
3513.261 of the Revised Code. The declaration of candidacy and 32722  
petition, or the nominating petition, shall conform to the 32723  
applicable requirements of section 3513.05 or 3513.257 of the 32724  
Revised Code. 32725

If no valid declaration of candidacy and petition is filed by 32726  
any person for nomination as a candidate of a particular political 32727  
party for election to the office of clerk of the Toledo municipal 32728  
court, a primary election shall not be held for the purpose of 32729  
nominating a candidate of that party for election to that office. 32730  
If only one person files a valid declaration of candidacy and 32731  
petition for nomination as a candidate of a particular political 32732  
party for election to that office, a primary election shall not be 32733  
held for the purpose of nominating a candidate of that party for 32734  
election to that office, and the candidate shall be issued a 32735  
certificate of nomination in the manner set forth in section 32736  
3513.02 of the Revised Code. 32737

Declarations of candidacy and petitions, nominating 32738  
petitions, and certificates of nomination for the office of clerk 32739  
of the Toledo municipal court shall contain a designation of the 32740  
term for which the candidate seeks election. At the following 32741  
regular municipal election, all candidates for the office shall be 32742  
submitted to the qualified electors of the territory of the court 32743  
in the manner that is provided in section 1901.07 of the Revised 32744  
Code for the election of the judges of the court. The clerk so 32745  
elected shall hold office for a term of six years, which term 32746  
shall commence on the first day of January following the clerk's 32747  
election and continue until the clerk's successor is elected and 32748  
qualified. 32749

(2)(a) Except for the Alliance, Auglaize county, Brown 32750  
county, Columbiana county, Holmes county, Lorain, Massillon, and 32751

Youngstown municipal courts, in a municipal court for which the 32752  
population of the territory is less than one hundred thousand, the 32753  
clerk shall be appointed by the court, and the clerk shall hold 32754  
office until the clerk's successor is appointed and qualified. 32755

(b) In the Alliance, Lorain, Massillon, and Youngstown 32756  
municipal courts, the clerk shall be elected for a term of office 32757  
as described in division (A)(1)(a) of this section. 32758

(c) In the Auglaize county, Brown county, and Holmes county 32759  
municipal courts, the clerks of courts of Auglaize county, Brown 32760  
county, and Holmes county shall be the clerks, respectively, of 32761  
the Auglaize county, Brown county, and Holmes county municipal 32762  
courts and may appoint a chief deputy clerk for each branch office 32763  
that is established pursuant to section 1901.311 of the Revised 32764  
Code, and assistant clerks as the judge of the court determines 32765  
are necessary, all of whom shall receive the compensation that the 32766  
legislative authority prescribes. The clerks of courts of Auglaize 32767  
county, Brown county, and Holmes county, acting as the clerks of 32768  
the Auglaize county, Brown county, and Holmes county municipal 32769  
courts and assuming the duties of these offices, shall receive 32770  
compensation payable from the county treasury in semimonthly 32771  
installments at one-fourth the rate that is prescribed for the 32772  
clerks of courts of common pleas as determined in accordance with 32773  
the population of the county and the rates set forth in sections 32774  
325.08 and 325.18 of the Revised Code. 32775

(d) In the Columbiana county municipal court, the clerk of 32776  
courts of Columbiana county shall be the clerk of the municipal 32777  
court, may appoint a chief deputy clerk for each branch office 32778  
that is established pursuant to section 1901.311 of the Revised 32779  
Code, and may appoint any assistant clerks that the judges of the 32780  
court determine are necessary. All of the chief deputy clerks and 32781  
assistant clerks shall receive the compensation that the 32782  
legislative authority prescribes. The clerk of courts of 32783

Columbiana county, acting as the clerk of the Columbiana county 32784  
municipal court and assuming the duties of that office, shall 32785  
receive in either biweekly installments or semimonthly 32786  
installments, as determined by the payroll administrator, 32787  
compensation payable from the county treasury at one-fourth the 32788  
rate that is prescribed for the clerks of courts of common pleas 32789  
as determined in accordance with the population of the county and 32790  
the rates set forth in sections 325.08 and 325.18 of the Revised 32791  
Code. 32792

(3) During the temporary absence of the clerk due to illness, 32793  
vacation, or other proper cause, the court may appoint a temporary 32794  
clerk, who shall be paid the same compensation, have the same 32795  
authority, and perform the same duties as the clerk. 32796

(B) Except in the Hamilton county, Portage county, and Wayne 32797  
county municipal courts, if a vacancy occurs in the office of the 32798  
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 32799  
court or occurs in the office of the clerk of a municipal court 32800  
for which the population of the territory equals or exceeds one 32801  
hundred thousand because the clerk ceases to hold the office 32802  
before the end of the clerk's term or because a clerk-elect fails 32803  
to take office, the vacancy shall be filled, until a successor is 32804  
elected and qualified, by a person chosen by the residents of the 32805  
territory of the court who are members of the county central 32806  
committee of the political party by which the last occupant of 32807  
that office or the clerk-elect was nominated. Not less than five 32808  
nor more than fifteen days after a vacancy occurs, those members 32809  
of that county central committee shall meet to make an appointment 32810  
to fill the vacancy. At least four days before the date of the 32811  
meeting, the chairperson or a secretary of the county central 32812  
committee shall notify each such member of that county central 32813  
committee by first class mail of the date, time, and place of the 32814  
meeting and its purpose. A majority of all such members of that 32815

county central committee constitutes a quorum, and a majority of 32816  
the quorum is required to make the appointment. If the office so 32817  
vacated was occupied or was to be occupied by a person not 32818  
nominated at a primary election, or if the appointment was not 32819  
made by the committee members in accordance with this division, 32820  
the court shall make an appointment to fill the vacancy. A 32821  
successor shall be elected to fill the office for the unexpired 32822  
term at the first municipal election that is held more than one 32823  
hundred twenty days after the vacancy occurred. 32824

(C)(1) In a municipal court, other than the Auglaize county, 32825  
the Brown county, the Columbiana county, the Holmes county, and 32826  
the Lorain municipal courts, for which the population of the 32827  
territory is less than one hundred thousand, the clerk of the 32828  
municipal court shall receive the annual compensation that the 32829  
presiding judge of the court prescribes, if the revenue of the 32830  
court for the preceding calendar year, as certified by the auditor 32831  
or chief fiscal officer of the municipal corporation in which the 32832  
court is located or, in the case of a county-operated municipal 32833  
court, the county auditor, is equal to or greater than the 32834  
expenditures, including any debt charges, for the operation of the 32835  
court payable under this chapter from the city treasury or, in the 32836  
case of a county-operated municipal court, the county treasury for 32837  
that calendar year, as also certified by the auditor or chief 32838  
fiscal officer. If the revenue of a municipal court, other than 32839  
the Auglaize county, the Brown county, the Columbiana county, and 32840  
the Lorain municipal courts, for which the population of the 32841  
territory is less than one hundred thousand for the preceding 32842  
calendar year as so certified is not equal to or greater than 32843  
those expenditures for the operation of the court for that 32844  
calendar year as so certified, the clerk of a municipal court 32845  
shall receive the annual compensation that the legislative 32846  
authority prescribes. As used in this division, "revenue" means 32847  
the total of all costs and fees that are collected and paid to the 32848

city treasury or, in a county-operated municipal court, the county 32849  
treasury by the clerk of the municipal court under division (F) of 32850  
this section and all interest received and paid to the city 32851  
treasury or, in a county-operated municipal court, the county 32852  
treasury in relation to the costs and fees under division (G) of 32853  
this section. 32854

(2) In a municipal court, other than the Hamilton county, 32855  
Portage county, and Wayne county municipal courts, for which the 32856  
population of the territory is one hundred thousand or more, and 32857  
in the Lorain municipal court, the clerk of the municipal court 32858  
shall receive annual compensation in a sum equal to eighty-five 32859  
per cent of the salary of a judge of the court. 32860

(3) The compensation of a clerk described in division (C)(1) 32861  
or (2) of this section and of the clerk of the Columbiana county 32862  
municipal court is payable in either semimonthly installments or 32863  
biweekly installments, as determined by the payroll administrator, 32864  
from the same sources and in the same manner as provided in 32865  
section 1901.11 of the Revised Code, except that the compensation 32866  
of the clerk of the Carroll county municipal court is payable in 32867  
biweekly installments. 32868

(D) Before entering upon the duties of the clerk's office, 32869  
the clerk of a municipal court shall give bond of not less than 32870  
six thousand dollars to be determined by the judges of the court, 32871  
conditioned upon the faithful performance of the clerk's duties. 32872

(E) The clerk of a municipal court may do all of the 32873  
following: administer oaths, take affidavits, and issue executions 32874  
upon any judgment rendered in the court, including a judgment for 32875  
unpaid costs; issue, sign, and attach the seal of the court to all 32876  
writs, process, subpoenas, and papers issuing out of the court; 32877  
and approve all bonds, sureties, recognizances, and undertakings 32878  
fixed by any judge of the court or by law. The clerk may refuse to 32879  
accept for filing any pleading or paper submitted for filing by a 32880



person who has been found to be a vexatious litigator under 32881  
section 2323.52 of the Revised Code and who has failed to obtain 32882  
leave to proceed under that section. The clerk shall do all of the 32883  
following: file and safely keep all journals, records, books, and 32884  
papers belonging or appertaining to the court; record the 32885  
proceedings of the court; perform all other duties that the judges 32886  
of the court may prescribe; and keep a book showing all receipts 32887  
and disbursements, which book shall be open for public inspection 32888  
at all times. 32889

The clerk shall prepare and maintain a general index, a 32890  
docket, and other records that the court, by rule, requires, all 32891  
of which shall be the public records of the court. In the docket, 32892  
the clerk shall enter, at the time of the commencement of an 32893  
action, the names of the parties in full, the names of the 32894  
counsel, and the nature of the proceedings. Under proper dates, 32895  
the clerk shall note the filing of the complaint, issuing of 32896  
summons or other process, returns, and any subsequent pleadings. 32897  
The clerk also shall enter all reports, verdicts, orders, 32898  
judgments, and proceedings of the court, clearly specifying the 32899  
relief granted or orders made in each action. The court may order 32900  
an extended record of any of the above to be made and entered, 32901  
under the proper action heading, upon the docket at the request of 32902  
any party to the case, the expense of which record may be taxed as 32903  
costs in the case or may be required to be prepaid by the party 32904  
demanding the record, upon order of the court. 32905

(F) The clerk of a municipal court shall receive, collect, 32906  
and issue receipts for all costs, fees, fines, bail, and other 32907  
moneys payable to the office or to any officer of the court. The 32908  
clerk shall each month disburse to the proper persons or officers, 32909  
and take receipts for, all costs, fees, fines, bail, and other 32910  
moneys that the clerk collects. Subject to sections 3375.50 and 32911  
4511.193 of the Revised Code and to any other section of the 32912

Revised Code that requires a specific manner of disbursement of 32913  
any moneys received by a municipal court and except for the 32914  
Hamilton county, Lawrence county, and Ottawa county municipal 32915  
courts, the clerk shall pay all fines received for violation of 32916  
municipal ordinances into the treasury of the municipal 32917  
corporation the ordinance of which was violated and shall pay all 32918  
fines received for violation of township resolutions adopted 32919  
pursuant to section 503.52 or 503.53 or Chapter 504. of the 32920  
Revised Code into the treasury of the township the resolution of 32921  
which was violated. Subject to sections 1901.024 and 4511.193 of 32922  
the Revised Code, in the Hamilton county, Lawrence county, and 32923  
Ottawa county municipal courts, the clerk shall pay fifty per cent 32924  
of the fines received for violation of municipal ordinances and 32925  
fifty per cent of the fines received for violation of township 32926  
resolutions adopted pursuant to section 503.52 or 503.53 or 32927  
Chapter 504. of the Revised Code into the treasury of the county. 32928  
Subject to sections 3375.50, 3375.53, 4511.19, and 5503.04 of the 32929  
Revised Code and to any other section of the Revised Code that 32930  
requires a specific manner of disbursement of any moneys received 32931  
by a municipal court, the clerk shall pay all fines collected for 32932  
the violation of state laws into the county treasury. Except in a 32933  
county-operated municipal court, the clerk shall pay all costs and 32934  
fees the disbursement of which is not otherwise provided for in 32935  
the Revised Code into the city treasury. The clerk of a 32936  
county-operated municipal court shall pay the costs and fees the 32937  
disbursement of which is not otherwise provided for in the Revised 32938  
Code into the county treasury. Moneys deposited as security for 32939  
costs shall be retained pending the litigation. The clerk shall 32940  
keep a separate account of all receipts and disbursements in civil 32941  
and criminal cases, which shall be a permanent public record of 32942  
the office. On the expiration of the term of the clerk, the clerk 32943  
shall deliver the records to the clerk's successor. The clerk 32944  
shall have other powers and duties as are prescribed by rule or 32945

order of the court. 32946

(G) All moneys paid into a municipal court shall be noted on 32947  
the record of the case in which they are paid and shall be 32948  
deposited in a state or national bank, or a domestic savings and 32949  
loan association, as defined in section 1151.01 of the Revised 32950  
Code, that is selected by the clerk. Any interest received upon 32951  
the deposits shall be paid into the city treasury, except that, in 32952  
a county-operated municipal court, the interest shall be paid into 32953  
the treasury of the county in which the court is located. 32954

On the first Monday in January of each year, the clerk shall 32955  
make a list of the titles of all cases in the court that were 32956  
finally determined more than one year past in which there remains 32957  
unclaimed in the possession of the clerk any funds, or any part of 32958  
a deposit for security of costs not consumed by the costs in the 32959  
case. The clerk shall give notice of the moneys to the parties who 32960  
are entitled to the moneys or to their attorneys of record. All 32961  
the moneys remaining unclaimed on the first day of April of each 32962  
year shall be paid by the clerk to the city treasurer, except 32963  
that, in a county-operated municipal court, the moneys shall be 32964  
paid to the treasurer of the county in which the court is located. 32965  
The treasurer shall pay any part of the moneys at any time to the 32966  
person who has the right to the moneys upon proper certification 32967  
of the clerk. 32968

(H) Deputy clerks of a municipal court other than the Carroll 32969  
county municipal court may be appointed by the clerk and shall 32970  
receive the compensation, payable in either biweekly installments 32971  
or semimonthly installments, as determined by the payroll 32972  
administrator, out of the city treasury, that the clerk may 32973  
prescribe, except that the compensation of any deputy clerk of a 32974  
county-operated municipal court shall be paid out of the treasury 32975  
of the county in which the court is located. The judge of the 32976  
Carroll county municipal court may appoint deputy clerks for the 32977

court, and the deputy clerks shall receive the compensation, 32978  
payable in biweekly installments out of the county treasury, that 32979  
the judge may prescribe. Each deputy clerk shall take an oath of 32980  
office before entering upon the duties of the deputy clerk's 32981  
office and, when so qualified, may perform the duties appertaining 32982  
to the office of the clerk. The clerk may require any of the 32983  
deputy clerks to give bond of not less than three thousand 32984  
dollars, conditioned for the faithful performance of the deputy 32985  
clerk's duties. 32986

(I) For the purposes of this section, whenever the population 32987  
of the territory of a municipal court falls below one hundred 32988  
thousand but not below ninety thousand, and the population of the 32989  
territory prior to the most recent regular federal census exceeded 32990  
one hundred thousand, the legislative authority of the municipal 32991  
corporation may declare, by resolution, that the territory shall 32992  
be considered to have a population of at least one hundred 32993  
thousand. 32994

(J) The clerk or a deputy clerk shall be in attendance at all 32995  
sessions of the municipal court, although not necessarily in the 32996  
courtroom, and may administer oaths to witnesses and jurors and 32997  
receive verdicts. 32998

**Sec. 1907.24.** (A) Subject to division (C) of this section, a 32999  
county court shall fix and tax fees and costs as follows: 33000

(1) The county court shall require an advance deposit for the 33001  
filing of any new civil action or proceeding when required by 33002  
division (C) of this section and, in all other cases, shall 33003  
establish a schedule of fees and costs to be taxed in any civil or 33004  
criminal action or proceeding. 33005

(2) The county court by rule may require an advance deposit 33006  
for the filing of a civil action or proceeding and publication 33007  
fees as provided in section 2701.09 of the Revised Code. The court 33008

may waive an advance deposit requirement upon the presentation of 33009  
an affidavit or other evidence that establishes that a party is 33010  
unable to make the requisite deposit. 33011

(3) When a party demands a jury trial in a civil action or 33012  
proceeding, the county court may require the party to make an 33013  
advance deposit as fixed by rule of court, unless the court 33014  
concludes, on the basis of an affidavit or other evidence 33015  
presented by the party, that the party is unable to make the 33016  
requisite deposit. If a jury is called, the county court shall tax 33017  
the fees of a jury as costs. 33018

(4) In a civil or criminal action or proceeding, the county 33019  
court shall fix the fees of witnesses in accordance with sections 33020  
2335.06 and 2335.08 of the Revised Code. 33021

(5) A county court may tax as part of the costs in a trial of 33022  
the cause, in an amount fixed by rule of court, a reasonable 33023  
charge for driving, towing, carting, storing, keeping, and 33024  
preserving motor vehicles and other personal property recovered or 33025  
seized in a proceeding. 33026

(6) The court shall preserve chattel property seized under a 33027  
writ or process issued by the court pending final disposition for 33028  
the benefit of all interested persons. The court may place the 33029  
chattel property in storage when necessary or proper for its 33030  
preservation. The custodian of chattel property so stored shall 33031  
not be required to part with the possession of the property until 33032  
a reasonable charge, to be fixed by the court, is paid. 33033

(7) The county court, as it determines, may refund all 33034  
deposits and advance payments of fees and costs, including those 33035  
for jurors and summoning jurors, when they have been paid by the 33036  
losing party. 33037

(8) The court may tax as part of costs charges for the 33038  
publication of legal notices required by statute or order of 33039

court, as provided by section 7.13 of the Revised Code. 33040

(B)(1) The county court may determine that, for the efficient 33041  
operation of the court, additional funds are necessary to acquire 33042  
and pay for special projects of the court including, but not 33043  
limited to, the acquisition of additional facilities or the 33044  
rehabilitation of existing facilities, the acquisition of 33045  
equipment, the hiring and training of staff, community service 33046  
programs, mediation or dispute resolution services, the employment 33047  
of magistrates, the training and education of judges, acting 33048  
judges, and magistrates, and other related services. Upon that 33049  
determination, the court by rule may charge a fee, in addition to 33050  
all other court costs, on the filing of each criminal cause, civil 33051  
action or proceeding, or judgment by confession. 33052

If the county court offers a special program or service in 33053  
cases of a specific type, the county court by rule may assess an 33054  
additional charge in a case of that type, over and above court 33055  
costs, to cover the special program or service. The county court 33056  
shall adjust the special assessment periodically, but not 33057  
retroactively, so that the amount assessed in those cases does not 33058  
exceed the actual cost of providing the service or program. 33059

All moneys collected under division (B) of this section shall 33060  
be paid to the county treasurer for deposit into either a general 33061  
special projects fund or a fund established for a specific special 33062  
project. Moneys from a fund of that nature shall be disbursed upon 33063  
an order of the court in an amount no greater than the actual cost 33064  
to the court of a project. If a specific fund is terminated 33065  
because of the discontinuance of a program or service established 33066  
under division (B) of this section, the county court may order 33067  
that moneys remaining in the fund be transferred to an account 33068  
established under this division for a similar purpose. 33069

(2) As used in division (B) of this section: 33070

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(c) Subject to division (E) of this section, the county court shall collect in all its divisions except the small claims division the sum of ~~twenty-six~~ thirty-one dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. Subject to division (E) of this section, the county court shall collect in its small claims division the sum of eleven dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. This division does not apply to any execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other court costs imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless

the court waives the advanced payment of all filing fees in the 33103  
action or proceeding. All such moneys collected during a month 33104  
except for an amount equal to up to one per cent of those moneys 33105  
retained to cover administrative costs shall be transmitted on or 33106  
before the twentieth day of the following month by the clerk of 33107  
the court to the treasurer of state in a manner prescribed by the 33108  
treasurer of state or by the Ohio legal assistance foundation. The 33109  
treasurer of state shall deposit four per cent of the funds 33110  
collected under this division to the credit of the civil case 33111  
filing fee fund established under section 120.07 of the Revised 33112  
Code and ninety-six per cent of the funds collected under this 33113  
division to the credit of the legal aid fund established under 33114  
section 120.52 of the Revised Code. 33115

The court may retain up to one per cent of the moneys it 33116  
collects under this division to cover administrative costs, 33117  
including the hiring of any additional personnel necessary to 33118  
implement this division. If the court fails to transmit to the 33119  
treasurer of state the moneys the court collects under this 33120  
division in a manner prescribed by the treasurer of state or by 33121  
the Ohio legal assistance foundation, the court shall forfeit the 33122  
moneys the court retains under this division to cover 33123  
administrative costs, including the hiring of any additional 33124  
personnel necessary to implement this division, and shall transmit 33125  
to the treasurer of state all moneys collected under this 33126  
division, including the forfeited amount retained for 33127  
administrative costs, for deposit in the legal aid fund. 33128

(D) The county court shall establish by rule a schedule of 33129  
fees for miscellaneous services performed by the county court or 33130  
any of its judges in accordance with law. If judges of the court 33131  
of common pleas perform similar services, the fees prescribed in 33132  
the schedule shall not exceed the fees for those services 33133  
prescribed by the court of common pleas. 33134



(E) Under the circumstances described in sections 2969.21 to 33135  
2969.27 of the Revised Code, the clerk of the county court shall 33136  
charge the fees and perform the other duties specified in those 33137  
sections. 33138

**Sec. 2101.01.** (A) A probate division of the court of common 33139  
pleas shall be held at the county seat in each county in an office 33140  
furnished by the board of county commissioners, in which the 33141  
books, records, and papers pertaining to the probate division 33142  
shall be deposited and safely kept by the probate judge. The board 33143  
shall provide suitable cases or other necessary items for the 33144  
safekeeping and preservation of the books, records, and papers of 33145  
the court and shall furnish any blankbooks, blanks, and 33146  
stationery, and any machines, equipment, and materials for the 33147  
keeping or examining of records, that the probate judge requires 33148  
in the discharge of official duties. The board also shall 33149  
authorize expenditures for accountants, financial consultants, and 33150  
other agents required for auditing or financial consulting by the 33151  
probate division whenever the probate judge considers these 33152  
services and expenditures necessary for the efficient performance 33153  
of the division's duties. The probate judge shall employ and 33154  
supervise all clerks, deputies, magistrates, and other employees 33155  
of the probate division. The probate judge shall supervise all 33156  
probate court investigators and assessors in the performance of 33157  
their duties as investigators and assessors and shall employ, 33158  
appoint, or designate all probate court investigators and 33159  
assessors in the manner described in divisions (A)(2) and (3) of 33160  
section 2101.11 of the Revised Code. 33161

(B) As used in the Revised Code: 33162

(1) Except as provided in division (B)(2) of this section, 33163  
"probate court" means the probate division of the court of common 33164  
pleas, and "probate judge" means the judge of the court of common 33165

pleas who is judge of the probate division. 33166

(2) With respect to Lorain county: 33167

(a) From ~~January 1, 2006, through February 8, 2009,~~ "probate 33168  
~~court" means both the probate division and the domestic relations~~ 33169  
~~division of the court of common pleas, and "probate judge" means~~ 33170  
~~both the judge of the court of common pleas who is judge of the~~ 33171  
~~probate division and each of the judges of the court of common~~ 33172  
~~pleas who are judges of the domestic relations division.~~ 33173

~~(b) On and after February 9, 2009, through September 28,~~ 33174  
~~2009,~~ "probate court" means the domestic relations division of the 33175  
court of common pleas, and "probate judge" means each of the 33176  
judges of the court of common pleas who are judges of the domestic 33177  
relations division. 33178

(b) The judge of the court of common pleas, division of 33179  
domestic relations, whose term begins on February 9, 2009, and 33180  
successors, shall be the probate judge beginning September 29, 33181  
2009, and shall be elected and designated as judge of the court of 33182  
common pleas, probate division. 33183

(C) Except as otherwise provided in this division, all 33184  
pleadings, forms, journals, and other records filed or used in the 33185  
probate division shall be entitled "In the Court of Common Pleas, 33186  
Probate Division," but are not defective if entitled "In the 33187  
Probate Court." In Lorain county, ~~on and after~~ from February 9, 33188  
2009, through September 28, 2009, all pleadings, forms, journals, 33189  
and other records filed or used in probate matters shall be 33190  
entitled "In the Court of Common Pleas, Domestic Relations 33191  
Division," but are not defective if entitled "In the Probate 33192  
Division" or "In the Probate Court." 33193

**Sec. 2151.011.** (A) As used in the Revised Code: 33194

(1) "Juvenile court" means whichever of the following is 33195

applicable that has jurisdiction under this chapter and Chapter	33196
2152. of the Revised Code:	33197
(a) The division of the court of common pleas specified in	33198
section 2101.022 or 2301.03 of the Revised Code as having	33199
jurisdiction under this chapter and Chapter 2152. of the Revised	33200
Code or as being the juvenile division or the juvenile division	33201
combined with one or more other divisions;	33202
(b) The juvenile court of Cuyahoga county or Hamilton county	33203
that is separately and independently created by section 2151.08 or	33204
Chapter 2153. of the Revised Code and that has jurisdiction under	33205
this chapter and Chapter 2152. of the Revised Code;	33206
(c) If division (A)(1)(a) or (b) of this section does not	33207
apply, the probate division of the court of common pleas.	33208
(2) "Juvenile judge" means a judge of a court having	33209
jurisdiction under this chapter.	33210
(3) "Private child placing agency" means any association, as	33211
defined in section 5103.02 of the Revised Code, that is certified	33212
under section 5103.03 of the Revised Code to accept temporary,	33213
permanent, or legal custody of children and place the children for	33214
either foster care or adoption.	33215
(4) "Private noncustodial agency" means any person,	33216
organization, association, or society certified by the department	33217
of job and family services that does not accept temporary or	33218
permanent legal custody of children, that is privately operated in	33219
this state, and that does one or more of the following:	33220
(a) Receives and cares for children for two or more	33221
consecutive weeks;	33222
(b) Participates in the placement of children in certified	33223
foster homes;	33224
(c) Provides adoption services in conjunction with a public	33225

children services agency or private child placing agency.	33226
(B) As used in this chapter:	33227
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	33228 33229 33230 33231 33232 33233
(2) "Adult" means an individual who is eighteen years of age or older.	33234 33235
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	33236 33237 33238 33239
(4) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	33240 33241 33242
(5) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.	33243 33244 33245 33246 33247 33248 33249 33250
(6) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "certified type B family day-care home," "type B home," "administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 of the	33251 33252 33253 33254 33255 33256

Revised Code.	33257
(7) "Child care provider" means an individual who is a	33258
child-care staff member or administrator of a child day-care	33259
center, a type A family day-care home, or a type B family day-care	33260
home, or an in-home aide or an individual who is licensed, is	33261
regulated, is approved, operates under the direction of, or	33262
otherwise is certified by the department of job and family	33263
services, department of mental retardation and developmental	33264
disabilities, or the early childhood programs of the department of	33265
education.	33266
(8) "Chronic truant" has the same meaning as in section	33267
2152.02 of the Revised Code.	33268
(9) "Commit" means to vest custody as ordered by the court.	33269
(10) "Counseling" includes both of the following:	33270
(a) General counseling services performed by a public	33271
children services agency or shelter for victims of domestic	33272
violence to assist a child, a child's parents, and a child's	33273
siblings in alleviating identified problems that may cause or have	33274
caused the child to be an abused, neglected, or dependent child.	33275
(b) Psychiatric or psychological therapeutic counseling	33276
services provided to correct or alleviate any mental or emotional	33277
illness or disorder and performed by a licensed psychiatrist,	33278
licensed psychologist, or a person licensed under Chapter 4757. of	33279
the Revised Code to engage in social work or professional	33280
counseling.	33281
(11) "Custodian" means a person who has legal custody of a	33282
child or a public children services agency or private child	33283
placing agency that has permanent, temporary, or legal custody of	33284
a child.	33285
(12) "Delinquent child" has the same meaning as in section	33286

2152.02 of the Revised Code.	33287
(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.	33288 33289 33290 33291
(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.	33292 33293
(15) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	33294 33295
(16) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.	33296 33297 33298 33299 33300
(17) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year.	33301 33302 33303 33304 33305
(18) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.	33306 33307
(19) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.	33308 33309 33310 33311 33312 33313 33314 33315 33316 33317

(20) A "legitimate excuse for absence from the public school 33318  
the child is supposed to attend" includes, but is not limited to, 33319  
any of the following: 33320

(a) The fact that the child in question has enrolled in and 33321  
is attending another public or nonpublic school in this or another 33322  
state; 33323

(b) The fact that the child in question is excused from 33324  
attendance at school for any of the reasons specified in section 33325  
3321.04 of the Revised Code; 33326

(c) The fact that the child in question has received an age 33327  
and schooling certificate in accordance with section 3331.01 of 33328  
the Revised Code. 33329

(21) "Mental illness" and "mentally ill person subject to 33330  
hospitalization by court order" have the same meanings as in 33331  
section 5122.01 of the Revised Code. 33332

(22) "Mental injury" means any behavioral, cognitive, 33333  
emotional, or mental disorder in a child caused by an act or 33334  
omission that is described in section 2919.22 of the Revised Code 33335  
and is committed by the parent or other person responsible for the 33336  
child's care. 33337

(23) "Mentally retarded person" has the same meaning as in 33338  
section 5123.01 of the Revised Code. 33339

(24) "Nonsecure care, supervision, or training" means care, 33340  
supervision, or training of a child in a facility that does not 33341  
confine or prevent movement of the child within the facility or 33342  
from the facility. 33343

(25) "Of compulsory school age" has the same meaning as in 33344  
section 3321.01 of the Revised Code. 33345

(26) "Organization" means any institution, public, 33346  
semipublic, or private, and any private association, society, or 33347

agency located or operating in the state, incorporated or 33348  
unincorporated, having among its functions the furnishing of 33349  
protective services or care for children, or the placement of 33350  
children in certified foster homes or elsewhere. 33351

(27) "Out-of-home care" means detention facilities, shelter 33352  
facilities, certified children's crisis care facilities, certified 33353  
foster homes, placement in a prospective adoptive home prior to 33354  
the issuance of a final decree of adoption, organizations, 33355  
certified organizations, child day-care centers, type A family 33356  
day-care homes, child care provided by type B family day-care home 33357  
providers and by in-home aides, group home providers, group homes, 33358  
institutions, state institutions, residential facilities, 33359  
residential care facilities, residential camps, day camps, public 33360  
schools, chartered nonpublic schools, educational service centers, 33361  
hospitals, and medical clinics that are responsible for the care, 33362  
physical custody, or control of children. 33363

(28) "Out-of-home care child abuse" means any of the 33364  
following when committed by a person responsible for the care of a 33365  
child in out-of-home care: 33366

(a) Engaging in sexual activity with a child in the person's 33367  
care; 33368

(b) Denial to a child, as a means of punishment, of proper or 33369  
necessary subsistence, education, medical care, or other care 33370  
necessary for a child's health; 33371

(c) Use of restraint procedures on a child that cause injury 33372  
or pain; 33373

(d) Administration of prescription drugs or psychotropic 33374  
medication to the child without the written approval and ongoing 33375  
supervision of a licensed physician; 33376

(e) Commission of any act, other than by accidental means, 33377  
that results in any injury to or death of the child in out-of-home 33378



care or commission of any act by accidental means that results in 33379  
an injury to or death of a child in out-of-home care and that is 33380  
at variance with the history given of the injury or death. 33381

(29) "Out-of-home care child neglect" means any of the 33382  
following when committed by a person responsible for the care of a 33383  
child in out-of-home care: 33384

(a) Failure to provide reasonable supervision according to 33385  
the standards of care appropriate to the age, mental and physical 33386  
condition, or other special needs of the child; 33387

(b) Failure to provide reasonable supervision according to 33388  
the standards of care appropriate to the age, mental and physical 33389  
condition, or other special needs of the child, that results in 33390  
sexual or physical abuse of the child by any person; 33391

(c) Failure to develop a process for all of the following: 33392

(i) Administration of prescription drugs or psychotropic 33393  
drugs for the child; 33394

(ii) Assuring that the instructions of the licensed physician 33395  
who prescribed a drug for the child are followed; 33396

(iii) Reporting to the licensed physician who prescribed the 33397  
drug all unfavorable or dangerous side effects from the use of the 33398  
drug. 33399

(d) Failure to provide proper or necessary subsistence, 33400  
education, medical care, or other individualized care necessary 33401  
for the health or well-being of the child; 33402

(e) Confinement of the child to a locked room without 33403  
monitoring by staff; 33404

(f) Failure to provide ongoing security for all prescription 33405  
and nonprescription medication; 33406

(g) Isolation of a child for a period of time when there is 33407  
substantial risk that the isolation, if continued, will impair or 33408

retard the mental health or physical well-being of the child. 33409

(30) "Permanent custody" means a legal status that vests in a 33410  
public children services agency or a private child placing agency, 33411  
all parental rights, duties, and obligations, including the right 33412  
to consent to adoption, and divests the natural parents or 33413  
adoptive parents of all parental rights, privileges, and 33414  
obligations, including all residual rights and obligations. 33415

(31) "Permanent surrender" means the act of the parents or, 33416  
if a child has only one parent, of the parent of a child, by a 33417  
voluntary agreement authorized by section 5103.15 of the Revised 33418  
Code, to transfer the permanent custody of the child to a public 33419  
children services agency or a private child placing agency. 33420

(32) "Person" means an individual, association, corporation, 33421  
or partnership and the state or any of its political subdivisions, 33422  
departments, or agencies. 33423

(33) "Person responsible for a child's care in out-of-home 33424  
care" means any of the following: 33425

(a) Any foster caregiver, in-home aide, or provider; 33426

(b) Any administrator, employee, or agent of any of the 33427  
following: a public or private detention facility; shelter 33428  
facility; certified children's crisis care facility; organization; 33429  
certified organization; child day-care center; type A family 33430  
day-care home; certified type B family day-care home; group home; 33431  
institution; state institution; residential facility; residential 33432  
care facility; residential camp; day camp; school district; 33433  
community school; chartered nonpublic school; educational service 33434  
center; hospital; or medical clinic; 33435

(c) Any person who supervises or coaches children as part of 33436  
an extracurricular activity sponsored by a school district, public 33437  
school, or chartered nonpublic school; 33438

- (d) Any other person who performs a similar function with respect to, or has a similar relationship to, children. 33439  
33440
- (34) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction: 33441  
33442  
33443  
33444
- (a) A substantial impairment of vision, speech, or hearing; 33445
- (b) A congenital orthopedic impairment; 33446
- (c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause. 33447  
33448  
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- (35) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody. 33450  
33451  
33452  
33453
- (36) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody. 33454  
33455  
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- (37) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply: 33458  
33459
- (a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights. 33460  
33461  
33462
- (b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed. 33463  
33464  
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- (38) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the 33467  
33468

Revised Code.	33469
(39) "Sanction, service, or condition" means a sanction,	33470
service, or condition created by court order following an	33471
adjudication that a child is an unruly child that is described in	33472
division (A)(4) of section 2152.19 of the Revised Code.	33473
(40) "Protective supervision" means an order of disposition	33474
pursuant to which the court permits an abused, neglected,	33475
dependent, or unruly child to remain in the custody of the child's	33476
parents, guardian, or custodian and stay in the child's home,	33477
subject to any conditions and limitations upon the child, the	33478
child's parents, guardian, or custodian, or any other person that	33479
the court prescribes, including supervision as directed by the	33480
court for the protection of the child.	33481
(41) "Psychiatrist" has the same meaning as in section	33482
5122.01 of the Revised Code.	33483
(42) "Psychologist" has the same meaning as in section	33484
4732.01 of the Revised Code.	33485
(43) "Residential camp" means a program in which the care,	33486
physical custody, or control of children is accepted overnight for	33487
recreational or recreational and educational purposes.	33488
(44) "Residential care facility" means an institution,	33489
residence, or facility that is licensed by the department of	33490
mental health under section 5119.22 of the Revised Code and that	33491
provides care for a child.	33492
(45) "Residential facility" means a home or facility that is	33493
licensed by the department of mental retardation and developmental	33494
disabilities under section 5123.19 of the Revised Code and in	33495
which a child with a developmental disability resides.	33496
(46) "Residual parental rights, privileges, and	33497
responsibilities" means those rights, privileges, and	33498

responsibilities remaining with the natural parent after the 33499  
transfer of legal custody of the child, including, but not 33500  
necessarily limited to, the privilege of reasonable visitation, 33501  
consent to adoption, the privilege to determine the child's 33502  
religious affiliation, and the responsibility for support. 33503

~~(47) "School day" means the school day established by the 33504  
state board of education pursuant to section 3313.48 of the 33505  
Revised Code. 33506~~

~~(48) "School," "school month," and "school year" have the 33507  
same meanings as in section 3313.62 of the Revised Code. 33508~~

~~(49)~~(48) "Secure correctional facility" means a facility 33509  
under the direction of the department of youth services that is 33510  
designed to physically restrict the movement and activities of 33511  
children and used for the placement of children after adjudication 33512  
and disposition. 33513

~~(50)~~(49) "Sexual activity" has the same meaning as in section 33514  
2907.01 of the Revised Code. 33515

~~(51)~~(50) "Shelter" means the temporary care of children in 33516  
physically unrestricted facilities pending court adjudication or 33517  
disposition. 33518

~~(52)~~(51) "Shelter for victims of domestic violence" has the 33519  
same meaning as in section 3113.33 of the Revised Code. 33520

~~(53)~~(52) "Temporary custody" means legal custody of a child 33521  
who is removed from the child's home, which custody may be 33522  
terminated at any time at the discretion of the court or, if the 33523  
legal custody is granted in an agreement for temporary custody, by 33524  
the person who executed the agreement. 33525

(C) For the purposes of this chapter, a child shall be 33526  
presumed abandoned when the parents of the child have failed to 33527  
visit or maintain contact with the child for more than ninety 33528

days, regardless of whether the parents resume contact with the 33529  
child after that period of ninety days. 33530

**Sec. 2301.02.** The number of judges of the court of common 33531  
pleas for each county, the time for the next election of the 33532  
judges in the several counties, and the beginning of their terms 33533  
shall be as follows: 33534

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, 33535  
elected in 1956, term to begin February 9, 1957; 33536

In Brown, Crawford, Defiance, Highland, Holmes, Morgan, 33537  
Ottawa, and Union counties, one judge, to be elected in 1954, term 33538  
to begin February 9, 1955; 33539

In Auglaize county, one judge, to be elected in 1956, term to 33540  
begin January 9, 1957; 33541

In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin, 33542  
Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and 33543  
Wyandot counties, one judge, to be elected in 1956, term to begin 33544  
January 1, 1957; 33545

In Morrow county, two judges, one to be elected in 1956, term 33546  
to begin January 1, 1957, and one to be elected in 2006, term to 33547  
begin January 1, 2007; 33548

In Logan county, two judges, one to be elected in 1956, term 33549  
to begin January 1, 1957, and one to be elected in 2004, term to 33550  
begin January 2, 2005; 33551

In Carroll, Clinton, Hocking, Meigs, Pickaway, Preble, 33552  
Shelby, Van Wert, and Williams counties, one judge, to be elected 33553  
in 1952, term to begin January 1, 1953; 33554

In Champaign county, two judges, one to be elected in 1952, 33555  
term to begin January 1, 1953, and one to be elected in 2008, term 33556  
to begin February 10, 2009. 33557

In Harrison and Noble counties, one judge, to be elected in 1954, term to begin April 18, 1955;	33558 33559
In Henry county, two judges, one to be elected in 1956, term to begin May 9, 1957, and one to be elected in 2004, term to begin January 1, 2005;	33560 33561 33562
In Putnam county, one judge, to be elected in 1956, term to begin May 9, 1957;	33563 33564
In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;	33565 33566
In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;	33567 33568
In Sandusky county, two judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;	33569 33570 33571
(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;	33572 33573 33574 33575
In Ashtabula county, three judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1960, term to begin January 1, 1961, and one to be elected in 1978, term to begin January 2, 1979;	33576 33577 33578 33579
In Athens county, two judges, one to be elected in 1954, term to begin February 9, 1955, and one to be elected in 1990, term to begin July 1, 1991;	33580 33581 33582
In Erie county, four judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1970, term to begin January 2, 1971, the third to be elected in 2004, term to begin January 2, 2005, and the fourth to be elected in 2008, term to begin February 9, 2009;	33583 33584 33585 33586 33587

In Fairfield county, three judges, one to be elected in 1954, 33588  
term to begin February 9, 1955, the second to be elected in 1970, 33589  
term to begin January 1, 1971, and the third to be elected in 33590  
1994, term to begin January 2, 1995; 33591

In Geauga county, two judges, one to be elected in 1956, term 33592  
to begin January 1, 1957, and the second to be elected in 1976, 33593  
term to begin January 6, 1977; 33594

In Greene county, four judges, one to be elected in 1956, 33595  
term to begin February 9, 1957, the second to be elected in 1960, 33596  
term to begin January 1, 1961, the third to be elected in 1978, 33597  
term to begin January 2, 1979, and the fourth to be elected in 33598  
1994, term to begin January 1, 1995; 33599

In Hancock county, two judges, one to be elected in 1952, 33600  
term to begin January 1, 1953, and the second to be elected in 33601  
1978, term to begin January 1, 1979; 33602

In Lawrence county, two judges, one to be elected in 1954, 33603  
term to begin February 9, 1955, and the second to be elected in 33604  
1976, term to begin January 1, 1977; 33605

In Marion county, three judges, one to be elected in 1952, 33606  
term to begin January 1, 1953, the second to be elected in 1976, 33607  
term to begin January 2, 1977, and the third to be elected in 33608  
1998, term to begin February 9, 1999; 33609

In Medina county, three judges, one to be elected in 1956, 33610  
term to begin January 1, 1957, the second to be elected in 1966, 33611  
term to begin January 1, 1967, and the third to be elected in 33612  
1994, term to begin January 1, 1995; 33613

In Miami county, two judges, one to be elected in 1954, term 33614  
to begin February 9, 1955, and one to be elected in 1970, term to 33615  
begin on January 1, 1971; 33616

In Muskingum county, three judges, one to be elected in 1968, 33617



term to begin August 9, 1969, one to be elected in 1978, term to 33618  
begin January 1, 1979, and one to be elected in 2002, term to 33619  
begin January 2, 2003; 33620

In Portage county, three judges, one to be elected in 1956, 33621  
term to begin January 1, 1957, the second to be elected in 1960, 33622  
term to begin January 1, 1961, and the third to be elected in 33623  
1986, term to begin January 2, 1987; 33624

In Ross county, two judges, one to be elected in 1956, term 33625  
to begin February 9, 1957, and the second to be elected in 1976, 33626  
term to begin January 1, 1977; 33627

In Scioto county, three judges, one to be elected in 1954, 33628  
term to begin February 10, 1955, the second to be elected in 1960, 33629  
term to begin January 1, 1961, and the third to be elected in 33630  
1994, term to begin January 2, 1995; 33631

In Seneca county, two judges, one to be elected in 1956, term 33632  
to begin January 1, 1957, and the second to be elected in 1986, 33633  
term to begin January 2, 1987; 33634

In Warren county, four judges, one to be elected in 1954, 33635  
term to begin February 9, 1955, the second to be elected in 1970, 33636  
term to begin January 1, 1971, the third to be elected in 1986, 33637  
term to begin January 1, 1987, and the fourth to be elected in 33638  
2004, term to begin January 2, 2005; 33639

In Washington county, two judges, one to be elected in 1952, 33640  
term to begin January 1, 1953, and one to be elected in 1986, term 33641  
to begin January 1, 1987; 33642

In Wood county, three judges, one to be elected in 1968, term 33643  
beginning January 1, 1969, the second to be elected in 1970, term 33644  
to begin January 2, 1971, and the third to be elected in 1990, 33645  
term to begin January 1, 1991; 33646

In Belmont and Jefferson counties, two judges, to be elected 33647

in 1954, terms to begin January 1, 1955, and February 9, 1955, 33648  
respectively; 33649

In Clark county, four judges, one to be elected in 1952, term 33650  
to begin January 1, 1953, the second to be elected in 1956, term 33651  
to begin January 2, 1957, the third to be elected in 1986, term to 33652  
begin January 3, 1987, and the fourth to be elected in 1994, term 33653  
to begin January 2, 1995. 33654

In Clermont county, five judges, one to be elected in 1956, 33655  
term to begin January 1, 1957, the second to be elected in 1964, 33656  
term to begin January 1, 1965, the third to be elected in 1982, 33657  
term to begin January 2, 1983, the fourth to be elected in 1986, 33658  
term to begin January 2, 1987; and the fifth to be elected in 33659  
2006, term to begin January 3, 2007; 33660

In Columbiana county, two judges, one to be elected in 1952, 33661  
term to begin January 1, 1953, and the second to be elected in 33662  
1956, term to begin January 1, 1957; 33663

In Delaware county, two judges, one to be elected in 1990, 33664  
term to begin February 9, 1991, the second to be elected in 1994, 33665  
term to begin January 1, 1995; 33666

In Lake county, six judges, one to be elected in 1958, term 33667  
to begin January 1, 1959, the second to be elected in 1960, term 33668  
to begin January 2, 1961, the third to be elected in 1964, term to 33669  
begin January 3, 1965, the fourth and fifth to be elected in 1978, 33670  
terms to begin January 4, 1979, and January 5, 1979, respectively, 33671  
and the sixth to be elected in 2000, term to begin January 6, 33672  
2001; 33673

In Licking county, four judges, one to be elected in 1954, 33674  
term to begin February 9, 1955, one to be elected in 1964, term to 33675  
begin January 1, 1965, one to be elected in 1990, term to begin 33676  
January 1, 1991, and one to be elected in 2004, term to begin 33677  
January 1, 2005; 33678

In Lorain county, ~~ten~~ nine judges, two to be elected in 1952, 33679  
terms to begin January 1, 1953, and January 2, 1953, respectively, 33680  
one to be elected in 1958, term to begin January 3, 1959, one to 33681  
be elected in 1968, term to begin January 1, 1969, two to be 33682  
elected in 1988, terms to begin January 4, 1989, and January 5, 33683  
1989, respectively, two to be elected in 1998, terms to begin 33684  
January 2, 1999, and January 3, 1999, respectively; and one to be 33685  
elected in 2006, term to begin January 6, 2007; ~~and one to be~~ 33686  
~~elected in 2008, term to begin February 9, 2009, as described in~~ 33687  
~~division (C)(1)(c) of section 2301.03 of the Revised Code;~~ 33688

In Butler county, eleven judges, one to be elected in 1956, 33689  
term to begin January 1, 1957; two to be elected in 1954, terms to 33690  
begin January 1, 1955, and February 9, 1955, respectively; one to 33691  
be elected in 1968, term to begin January 2, 1969; one to be 33692  
elected in 1986, term to begin January 3, 1987; two to be elected 33693  
in 1988, terms to begin January 1, 1989, and January 2, 1989, 33694  
respectively; one to be elected in 1992, term to begin January 4, 33695  
1993; two to be elected in 2002, terms to begin January 2, 2003, 33696  
and January 3, 2003, respectively; and one to be elected in 2006, 33697  
term to begin January 3, 2007; 33698

In Richland county, four judges, one to be elected in 1956, 33699  
term to begin January 1, 1957, the second to be elected in 1960, 33700  
term to begin February 9, 1961, the third to be elected in 1968, 33701  
term to begin January 2, 1969, and the fourth to be elected in 33702  
2004, term to begin January 3, 2005; 33703

In Tuscarawas county, two judges, one to be elected in 1956, 33704  
term to begin January 1, 1957, and the second to be elected in 33705  
1960, term to begin January 2, 1961; 33706

In Wayne county, two judges, one to be elected in 1956, term 33707  
beginning January 1, 1957, and one to be elected in 1968, term to 33708  
begin January 2, 1969; 33709

In Trumbull county, six judges, one to be elected in 1952, 33710  
term to begin January 1, 1953, the second to be elected in 1954, 33711  
term to begin January 1, 1955, the third to be elected in 1956, 33712  
term to begin January 1, 1957, the fourth to be elected in 1964, 33713  
term to begin January 1, 1965, the fifth to be elected in 1976, 33714  
term to begin January 2, 1977, and the sixth to be elected in 33715  
1994, term to begin January 3, 1995; 33716

(C) In Cuyahoga county, thirty-nine judges; eight to be 33717  
elected in 1954, terms to begin on successive days beginning from 33718  
January 1, 1955, to January 7, 1955, and February 9, 1955, 33719  
respectively; eight to be elected in 1956, terms to begin on 33720  
successive days beginning from January 1, 1957, to January 8, 33721  
1957; three to be elected in 1952, terms to begin from January 1, 33722  
1953, to January 3, 1953; two to be elected in 1960, terms to 33723  
begin on January 8, 1961, and January 9, 1961, respectively; two 33724  
to be elected in 1964, terms to begin January 4, 1965, and January 33725  
5, 1965, respectively; one to be elected in 1966, term to begin on 33726  
January 10, 1967; four to be elected in 1968, terms to begin on 33727  
successive days beginning from January 9, 1969, to January 12, 33728  
1969; two to be elected in 1974, terms to begin on January 18, 33729  
1975, and January 19, 1975, respectively; five to be elected in 33730  
1976, terms to begin on successive days beginning January 6, 1977, 33731  
to January 10, 1977; two to be elected in 1982, terms to begin 33732  
January 11, 1983, and January 12, 1983, respectively; and two to 33733  
be elected in 1986, terms to begin January 13, 1987, and January 33734  
14, 1987, respectively; 33735

In Franklin county, twenty-two judges; two to be elected in 33736  
1954, terms to begin January 1, 1955, and February 9, 1955, 33737  
respectively; four to be elected in 1956, terms to begin January 33738  
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 33739  
begin January 1, 1959, to January 4, 1959; three to be elected in 33740  
1968, terms to begin January 5, 1969, to January 7, 1969; three to 33741

be elected in 1976, terms to begin on successive days beginning 33742  
January 5, 1977, to January 7, 1977; one to be elected in 1982, 33743  
term to begin January 8, 1983; one to be elected in 1986, term to 33744  
begin January 9, 1987; two to be elected in 1990, terms to begin 33745  
July 1, 1991, and July 2, 1991, respectively; one to be elected in 33746  
1996, term to begin January 2, 1997; and one to be elected in 33747  
2004, term to begin July 1, 2005; 33748

In Hamilton county, twenty-one judges; eight to be elected in 33749  
1966, terms to begin January 1, 1967, January 2, 1967, and from 33750  
February 9, 1967, to February 14, 1967, respectively; five to be 33751  
elected in 1956, terms to begin from January 1, 1957, to January 33752  
5, 1957; one to be elected in 1964, term to begin January 1, 1965; 33753  
one to be elected in 1974, term to begin January 15, 1975; one to 33754  
be elected in 1980, term to begin January 16, 1981; two to be 33755  
elected at large in the general election in 1982, terms to begin 33756  
April 1, 1983; one to be elected in 1990, term to begin July 1, 33757  
1991; and two to be elected in 1996, terms to begin January 3, 33758  
1997, and January 4, 1997, respectively; 33759

In Lucas county, fourteen judges; two to be elected in 1954, 33760  
terms to begin January 1, 1955, and February 9, 1955, 33761  
respectively; two to be elected in 1956, terms to begin January 1, 33762  
1957, and October 29, 1957, respectively; two to be elected in 33763  
1952, terms to begin January 1, 1953, and January 2, 1953, 33764  
respectively; one to be elected in 1964, term to begin January 3, 33765  
1965; one to be elected in 1968, term to begin January 4, 1969; 33766  
two to be elected in 1976, terms to begin January 4, 1977, and 33767  
January 5, 1977, respectively; one to be elected in 1982, term to 33768  
begin January 6, 1983; one to be elected in 1988, term to begin 33769  
January 7, 1989; one to be elected in 1990, term to begin January 33770  
2, 1991; and one to be elected in 1992, term to begin January 2, 33771  
1993; 33772

In Mahoning county, seven judges; three to be elected in 33773

1954, terms to begin January 1, 1955, January 2, 1955, and 33774  
February 9, 1955, respectively; one to be elected in 1956, term to 33775  
begin January 1, 1957; one to be elected in 1952, term to begin 33776  
January 1, 1953; one to be elected in 1968, term to begin January 33777  
2, 1969; and one to be elected in 1990, term to begin July 1, 33778  
1991; 33779

In Montgomery county, fifteen judges; three to be elected in 33780  
1954, terms to begin January 1, 1955, January 2, 1955, and January 33781  
3, 1955, respectively; four to be elected in 1952, terms to begin 33782  
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, 33783  
respectively; one to be elected in 1964, term to begin January 3, 33784  
1965; one to be elected in 1968, term to begin January 3, 1969; 33785  
three to be elected in 1976, terms to begin on successive days 33786  
beginning January 4, 1977, to January 6, 1977; two to be elected 33787  
in 1990, terms to begin July 1, 1991, and July 2, 1991, 33788  
respectively; and one to be elected in 1992, term to begin January 33789  
1, 1993. 33790

In Stark county, eight judges; one to be elected in 1958, 33791  
term to begin on January 2, 1959; two to be elected in 1954, terms 33792  
to begin on January 1, 1955, and February 9, 1955, respectively; 33793  
two to be elected in 1952, terms to begin January 1, 1953, and 33794  
April 16, 1953, respectively; one to be elected in 1966, term to 33795  
begin on January 4, 1967; and two to be elected in 1992, terms to 33796  
begin January 1, 1993, and January 2, 1993, respectively; 33797

In Summit county, thirteen judges; four to be elected in 33798  
1954, terms to begin January 1, 1955, January 2, 1955, January 3, 33799  
1955, and February 9, 1955, respectively; three to be elected in 33800  
1958, terms to begin January 1, 1959, January 2, 1959, and May 17, 33801  
1959, respectively; one to be elected in 1966, term to begin 33802  
January 4, 1967; one to be elected in 1968, term to begin January 33803  
5, 1969; one to be elected in 1990, term to begin May 1, 1991; one 33804  
to be elected in 1992, term to begin January 6, 1993; and two to 33805

be elected in 2008, terms to begin January 5, 2009, and January 6,  
2009, respectively.

Notwithstanding the foregoing provisions, in any county  
having two or more judges of the court of common pleas, in which  
more than one-third of the judges plus one were previously elected  
at the same election, if the office of one of those judges so  
elected becomes vacant more than forty days prior to the second  
general election preceding the expiration of that judge's term,  
the office that that judge had filled shall be abolished as of the  
date of the next general election, and a new office of judge of  
the court of common pleas shall be created. The judge who is to  
fill that new office shall be elected for a six-year term at the  
next general election, and the term of that judge shall commence  
on the first day of the year following that general election, on  
which day no other judge's term begins, so that the number of  
judges that the county shall elect shall not be reduced.

Judges of the probate division of the court of common pleas  
are judges of the court of common pleas but shall be elected  
pursuant to sections 2101.02 and 2101.021 of the Revised Code,  
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot  
counties in which the judge of the court of common pleas elected  
pursuant to this section also shall serve as judge of the probate  
division, except in Lorain county in which the judges of the  
domestic relations division of the Lorain county court of common  
pleas elected pursuant to this section also shall perform the  
duties and functions of the judge of the probate division from  
February 9, 2009, through September 28, 2009, and except in Morrow  
county in which the judges of the court of common pleas elected  
pursuant to this section also shall perform the duties and  
functions of the judge of the probate division.

**Sec. 2301.03.** (A) In Franklin county, the judges of the court

of common pleas whose terms begin on January 1, 1953, January 2, 1953, January 5, 1969, January 5, 1977, and January 2, 1997, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Franklin county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them. In addition to the judge's regular duties, the judge who is senior in point of service shall serve on the children services board and the county advisory board and shall be the administrator of the domestic relations division and its subdivisions and departments.

(B) In Hamilton county:

(1) The judge of the court of common pleas, whose term begins on January 1, 1957, and successors, and the judge of the court of common pleas, whose term begins on February 14, 1967, and successors, shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdiction conferred by those chapters.

(2) The judges of the court of common pleas whose terms begin on January 5, 1957, January 16, 1981, and July 1, 1991, and successors, shall be elected and designated as judges of the court of common pleas, division of domestic relations, and shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. On or after the first day of July and before the first day of August of 1991 and each year thereafter, a majority of the judges of the



division of domestic relations shall elect one of the judges of 33869  
the division as administrative judge of that division. If a 33870  
majority of the judges of the division of domestic relations are 33871  
unable for any reason to elect an administrative judge for the 33872  
division before the first day of August, a majority of the judges 33873  
of the Hamilton county court of common pleas, as soon as possible 33874  
after that date, shall elect one of the judges of the division of 33875  
domestic relations as administrative judge of that division. The 33876  
term of the administrative judge shall begin on the earlier of the 33877  
first day of August of the year in which the administrative judge 33878  
is elected or the date on which the administrative judge is 33879  
elected by a majority of the judges of the Hamilton county court 33880  
of common pleas and shall terminate on the date on which the 33881  
administrative judge's successor is elected in the following year. 33882

In addition to the judge's regular duties, the administrative 33883  
judge of the division of domestic relations shall be the 33884  
administrator of the domestic relations division and its 33885  
subdivisions and departments and shall have charge of the 33886  
employment, assignment, and supervision of the personnel of the 33887  
division engaged in handling, servicing, or investigating divorce, 33888  
dissolution of marriage, legal separation, and annulment cases, 33889  
including any referees considered necessary by the judges in the 33890  
discharge of their various duties. 33891

The administrative judge of the division of domestic 33892  
relations also shall designate the title, compensation, expense 33893  
allowances, hours, leaves of absence, and vacations of the 33894  
personnel of the division, and shall fix the duties of its 33895  
personnel. The duties of the personnel, in addition to those 33896  
provided for in other sections of the Revised Code, shall include 33897  
the handling, servicing, and investigation of divorce, dissolution 33898  
of marriage, legal separation, and annulment cases and counseling 33899  
and conciliation services that may be made available to persons 33900

requesting them, whether or not the persons are parties to an 33901  
action pending in the division. 33902

The board of county commissioners shall appropriate the sum 33903  
of money each year as will meet all the administrative expenses of 33904  
the division of domestic relations, including reasonable expenses 33905  
of the domestic relations judges and the division counselors and 33906  
other employees designated to conduct the handling, servicing, and 33907  
investigation of divorce, dissolution of marriage, legal 33908  
separation, and annulment cases, conciliation and counseling, and 33909  
all matters relating to those cases and counseling, and the 33910  
expenses involved in the attendance of division personnel at 33911  
domestic relations and welfare conferences designated by the 33912  
division, and the further sum each year as will provide for the 33913  
adequate operation of the division of domestic relations. 33914

The compensation and expenses of all employees and the salary 33915  
and expenses of the judges shall be paid by the county treasurer 33916  
from the money appropriated for the operation of the division, 33917  
upon the warrant of the county auditor, certified to by the 33918  
administrative judge of the division of domestic relations. 33919

The summonses, warrants, citations, subpoenas, and other 33920  
writs of the division may issue to a bailiff, constable, or staff 33921  
investigator of the division or to the sheriff of any county or 33922  
any marshal, constable, or police officer, and the provisions of 33923  
law relating to the subpoenaing of witnesses in other cases shall 33924  
apply insofar as they are applicable. When a summons, warrant, 33925  
citation, subpoena, or other writ is issued to an officer, other 33926  
than a bailiff, constable, or staff investigator of the division, 33927  
the expense of serving it shall be assessed as a part of the costs 33928  
in the case involved. 33929

(3) The judge of the court of common pleas of Hamilton county 33930  
whose term begins on January 3, 1997, and the successors to that 33931  
judge shall each be elected and designated as the drug court judge 33932

of the court of common pleas of Hamilton county. The drug court 33933  
judge may accept or reject any case referred to the drug court 33934  
judge under division (B)(3) of this section. After the drug court 33935  
judge accepts a referred case, the drug court judge has full 33936  
authority over the case, including the authority to conduct 33937  
arraignment, accept pleas, enter findings and dispositions, 33938  
conduct trials, order treatment, and if treatment is not 33939  
successfully completed pronounce and enter sentence. 33940

A judge of the general division of the court of common pleas 33941  
of Hamilton county and a judge of the Hamilton county municipal 33942  
court may refer to the drug court judge any case, and any 33943  
companion cases, the judge determines meet the criteria described 33944  
under divisions (B)(3)(a) and (b) of this section. If the drug 33945  
court judge accepts referral of a referred case, the case, and any 33946  
companion cases, shall be transferred to the drug court judge. A 33947  
judge may refer a case meeting the criteria described in divisions 33948  
(B)(3)(a) and (b) of this section that involves a violation of a 33949  
condition of a community control sanction to the drug court judge, 33950  
and, if the drug court judge accepts the referral, the referring 33951  
judge and the drug court judge have concurrent jurisdiction over 33952  
the case. 33953

A judge of the general division of the court of common pleas 33954  
of Hamilton county and a judge of the Hamilton county municipal 33955  
court may refer a case to the drug court judge under division 33956  
(B)(3) of this section if the judge determines that both of the 33957  
following apply: 33958

(a) One of the following applies: 33959

(i) The case involves a drug abuse offense, as defined in 33960  
section 2925.01 of the Revised Code, that is a felony of the third 33961  
or fourth degree if the offense is committed prior to July 1, 33962  
1996, a felony of the third, fourth, or fifth degree if the 33963  
offense is committed on or after July 1, 1996, or a misdemeanor. 33964

(ii) The case involves a theft offense, as defined in section 2913.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.

(ii) The defendant has no history of violent behavior.

(iii) The defendant has no history of mental illness.

(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.

(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.

(vi) The defendant has no acute health condition.

(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.

(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending

before the drug court judge constitutes a sufficient caseload for 33995  
the drug court judge. 33996

(5) As used in division (B) of this section, "community 33997  
control sanction," "mandatory prison term," and "mandatory jail 33998  
term" have the same meanings as in section 2929.01 of the Revised 33999  
Code. 34000

(C)(1) In Lorain county: 34001

(a) The judges of the court of common pleas whose terms begin 34002  
on January 3, 1959, January 4, 1989, and January 2, 1999, and 34003  
February 9, 2009, and successors, and the judge of the court of 34004  
common pleas whose term begins on February 9, 2009, shall have the 34005  
same qualifications, exercise the same powers and jurisdiction, 34006  
and receive the same compensation as the other judges of the court 34007  
of common pleas of Lorain county and shall be elected and 34008  
designated as the judges of the court of common pleas, division of 34009  
domestic relations. ~~They~~ The judges of the court of common pleas 34010  
whose terms begin on January 3, 1959, January 4, 1989, and January 34011  
2, 1999, and successors, shall have all of the powers relating to 34012  
juvenile courts, and all cases under Chapters 2151. and 2152. of 34013  
the Revised Code, all parentage proceedings over which the 34014  
juvenile court has jurisdiction, and all divorce, dissolution of 34015  
marriage, legal separation, and annulment cases shall be assigned 34016  
to them, except cases that for some special reason are assigned to 34017  
some other judge of the court of common pleas. From February 9, 34018  
2009, through September 28, 2009, the judge of the court of common 34019  
pleas whose term begins on February 9, 2009, shall have all the 34020  
powers relating to juvenile courts, and cases under Chapters 2151. 34021  
and 2152. of the Revised Code, parentage proceedings over which 34022  
the juvenile court has jurisdiction, and divorce, dissolution of 34023  
marriage, legal separation, and annulment cases shall be assigned 34024  
to that judge, except cases that for some special reason are 34025  
assigned to some other judge of the court of common pleas. 34026

(b) ~~On and after~~ From January 1, 2006, through September 28, 34027  
2009, the judges of the court of common pleas, division of 34028  
domestic relations, in addition to the powers and jurisdiction set 34029  
forth in division (C)(1)(a) of this section, shall have 34030  
jurisdiction over matters that are within the jurisdiction of the 34031  
probate court under Chapter 2101. and other provisions of the 34032  
Revised Code. ~~From January 1, 2006, through February 8, 2009, the~~ 34033  
~~judges of the court of common pleas, division of domestic~~ 34034  
~~relations, shall exercise probate jurisdiction concurrently with~~ 34035  
~~the probate judge.~~ 34036

(c) The judge of the court of common pleas, division of 34037  
domestic relations, whose term begins on February 9, 2009, is the 34038  
successor to the probate judge who was elected in 2002 for a term 34039  
that began on February 9, 2003. After September 28, 2009, the 34040  
judge of the court of common pleas, division of domestic 34041  
relations, whose term begins on February 9, 2009, shall be the 34042  
probate judge. 34043

(2)(a) ~~From January 1, 2006, through February 8, 2009, with~~ 34044  
~~respect to Lorain county, all references in law to the probate~~ 34045  
~~court shall be construed as references to both the probate court~~ 34046  
~~and the court of common pleas, division of domestic relations, and~~ 34047  
~~all references in law to the probate judge shall be construed as~~ 34048  
~~references to both the probate judge and the judges of the court~~ 34049  
~~of common pleas, division of domestic relations. On and after~~ From 34050  
February 9, 2009, through September 28, 2009, with respect to 34051  
Lorain county, all references in law to the probate court shall be 34052  
construed as references to the court of common pleas, division of 34053  
domestic relations, and all references to the probate judge shall 34054  
be construed as references to the judges of the court of common 34055  
pleas, division of domestic relations. 34056

(b) ~~On and after~~ From February 9, 2009, through September 28, 34057  
2009, with respect to Lorain county, all references in law to the 34058

clerk of the probate court shall be construed as references to the 34059  
judge who is serving pursuant to Rule 4 of the Rules of 34060  
Superintendence for the Courts of Ohio as the administrative judge 34061  
of the court of common pleas, division of domestic relations. 34062

34063

(D) In Lucas county: 34064

(1) The judges of the court of common pleas whose terms begin 34065  
on January 1, 1955, and January 3, 1965, and successors, shall 34066  
have the same qualifications, exercise the same powers and 34067  
jurisdiction, and receive the same compensation as other judges of 34068  
the court of common pleas of Lucas county and shall be elected and 34069  
designated as judges of the court of common pleas, division of 34070  
domestic relations. All divorce, dissolution of marriage, legal 34071  
separation, and annulment cases shall be assigned to them. 34072

The judge of the division of domestic relations, senior in 34073  
point of service, shall be considered as the presiding judge of 34074  
the court of common pleas, division of domestic relations, and 34075  
shall be charged exclusively with the assignment and division of 34076  
the work of the division and the employment and supervision of all 34077  
other personnel of the domestic relations division. 34078

(2) The judges of the court of common pleas whose terms begin 34079  
on January 5, 1977, and January 2, 1991, and successors shall have 34080  
the same qualifications, exercise the same powers and 34081  
jurisdiction, and receive the same compensation as other judges of 34082  
the court of common pleas of Lucas county, shall be elected and 34083  
designated as judges of the court of common pleas, juvenile 34084  
division, and shall be the juvenile judges as provided in Chapters 34085  
2151. and 2152. of the Revised Code with the powers and 34086  
jurisdictions conferred by those chapters. In addition to the 34087  
judge's regular duties, the judge of the court of common pleas, 34088  
juvenile division, senior in point of service, shall be the 34089  
administrator of the juvenile division and its subdivisions and 34090

departments and shall have charge of the employment, assignment, 34091  
and supervision of the personnel of the division engaged in 34092  
handling, servicing, or investigating juvenile cases, including 34093  
any referees considered necessary by the judges of the division in 34094  
the discharge of their various duties. 34095

The judge of the court of common pleas, juvenile division, 34096  
senior in point of service, also shall designate the title, 34097  
compensation, expense allowance, hours, leaves of absence, and 34098  
vacation of the personnel of the division and shall fix the duties 34099  
of the personnel of the division. The duties of the personnel, in 34100  
addition to other statutory duties include the handling, 34101  
servicing, and investigation of juvenile cases and counseling and 34102  
conciliation services that may be made available to persons 34103  
requesting them, whether or not the persons are parties to an 34104  
action pending in the division. 34105

(3) If one of the judges of the court of common pleas, 34106  
division of domestic relations, or one of the judges of the 34107  
juvenile division is sick, absent, or unable to perform that 34108  
judge's judicial duties or the volume of cases pending in that 34109  
judge's division necessitates it, the duties shall be performed by 34110  
the judges of the other of those divisions. 34111

(E) In Mahoning county: 34112

(1) The judge of the court of common pleas whose term began 34113  
on January 1, 1955, and successors, shall have the same 34114  
qualifications, exercise the same powers and jurisdiction, and 34115  
receive the same compensation as other judges of the court of 34116  
common pleas of Mahoning county, shall be elected and designated 34117  
as judge of the court of common pleas, division of domestic 34118  
relations, and shall be assigned all the divorce, dissolution of 34119  
marriage, legal separation, and annulment cases coming before the 34120  
court. In addition to the judge's regular duties, the judge of the 34121  
court of common pleas, division of domestic relations, shall be 34122



the administrator of the domestic relations division and its 34123  
subdivisions and departments and shall have charge of the 34124  
employment, assignment, and supervision of the personnel of the 34125  
division engaged in handling, servicing, or investigating divorce, 34126  
dissolution of marriage, legal separation, and annulment cases, 34127  
including any referees considered necessary in the discharge of 34128  
the various duties of the judge's office. 34129

The judge also shall designate the title, compensation, 34130  
expense allowances, hours, leaves of absence, and vacations of the 34131  
personnel of the division and shall fix the duties of the 34132  
personnel of the division. The duties of the personnel, in 34133  
addition to other statutory duties, include the handling, 34134  
servicing, and investigation of divorce, dissolution of marriage, 34135  
legal separation, and annulment cases and counseling and 34136  
conciliation services that may be made available to persons 34137  
requesting them, whether or not the persons are parties to an 34138  
action pending in the division. 34139

(2) The judge of the court of common pleas whose term began 34140  
on January 2, 1969, and successors, shall have the same 34141  
qualifications, exercise the same powers and jurisdiction, and 34142  
receive the same compensation as other judges of the court of 34143  
common pleas of Mahoning county, shall be elected and designated 34144  
as judge of the court of common pleas, juvenile division, and 34145  
shall be the juvenile judge as provided in Chapters 2151. and 34146  
2152. of the Revised Code, with the powers and jurisdictions 34147  
conferred by those chapters. In addition to the judge's regular 34148  
duties, the judge of the court of common pleas, juvenile division, 34149  
shall be the administrator of the juvenile division and its 34150  
subdivisions and departments and shall have charge of the 34151  
employment, assignment, and supervision of the personnel of the 34152  
division engaged in handling, servicing, or investigating juvenile 34153  
cases, including any referees considered necessary by the judge in 34154

the discharge of the judge's various duties. 34155

The judge also shall designate the title, compensation, 34156  
expense allowances, hours, leaves of absence, and vacation of the 34157  
personnel of the division and shall fix the duties of the 34158  
personnel of the division. The duties of the personnel, in 34159  
addition to other statutory duties, include the handling, 34160  
servicing, and investigation of juvenile cases and counseling and 34161  
conciliation services that may be made available to persons 34162  
requesting them, whether or not the persons are parties to an 34163  
action pending in the division. 34164

(3) If a judge of the court of common pleas, division of 34165  
domestic relations or juvenile division, is sick, absent, or 34166  
unable to perform that judge's judicial duties, or the volume of 34167  
cases pending in that judge's division necessitates it, that 34168  
judge's duties shall be performed by another judge of the court of 34169  
common pleas. 34170

(F) In Montgomery county: 34171

(1) The judges of the court of common pleas whose terms begin 34172  
on January 2, 1953, and January 4, 1977, and successors, shall 34173  
have the same qualifications, exercise the same powers and 34174  
jurisdiction, and receive the same compensation as other judges of 34175  
the court of common pleas of Montgomery county and shall be 34176  
elected and designated as judges of the court of common pleas, 34177  
division of domestic relations. These judges shall have assigned 34178  
to them all divorce, dissolution of marriage, legal separation, 34179  
and annulment cases. 34180

The judge of the division of domestic relations, senior in 34181  
point of service, shall be charged exclusively with the assignment 34182  
and division of the work of the division and shall have charge of 34183  
the employment and supervision of the personnel of the division 34184  
engaged in handling, servicing, or investigating divorce, 34185

dissolution of marriage, legal separation, and annulment cases, 34186  
including any necessary referees, except those employees who may 34187  
be appointed by the judge, junior in point of service, under this 34188  
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 34189  
Code. The judge of the division of domestic relations, senior in 34190  
point of service, also shall designate the title, compensation, 34191  
expense allowances, hours, leaves of absence, and vacation of the 34192  
personnel of the division and shall fix their duties. 34193

(2) The judges of the court of common pleas whose terms begin 34194  
on January 1, 1953, and January 1, 1993, and successors, shall 34195  
have the same qualifications, exercise the same powers and 34196  
jurisdiction, and receive the same compensation as other judges of 34197  
the court of common pleas of Montgomery county, shall be elected 34198  
and designated as judges of the court of common pleas, juvenile 34199  
division, and shall be, and have the powers and jurisdiction of, 34200  
the juvenile judge as provided in Chapters 2151. and 2152. of the 34201  
Revised Code. 34202

In addition to the judge's regular duties, the judge of the 34203  
court of common pleas, juvenile division, senior in point of 34204  
service, shall be the administrator of the juvenile division and 34205  
its subdivisions and departments and shall have charge of the 34206  
employment, assignment, and supervision of the personnel of the 34207  
juvenile division, including any necessary referees, who are 34208  
engaged in handling, servicing, or investigating juvenile cases. 34209  
The judge, senior in point of service, also shall designate the 34210  
title, compensation, expense allowances, hours, leaves of absence, 34211  
and vacation of the personnel of the division and shall fix their 34212  
duties. The duties of the personnel, in addition to other 34213  
statutory duties, shall include the handling, servicing, and 34214  
investigation of juvenile cases and of any counseling and 34215  
conciliation services that are available upon request to persons, 34216  
whether or not they are parties to an action pending in the 34217

division. 34218

If one of the judges of the court of common pleas, division 34219  
of domestic relations, or one of the judges of the court of common 34220  
pleas, juvenile division, is sick, absent, or unable to perform 34221  
that judge's duties or the volume of cases pending in that judge's 34222  
division necessitates it, the duties of that judge may be 34223  
performed by the judge or judges of the other of those divisions. 34224

(G) In Richland county: 34225

(1) The judge of the court of common pleas whose term begins 34226  
on January 1, 1957, and successors, shall have the same 34227  
qualifications, exercise the same powers and jurisdiction, and 34228  
receive the same compensation as the other judges of the court of 34229  
common pleas of Richland county and shall be elected and 34230  
designated as judge of the court of common pleas, division of 34231  
domestic relations. That judge shall be assigned and hear all 34232  
divorce, dissolution of marriage, legal separation, and annulment 34233  
cases, all domestic violence cases arising under section 3113.31 34234  
of the Revised Code, and all post-decree proceedings arising from 34235  
any case pertaining to any of those matters. The division of 34236  
domestic relations has concurrent jurisdiction with the juvenile 34237  
division of the court of common pleas of Richland county to 34238  
determine the care, custody, or control of any child not a ward of 34239  
another court of this state, and to hear and determine a request 34240  
for an order for the support of any child if the request is not 34241  
ancillary to an action for divorce, dissolution of marriage, 34242  
annulment, or legal separation, a criminal or civil action 34243  
involving an allegation of domestic violence, or an action for 34244  
support brought under Chapter 3115. of the Revised Code. Except in 34245  
cases that are subject to the exclusive original jurisdiction of 34246  
the juvenile court, the judge of the division of domestic 34247  
relations shall be assigned and hear all cases pertaining to 34248  
paternity or parentage, the care, custody, or control of children, 34249

parenting time or visitation, child support, or the allocation of 34250  
parental rights and responsibilities for the care of children, all 34251  
proceedings arising under Chapter 3111. of the Revised Code, all 34252  
proceedings arising under the uniform interstate family support 34253  
act contained in Chapter 3115. of the Revised Code, and all 34254  
post-decree proceedings arising from any case pertaining to any of 34255  
those matters. 34256

In addition to the judge's regular duties, the judge of the 34257  
court of common pleas, division of domestic relations, shall be 34258  
the administrator of the domestic relations division and its 34259  
subdivisions and departments. The judge shall have charge of the 34260  
employment, assignment, and supervision of the personnel of the 34261  
domestic relations division, including any magistrates the judge 34262  
considers necessary for the discharge of the judge's duties. The 34263  
judge shall also designate the title, compensation, expense 34264  
allowances, hours, leaves of absence, vacation, and other 34265  
employment-related matters of the personnel of the division and 34266  
shall fix their duties. 34267

(2) The judge of the court of common pleas whose term begins 34268  
on January 3, 2005, and successors, shall have the same 34269  
qualifications, exercise the same powers and jurisdiction, and 34270  
receive the same compensation as other judges of the court of 34271  
common pleas of Richland county, shall be elected and designated 34272  
as judge of the court of common pleas, juvenile division, and 34273  
shall be, and have the powers and jurisdiction of, the juvenile 34274  
judge as provided in Chapters 2151. and 2152. of the Revised Code. 34275  
Except in cases that are subject to the exclusive original 34276  
jurisdiction of the juvenile court, the judge of the juvenile 34277  
division shall not have jurisdiction or the power to hear, and 34278  
shall not be assigned, any case pertaining to paternity or 34279  
parentage, the care, custody, or control of children, parenting 34280  
time or visitation, child support, or the allocation of parental 34281

rights and responsibilities for the care of children or any 34282  
post-decree proceeding arising from any case pertaining to any of 34283  
those matters. The judge of the juvenile division shall not have 34284  
jurisdiction or the power to hear, and shall not be assigned, any 34285  
proceeding under the uniform interstate family support act 34286  
contained in Chapter 3115. of the Revised Code. 34287

In addition to the judge's regular duties, the judge of the 34288  
juvenile division shall be the administrator of the juvenile 34289  
division and its subdivisions and departments. The judge shall 34290  
have charge of the employment, assignment, and supervision of the 34291  
personnel of the juvenile division who are engaged in handling, 34292  
servicing, or investigating juvenile cases, including any 34293  
magistrates whom the judge considers necessary for the discharge 34294  
of the judge's various duties. 34295

The judge of the juvenile division also shall designate the 34296  
title, compensation, expense allowances, hours, leaves of absence, 34297  
and vacation of the personnel of the division and shall fix their 34298  
duties. The duties of the personnel, in addition to other 34299  
statutory duties, include the handling, servicing, and 34300  
investigation of juvenile cases and providing any counseling, 34301  
conciliation, and mediation services that the court makes 34302  
available to persons, whether or not the persons are parties to an 34303  
action pending in the court, who request the services. 34304

(H) In Stark county, the judges of the court of common pleas 34305  
whose terms begin on January 1, 1953, January 2, 1959, and January 34306  
1, 1993, and successors, shall have the same qualifications, 34307  
exercise the same powers and jurisdiction, and receive the same 34308  
compensation as other judges of the court of common pleas of Stark 34309  
county and shall be elected and designated as judges of the court 34310  
of common pleas, division of domestic relations. They shall have 34311  
all the powers relating to juvenile courts, and all cases under 34312  
Chapters 2151. and 2152. of the Revised Code, all parentage 34313

proceedings over which the juvenile court has jurisdiction, and 34314  
all divorce, dissolution of marriage, legal separation, and 34315  
annulment cases, except cases that are assigned to some other 34316  
judge of the court of common pleas for some special reason, shall 34317  
be assigned to the judges. 34318

The judge of the division of domestic relations, second most 34319  
senior in point of service, shall have charge of the employment 34320  
and supervision of the personnel of the division engaged in 34321  
handling, servicing, or investigating divorce, dissolution of 34322  
marriage, legal separation, and annulment cases, and necessary 34323  
referees required for the judge's respective court. 34324

The judge of the division of domestic relations, senior in 34325  
point of service, shall be charged exclusively with the 34326  
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 34327  
of the Revised Code and with the assignment and division of the 34328  
work of the division and the employment and supervision of all 34329  
other personnel of the division, including, but not limited to, 34330  
that judge's necessary referees, but excepting those employees who 34331  
may be appointed by the judge second most senior in point of 34332  
service. The senior judge further shall serve in every other 34333  
position in which the statutes permit or require a juvenile judge 34334  
to serve. 34335

(I) In Summit county: 34336

(1) The judges of the court of common pleas whose terms begin 34337  
on January 4, 1967, and January 6, 1993, and successors, shall 34338  
have the same qualifications, exercise the same powers and 34339  
jurisdiction, and receive the same compensation as other judges of 34340  
the court of common pleas of Summit county and shall be elected 34341  
and designated as judges of the court of common pleas, division of 34342  
domestic relations. The judges of the division of domestic 34343  
relations shall have assigned to them and hear all divorce, 34344  
dissolution of marriage, legal separation, and annulment cases 34345

that come before the court. Except in cases that are subject to 34346  
the exclusive original jurisdiction of the juvenile court, the 34347  
judges of the division of domestic relations shall have assigned 34348  
to them and hear all cases pertaining to paternity, custody, 34349  
visitation, child support, or the allocation of parental rights 34350  
and responsibilities for the care of children and all post-decree 34351  
proceedings arising from any case pertaining to any of those 34352  
matters. The judges of the division of domestic relations shall 34353  
have assigned to them and hear all proceedings under the uniform 34354  
interstate family support act contained in Chapter 3115. of the 34355  
Revised Code. 34356

The judge of the division of domestic relations, senior in 34357  
point of service, shall be the administrator of the domestic 34358  
relations division and its subdivisions and departments and shall 34359  
have charge of the employment, assignment, and supervision of the 34360  
personnel of the division, including any necessary referees, who 34361  
are engaged in handling, servicing, or investigating divorce, 34362  
dissolution of marriage, legal separation, and annulment cases. 34363  
That judge also shall designate the title, compensation, expense 34364  
allowances, hours, leaves of absence, and vacations of the 34365  
personnel of the division and shall fix their duties. The duties 34366  
of the personnel, in addition to other statutory duties, shall 34367  
include the handling, servicing, and investigation of divorce, 34368  
dissolution of marriage, legal separation, and annulment cases and 34369  
of any counseling and conciliation services that are available 34370  
upon request to all persons, whether or not they are parties to an 34371  
action pending in the division. 34372

(2) The judge of the court of common pleas whose term begins 34373  
on January 1, 1955, and successors, shall have the same 34374  
qualifications, exercise the same powers and jurisdiction, and 34375  
receive the same compensation as other judges of the court of 34376  
common pleas of Summit county, shall be elected and designated as 34377



judge of the court of common pleas, juvenile division, and shall 34378  
be, and have the powers and jurisdiction of, the juvenile judge as 34379  
provided in Chapters 2151. and 2152. of the Revised Code. Except 34380  
in cases that are subject to the exclusive original jurisdiction 34381  
of the juvenile court, the judge of the juvenile division shall 34382  
not have jurisdiction or the power to hear, and shall not be 34383  
assigned, any case pertaining to paternity, custody, visitation, 34384  
child support, or the allocation of parental rights and 34385  
responsibilities for the care of children or any post-decree 34386  
proceeding arising from any case pertaining to any of those 34387  
matters. The judge of the juvenile division shall not have 34388  
jurisdiction or the power to hear, and shall not be assigned, any 34389  
proceeding under the uniform interstate family support act 34390  
contained in Chapter 3115. of the Revised Code. 34391

The juvenile judge shall be the administrator of the juvenile 34392  
division and its subdivisions and departments and shall have 34393  
charge of the employment, assignment, and supervision of the 34394  
personnel of the juvenile division, including any necessary 34395  
referees, who are engaged in handling, servicing, or investigating 34396  
juvenile cases. The judge also shall designate the title, 34397  
compensation, expense allowances, hours, leaves of absence, and 34398  
vacation of the personnel of the division and shall fix their 34399  
duties. The duties of the personnel, in addition to other 34400  
statutory duties, shall include the handling, servicing, and 34401  
investigation of juvenile cases and of any counseling and 34402  
conciliation services that are available upon request to persons, 34403  
whether or not they are parties to an action pending in the 34404  
division. 34405

(J) In Trumbull county, the judges of the court of common 34406  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 34407  
and successors, shall have the same qualifications, exercise the 34408  
same powers and jurisdiction, and receive the same compensation as 34409

other judges of the court of common pleas of Trumbull county and 34410  
shall be elected and designated as judges of the court of common 34411  
pleas, division of domestic relations. They shall have all the 34412  
powers relating to juvenile courts, and all cases under Chapters 34413  
2151. and 2152. of the Revised Code, all parentage proceedings 34414  
over which the juvenile court has jurisdiction, and all divorce, 34415  
dissolution of marriage, legal separation, and annulment cases 34416  
shall be assigned to them, except cases that for some special 34417  
reason are assigned to some other judge of the court of common 34418  
pleas. 34419

(K) In Butler county: 34420

(1) The judges of the court of common pleas whose terms begin 34421  
on January 1, 1957, and January 4, 1993, and successors, shall 34422  
have the same qualifications, exercise the same powers and 34423  
jurisdiction, and receive the same compensation as other judges of 34424  
the court of common pleas of Butler county and shall be elected 34425  
and designated as judges of the court of common pleas, division of 34426  
domestic relations. The judges of the division of domestic 34427  
relations shall have assigned to them all divorce, dissolution of 34428  
marriage, legal separation, and annulment cases coming before the 34429  
court, except in cases that for some special reason are assigned 34430  
to some other judge of the court of common pleas. The judge senior 34431  
in point of service shall be charged with the assignment and 34432  
division of the work of the division and with the employment and 34433  
supervision of all other personnel of the domestic relations 34434  
division. 34435

The judge senior in point of service also shall designate the 34436  
title, compensation, expense allowances, hours, leaves of absence, 34437  
and vacations of the personnel of the division and shall fix their 34438  
duties. The duties of the personnel, in addition to other 34439  
statutory duties, shall include the handling, servicing, and 34440  
investigation of divorce, dissolution of marriage, legal 34441

separation, and annulment cases and providing any counseling and 34442  
conciliation services that the division makes available to 34443  
persons, whether or not the persons are parties to an action 34444  
pending in the division, who request the services. 34445

(2) The judges of the court of common pleas whose terms begin 34446  
on January 3, 1987, and January 2, 2003, and successors, shall 34447  
have the same qualifications, exercise the same powers and 34448  
jurisdiction, and receive the same compensation as other judges of 34449  
the court of common pleas of Butler county, shall be elected and 34450  
designated as judges of the court of common pleas, juvenile 34451  
division, and shall be the juvenile judges as provided in Chapters 34452  
2151. and 2152. of the Revised Code, with the powers and 34453  
jurisdictions conferred by those chapters. The judge of the court 34454  
of common pleas, juvenile division, who is senior in point of 34455  
service, shall be the administrator of the juvenile division and 34456  
its subdivisions and departments. The judge, senior in point of 34457  
service, shall have charge of the employment, assignment, and 34458  
supervision of the personnel of the juvenile division who are 34459  
engaged in handling, servicing, or investigating juvenile cases, 34460  
including any referees whom the judge considers necessary for the 34461  
discharge of the judge's various duties. 34462

The judge, senior in point of service, also shall designate 34463  
the title, compensation, expense allowances, hours, leaves of 34464  
absence, and vacation of the personnel of the division and shall 34465  
fix their duties. The duties of the personnel, in addition to 34466  
other statutory duties, include the handling, servicing, and 34467  
investigation of juvenile cases and providing any counseling and 34468  
conciliation services that the division makes available to 34469  
persons, whether or not the persons are parties to an action 34470  
pending in the division, who request the services. 34471

(3) If a judge of the court of common pleas, division of 34472  
domestic relations or juvenile division, is sick, absent, or 34473

unable to perform that judge's judicial duties or the volume of 34474  
cases pending in the judge's division necessitates it, the duties 34475  
of that judge shall be performed by the other judges of the 34476  
domestic relations and juvenile divisions. 34477

(L)(1) In Cuyahoga county, the judges of the court of common 34478  
pleas whose terms begin on January 8, 1961, January 9, 1961, 34479  
January 18, 1975, January 19, 1975, and January 13, 1987, and 34480  
successors, shall have the same qualifications, exercise the same 34481  
powers and jurisdiction, and receive the same compensation as 34482  
other judges of the court of common pleas of Cuyahoga county and 34483  
shall be elected and designated as judges of the court of common 34484  
pleas, division of domestic relations. They shall have all the 34485  
powers relating to all divorce, dissolution of marriage, legal 34486  
separation, and annulment cases, except in cases that are assigned 34487  
to some other judge of the court of common pleas for some special 34488  
reason. 34489

(2) The administrative judge is administrator of the domestic 34490  
relations division and its subdivisions and departments and has 34491  
the following powers concerning division personnel: 34492

(a) Full charge of the employment, assignment, and 34493  
supervision; 34494

(b) Sole determination of compensation, duties, expenses, 34495  
allowances, hours, leaves, and vacations. 34496

(3) "Division personnel" include persons employed or referees 34497  
engaged in hearing, servicing, investigating, counseling, or 34498  
conciliating divorce, dissolution of marriage, legal separation 34499  
and annulment matters. 34500

(M) In Lake county: 34501

(1) The judge of the court of common pleas whose term begins 34502  
on January 2, 1961, and successors, shall have the same 34503  
qualifications, exercise the same powers and jurisdiction, and 34504

receive the same compensation as the other judges of the court of 34505  
common pleas of Lake county and shall be elected and designated as 34506  
judge of the court of common pleas, division of domestic 34507  
relations. The judge shall be assigned all the divorce, 34508  
dissolution of marriage, legal separation, and annulment cases 34509  
coming before the court, except in cases that for some special 34510  
reason are assigned to some other judge of the court of common 34511  
pleas. The judge shall be charged with the assignment and division 34512  
of the work of the division and with the employment and 34513  
supervision of all other personnel of the domestic relations 34514  
division. 34515

The judge also shall designate the title, compensation, 34516  
expense allowances, hours, leaves of absence, and vacations of the 34517  
personnel of the division and shall fix their duties. The duties 34518  
of the personnel, in addition to other statutory duties, shall 34519  
include the handling, servicing, and investigation of divorce, 34520  
dissolution of marriage, legal separation, and annulment cases and 34521  
providing any counseling and conciliation services that the 34522  
division makes available to persons, whether or not the persons 34523  
are parties to an action pending in the division, who request the 34524  
services. 34525

(2) The judge of the court of common pleas whose term begins 34526  
on January 4, 1979, and successors, shall have the same 34527  
qualifications, exercise the same powers and jurisdiction, and 34528  
receive the same compensation as other judges of the court of 34529  
common pleas of Lake county, shall be elected and designated as 34530  
judge of the court of common pleas, juvenile division, and shall 34531  
be the juvenile judge as provided in Chapters 2151. and 2152. of 34532  
the Revised Code, with the powers and jurisdictions conferred by 34533  
those chapters. The judge of the court of common pleas, juvenile 34534  
division, shall be the administrator of the juvenile division and 34535  
its subdivisions and departments. The judge shall have charge of 34536

the employment, assignment, and supervision of the personnel of 34537  
the juvenile division who are engaged in handling, servicing, or 34538  
investigating juvenile cases, including any referees whom the 34539  
judge considers necessary for the discharge of the judge's various 34540  
duties. 34541

The judge also shall designate the title, compensation, 34542  
expense allowances, hours, leaves of absence, and vacation of the 34543  
personnel of the division and shall fix their duties. The duties 34544  
of the personnel, in addition to other statutory duties, include 34545  
the handling, servicing, and investigation of juvenile cases and 34546  
providing any counseling and conciliation services that the 34547  
division makes available to persons, whether or not the persons 34548  
are parties to an action pending in the division, who request the 34549  
services. 34550

(3) If a judge of the court of common pleas, division of 34551  
domestic relations or juvenile division, is sick, absent, or 34552  
unable to perform that judge's judicial duties or the volume of 34553  
cases pending in the judge's division necessitates it, the duties 34554  
of that judge shall be performed by the other judges of the 34555  
domestic relations and juvenile divisions. 34556

(N) In Erie county: 34557

(1) The judge of the court of common pleas whose term begins 34558  
on January 2, 1971, and the successors to that judge whose terms 34559  
begin before January 2, 2007, shall have the same qualifications, 34560  
exercise the same powers and jurisdiction, and receive the same 34561  
compensation as the other judge of the court of common pleas of 34562  
Erie county and shall be elected and designated as judge of the 34563  
court of common pleas, division of domestic relations. The judge 34564  
shall have all the powers relating to juvenile courts, and shall 34565  
be assigned all cases under Chapters 2151. and 2152. of the 34566  
Revised Code, parentage proceedings over which the juvenile court 34567  
has jurisdiction, and divorce, dissolution of marriage, legal 34568

separation, and annulment cases, except cases that for some 34569  
special reason are assigned to some other judge. 34570

On or after January 2, 2007, the judge of the court of common 34571  
pleas who is elected in 2006 shall be the successor to the judge 34572  
of the domestic relations division whose term expires on January 34573  
1, 2007, shall be designated as judge of the court of common 34574  
pleas, juvenile division, and shall be the juvenile judge as 34575  
provided in Chapters 2151. and 2152. of the Revised Code with the 34576  
powers and jurisdictions conferred by those chapters. 34577

(2) The judge of the court of common pleas, general division, 34578  
whose term begins on January 1, 2005, and successors, the judge of 34579  
the court of common pleas, general division whose term begins on 34580  
January 2, 2005, and successors, and the judge of the court of 34581  
common pleas, general division, whose term begins February 9, 34582  
2009, and successors, shall have assigned to them, in addition to 34583  
all matters that are within the jurisdiction of the general 34584  
division of the court of common pleas, all divorce, dissolution of 34585  
marriage, legal separation, and annulment cases coming before the 34586  
court, and all matters that are within the jurisdiction of the 34587  
probate court under Chapter 2101., and other provisions, of the 34588  
Revised Code. 34589

(0) In Greene county: 34590

(1) The judge of the court of common pleas whose term begins 34591  
on January 1, 1961, and successors, shall have the same 34592  
qualifications, exercise the same powers and jurisdiction, and 34593  
receive the same compensation as the other judges of the court of 34594  
common pleas of Greene county and shall be elected and designated 34595  
as the judge of the court of common pleas, division of domestic 34596  
relations. The judge shall be assigned all divorce, dissolution of 34597  
marriage, legal separation, annulment, uniform reciprocal support 34598  
enforcement, and domestic violence cases and all other cases 34599  
related to domestic relations, except cases that for some special 34600

reason are assigned to some other judge of the court of common 34601  
pleas. 34602

The judge shall be charged with the assignment and division 34603  
of the work of the division and with the employment and 34604  
supervision of all other personnel of the division. The judge also 34605  
shall designate the title, compensation, hours, leaves of absence, 34606  
and vacations of the personnel of the division and shall fix their 34607  
duties. The duties of the personnel of the division, in addition 34608  
to other statutory duties, shall include the handling, servicing, 34609  
and investigation of divorce, dissolution of marriage, legal 34610  
separation, and annulment cases and the provision of counseling 34611  
and conciliation services that the division considers necessary 34612  
and makes available to persons who request the services, whether 34613  
or not the persons are parties in an action pending in the 34614  
division. The compensation for the personnel shall be paid from 34615  
the overall court budget and shall be included in the 34616  
appropriations for the existing judges of the general division of 34617  
the court of common pleas. 34618

(2) The judge of the court of common pleas whose term begins 34619  
on January 1, 1995, and successors, shall have the same 34620  
qualifications, exercise the same powers and jurisdiction, and 34621  
receive the same compensation as the other judges of the court of 34622  
common pleas of Greene county, shall be elected and designated as 34623  
judge of the court of common pleas, juvenile division, and, on or 34624  
after January 1, 1995, shall be the juvenile judge as provided in 34625  
Chapters 2151. and 2152. of the Revised Code with the powers and 34626  
jurisdiction conferred by those chapters. The judge of the court 34627  
of common pleas, juvenile division, shall be the administrator of 34628  
the juvenile division and its subdivisions and departments. The 34629  
judge shall have charge of the employment, assignment, and 34630  
supervision of the personnel of the juvenile division who are 34631  
engaged in handling, servicing, or investigating juvenile cases, 34632



including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(3) If one of the judges of the court of common pleas, general division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the general division necessitates it, the duties of that judge of the general division shall be performed by the judge of the division of domestic relations and the judge of the juvenile division.

(P) In Portage county, the judge of the court of common pleas, whose term begins January 2, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Portage county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the

personnel of the division and shall fix their duties. The duties 34665  
of the personnel, in addition to other statutory duties, shall 34666  
include the handling, servicing, and investigation of divorce, 34667  
dissolution of marriage, legal separation, and annulment cases and 34668  
providing any counseling and conciliation services that the 34669  
division makes available to persons, whether or not the persons 34670  
are parties to an action pending in the division, who request the 34671  
services. 34672

(Q) In Clermont county, the judge of the court of common 34673  
pleas, whose term begins January 2, 1987, and successors, shall 34674  
have the same qualifications, exercise the same powers and 34675  
jurisdiction, and receive the same compensation as the other 34676  
judges of the court of common pleas of Clermont county and shall 34677  
be elected and designated as judge of the court of common pleas, 34678  
division of domestic relations. The judge shall be assigned all 34679  
divorce, dissolution of marriage, legal separation, and annulment 34680  
cases coming before the court, except in cases that for some 34681  
special reason are assigned to some other judge of the court of 34682  
common pleas. The judge shall be charged with the assignment and 34683  
division of the work of the division and with the employment and 34684  
supervision of all other personnel of the domestic relations 34685  
division. 34686

The judge also shall designate the title, compensation, 34687  
expense allowances, hours, leaves of absence, and vacations of the 34688  
personnel of the division and shall fix their duties. The duties 34689  
of the personnel, in addition to other statutory duties, shall 34690  
include the handling, servicing, and investigation of divorce, 34691  
dissolution of marriage, legal separation, and annulment cases and 34692  
providing any counseling and conciliation services that the 34693  
division makes available to persons, whether or not the persons 34694  
are parties to an action pending in the division, who request the 34695  
services. 34696

(R) In Warren county, the judge of the court of common pleas, 34697  
whose term begins January 1, 1987, and successors, shall have the 34698  
same qualifications, exercise the same powers and jurisdiction, 34699  
and receive the same compensation as the other judges of the court 34700  
of common pleas of Warren county and shall be elected and 34701  
designated as judge of the court of common pleas, division of 34702  
domestic relations. The judge shall be assigned all divorce, 34703  
dissolution of marriage, legal separation, and annulment cases 34704  
coming before the court, except in cases that for some special 34705  
reason are assigned to some other judge of the court of common 34706  
pleas. The judge shall be charged with the assignment and division 34707  
of the work of the division and with the employment and 34708  
supervision of all other personnel of the domestic relations 34709  
division. 34710

The judge also shall designate the title, compensation, 34711  
expense allowances, hours, leaves of absence, and vacations of the 34712  
personnel of the division and shall fix their duties. The duties 34713  
of the personnel, in addition to other statutory duties, shall 34714  
include the handling, servicing, and investigation of divorce, 34715  
dissolution of marriage, legal separation, and annulment cases and 34716  
providing any counseling and conciliation services that the 34717  
division makes available to persons, whether or not the persons 34718  
are parties to an action pending in the division, who request the 34719  
services. 34720

(S) In Licking county, the judges of the court of common 34721  
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 34722  
and successors, shall have the same qualifications, exercise the 34723  
same powers and jurisdiction, and receive the same compensation as 34724  
the other judges of the court of common pleas of Licking county 34725  
and shall be elected and designated as judges of the court of 34726  
common pleas, division of domestic relations. The judges shall be 34727  
assigned all divorce, dissolution of marriage, legal separation, 34728

and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The administrative judge of the division of domestic relations shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The administrative judge of the division of domestic relations shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(T) In Allen county, the judge of the court of common pleas, whose term begins January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court

of common pleas of Allen county and shall be elected and 34761  
designated as judge of the court of common pleas, division of 34762  
domestic relations. The judge shall be assigned all divorce, 34763  
dissolution of marriage, legal separation, and annulment cases, 34764  
all cases arising under Chapter 3111. of the Revised Code, all 34765  
proceedings involving child support, the allocation of parental 34766  
rights and responsibilities for the care of children and the 34767  
designation for the children of a place of residence and legal 34768  
custodian, parenting time, and visitation, and all post-decree 34769  
proceedings and matters arising from those cases and proceedings, 34770  
except in cases that for some special reason are assigned to 34771  
another judge of the court of common pleas. The judge shall be 34772  
charged with the assignment and division of the work of the 34773  
division and with the employment and supervision of the personnel 34774  
of the division. 34775

The judge shall designate the title, compensation, expense 34776  
allowances, hours, leaves of absence, and vacations of the 34777  
personnel of the division and shall fix the duties of the 34778  
personnel of the division. The duties of the personnel of the 34779  
division, in addition to other statutory duties, shall include the 34780  
handling, servicing, and investigation of divorce, dissolution of 34781  
marriage, legal separation, and annulment cases, cases arising 34782  
under Chapter 3111. of the Revised Code, and proceedings involving 34783  
child support, the allocation of parental rights and 34784  
responsibilities for the care of children and the designation for 34785  
the children of a place of residence and legal custodian, 34786  
parenting time, and visitation, and providing any counseling and 34787  
conciliation services that the division makes available to 34788  
persons, whether or not the persons are parties to an action 34789  
pending in the division, who request the services. 34790

(U) In Medina county, the judge of the court of common pleas 34791  
whose term begins January 1, 1995, and successors, shall have the 34792

same qualifications, exercise the same powers and jurisdiction, 34793  
and receive the same compensation as other judges of the court of 34794  
common pleas of Medina county and shall be elected and designated 34795  
as judge of the court of common pleas, division of domestic 34796  
relations. The judge shall be assigned all divorce, dissolution of 34797  
marriage, legal separation, and annulment cases, all cases arising 34798  
under Chapter 3111. of the Revised Code, all proceedings involving 34799  
child support, the allocation of parental rights and 34800  
responsibilities for the care of children and the designation for 34801  
the children of a place of residence and legal custodian, 34802  
parenting time, and visitation, and all post-decree proceedings 34803  
and matters arising from those cases and proceedings, except in 34804  
cases that for some special reason are assigned to another judge 34805  
of the court of common pleas. The judge shall be charged with the 34806  
assignment and division of the work of the division and with the 34807  
employment and supervision of the personnel of the division. 34808

The judge shall designate the title, compensation, expense 34809  
allowances, hours, leaves of absence, and vacations of the 34810  
personnel of the division and shall fix the duties of the 34811  
personnel of the division. The duties of the personnel, in 34812  
addition to other statutory duties, include the handling, 34813  
servicing, and investigation of divorce, dissolution of marriage, 34814  
legal separation, and annulment cases, cases arising under Chapter 34815  
3111. of the Revised Code, and proceedings involving child 34816  
support, the allocation of parental rights and responsibilities 34817  
for the care of children and the designation for the children of a 34818  
place of residence and legal custodian, parenting time, and 34819  
visitation, and providing counseling and conciliation services 34820  
that the division makes available to persons, whether or not the 34821  
persons are parties to an action pending in the division, who 34822  
request the services. 34823

(V) In Fairfield county, the judge of the court of common 34824

pleas whose term begins January 2, 1995, and successors, shall 34825  
have the same qualifications, exercise the same powers and 34826  
jurisdiction, and receive the same compensation as the other 34827  
judges of the court of common pleas of Fairfield county and shall 34828  
be elected and designated as judge of the court of common pleas, 34829  
division of domestic relations. The judge shall be assigned all 34830  
divorce, dissolution of marriage, legal separation, and annulment 34831  
cases, all cases arising under Chapter 3111. of the Revised Code, 34832  
all proceedings involving child support, the allocation of 34833  
parental rights and responsibilities for the care of children and 34834  
the designation for the children of a place of residence and legal 34835  
custodian, parenting time, and visitation, and all post-decree 34836  
proceedings and matters arising from those cases and proceedings, 34837  
except in cases that for some special reason are assigned to 34838  
another judge of the court of common pleas. The judge also has 34839  
concurrent jurisdiction with the probate-juvenile division of the 34840  
court of common pleas of Fairfield county with respect to and may 34841  
hear cases to determine the custody of a child, as defined in 34842  
section 2151.011 of the Revised Code, who is not the ward of 34843  
another court of this state, cases that are commenced by a parent, 34844  
guardian, or custodian of a child, as defined in section 2151.011 34845  
of the Revised Code, to obtain an order requiring a parent of the 34846  
child to pay child support for that child when the request for 34847  
that order is not ancillary to an action for divorce, dissolution 34848  
of marriage, annulment, or legal separation, a criminal or civil 34849  
action involving an allegation of domestic violence, an action for 34850  
support under Chapter 3115. of the Revised Code, or an action that 34851  
is within the exclusive original jurisdiction of the 34852  
probate-juvenile division of the court of common pleas of 34853  
Fairfield county and that involves an allegation that the child is 34854  
an abused, neglected, or dependent child, and post-decree 34855  
proceedings and matters arising from those types of cases. 34856

The judge of the domestic relations division shall be charged 34857

with the assignment and division of the work of the division and 34858  
with the employment and supervision of the personnel of the 34859  
division. 34860

The judge shall designate the title, compensation, expense 34861  
allowances, hours, leaves of absence, and vacations of the 34862  
personnel of the division and shall fix the duties of the 34863  
personnel of the division. The duties of the personnel of the 34864  
division, in addition to other statutory duties, shall include the 34865  
handling, servicing, and investigation of divorce, dissolution of 34866  
marriage, legal separation, and annulment cases, cases arising 34867  
under Chapter 3111. of the Revised Code, and proceedings involving 34868  
child support, the allocation of parental rights and 34869  
responsibilities for the care of children and the designation for 34870  
the children of a place of residence and legal custodian, 34871  
parenting time, and visitation, and providing any counseling and 34872  
conciliation services that the division makes available to 34873  
persons, regardless of whether the persons are parties to an 34874  
action pending in the division, who request the services. When the 34875  
judge hears a case to determine the custody of a child, as defined 34876  
in section 2151.011 of the Revised Code, who is not the ward of 34877  
another court of this state or a case that is commenced by a 34878  
parent, guardian, or custodian of a child, as defined in section 34879  
2151.011 of the Revised Code, to obtain an order requiring a 34880  
parent of the child to pay child support for that child when the 34881  
request for that order is not ancillary to an action for divorce, 34882  
dissolution of marriage, annulment, or legal separation, a 34883  
criminal or civil action involving an allegation of domestic 34884  
violence, an action for support under Chapter 3115. of the Revised 34885  
Code, or an action that is within the exclusive original 34886  
jurisdiction of the probate-juvenile division of the court of 34887  
common pleas of Fairfield county and that involves an allegation 34888  
that the child is an abused, neglected, or dependent child, the 34889  
duties of the personnel of the domestic relations division also 34890



include the handling, servicing, and investigation of those types 34891  
of cases. 34892

(W)(1) In Clark county, the judge of the court of common 34893  
pleas whose term begins on January 2, 1995, and successors, shall 34894  
have the same qualifications, exercise the same powers and 34895  
jurisdiction, and receive the same compensation as other judges of 34896  
the court of common pleas of Clark county and shall be elected and 34897  
designated as judge of the court of common pleas, domestic 34898  
relations division. The judge shall have all the powers relating 34899  
to juvenile courts, and all cases under Chapters 2151. and 2152. 34900  
of the Revised Code and all parentage proceedings under Chapter 34901  
3111. of the Revised Code over which the juvenile court has 34902  
jurisdiction shall be assigned to the judge of the division of 34903  
domestic relations. All divorce, dissolution of marriage, legal 34904  
separation, annulment, uniform reciprocal support enforcement, and 34905  
other cases related to domestic relations shall be assigned to the 34906  
domestic relations division, and the presiding judge of the court 34907  
of common pleas shall assign the cases to the judge of the 34908  
domestic relations division and the judges of the general 34909  
division. 34910

(2) In addition to the judge's regular duties, the judge of 34911  
the division of domestic relations shall serve on the children 34912  
services board and the county advisory board. 34913

(3) If the judge of the court of common pleas of Clark 34914  
county, division of domestic relations, is sick, absent, or unable 34915  
to perform that judge's judicial duties or if the presiding judge 34916  
of the court of common pleas of Clark county determines that the 34917  
volume of cases pending in the division of domestic relations 34918  
necessitates it, the duties of the judge of the division of 34919  
domestic relations shall be performed by the judges of the general 34920  
division or probate division of the court of common pleas of Clark 34921  
county, as assigned for that purpose by the presiding judge of 34922

that court, and the judges so assigned shall act in conjunction 34923  
with the judge of the division of domestic relations of that 34924  
court. 34925

(X) In Scioto county, the judge of the court of common pleas 34926  
whose term begins January 2, 1995, and successors, shall have the 34927  
same qualifications, exercise the same powers and jurisdiction, 34928  
and receive the same compensation as other judges of the court of 34929  
common pleas of Scioto county and shall be elected and designated 34930  
as judge of the court of common pleas, division of domestic 34931  
relations. The judge shall be assigned all divorce, dissolution of 34932  
marriage, legal separation, and annulment cases, all cases arising 34933  
under Chapter 3111. of the Revised Code, all proceedings involving 34934  
child support, the allocation of parental rights and 34935  
responsibilities for the care of children and the designation for 34936  
the children of a place of residence and legal custodian, 34937  
parenting time, visitation, and all post-decree proceedings and 34938  
matters arising from those cases and proceedings, except in cases 34939  
that for some special reason are assigned to another judge of the 34940  
court of common pleas. The judge shall be charged with the 34941  
assignment and division of the work of the division and with the 34942  
employment and supervision of the personnel of the division. 34943

The judge shall designate the title, compensation, expense 34944  
allowances, hours, leaves of absence, and vacations of the 34945  
personnel of the division and shall fix the duties of the 34946  
personnel of the division. The duties of the personnel, in 34947  
addition to other statutory duties, include the handling, 34948  
servicing, and investigation of divorce, dissolution of marriage, 34949  
legal separation, and annulment cases, cases arising under Chapter 34950  
3111. of the Revised Code, and proceedings involving child 34951  
support, the allocation of parental rights and responsibilities 34952  
for the care of children and the designation for the children of a 34953  
place of residence and legal custodian, parenting time, and 34954

visitation, and providing counseling and conciliation services 34955  
that the division makes available to persons, whether or not the 34956  
persons are parties to an action pending in the division, who 34957  
request the services. 34958

(Y) In Auglaize county, the judge of the probate and juvenile 34959  
divisions of the Auglaize county court of common pleas also shall 34960  
be the administrative judge of the domestic relations division of 34961  
the court and shall be assigned all divorce, dissolution of 34962  
marriage, legal separation, and annulment cases coming before the 34963  
court. The judge shall have all powers as administrator of the 34964  
domestic relations division and shall have charge of the personnel 34965  
engaged in handling, servicing, or investigating divorce, 34966  
dissolution of marriage, legal separation, and annulment cases, 34967  
including any referees considered necessary for the discharge of 34968  
the judge's various duties. 34969

(Z)(1) In Marion county, the judge of the court of common 34970  
pleas whose term begins on February 9, 1999, and the successors to 34971  
that judge, shall have the same qualifications, exercise the same 34972  
powers and jurisdiction, and receive the same compensation as the 34973  
other judges of the court of common pleas of Marion county and 34974  
shall be elected and designated as judge of the court of common 34975  
pleas, domestic relations-juvenile-probate division. Except as 34976  
otherwise specified in this division, that judge, and the 34977  
successors to that judge, shall have all the powers relating to 34978  
juvenile courts, and all cases under Chapters 2151. and 2152. of 34979  
the Revised Code, all cases arising under Chapter 3111. of the 34980  
Revised Code, all divorce, dissolution of marriage, legal 34981  
separation, and annulment cases, all proceedings involving child 34982  
support, the allocation of parental rights and responsibilities 34983  
for the care of children and the designation for the children of a 34984  
place of residence and legal custodian, parenting time, and 34985  
visitation, and all post-decree proceedings and matters arising 34986

from those cases and proceedings shall be assigned to that judge 34987  
and the successors to that judge. Except as provided in division 34988  
(Z)(2) of this section and notwithstanding any other provision of 34989  
any section of the Revised Code, on and after February 9, 2003, 34990  
the judge of the court of common pleas of Marion county whose term 34991  
begins on February 9, 1999, and the successors to that judge, 34992  
shall have all the powers relating to the probate division of the 34993  
court of common pleas of Marion county in addition to the powers 34994  
previously specified in this division, and shall exercise 34995  
concurrent jurisdiction with the judge of the probate division of 34996  
that court over all matters that are within the jurisdiction of 34997  
the probate division of that court under Chapter 2101., and other 34998  
provisions, of the Revised Code in addition to the jurisdiction of 34999  
the domestic relations-juvenile-probate division of that court 35000  
otherwise specified in division (Z)(1) of this section. 35001

(2) The judge of the domestic relations-juvenile-probate 35002  
division of the court of common pleas of Marion county or the 35003  
judge of the probate division of the court of common pleas of 35004  
Marion county, whichever of those judges is senior in total length 35005  
of service on the court of common pleas of Marion county, 35006  
regardless of the division or divisions of service, shall serve as 35007  
the clerk of the probate division of the court of common pleas of 35008  
Marion county. 35009

(3) On and after February 9, 2003, all references in law to 35010  
"the probate court," "the probate judge," "the juvenile court," or 35011  
"the judge of the juvenile court" shall be construed, with respect 35012  
to Marion county, as being references to both "the probate 35013  
division" and "the domestic relations-juvenile-probate division" 35014  
and as being references to both "the judge of the probate 35015  
division" and "the judge of the domestic relations- 35016  
juvenile-probate division." On and after February 9, 2003, all 35017  
references in law to "the clerk of the probate court" shall be 35018

construed, with respect to Marion county, as being references to 35019  
the judge who is serving pursuant to division (Z)(2) of this 35020  
section as the clerk of the probate division of the court of 35021  
common pleas of Marion county. 35022

(AA) In Muskingum county, the judge of the court of common 35023  
pleas whose term begins on January 2, 2003, and successors, shall 35024  
have the same qualifications, exercise the same powers and 35025  
jurisdiction, and receive the same compensation as the other 35026  
judges of the court of common pleas of Muskingum county and shall 35027  
be elected and designated as the judge of the court of common 35028  
pleas, division of domestic relations. The judge shall be assigned 35029  
all divorce, dissolution of marriage, legal separation, and 35030  
annulment cases, all cases arising under Chapter 3111. of the 35031  
Revised Code, all proceedings involving child support, the 35032  
allocation of parental rights and responsibilities for the care of 35033  
children and the designation for the children of a place of 35034  
residence and legal custodian, parenting time, and visitation, and 35035  
all post-decree proceedings and matters arising from those cases 35036  
and proceedings, except in cases that for some special reason are 35037  
assigned to another judge of the court of common pleas. The judge 35038  
shall be charged with the assignment and division of the work of 35039  
the division and with the employment and supervision of the 35040  
personnel of the division. 35041

The judge shall designate the title, compensation, expense 35042  
allowances, hours, leaves of absence, and vacations of the 35043  
personnel of the division and shall fix the duties of the 35044  
personnel of the division. The duties of the personnel of the 35045  
division, in addition to other statutory duties, shall include the 35046  
handling, servicing, and investigation of divorce, dissolution of 35047  
marriage, legal separation, and annulment cases, cases arising 35048  
under Chapter 3111. of the Revised Code, and proceedings involving 35049  
child support, the allocation of parental rights and 35050

responsibilities for the care of children and the designation for 35051  
the children of a place of residence and legal custodian, 35052  
parenting time, and visitation and providing any counseling and 35053  
conciliation services that the division makes available to 35054  
persons, whether or not the persons are parties to an action 35055  
pending in the division, who request the services. 35056

(BB) In Henry county, the judge of the court of common pleas 35057  
whose term begins on January 1, 2005, and successors, shall have 35058  
the same qualifications, exercise the same powers and 35059  
jurisdiction, and receive the same compensation as the other judge 35060  
of the court of common pleas of Henry county and shall be elected 35061  
and designated as the judge of the court of common pleas, division 35062  
of domestic relations. The judge shall have all of the powers 35063  
relating to juvenile courts, and all cases under Chapter 2151. or 35064  
2152. of the Revised Code, all parentage proceedings arising under 35065  
Chapter 3111. of the Revised Code over which the juvenile court 35066  
has jurisdiction, all divorce, dissolution of marriage, legal 35067  
separation, and annulment cases, all proceedings involving child 35068  
support, the allocation of parental rights and responsibilities 35069  
for the care of children and the designation for the children of a 35070  
place of residence and legal custodian, parenting time, and 35071  
visitation, and all post-decree proceedings and matters arising 35072  
from those cases and proceedings shall be assigned to that judge, 35073  
except in cases that for some special reason are assigned to the 35074  
other judge of the court of common pleas. 35075

(CC)(1) In Logan county, the judge of the court of common 35076  
pleas whose term begins January 2, 2005, and the successors to 35077  
that judge, shall have the same qualifications, exercise the same 35078  
powers and jurisdiction, and receive the same compensation as the 35079  
other judges of the court of common pleas of Logan county and 35080  
shall be elected and designated as judge of the court of common 35081  
pleas, domestic relations-juvenile-probate division. Except as 35082

otherwise specified in this division, that judge, and the 35083  
successors to that judge, shall have all the powers relating to 35084  
juvenile courts, and all cases under Chapters 2151. and 2152. of 35085  
the Revised Code, all cases arising under Chapter 3111. of the 35086  
Revised Code, all divorce, dissolution of marriage, legal 35087  
separation, and annulment cases, all proceedings involving child 35088  
support, the allocation of parental rights and responsibilities 35089  
for the care of children and designation for the children of a 35090  
place of residence and legal custodian, parenting time, and 35091  
visitation, and all post-decree proceedings and matters arising 35092  
from those cases and proceedings shall be assigned to that judge 35093  
and the successors to that judge. Notwithstanding any other 35094  
provision of any section of the Revised Code, on and after January 35095  
2, 2005, the judge of the court of common pleas of Logan county 35096  
whose term begins on January 2, 2005, and the successors to that 35097  
judge, shall have all the powers relating to the probate division 35098  
of the court of common pleas of Logan county in addition to the 35099  
powers previously specified in this division and shall exercise 35100  
concurrent jurisdiction with the judge of the probate division of 35101  
that court over all matters that are within the jurisdiction of 35102  
the probate division of that court under Chapter 2101., and other 35103  
provisions, of the Revised Code in addition to the jurisdiction of 35104  
the domestic relations-juvenile-probate division of that court 35105  
otherwise specified in division (CC)(1) of this section. 35106

(2) The judge of the domestic relations-juvenile-probate 35107  
division of the court of common pleas of Logan county or the 35108  
probate judge of the court of common pleas of Logan county who is 35109  
elected as the administrative judge of the probate division of the 35110  
court of common pleas of Logan county pursuant to Rule 4 of the 35111  
Rules of Superintendence shall be the clerk of the probate 35112  
division and juvenile division of the court of common pleas of 35113  
Logan county. The clerk of the court of common pleas who is 35114  
elected pursuant to section 2303.01 of the Revised Code shall keep 35115

all of the journals, records, books, papers, and files pertaining 35116  
to the domestic relations cases. 35117

(3) On and after January 2, 2005, all references in law to 35118  
"the probate court," "the probate judge," "the juvenile court," or 35119  
"the judge of the juvenile court" shall be construed, with respect 35120  
to Logan county, as being references to both "the probate 35121  
division" and the "domestic relations-juvenile-probate division" 35122  
and as being references to both "the judge of the probate 35123  
division" and the "judge of the domestic 35124  
relations-juvenile-probate division." On and after January 2, 35125  
2005, all references in law to "the clerk of the probate court" 35126  
shall be construed, with respect to Logan county, as being 35127  
references to the judge who is serving pursuant to division 35128  
(CC)(2) of this section as the clerk of the probate division of 35129  
the court of common pleas of Logan county. 35130

(DD)(1) In Champaign county, the judge of the court of common 35131  
pleas whose term begins February 9, 2003, and the judge of the 35132  
court of common pleas whose term begins February 10, 2009, and the 35133  
successors to those judges, shall have the same qualifications, 35134  
exercise the same powers and jurisdiction, and receive the same 35135  
compensation as the other judges of the court of common pleas of 35136  
Champaign county and shall be elected and designated as judges of 35137  
the court of common pleas, domestic relations-juvenile-probate 35138  
division. Except as otherwise specified in this division, those 35139  
judges, and the successors to those judges, shall have all the 35140  
powers relating to juvenile courts, and all cases under Chapters 35141  
2151. and 2152. of the Revised Code, all cases arising under 35142  
Chapter 3111. of the Revised Code, all divorce, dissolution of 35143  
marriage, legal separation, and annulment cases, all proceedings 35144  
involving child support, the allocation of parental rights and 35145  
responsibilities for the care of children and the designation for 35146  
the children of a place of residence and legal custodian, 35147



parenting time, and visitation, and all post-decree proceedings 35148  
and matters arising from those cases and proceedings shall be 35149  
assigned to those judges and the successors to those judges. 35150  
Notwithstanding any other provision of any section of the Revised 35151  
Code, on and after February 9, 2009, the judges designated by this 35152  
division as judges of the court of common pleas of Champaign 35153  
county, domestic relations-juvenile-probate division, and the 35154  
successors to those judges, shall have all the powers relating to 35155  
probate courts in addition to the powers previously specified in 35156  
this division and shall exercise jurisdiction over all matters 35157  
that are within the jurisdiction of probate courts under Chapter 35158  
2101., and other provisions, of the Revised Code in addition to 35159  
the jurisdiction of the domestic relations-juvenile-probate 35160  
division otherwise specified in division (DD)(1) of this section. 35161

(2) On and after February 9, 2009, all references in law to 35162  
"the probate court," "the probate judge," "the juvenile court," or 35163  
"the judge of the juvenile court" shall be construed with respect 35164  
to Champaign county as being references to the "domestic 35165  
relations-juvenile-probate division" and as being references to 35166  
the "judge of the domestic relations-juvenile-probate division." 35167  
On and after February 9, 2009, all references in law to "the clerk 35168  
of the probate court" shall be construed with respect to Champaign 35169  
county as being references to the judge who is serving pursuant to 35170  
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 35171  
the administrative judge of the court of common pleas, domestic 35172  
relations-juvenile-probate division. 35173

(EE) If a judge of the court of common pleas, division of 35174  
domestic relations, or juvenile judge, of any of the counties 35175  
mentioned in this section is sick, absent, or unable to perform 35176  
that judge's judicial duties or the volume of cases pending in the 35177  
judge's division necessitates it, the duties of that judge shall 35178  
be performed by another judge of the court of common pleas of that 35179

county, assigned for that purpose by the presiding judge of the 35180  
court of common pleas of that county to act in place of or in 35181  
conjunction with that judge, as the case may require. 35182

**Sec. 2303.201.** (A)(1) The court of common pleas of any county 35183  
may determine that for the efficient operation of the court 35184  
additional funds are required to computerize the court, to make 35185  
available computerized legal research services, or to do both. 35186  
Upon making a determination that additional funds are required for 35187  
either or both of those purposes, the court shall authorize and 35188  
direct the clerk of the court of common pleas to charge one 35189  
additional fee, not to exceed three dollars, on the filing of each 35190  
cause of action or appeal under divisions (A), (Q), and (U) of 35191  
section 2303.20 of the Revised Code. 35192

(2) All fees collected under division (A)(1) of this section 35193  
shall be paid to the county treasurer. The treasurer shall place 35194  
the funds from the fees in a separate fund to be disbursed, upon 35195  
an order of the court, in an amount not greater than the actual 35196  
cost to the court of procuring and maintaining computerization of 35197  
the court, computerized legal research services, or both. 35198

(3) If the court determines that the funds in the fund 35199  
described in division (A)(2) of this section are more than 35200  
sufficient to satisfy the purpose for which the additional fee 35201  
described in division (A)(1) of this section was imposed, the 35202  
court may declare a surplus in the fund and expend those surplus 35203  
funds for other appropriate technological expenses of the court. 35204

(B)(1) The court of common pleas of any county may determine 35205  
that, for the efficient operation of the court, additional funds 35206  
are required to computerize the office of the clerk of the court 35207  
of common pleas and, upon that determination, authorize and direct 35208  
the clerk of the court of common pleas to charge an additional 35209  
fee, not to exceed ten dollars, on the filing of each cause of 35210

action or appeal, on the filing, docketing, and endorsing of each 35211  
certificate of judgment, or on the docketing and indexing of each 35212  
aid in execution or petition to vacate, revive, or modify a 35213  
judgment under divisions (A), (P), (Q), (T), and (U) of section 35214  
2303.20 of the Revised Code. Subject to division (B)(2) of this 35215  
section, all moneys collected under division (B)(1) of this 35216  
section shall be paid to the county treasurer to be disbursed, 35217  
upon an order of the court of common pleas and subject to 35218  
appropriation by the board of county commissioners, in an amount 35219  
no greater than the actual cost to the court of procuring and 35220  
maintaining computer systems for the office of the clerk of the 35221  
court of common pleas. 35222

(2) If the court of common pleas of a county makes the 35223  
determination described in division (B)(1) of this section, the 35224  
board of county commissioners of that county may issue one or more 35225  
general obligation bonds for the purpose of procuring and 35226  
maintaining the computer systems for the office of the clerk of 35227  
the court of common pleas. In addition to the purposes stated in 35228  
division (B)(1) of this section for which the moneys collected 35229  
under that division may be expended, the moneys additionally may 35230  
be expended to pay debt charges on and financing costs related to 35231  
any general obligation bonds issued pursuant to division (B)(2) of 35232  
this section as they become due. General obligation bonds issued 35233  
pursuant to division (B)(2) of this section are Chapter 133. 35234  
securities. 35235

(C) The court of common pleas shall collect the sum of 35236  
~~twenty-six~~ thirty-one dollars as additional filing fees in each 35237  
new civil action or proceeding for the charitable public purpose 35238  
of providing financial assistance to legal aid societies that 35239  
operate within the state and to support the office of the state 35240  
public defender. This division does not apply to a domestic 35241  
relations division of a court of common pleas, except that the 35242

additional filing fee shall apply to proceedings concerning 35243  
annulments, dissolutions of marriage, divorces, and legal 35244  
~~separation, spousal support, marital property or separate property~~ 35245  
~~distribution, support, or other domestic relations matters;~~ to a 35246  
juvenile division of a court of common pleas; to a probate 35247  
division of a court of common pleas, except that the additional 35248  
filing fees shall apply to name change, guardianship, adoption, 35249  
and decedents' estate proceedings; or to an execution on a 35250  
judgment, proceeding in aid of execution, or other post-judgment 35251  
proceeding arising out of a civil action. The filing fees required 35252  
to be collected under this division shall be in addition to any 35253  
other filing fees imposed in the action or proceeding and shall be 35254  
collected at the time of the filing of the action or proceeding. 35255  
The court shall not waive the payment of the additional filing 35256  
fees in a new civil action or proceeding unless the court waives 35257  
the advanced payment of all filing fees in the action or 35258  
proceeding. All such moneys collected during a month except for an 35259  
amount equal to up to one per cent of those moneys retained to 35260  
cover administrative costs shall be transmitted on or before the 35261  
twentieth day of the following month by the clerk of the court to 35262  
the treasurer of state in a manner prescribed by the treasurer of 35263  
state or by the Ohio legal assistance foundation. The treasurer of 35264  
state shall deposit four per cent of the funds collected under 35265  
this division to the credit of the civil case filing fee fund 35266  
established under section 120.07 of the Revised Code and 35267  
ninety-six per cent of the funds collected under this division to 35268  
the credit of the legal aid fund established under section 120.52 35269  
of the Revised Code. 35270

The court may retain up to one per cent of the moneys it 35271  
collects under this division to cover administrative costs, 35272  
including the hiring of any additional personnel necessary to 35273  
implement this division. If the court fails to transmit to the 35274  
treasurer of state the moneys the court collects under this 35275

division in a manner prescribed by the treasurer of state or by 35276  
the Ohio legal assistance foundation, the court shall forfeit the 35277  
moneys the court retains under this division to cover 35278  
administrative costs, including the hiring of any additional 35279  
personnel necessary to implement this division, and shall transmit 35280  
to the treasurer of state all moneys collected under this 35281  
division, including the forfeited amount retained for 35282  
administrative costs, for deposit in the legal aid fund. 35283

(D) On and after the thirtieth day after December 9, 1994, 35284  
the court of common pleas shall collect the sum of thirty-two 35285  
dollars as additional filing fees in each new action or proceeding 35286  
for annulment, divorce, or dissolution of marriage for the purpose 35287  
of funding shelters for victims of domestic violence pursuant to 35288  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 35289  
required to be collected under this division shall be in addition 35290  
to any other filing fees imposed in the action or proceeding and 35291  
shall be collected at the time of the filing of the action or 35292  
proceeding. The court shall not waive the payment of the 35293  
additional filing fees in a new action or proceeding for 35294  
annulment, divorce, or dissolution of marriage unless the court 35295  
waives the advanced payment of all filing fees in the action or 35296  
proceeding. On or before the twentieth day of each month, all 35297  
moneys collected during the immediately preceding month pursuant 35298  
to this division shall be deposited by the clerk of the court into 35299  
the county treasury in the special fund used for deposit of 35300  
additional marriage license fees as described in section 3113.34 35301  
of the Revised Code. Upon their deposit into the fund, the moneys 35302  
shall be retained in the fund and expended only as described in 35303  
section 3113.34 of the Revised Code. 35304

(E)(1) The court of common pleas may determine that, for the 35305  
efficient operation of the court, additional funds are necessary 35306  
to acquire and pay for special projects of the court, including, 35307

but not limited to, the acquisition of additional facilities or 35308  
the rehabilitation of existing facilities, the acquisition of 35309  
equipment, the hiring and training of staff, community service 35310  
programs, mediation or dispute resolution services, the employment 35311  
of magistrates, the training and education of judges, acting 35312  
judges, and magistrates, and other related services. Upon that 35313  
determination, the court by rule may charge a fee, in addition to 35314  
all other court costs, on the filing of each criminal cause, civil 35315  
action or proceeding, or judgment by confession. 35316

If the court of common pleas offers a special program or 35317  
service in cases of a specific type, the court by rule may assess 35318  
an additional charge in a case of that type, over and above court 35319  
costs, to cover the special program or service. The court shall 35320  
adjust the special assessment periodically, but not retroactively, 35321  
so that the amount assessed in those cases does not exceed the 35322  
actual cost of providing the service or program. 35323

All moneys collected under division (E) of this section shall 35324  
be paid to the county treasurer for deposit into either a general 35325  
special projects fund or a fund established for a specific special 35326  
project. Moneys from a fund of that nature shall be disbursed upon 35327  
an order of the court in an amount no greater than the actual cost 35328  
to the court of a project. If a specific fund is terminated 35329  
because of the discontinuance of a program or service established 35330  
under division (E) of this section, the court may order that 35331  
moneys remaining in the fund be transferred to an account 35332  
established under this division for a similar purpose. 35333

(2) As used in division (E) of this section: 35334

(a) "Criminal cause" means a charge alleging the violation of 35335  
a statute or ordinance, or subsection of a statute or ordinance, 35336  
that requires a separate finding of fact or a separate plea before 35337  
disposition and of which the defendant may be found guilty, 35338  
whether filed as part of a multiple charge on a single summons, 35339

citation, or complaint or as a separate charge on a single 35340  
summons, citation, or complaint. "Criminal cause" does not include 35341  
separate violations of the same statute or ordinance, or 35342  
subsection of the same statute or ordinance, unless each charge is 35343  
filed on a separate summons, citation, or complaint. 35344

(b) "Civil action or proceeding" means any civil litigation 35345  
that must be determined by judgment entry. 35346

Sec. 2315.50. (A) This section applies to an action 35347  
maintained as a class action in which the settlement agreement or 35348  
judgment includes a monetary award, including compensatory or 35349  
punitive and exemplary damages, restitution, or any other payment 35350  
of money due from each defendant to the members of the class. 35351

(B) It is the policy of this state, insofar as it is not 35352  
inconsistent with federal law, that all unpaid moneys remaining 35353  
after the distribution to the members of the class of monetary 35354  
awards in class actions described in division (A) of this section 35355  
shall be used for the charitable public purpose of providing 35356  
financial assistance to legal aid societies that operate within 35357  
this state. Not later than the twentieth day of the month 35358  
immediately following the month during which the amount of unpaid 35359  
moneys, if any, remaining after that distribution of the monetary 35360  
award in the class action is identified, each defendant from whom 35361  
the unpaid moneys are due, in a manner and form prescribed in the 35362  
rules established by the Ohio legal assistance foundation under 35363  
section 120.52 of the Revised Code, shall do both of the 35364  
following: 35365

(1) Remit the sum of the unpaid moneys to the treasurer of 35366  
state for deposit in the legal aid fund established under section 35367  
120.52 of the Revised Code; 35368

(2) Notify the Ohio legal assistance foundation of all of the 35369  
following: 35370

(a) The amount of the sum of unpaid moneys remitted under 35371  
division (B)(1) of this section; 35372

(b) The case name and case number of the class action and the 35373  
court that approved the settlement agreement or rendered the 35374  
judgment in the class action. 35375

**Sec. 2317.422.** (A) Notwithstanding sections 2317.40 and 35376  
2317.41 of the Revised Code but subject to division (B) of this 35377  
section, the records, or copies or photographs of the records, of 35378  
a hospital, homes required to be licensed pursuant to section 35379  
3721.01 of the Revised Code, and ~~of~~ adult care facilities required 35380  
to be licensed pursuant to Chapter 3722. of the Revised Code, ~~and~~ 35381  
~~community alternative homes licensed pursuant to section 3724.03~~ 35382  
~~of the Revised Code,~~ in lieu of the testimony in open court of 35383  
their custodian, person who made them, or person under whose 35384  
supervision they were made, may be qualified as authentic evidence 35385  
if any such person endorses thereon the person's verified 35386  
certification identifying such records, giving the mode and time 35387  
of their preparation, and stating that they were prepared in the 35388  
usual course of the business of the institution. Such records, 35389  
copies, or photographs may not be qualified by certification as 35390  
provided in this section unless the party intending to offer them 35391  
delivers a copy of them, or of their relevant portions, to the 35392  
attorney of record for each adverse party not less than five days 35393  
before trial. Nothing in this section shall be construed to limit 35394  
the right of any party to call the custodian, person who made such 35395  
records, or person under whose supervision they were made, as a 35396  
witness. 35397

(B) Division (A) of this section does not apply to any 35398  
certified copy of the results of any test given to determine the 35399  
presence or concentration of alcohol, a drug of abuse, a 35400  
combination of them, a controlled substance, or a metabolite of a 35401



controlled substance in a patient's whole blood, blood serum or 35402  
plasma, breath, or urine at any time relevant to a criminal 35403  
offense that is submitted in a criminal action or proceeding in 35404  
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 35405  
of the Revised Code. 35406

**Sec. 2503.17.** ~~(A) Except as provided in division (B) and~~ 35407  
~~subject to division (C) of this section, the~~ The clerk of the 35408  
supreme court shall charge and collect ~~forty~~ one hundred dollars, 35409  
as a filing fee, for each case entered upon the ~~minute book,~~ 35410  
~~including, but not limited to, original actions in the court,~~ 35411  
~~appeals filed as of right, and cases certified by the courts of~~ 35412  
~~appeals for review on the ground of conflict of decisions; and for~~ 35413  
~~each motion to certify the record of a court of appeals or for~~ 35414  
~~leave to file a notice of appeal in criminal cases~~ docket. The 35415  
filing fees so charged and collected shall be in full for 35416  
~~docketing the cases or motions, making dockets from term to term,~~ 35417  
~~indexing and entering appearances, issuing process, filing papers,~~ 35418  
~~entering rules, motions, orders, continuances, decrees, and~~ 35419  
~~judgments, making lists of causes on the regular docket for~~ 35420  
~~publication each year, making and certifying orders, decrees, and~~ 35421  
~~judgments of the court to other tribunals, and the issuing of~~ 35422  
~~mandates. Except as provided in division (B) of this section, the~~ 35423  
each case filed in the supreme court under the Rules of Practice 35424  
of the Supreme Court. The party invoking the action of the court 35425  
shall pay the filing fee to the clerk before the case ~~or motion~~ is 35426  
docketed, and it shall be taxed as costs and recovered from the 35427  
other party if the party invoking the action of the court 35428  
succeeds, unless the court otherwise directs. 35429

~~(B)(1) As used in this division, "prosecutor" has the same~~ 35430  
~~meaning as in section 2935.01 of the Revised Code.~~ 35431

~~(2) The clerk of the supreme court shall not charge to and~~ 35432

~~collect from a prosecutor the forty dollar filing fee prescribed 35433  
by division (A) of this section when all of the following 35434  
circumstances apply: 35435~~

~~(a) In accordance with the Rules of Practice of the Supreme 35436  
Court of Ohio, an indigent defendant in a criminal action or 35437  
proceeding files in the appropriate court of appeals a notice of 35438  
appeal within thirty days from the date of the entry of the 35439  
judgment or final order that is the subject of the appeal. 35440~~

~~(b) The indigent defendant fails to file or offer for filing 35441  
in the supreme court within thirty days from the date of the 35442  
filing of the notice of appeal in the court of appeals, a copy of 35443  
the notice of appeal supported by a memorandum in support of 35444  
jurisdiction and other documentation and information as required 35445  
by the Rules of Practice of the Supreme Court of Ohio. 35446~~

~~(c) The prosecutor or a representative of the prosecutor 35447  
associated with the criminal action or proceeding files a motion 35448  
to docket and dismiss the appeal of the indigent defendant for 35449  
lack of prosecution as authorized by the Rules of Practice of the 35450  
Supreme Court of Ohio. 35451~~

~~(d) The prosecutor states in the motion that the forty dollar 35452  
filing fee does not accompany the motion because of the 35453  
applicability of this division, and the clerk of the supreme court 35454  
determines that this division applies. No filing fee or security 35455  
deposit shall be charged to an indigent party upon determination 35456  
of indigency by the supreme court pursuant to the Rules of 35457  
Practice of the Supreme Court. 35458~~

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt 35459  
to cause physical harm to another or to another's unborn. 35460

(B) No person shall recklessly cause serious physical harm to 35461  
another or to another's unborn. 35462

(C) Whoever violates this section is guilty of assault, and 35463  
the court shall sentence the offender as provided in this division 35464  
and divisions (C)(1), (2), (3), (4), (5), and (6) of this section. 35465  
Except as otherwise provided in division (C)(1), (2), (3), (4), or 35466  
(5) of this section, assault is a misdemeanor of the first degree. 35467

(1) Except as otherwise provided in this division, if the 35468  
offense is committed by a caretaker against a functionally 35469  
impaired person under the caretaker's care, assault is a felony of 35470  
the fourth degree. If the offense is committed by a caretaker 35471  
against a functionally impaired person under the caretaker's care, 35472  
if the offender previously has been convicted of or pleaded guilty 35473  
to a violation of this section or section 2903.11 or 2903.16 of 35474  
the Revised Code, and if in relation to the previous conviction 35475  
the offender was a caretaker and the victim was a functionally 35476  
impaired person under the offender's care, assault is a felony of 35477  
the third degree. 35478

(2) If the offense is committed in any of the following 35479  
circumstances, assault is a felony of the fifth degree: 35480

(a) The offense occurs in or on the grounds of a state 35481  
correctional institution or an institution of the department of 35482  
youth services, the victim of the offense is an employee of the 35483  
department of rehabilitation and correction, the department of 35484  
youth services, or a probation department or is on the premises of 35485  
the particular institution for business purposes or as a visitor, 35486  
and the offense is committed by a person incarcerated in the state 35487  
correctional institution, by a person institutionalized in the 35488  
department of youth services institution pursuant to a commitment 35489  
to the department of youth services, by a parolee, by an offender 35490  
under transitional control, under a community control sanction, or 35491  
on an escorted visit, by a person under post-release control, or 35492  
by an offender under any other type of supervision by a government 35493  
agency. 35494

(b) The offense occurs in or on the grounds of a local 35495  
correctional facility, the victim of the offense is an employee of 35496  
the local correctional facility or a probation department or is on 35497  
the premises of the facility for business purposes or as a 35498  
visitor, and the offense is committed by a person who is under 35499  
custody in the facility subsequent to the person's arrest for any 35500  
crime or delinquent act, subsequent to the person's being charged 35501  
with or convicted of any crime, or subsequent to the person's 35502  
being alleged to be or adjudicated a delinquent child. 35503

(c) The offense occurs off the grounds of a state 35504  
correctional institution and off the grounds of an institution of 35505  
the department of youth services, the victim of the offense is an 35506  
employee of the department of rehabilitation and correction, the 35507  
department of youth services, or a probation department, the 35508  
offense occurs during the employee's official work hours and while 35509  
the employee is engaged in official work responsibilities, and the 35510  
offense is committed by a person incarcerated in a state 35511  
correctional institution or institutionalized in the department of 35512  
youth services who temporarily is outside of the institution for 35513  
any purpose, by a parolee, by an offender under transitional 35514  
control, under a community control sanction, or on an escorted 35515  
visit, by a person under post-release control, or by an offender 35516  
under any other type of supervision by a government agency. 35517

(d) The offense occurs off the grounds of a local 35518  
correctional facility, the victim of the offense is an employee of 35519  
the local correctional facility or a probation department, the 35520  
offense occurs during the employee's official work hours and while 35521  
the employee is engaged in official work responsibilities, and the 35522  
offense is committed by a person who is under custody in the 35523  
facility subsequent to the person's arrest for any crime or 35524  
delinquent act, subsequent to the person being charged with or 35525  
convicted of any crime, or subsequent to the person being alleged 35526

to be or adjudicated a delinquent child and who temporarily is 35527  
outside of the facility for any purpose or by a parolee, by an 35528  
offender under transitional control, under a community control 35529  
sanction, or on an escorted visit, by a person under post-release 35530  
control, or by an offender under any other type of supervision by 35531  
a government agency. 35532

(e) The victim of the offense is a school teacher or 35533  
administrator or a school bus operator, and the offense occurs in 35534  
a school, on school premises, in a school building, on a school 35535  
bus, or while the victim is outside of school premises or a school 35536  
bus and is engaged in duties or official responsibilities 35537  
associated with the victim's employment or position as a school 35538  
teacher or administrator or a school bus operator, including, but 35539  
not limited to, driving, accompanying, or chaperoning students at 35540  
or on class or field trips, athletic events, or other school 35541  
extracurricular activities or functions outside of school 35542  
premises. 35543

(3) If the victim of the offense is a peace officer or an 35544  
investigator of the bureau of criminal identification and 35545  
investigation, a firefighter, or a person performing emergency 35546  
medical service, while in the performance of their official 35547  
duties, assault is a felony of the fourth degree. 35548

(4) If the victim of the offense is a peace officer or an 35549  
investigator of the bureau of criminal identification and 35550  
investigation and if the victim suffered serious physical harm as 35551  
a result of the commission of the offense, assault is a felony of 35552  
the fourth degree, and the court, pursuant to division (F) of 35553  
section 2929.13 of the Revised Code, shall impose as a mandatory 35554  
prison term one of the prison terms prescribed for a felony of the 35555  
fourth degree that is at least twelve months in duration. 35556

(5) If the victim of the offense is an officer or employee of 35557  
a public children services agency ~~or~~ a private child placing 35558

agency, or an adult protective services agency and the offense 35559  
relates to the officer's or employee's performance or anticipated 35560  
performance of official responsibilities or duties, assault is 35561  
either a felony of the fifth degree or, if the offender previously 35562  
has been convicted of or pleaded guilty to an offense of violence, 35563  
the victim of that prior offense was an officer or employee of a 35564  
public children services agency ~~or, a private child placing~~ 35565  
agency, or an adult protective services agency, and that prior 35566  
offense related to the officer's or employee's performance or 35567  
anticipated performance of official responsibilities or duties, a 35568  
felony of the fourth degree. 35569

(6) If an offender who is convicted of or pleads guilty to 35570  
assault when it is a misdemeanor also is convicted of or pleads 35571  
guilty to a specification as described in section 2941.1423 of the 35572  
Revised Code that was included in the indictment, count in the 35573  
indictment, or information charging the offense, the court shall 35574  
sentence the offender to a mandatory jail term as provided in 35575  
division (G) of section 2929.24 of the Revised Code. 35576

If an offender who is convicted of or pleads guilty to 35577  
assault when it is a felony also is convicted of or pleads guilty 35578  
to a specification as described in section 2941.1423 of the 35579  
Revised Code that was included in the indictment, count in the 35580  
indictment, or information charging the offense, except as 35581  
otherwise provided in division (C)(4) of this section, the court 35582  
shall sentence the offender to a mandatory prison term as provided 35583  
in division (D)(8) of section 2929.14 of the Revised Code. 35584

35585

(D) As used in this section: 35586

(1) "Peace officer" has the same meaning as in section 35587  
2935.01 of the Revised Code. 35588

(2) "Firefighter" has the same meaning as in section 3937.41 35589

of the Revised Code. 35590

(3) "Emergency medical service" has the same meaning as in 35591  
section 4765.01 of the Revised Code. 35592

(4) "Local correctional facility" means a county, 35593  
multicounty, municipal, municipal-county, or multicounty-municipal 35594  
jail or workhouse, a minimum security jail established under 35595  
section 341.23 or 753.21 of the Revised Code, or another county, 35596  
multicounty, municipal, municipal-county, or multicounty-municipal 35597  
facility used for the custody of persons arrested for any crime or 35598  
delinquent act, persons charged with or convicted of any crime, or 35599  
persons alleged to be or adjudicated a delinquent child. 35600

(5) "Employee of a local correctional facility" means a 35601  
person who is an employee of the political subdivision or of one 35602  
or more of the affiliated political subdivisions that operates the 35603  
local correctional facility and who operates or assists in the 35604  
operation of the facility. 35605

(6) "School teacher or administrator" means either of the 35606  
following: 35607

(a) A person who is employed in the public schools of the 35608  
state under a contract described in section 3319.08 of the Revised 35609  
Code in a position in which the person is required to have a 35610  
certificate issued pursuant to sections 3319.22 to 3319.311 of the 35611  
Revised Code. 35612

(b) A person who is employed by a nonpublic school for which 35613  
the state board of education prescribes minimum standards under 35614  
section 3301.07 of the Revised Code and who is certificated in 35615  
accordance with section 3301.071 of the Revised Code. 35616

(7) "Community control sanction" has the same meaning as in 35617  
section 2929.01 of the Revised Code. 35618

(8) "Escorted visit" means an escorted visit granted under 35619

section 2967.27 of the Revised Code. 35620

(9) "Post-release control" and "transitional control" have 35621  
the same meanings as in section 2967.01 of the Revised Code. 35622

(10) "Investigator of the bureau of criminal identification 35623  
and investigation" has the same meaning as in section 2903.11 of 35624  
the Revised Code. 35625

**Sec. 2903.21.** (A) No person shall knowingly cause another to 35626  
believe that the offender will cause serious physical harm to the 35627  
person or property of the other person, the other person's unborn, 35628  
or a member of the other person's immediate family. 35629

(B) Whoever violates this section is guilty of aggravated 35630  
menacing. Except as otherwise provided in this division, 35631  
aggravated menacing is a misdemeanor of the first degree. If the 35632  
victim of the offense is an officer or employee of a public 35633  
children services agency ~~or~~, a private child placing agency, or an 35634  
adult protective services agency and the offense relates to the 35635  
officer's or employee's performance or anticipated performance of 35636  
official responsibilities or duties, aggravated menacing is a 35637  
felony of the fifth degree or, if the offender previously has been 35638  
convicted of or pleaded guilty to an offense of violence, the 35639  
victim of that prior offense was an officer or employee of a 35640  
public children services agency ~~or~~, a private child placing 35641  
agency, or an adult protective services agency, and that prior 35642  
offense related to the officer's or employee's performance or 35643  
anticipated performance of official responsibilities or duties, a 35644  
felony of the fourth degree. 35645

**Sec. 2903.211.** (A)(1) No person by engaging in a pattern of 35646  
conduct shall knowingly cause another person to believe that the 35647  
offender will cause physical harm to the other person or cause 35648  
mental distress to the other person. 35649



(2) No person, through the use of any electronic method of 35650  
remotely transferring information, including, but not limited to, 35651  
any computer, computer network, computer program, or computer 35652  
system, shall post a message with purpose to urge or incite 35653  
another to commit a violation of division (A)(1) of this section. 35654

(3) No person, with a sexual motivation, shall violate 35655  
division (A)(1) or (2) of this section. 35656

(B) Whoever violates this section is guilty of menacing by 35657  
stalking. 35658

(1) Except as otherwise provided in divisions (B)(2) and (3) 35659  
of this section, menacing by stalking is a misdemeanor of the 35660  
first degree. 35661

(2) Menacing by stalking is a felony of the fourth degree if 35662  
any of the following applies: 35663

(a) The offender previously has been convicted of or pleaded 35664  
guilty to a violation of this section or a violation of section 35665  
2911.211 of the Revised Code. 35666

(b) In committing the offense under division (A)(1), (2), or 35667  
(3) of this section, the offender made a threat of physical harm 35668  
to or against the victim, or as a result of an offense committed 35669  
under division (A)(2) or (3) of this section, a third person 35670  
induced by the offender's posted message made a threat of physical 35671  
harm to or against the victim. 35672

(c) In committing the offense under division (A)(1), (2), or 35673  
(3) of this section, the offender trespassed on the land or 35674  
premises where the victim lives, is employed, or attends school, 35675  
or as a result of an offense committed under division (A)(2) or 35676  
(3) of this section, a third person induced by the offender's 35677  
posted message trespassed on the land or premises where the victim 35678  
lives, is employed, or attends school. 35679

(d) The victim of the offense is a minor. 35680

(e) The offender has a history of violence toward the victim 35681  
or any other person or a history of other violent acts toward the 35682  
victim or any other person. 35683

(f) While committing the offense under division (A)(1) of 35684  
this section or a violation of division (A)(3) of this section 35685  
based on conduct in violation of division (A)(1) of this section, 35686  
the offender had a deadly weapon on or about the offender's person 35687  
or under the offender's control. Division (B)(2)(f) of this 35688  
section does not apply in determining the penalty for a violation 35689  
of division (A)(2) of this section or a violation of division 35690  
(A)(3) of this section based on conduct in violation of division 35691  
(A)(2) of this section. 35692

(g) At the time of the commission of the offense, the 35693  
offender was the subject of a protection order issued under 35694  
section 2903.213 or 2903.214 of the Revised Code, regardless of 35695  
whether the person to be protected under the order is the victim 35696  
of the offense or another person. 35697

(h) In committing the offense under division (A)(1), (2), or 35698  
(3) of this section, the offender caused serious physical harm to 35699  
the premises at which the victim resides, to the real property on 35700  
which that premises is located, or to any personal property 35701  
located on that premises, or, as a result of an offense committed 35702  
under division (A)(2) of this section or an offense committed 35703  
under division (A)(3) of this section based on a violation of 35704  
division (A)(2) of this section, a third person induced by the 35705  
offender's posted message caused serious physical harm to that 35706  
premises, that real property, or any personal property on that 35707  
premises. 35708

(i) Prior to committing the offense, the offender had been 35709  
determined to represent a substantial risk of physical harm to 35710

others as manifested by evidence of then-recent homicidal or other 35711  
violent behavior, evidence of then-recent threats that placed 35712  
another in reasonable fear of violent behavior and serious 35713  
physical harm, or other evidence of then-present dangerousness. 35714

(3) If the victim of the offense is an officer or employee of 35715  
a public children services agency ~~or~~, a private child placing 35716  
agency, or an adult protective services agency and the offense 35717  
relates to the officer's or employee's performance or anticipated 35718  
performance of official responsibilities or duties, menacing by 35719  
stalking is either a felony of the fifth degree or, if the 35720  
offender previously has been convicted of or pleaded guilty to an 35721  
offense of violence, the victim of that prior offense was an 35722  
officer or employee of a public children services agency ~~or~~, a 35723  
private child placing agency, or an adult protective services 35724  
agency, and that prior offense related to the officer's or 35725  
employee's performance or anticipated performance of official 35726  
responsibilities or duties, a felony of the fourth degree. 35727

(C) Section 2919.271 of the Revised Code applies in relation 35728  
to a defendant charged with a violation of this section. 35729

(D) As used in this section: 35730

(1) "Pattern of conduct" means two or more actions or 35731  
incidents closely related in time, whether or not there has been a 35732  
prior conviction based on any of those actions or incidents. 35733  
Actions or incidents that prevent, obstruct, or delay the 35734  
performance by a public official, firefighter, rescuer, emergency 35735  
medical services person, or emergency facility person of any 35736  
authorized act within the public official's, firefighter's, 35737  
rescuer's, emergency medical services person's, or emergency 35738  
facility person's official capacity, or the posting of messages or 35739  
receipt of information or data through the use of an electronic 35740  
method of remotely transferring information, including, but not 35741  
limited to, a computer, computer network, computer program, 35742

computer system, or telecommunications device, may constitute a 35743  
"pattern of conduct." 35744

(2) "Mental distress" means any of the following: 35745

(a) Any mental illness or condition that involves some 35746  
temporary substantial incapacity; 35747

(b) Any mental illness or condition that would normally 35748  
require psychiatric treatment, psychological treatment, or other 35749  
mental health services, whether or not any person requested or 35750  
received psychiatric treatment, psychological treatment, or other 35751  
mental health services. 35752

(3) "Emergency medical services person" is the singular of 35753  
"emergency medical services personnel" as defined in section 35754  
2133.21 of the Revised Code. 35755

(4) "Emergency facility person" is the singular of "emergency 35756  
facility personnel" as defined in section 2909.04 of the Revised 35757  
Code. 35758

(5) "Public official" has the same meaning as in section 35759  
2921.01 of the Revised Code. 35760

(6) "Computer," "computer network," "computer program," 35761  
"computer system," and "telecommunications device" have the same 35762  
meanings as in section 2913.01 of the Revised Code. 35763

(7) "Post a message" means transferring, sending, posting, 35764  
publishing, disseminating, or otherwise communicating, or 35765  
attempting to transfer, send, post, publish, disseminate, or 35766  
otherwise communicate, any message or information, whether 35767  
truthful or untruthful, about an individual, and whether done 35768  
under one's own name, under the name of another, or while 35769  
impersonating another. 35770

(8) "Third person" means, in relation to conduct as described 35771  
in division (A)(2) of this section, an individual who is neither 35772

the offender nor the victim of the conduct. 35773

(9) "Sexual motivation" has the same meaning as in section 35774  
2971.01 of the Revised Code. 35775

(E) The state does not need to prove in a prosecution under 35776  
this section that a person requested or received psychiatric 35777  
treatment, psychological treatment, or other mental health 35778  
services in order to show that the person was caused mental 35779  
distress as described in division (D)(2)(b) of this section. 35780

(F)(1) This section does not apply to a person solely because 35781  
the person provided access or connection to or from an electronic 35782  
method of remotely transferring information not under that 35783  
person's control, including having provided capabilities that are 35784  
incidental to providing access or connection to or from the 35785  
electronic method of remotely transferring the information, and 35786  
that do not include the creation of the content of the material 35787  
that is the subject of the access or connection. In addition, any 35788  
person providing access or connection to or from an electronic 35789  
method of remotely transferring information not under that 35790  
person's control shall not be liable for any action voluntarily 35791  
taken in good faith to block the receipt or transmission through 35792  
its service of any information that it believes is, or will be 35793  
sent, in violation of this section. 35794

(2) Division (F)(1) of this section does not create an 35795  
affirmative duty for any person providing access or connection to 35796  
or from an electronic method of remotely transferring information 35797  
not under that person's control to block the receipt or 35798  
transmission through its service of any information that it 35799  
believes is, or will be sent, in violation of this section except 35800  
as otherwise provided by law. 35801

(3) Division (F)(1) of this section does not apply to a 35802  
person who conspires with a person actively involved in the 35803

creation or knowing distribution of material in violation of this 35804  
section or who knowingly advertises the availability of material 35805  
of that nature. 35806

**Sec. 2903.22.** (A) No person shall knowingly cause another to 35807  
believe that the offender will cause physical harm to the person 35808  
or property of the other person, the other person's unborn, or a 35809  
member of the other person's immediate family. 35810

(B) Whoever violates this section is guilty of menacing. 35811  
Except as otherwise provided in this division, menacing is a 35812  
misdemeanor of the fourth degree. If the victim of the offense is 35813  
an officer or employee of a public children services agency ~~or~~, a 35814  
private child placing agency, or an adult protective services 35815  
agency and the offense relates to the officer's or employee's 35816  
performance or anticipated performance of official 35817  
responsibilities or duties, menacing is a misdemeanor of the first 35818  
degree or, if the offender previously has been convicted of or 35819  
pleaded guilty to an offense of violence, the victim of that prior 35820  
offense was an officer or employee of a public children services 35821  
agency ~~or~~, a private child placing agency, or an adult protective 35822  
services agency, and that prior offense related to the officer's 35823  
or employee's performance or anticipated performance of official 35824  
responsibilities or duties, a felony of the fourth degree. 35825

**Sec. 2903.33.** As used in sections 2903.33 to 2903.36 of the 35826  
Revised Code: 35827

(A) "Care facility" means any of the following: 35828

(1) Any "home" as defined in section 3721.10 or 5111.20 of 35829  
the Revised Code; 35830

(2) Any "residential facility" as defined in section 5123.19 35831  
of the Revised Code; 35832

(3) Any institution or facility operated or provided by the 35833

department of mental health or by the department of mental 35834  
retardation and developmental disabilities pursuant to sections 35835  
5119.02 and 5123.03 of the Revised Code; 35836

(4) Any "residential facility" as defined in section 5119.22 35837  
of the Revised Code; 35838

(5) Any unit of any hospital, as defined in section 3701.01 35839  
of the Revised Code, that provides the same services as a nursing 35840  
home, as defined in section 3721.01 of the Revised Code; 35841

(6) Any institution, residence, or facility that provides, 35842  
for a period of more than twenty-four hours, whether for a 35843  
consideration or not, accommodations to one individual or two 35844  
unrelated individuals who are dependent upon the services of 35845  
others; 35846

(7) Any "adult care facility" as defined in section 3722.01 35847  
of the Revised Code; 35848

(8) Any adult foster home certified by the department of 35849  
aging or its designee under section 173.36 of the Revised Code; 35850

~~(9) Any "community alternative home" as defined in section 35851  
3724.01 of the Revised Code. 35852~~

(B) "Abuse" means knowingly causing physical harm or 35853  
recklessly causing serious physical harm to a person by physical 35854  
contact with the person or by the inappropriate use of a physical 35855  
or chemical restraint, medication, or isolation on the person. 35856

(C)(1) "Gross neglect" means knowingly failing to provide a 35857  
person with any treatment, care, goods, or service that is 35858  
necessary to maintain the health or safety of the person when the 35859  
failure results in physical harm or serious physical harm to the 35860  
person. 35861

(2) "Neglect" means recklessly failing to provide a person 35862  
with any treatment, care, goods, or service that is necessary to 35863

maintain the health or safety of the person when the failure 35864  
results in serious physical harm to the person. 35865

(D) "Inappropriate use of a physical or chemical restraint, 35866  
medication, or isolation" means the use of physical or chemical 35867  
restraint, medication, or isolation as punishment, for staff 35868  
convenience, excessively, as a substitute for treatment, or in 35869  
quantities that preclude habilitation and treatment. 35870

**Sec. 2911.21.** (A) No person, without privilege to do so, 35871  
shall do any of the following: 35872

(1) Knowingly enter or remain on the land or premises of 35873  
another; 35874

(2) Knowingly enter or remain on the land or premises of 35875  
another, the use of which is lawfully restricted to certain 35876  
persons, purposes, modes, or hours, when the offender knows the 35877  
offender is in violation of any such restriction or is reckless in 35878  
that regard; 35879

(3) Recklessly enter or remain on the land or premises of 35880  
another, as to which notice against unauthorized access or 35881  
presence is given by actual communication to the offender, or in a 35882  
manner prescribed by law, or by posting in a manner reasonably 35883  
calculated to come to the attention of potential intruders, or by 35884  
fencing or other enclosure manifestly designed to restrict access; 35885

(4) Being on the land or premises of another, negligently 35886  
fail or refuse to leave upon being notified by signage posted in a 35887  
conspicuous place or otherwise being notified to do so by the 35888  
owner or occupant, or the agent or servant of either. 35889

(B) It is no defense to a charge under this section that the 35890  
land or premises involved was owned, controlled, or in custody of 35891  
a public agency. 35892

(C) It is no defense to a charge under this section that the 35893



offender was authorized to enter or remain on the land or premises 35894  
involved, when such authorization was secured by deception. 35895

(D)(1) Whoever violates this section is guilty of criminal 35896  
trespass, a misdemeanor of the fourth degree. 35897

(2) Notwithstanding section 2929.28 of the Revised Code, if 35898  
the person, in committing the violation of this section, used ~~an~~ a 35899  
snowmobile, off-highway motorcycle, or all-purpose vehicle, the 35900  
court shall impose a fine of two times the usual amount imposed 35901  
for the violation. 35902

(3) If an offender previously has been convicted of or 35903  
pleaded guilty to two or more violations of this section or a 35904  
substantially equivalent municipal ordinance, and the offender, in 35905  
committing each violation, used ~~an~~ a snowmobile, off-highway 35906  
motorcycle, or all-purpose vehicle, the court, in addition to or 35907  
independent of all other penalties imposed for the violation, may 35908  
impound the certificate of registration of that snowmobile or 35909  
off-highway motorcycle or the certificate of registration and 35910  
license plate of that all-purpose vehicle for not less than sixty 35911  
days. In such a case, section 4519.47 of the Revised Code applies. 35912

(E) Notwithstanding any provision of the Revised Code, if the 35913  
offender, in committing the violation of this section, used an 35914  
all-purpose vehicle, the clerk of the court shall pay the fine 35915  
imposed pursuant to this section to the state recreational vehicle 35916  
fund created by section 4519.11 of the Revised Code. 35917

(F) As used in this section: 35918

(1) "All-purpose vehicle," ~~has~~ "off-highway motorcycle," and 35919  
"snowmobile" have the same meaning meanings as in section 4519.01 35920  
of the Revised Code. 35921

(2) "Land or premises" includes any land, building, 35922  
structure, or place belonging to, controlled by, or in custody of 35923  
another, and any separate enclosure or room, or portion thereof. 35924

**Sec. 2913.46.** (A)(1) As used in this section: 35925

(a) "Electronically transferred benefit" means the transfer 35926  
of ~~food stamp~~ supplemental nutrition assistance program benefits 35927  
or WIC program benefits through the use of an access device. 35928

(b) "WIC program benefits" includes money, coupons, delivery 35929  
verification receipts, other documents, food, or other property 35930  
received directly or indirectly pursuant to section 17 of the 35931  
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 35932  
amended. 35933

(c) "Access device" means any card, plate, code, account 35934  
number, or other means of access that can be used, alone or in 35935  
conjunction with another access device, to obtain payments, 35936  
allotments, benefits, money, goods, or other things of value or 35937  
that can be used to initiate a transfer of funds pursuant to 35938  
section 5101.33 of the Revised Code and the "~~Food Stamp and~~ 35939  
Nutrition Act of 1977," ~~91 Stat. 958,~~ 2008 (7 U.S.C.A. 2011 et 35940  
seq.), or any supplemental food program administered by any 35941  
department of this state or any county or local agency pursuant to 35942  
section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 35943  
U.S.C.A. 1786, as amended. An "access device" may include any 35944  
electronic debit card or other means authorized by section 5101.33 35945  
of the Revised Code. 35946

~~(c)~~(d) "Aggregate value of ~~the food stamp coupons~~ 35947  
supplemental nutrition assistance program benefits, WIC program 35948  
benefits, and electronically transferred benefits involved in the 35949  
violation" means the total face value of any ~~food stamps~~ 35950  
supplemental nutrition assistance program benefits, plus the total 35951  
face value of WIC program coupons or delivery verification 35952  
receipts, plus the total value of other WIC program benefits, plus 35953  
the total value of any electronically transferred benefit or other 35954  
access device, involved in the violation. 35955

(d)(e) "Total value of any electronically transferred benefit 35956  
or other access device" means the total value of the payments, 35957  
allotments, benefits, money, goods, or other things of value that 35958  
may be obtained, or the total value of funds that may be 35959  
transferred, by use of any electronically transferred benefit or 35960  
other access device at the time of violation. 35961

(2) If ~~food stamp coupons~~ supplemental nutrition assistance 35962  
program benefits, WIC program benefits, or electronically 35963  
transferred benefits or other access devices of various values are 35964  
used, transferred, bought, acquired, altered, purchased, 35965  
possessed, presented for redemption, or transported in violation 35966  
of this section over a period of twelve months, the course of 35967  
conduct may be charged as one offense and the values of ~~food stamp~~ 35968  
~~coupons~~ supplemental nutrition assistance program benefits, WIC 35969  
program benefits, or any electronically transferred benefits or 35970  
other access devices may be aggregated in determining the degree 35971  
of the offense. 35972

(B) No individual shall knowingly possess, buy, sell, use, 35973  
alter, accept, or transfer ~~food stamp coupons~~ supplemental 35974  
nutrition assistance program benefits, WIC program benefits, or 35975  
any electronically transferred benefit in any manner not 35976  
authorized by the "Food Stamp and Nutrition Act of 1977," ~~91 Stat.~~ 35977  
~~958, 2008 (7 U.S.C.A. 2011, as amended, et seq.)~~ or section 17 of 35978  
the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, 35979  
as amended. 35980

(C) No organization, as defined in division (D) of section 35981  
2901.23 of the Revised Code, shall do either of the following: 35982

(1) Knowingly allow an employee or agent to sell, transfer, 35983  
or trade items or services, the purchase of which is prohibited by 35984  
the "Food Stamp and Nutrition Act of 1977," ~~91 Stat. 958, 2008 (7~~ 35985  
~~U.S.C.A. 2011, as amended, et seq.~~ or section 17 of the "Child 35986  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 35987

amended, in exchange for ~~food stamp coupons~~ supplemental nutrition 35988  
assistance program benefits, WIC program benefits, or any 35989  
electronically transferred benefit; 35990

(2) Negligently allow an employee or agent to sell, transfer, 35991  
or exchange ~~food stamp coupons~~ supplemental nutrition assistance 35992  
program benefits, WIC program benefits, or any electronically 35993  
transferred benefit for anything of value. 35994

(D) Whoever violates this section is guilty of illegal use of 35995  
~~food stamps~~ supplemental nutrition assistance program benefits or 35996  
WIC program benefits. Except as otherwise provided in this 35997  
division, illegal use of ~~food stamps~~ supplemental nutrition 35998  
assistance program benefits or WIC program benefits is a felony of 35999  
the fifth degree. If the aggregate value of the ~~food stamp coupons~~ 36000  
supplemental nutrition assistance program benefits, WIC program 36001  
benefits, and electronically transferred benefits involved in the 36002  
violation is five hundred dollars or more and is less than five 36003  
thousand dollars, illegal use of ~~food stamps~~ supplemental 36004  
nutrition assistance program benefits or WIC program benefits is a 36005  
felony of the fourth degree. If the aggregate value of the ~~food~~ 36006  
~~stamp coupons~~ supplemental nutrition assistance program benefits, 36007  
WIC program benefits, and electronically transferred benefits 36008  
involved in the violation is five thousand dollars or more and is 36009  
less than one hundred thousand dollars, illegal use of ~~food stamps~~ 36010  
supplemental nutrition assistance program benefits or WIC program 36011  
benefits is a felony of the third degree. If the aggregate value 36012  
of the ~~food stamp coupons~~ supplemental nutrition assistance 36013  
program benefits, WIC program benefits, and electronically 36014  
transferred benefits involved in the violation is one hundred 36015  
thousand dollars or more, illegal use of ~~food stamps~~ supplemental 36016  
nutrition assistance program benefits or WIC program benefits is a 36017  
felony of the second degree. 36018

36019

- Sec. 2921.13.** (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:
- (1) The statement is made in any official proceeding.
  - (2) The statement is made with purpose to incriminate another.
  - (3) The statement is made with purpose to mislead a public official in performing the public official's official function.
  - (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury.
  - (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.
  - (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
  - (7) The statement is in writing on or in connection with a report or return that is required or authorized by law.
  - (8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.
  - (9) The statement is made with purpose to commit or

facilitate the commission of a theft offense. 36050

(10) The statement is knowingly made to a probate court in 36051  
connection with any action, proceeding, or other matter within its 36052  
jurisdiction, either orally or in a written document, including, 36053  
but not limited to, an application, petition, complaint, or other 36054  
pleading, or an inventory, account, or report. 36055

(11) The statement is made on an account, form, record, 36056  
stamp, label, or other writing that is required by law. 36057

(12) The statement is made in connection with the purchase of 36058  
a firearm, as defined in section 2923.11 of the Revised Code, and 36059  
in conjunction with the furnishing to the seller of the firearm of 36060  
a fictitious or altered driver's or commercial driver's license or 36061  
permit, a fictitious or altered identification card, or any other 36062  
document that contains false information about the purchaser's 36063  
identity. 36064

(13) The statement is made in a document or instrument of 36065  
writing that purports to be a judgment, lien, or claim of 36066  
indebtedness and is filed or recorded with the secretary of state, 36067  
a county recorder, or the clerk of a court of record. 36068

~~(14) The statement is made with purpose to obtain an Ohio's 36069  
best Rx program enrollment card under section 173.773 of the 36070  
Revised Code or a payment under section 173.801 of the Revised 36071  
Code. 36072~~

~~(15)~~ The statement is made in an application filed with a 36073  
county sheriff pursuant to section 2923.125 of the Revised Code in 36074  
order to obtain or renew a license to carry a concealed handgun or 36075  
is made in an affidavit submitted to a county sheriff to obtain a 36076  
temporary emergency license to carry a concealed handgun under 36077  
section 2923.1213 of the Revised Code. 36078

~~(16)~~(15) The statement is required under section 5743.71 of 36079  
the Revised Code in connection with the person's purchase of 36080

cigarettes or tobacco products in a delivery sale. 36081

(B) No person, in connection with the purchase of a firearm, 36082  
as defined in section 2923.11 of the Revised Code, shall knowingly 36083  
furnish to the seller of the firearm a fictitious or altered 36084  
driver's or commercial driver's license or permit, a fictitious or 36085  
altered identification card, or any other document that contains 36086  
false information about the purchaser's identity. 36087

(C) No person, in an attempt to obtain a license to carry a 36088  
concealed handgun under section 2923.125 of the Revised Code, 36089  
shall knowingly present to a sheriff a fictitious or altered 36090  
document that purports to be certification of the person's 36091  
competence in handling a handgun as described in division (B)(3) 36092  
of section 2923.125 of the Revised Code. 36093

(D) It is no defense to a charge under division (A)(6) of 36094  
this section that the oath or affirmation was administered or 36095  
taken in an irregular manner. 36096

(E) If contradictory statements relating to the same fact are 36097  
made by the offender within the period of the statute of 36098  
limitations for falsification, it is not necessary for the 36099  
prosecution to prove which statement was false but only that one 36100  
or the other was false. 36101

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 36102  
(6), (7), (8), (10), (11), (13), ~~(14)~~, or ~~(16)~~(15) of this section 36103  
is guilty of falsification, a misdemeanor of the first degree. 36104

(2) Whoever violates division (A)(9) of this section is 36105  
guilty of falsification in a theft offense. Except as otherwise 36106  
provided in this division, falsification in a theft offense is a 36107  
misdemeanor of the first degree. If the value of the property or 36108  
services stolen is five hundred dollars or more and is less than 36109  
five thousand dollars, falsification in a theft offense is a 36110  
felony of the fifth degree. If the value of the property or 36111

services stolen is five thousand dollars or more and is less than 36112  
one hundred thousand dollars, falsification in a theft offense is 36113  
a felony of the fourth degree. If the value of the property or 36114  
services stolen is one hundred thousand dollars or more, 36115  
falsification in a theft offense is a felony of the third degree. 36116

(3) Whoever violates division (A)(12) or (B) of this section 36117  
is guilty of falsification to purchase a firearm, a felony of the 36118  
fifth degree. 36119

(4) Whoever violates division (A)~~(15)~~(14) or (C) of this 36120  
section is guilty of falsification to obtain a concealed handgun 36121  
license, a felony of the fourth degree. 36122

(G) A person who violates this section is liable in a civil 36123  
action to any person harmed by the violation for injury, death, or 36124  
loss to person or property incurred as a result of the commission 36125  
of the offense and for reasonable attorney's fees, court costs, 36126  
and other expenses incurred as a result of prosecuting the civil 36127  
action commenced under this division. A civil action under this 36128  
division is not the exclusive remedy of a person who incurs 36129  
injury, death, or loss to person or property as a result of a 36130  
violation of this section. 36131

**Sec. 2937.22.** (A) Bail is security for the appearance of an 36132  
accused to appear and answer to a specific criminal or 36133  
quasi-criminal charge in any court or before any magistrate at a 36134  
specific time or at any time to which a case may be continued, and 36135  
not depart without leave. It may take any of the following forms: 36136

~~(A)~~(1) The deposit of cash by the accused or by some other 36137  
person for ~~him~~ the accused; 36138

~~(B)~~(2) The deposit by the accused or by some other person for 36139  
~~him~~ the accused in form of bonds of the United States, this state, 36140  
or any political subdivision thereof in a face amount equal to the 36141



sum set by the court or magistrate. In case of bonds not 36142  
negotiable by delivery such bonds shall be properly endorsed for 36143  
transfer. 36144

~~(C)~~(3) The written undertaking by one or more persons to 36145  
forfeit the sum of money set by the court or magistrate, if the 36146  
accused is in default for appearance, which shall be known as a 36147  
recognizance. 36148

(B) Whenever a person is charged with any offense other than 36149  
a traffic offense that is not a moving violation and posts bail, 36150  
the person shall pay a surcharge of twenty-five dollars. The clerk 36151  
of the court shall retain the twenty-five dollars until the person 36152  
is convicted, pleads guilty, forfeits bail, is found not guilty, 36153  
or has the charges dismissed. If the person is convicted, pleads 36154  
guilty, or forfeits bail, the clerk shall transmit the twenty-five 36155  
dollars on or before the twentieth day of the month following the 36156  
month in which the person was convicted, pleaded guilty, or 36157  
forfeited bail to the treasurer of state, and the treasurer of 36158  
state shall deposit it into the indigent defense support fund 36159  
created under section 120.08 of the Revised Code. If the person is 36160  
found not guilty or the charges are dismissed, the clerk shall 36161  
return the twenty-five dollars to the person. 36162

(C) All bail shall be received by the clerk of the court, 36163  
deputy clerk of court, or by the magistrate, or by a special 36164  
referee appointed by the supreme court pursuant to section 2937.46 36165  
of the Revised Code, and, except in cases of recognizances, 36166  
receipt shall be given therefor ~~by him~~. 36167

(D) As used in this section, "moving violation" has the same 36168  
meaning as in section 2743.70 of the Revised Code. 36169

**Sec. 2949.091.** (A)(1)(a) The court~~7~~ in which any person is 36170  
convicted of or pleads guilty to any offense ~~other than a traffic~~ 36171  
~~offense that is not a moving violation,~~ shall impose one of the 36172

~~sum of fifteen dollars~~ following sums as costs in the case in 36173  
addition to any other court costs that the court is required by 36174  
law to impose upon the offender: 36175

(i) Thirty dollars if the offense is a felony; 36176

(ii) Twenty dollars if the offense is a misdemeanor other 36177  
than a traffic offense that is not a moving violation; 36178

(iii) Ten dollars if the offense is a traffic offense that is 36179  
not a moving violation, excluding parking violations. All such 36180

(b) All moneys collected pursuant to division (A)(1)(a) of 36181  
this section during a month shall be transmitted on or before the 36182  
twentieth day of the following month by the clerk of the court to 36183  
the treasurer of state and deposited by the treasurer of state 36184  
~~into~~ to the credit of the general revenue indigent defense support 36185  
fund established under section 120.08 of the Revised Code. The 36186  
court shall not waive the payment of the additional ~~fifteen 36187  
dollars~~ thirty-, twenty-, or ten-dollar court costs, unless the 36188  
court determines that the offender is indigent and waives the 36189  
payment of all court costs imposed upon the indigent offender. 36190

(2)(a) The juvenile court, in which a child is found to be a 36191  
delinquent child or a juvenile traffic offender for an act ~~which 36192  
that~~, if committed by an adult, would be an offense ~~other than a 36193  
traffic offense that is not a moving violation~~, shall impose one 36194  
of the ~~sum of fifteen dollars~~ following sums as costs in the case 36195  
in addition to any other court costs that the court is required or 36196  
permitted by law to impose upon the delinquent child or juvenile 36197  
traffic offender: 36198

(i) Thirty dollars if the offense is a felony; 36199

(ii) Twenty dollars if the offense is a misdemeanor other 36200  
than a traffic offense that is not a moving violation; 36201

(iii) Ten dollars if the offense is a traffic offense that is 36202

not a moving violation, excluding parking violations. All such 36203

(b) All moneys collected pursuant to division (A)(2)(a) of 36204  
this section during a month shall be transmitted on or before the 36205  
twentieth day of the following month by the clerk of the court to 36206  
the treasurer of state and deposited by the treasurer of state 36207  
~~into~~ to the credit of the general revenue indigent defense support 36208  
fund established under section 120.08 of the Revised Code. The 36209  
~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs shall 36210  
be collected in all cases unless the court determines the juvenile 36211  
is indigent and waives the payment of all court costs, or enters 36212  
an order on its journal stating that it has determined that the 36213  
juvenile is indigent, that no other court costs are to be taxed in 36214  
the case, and that the payment of the ~~fifteen dollars~~ thirty-, 36215  
twenty-, or ten-dollar court costs is waived. 36216

(B) Whenever a person is charged with any offense ~~other than~~ 36217  
~~a traffic offense that is not a moving violation and posts bail~~ 36218  
described in division (A)(1) of this section, the court shall add 36219  
to the amount of the bail the ~~fifteen~~ thirty, twenty, or ten 36220  
dollars required to be paid by division (A)(1) of this section. 36221  
The ~~fifteen~~ thirty, twenty, or ten dollars shall be retained by 36222  
the clerk of the court until the person is convicted, pleads 36223  
guilty, forfeits bail, is found not guilty, or has the charges 36224  
dismissed. If the person is convicted, pleads guilty, or forfeits 36225  
bail, the clerk shall transmit the ~~fifteen~~ thirty, twenty, or ten 36226  
dollars on or before the twentieth day of the month following the 36227  
month in which the person was convicted, pleaded guilty, or 36228  
forfeited bail to the treasurer of state, who shall deposit it 36229  
~~into~~ to the credit of the general revenue indigent defense support 36230  
fund established under section 120.08 of the Revised Code. If the 36231  
person is found not guilty or the charges are dismissed, the clerk 36232  
shall return the ~~fifteen~~ thirty, twenty, or ten dollars to the 36233  
person. 36234

(C) No person shall be placed or held in a detention facility 36235  
for failing to pay the additional ~~fifteen dollars~~ thirty-, 36236  
twenty-, or ten-dollar court costs or bail that are required to be 36237  
paid by this section. 36238

(D) As used in this section: 36239

(1) "Moving violation" and "bail" have the same meanings as 36240  
in section 2743.70 of the Revised Code. 36241

(2) "Detention facility" has the same meaning as in section 36242  
2921.01 of the Revised Code. 36243

**Sec. 2949.111.** (A) As used in this section: 36244

(1) "Court costs" means any assessment that the court 36245  
requires an offender to pay to defray the costs of operating the 36246  
court. 36247

(2) "State fines or costs" means any costs imposed or 36248  
forfeited bail collected by the court under section 2743.70 of the 36249  
Revised Code for deposit into the reparations fund or under 36250  
section 2949.091 of the Revised Code for deposit into the ~~general~~ 36251  
~~revenue~~ indigent defense support fund established under section 36252  
120.08 of the Revised Code and all fines, penalties, and forfeited 36253  
bail collected by the court and paid to a law library association 36254  
under sections 3375.50 to 3375.53 of the Revised Code. 36255

(3) "Reimbursement" means any reimbursement for the costs of 36256  
confinement that the court orders an offender to pay pursuant to 36257  
section 2929.28 of the Revised Code, any supervision fee, any fee 36258  
for the costs of house arrest with electronic monitoring that an 36259  
offender agrees to pay, any reimbursement for the costs of an 36260  
investigation or prosecution that the court orders an offender to 36261  
pay pursuant to section 2929.71 of the Revised Code, or any other 36262  
costs that the court orders an offender to pay. 36263

(4) "Supervision fees" means any fees that a court, pursuant 36264

to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 36265  
requires an offender who is under a community control sanction to 36266  
pay for supervision services. 36267

(5) "Community control sanction" has the same meaning as in 36268  
section 2929.01 of the Revised Code. 36269

(B) Unless the court, in accordance with division (C) of this 36270  
section, enters in the record of the case a different method of 36271  
assigning payments, if a person who is charged with a misdemeanor 36272  
is convicted of or pleads guilty to the offense, if the court 36273  
orders the offender to pay any combination of court costs, state 36274  
fines or costs, restitution, a conventional fine, or any 36275  
reimbursement, and if the offender makes any payment of any of 36276  
them to a clerk of court, the clerk shall assign the offender's 36277  
payment in the following manner: 36278

(1) If the court ordered the offender to pay any court costs, 36279  
the offender's payment shall be assigned toward the satisfaction 36280  
of those court costs until they have been entirely paid. 36281

(2) If the court ordered the offender to pay any state fines 36282  
or costs and if all of the court costs that the court ordered the 36283  
offender to pay have been paid, the remainder of the offender's 36284  
payment shall be assigned on a pro rata basis toward the 36285  
satisfaction of the state fines or costs until they have been 36286  
entirely paid. 36287

(3) If the court ordered the offender to pay any restitution 36288  
and if all of the court costs and state fines or costs that the 36289  
court ordered the offender to pay have been paid, the remainder of 36290  
the offender's payment shall be assigned toward the satisfaction 36291  
of the restitution until it has been entirely paid. 36292

(4) If the court ordered the offender to pay any fine and if 36293  
all of the court costs, state fines or costs, and restitution that 36294  
the court ordered the offender to pay have been paid, the 36295

remainder of the offender's payment shall be assigned toward the 36296  
satisfaction of the fine until it has been entirely paid. 36297

(5) If the court ordered the offender to pay any 36298  
reimbursement and if all of the court costs, state fines or costs, 36299  
restitution, and fines that the court ordered the offender to pay 36300  
have been paid, the remainder of the offender's payment shall be 36301  
assigned toward the satisfaction of the reimbursements until they 36302  
have been entirely paid. 36303

(C) If a person who is charged with a misdemeanor is 36304  
convicted of or pleads guilty to the offense and if the court 36305  
orders the offender to pay any combination of court costs, state 36306  
fines or costs, restitution, fines, or reimbursements, the court, 36307  
at the time it orders the offender to make those payments, may 36308  
prescribe an order of payments that differs from the order set 36309  
forth in division (B) of this section by entering in the record of 36310  
the case the order so prescribed. If a different order is entered 36311  
in the record, on receipt of any payment, the clerk of the court 36312  
shall assign the payment in the manner prescribed by the court. 36313

**Sec. 2949.17.** (A) The sheriff may take one guard for every 36314  
two convicted felons to be transported to a correctional 36315  
institution. The trial judge may authorize a larger number of 36316  
guards upon written application of the sheriff, in which case a 36317  
transcript of the order of the judge shall be certified by the 36318  
clerk of the court of common pleas under the seal of the court, 36319  
and the sheriff shall deliver the order with the convict to the 36320  
person in charge of the correctional institution. 36321

(B) In order to obtain reimbursement for the county for the 36322  
expenses of transportation for indigent convicted felons, the 36323  
clerk of the court of common pleas shall prepare a transportation 36324  
cost bill for each indigent convicted felon transported pursuant 36325  
to this section for an amount equal to ~~ten cents~~ not less than one 36326

~~dollar~~ a mile from the county seat to the state correctional 36327  
institution and return for ~~the sheriff and each of the guards and~~ 36328  
~~five cents a mile from the county seat to the state correctional~~ 36329  
~~institution~~ for each prisoner. The number of miles shall be 36330  
computed by the usual route of travel. The clerk's duties under 36331  
this division are subject to division (B) of section 2949.19 of 36332  
the Revised Code. 36333

**Sec. 2981.13.** (A) Except as otherwise provided in this 36334  
section, property ordered forfeited as contraband, proceeds, or an 36335  
instrumentality pursuant to this chapter shall be disposed of, 36336  
used, or sold pursuant to section 2981.12 of the Revised Code. If 36337  
the property is to be sold under that section, the prosecutor 36338  
shall cause notice of the proposed sale to be given in accordance 36339  
with law. 36340

(B) If the contraband or instrumentality forfeited under this 36341  
chapter is sold, any moneys acquired from a sale and any proceeds 36342  
forfeited under this chapter shall be applied in the following 36343  
order: 36344

(1) First, to pay costs incurred in the seizure, storage, 36345  
maintenance, security, and sale of the property and in the 36346  
forfeiture proceeding; 36347

(2) Second, in a criminal forfeiture case, to satisfy any 36348  
restitution ordered to the victim of the offense or, in a civil 36349  
forfeiture case, to satisfy any recovery ordered for the person 36350  
harmed, unless paid from other assets; 36351

(3) Third, to pay the balance due on any security interest 36352  
preserved under this chapter; 36353

(4) Fourth, apply the remaining amounts as follows: 36354

(a) If the forfeiture was ordered by a juvenile court, ten 36355  
per cent to one or more certified alcohol and drug addiction 36356

treatment programs as provided in division (D) of section 2981.12 36357  
of the Revised Code; 36358

(b) If the forfeiture was ordered in a juvenile court, ninety 36359  
per cent, and if the forfeiture was ordered in a court other than 36360  
a juvenile court, one hundred per cent to the law enforcement 36361  
trust fund of the prosecutor and to the following fund supporting 36362  
the law enforcement agency that substantially conducted the 36363  
investigation: the law enforcement trust fund of the county 36364  
sheriff, municipal corporation, township, or park district created 36365  
under section 511.18 or 1545.01 of the Revised Code; the state 36366  
highway patrol contraband, forfeiture, and other fund; the 36367  
department of public safety investigative unit contraband, 36368  
forfeiture, and other fund; the department of taxation enforcement 36369  
fund; the board of pharmacy drug law enforcement fund created by 36370  
division (B)(1) of section 4729.65 of the Revised Code; the 36371  
medicaid fraud investigation and prosecution fund; or the 36372  
treasurer of state for deposit into the peace officer training 36373  
commission fund if any other state law enforcement agency 36374  
substantially conducted the investigation. In the case of property 36375  
forfeited for medicaid fraud, any remaining amount shall be used 36376  
by the attorney general to investigate and prosecute medicaid 36377  
fraud offenses. 36378

If the prosecutor declines to accept any of the remaining 36379  
amounts, the amounts shall be applied to the fund of the agency 36380  
that substantially conducted the investigation. 36381

(c) If more than one law enforcement agency is substantially 36382  
involved in the seizure of property forfeited under this chapter, 36383  
the court ordering the forfeiture shall equitably divide the 36384  
amounts, after calculating any distribution to the law enforcement 36385  
trust fund of the prosecutor pursuant to division (B)(4) of this 36386  
section, among the entities that the court determines were 36387  
substantially involved in the seizure. 36388



(C)(1) A law enforcement trust fund shall be established by 36389  
the prosecutor of each county who intends to receive any remaining 36390  
amounts pursuant to this section, by the sheriff of each county, 36391  
by the legislative authority of each municipal corporation, by the 36392  
board of township trustees of each township that has a township 36393  
police department, township police district police force, or 36394  
office of the constable, and by the board of park commissioners of 36395  
each park district created pursuant to section 511.18 or 1545.01 36396  
of the Revised Code that has a park district police force or law 36397  
enforcement department, for the purposes of this section. 36398

There is hereby created in the state treasury the state 36399  
highway patrol contraband, forfeiture, and other fund, the 36400  
department of public safety investigative unit contraband, 36401  
forfeiture, and other fund, the medicaid fraud investigation and 36402  
prosecution fund, the department of taxation enforcement fund, and 36403  
the peace officer training commission fund, for the purposes of 36404  
this section. 36405

Amounts distributed to any municipal corporation, township, 36406  
or park district law enforcement trust fund shall be allocated 36407  
from the fund by the legislative authority only to the police 36408  
department of the municipal corporation, by the board of township 36409  
trustees only to the township police department, township police 36410  
district police force, or office of the constable, and by the 36411  
board of park commissioners only to the park district police force 36412  
or law enforcement department. 36413

(2)(a) No amounts shall be allocated to a fund created under 36414  
this section or used by an agency unless the agency has adopted a 36415  
written internal control policy that addresses the use of moneys 36416  
received from the appropriate fund. The appropriate fund shall be 36417  
expended only in accordance with that policy and, subject to the 36418  
requirements specified in this section, only for the following 36419  
purposes: 36420

(i) To pay the costs of protracted or complex investigations	36421
or prosecutions;	36422
(ii) To provide reasonable technical training or expertise;	36423
(iii) To provide matching funds to obtain federal grants to	36424
aid law enforcement, in the support of DARE programs or other	36425
programs designed to educate adults or children with respect to	36426
the dangers associated with the use of drugs of abuse;	36427
(iv) To pay the costs of emergency action taken under section	36428
3745.13 of the Revised Code relative to the operation of an	36429
illegal methamphetamine laboratory if the forfeited property or	36430
money involved was that of a person responsible for the operation	36431
of the laboratory;	36432
(v) For other law enforcement purposes that the	36433
superintendent of the state highway patrol, department of public	36434
safety, prosecutor, county sheriff, legislative authority,	36435
<u>department of taxation</u> , board of township trustees, or board of	36436
park commissioners determines to be appropriate.	36437
(b) The board of pharmacy drug law enforcement fund shall be	36438
expended only in accordance with the written internal control	36439
policy so adopted by the board and only in accordance with section	36440
4729.65 of the Revised Code, except that it also may be expended	36441
to pay the costs of emergency action taken under section 3745.13	36442
of the Revised Code relative to the operation of an illegal	36443
methamphetamine laboratory if the forfeited property or money	36444
involved was that of a person responsible for the operation of the	36445
laboratory.	36446
(c) The state highway patrol contraband, forfeiture, and	36447
other fund, the department of public safety investigative unit	36448
contraband, forfeiture, and other fund, the department of taxation	36449
enforcement fund, the board of pharmacy drug law enforcement fund,	36450
and a law enforcement trust fund shall not be used to meet the	36451

operating costs of the state highway patrol, of the investigative 36452  
unit of the department of public safety, of the state board of 36453  
pharmacy, of any political subdivision, or of any office of a 36454  
prosecutor or county sheriff that are unrelated to law 36455  
enforcement. 36456

(d) Forfeited moneys that are paid into the state treasury to 36457  
be deposited into the peace officer training commission fund shall 36458  
be used by the commission only to pay the costs of peace officer 36459  
training. 36460

(3) Any of the following offices or agencies that receive 36461  
amounts under this section during any calendar year shall file a 36462  
report with the specified entity, not later than the thirty-first 36463  
day of January of the next calendar year, verifying that the 36464  
moneys were expended only for the purposes authorized by this 36465  
section or other relevant statute and specifying the amounts 36466  
expended for each authorized purpose: 36467

(a) Any sheriff or prosecutor shall file the report with the 36468  
county auditor. 36469

(b) Any municipal corporation police department shall file 36470  
the report with the legislative authority of the municipal 36471  
corporation. 36472

(c) Any township police department, township police district 36473  
police force, or office of the constable shall file the report 36474  
with the board of township trustees of the township. 36475

(d) Any park district police force or law enforcement 36476  
department shall file the report with the board of park 36477  
commissioners of the park district. 36478

(e) The superintendent of the state highway patrol and the 36479  
tax commissioner shall file the report with the attorney general. 36480

(f) The executive director of the state board of pharmacy 36481

shall file the report with the attorney general, verifying that 36482  
cash and forfeited proceeds paid into the board of pharmacy drug 36483  
law enforcement fund were used only in accordance with section 36484  
4729.65 of the Revised Code. 36485

(g) The peace officer training commission shall file a report 36486  
with the attorney general, verifying that cash and forfeited 36487  
proceeds paid into the peace officer training commission fund 36488  
pursuant to this section during the prior calendar year were used 36489  
by the commission during the prior calendar year only to pay the 36490  
costs of peace officer training. 36491

(D) The written internal control policy of a county sheriff, 36492  
prosecutor, municipal corporation police department, township 36493  
police department, township police district police force, office 36494  
of the constable, or park district police force or law enforcement 36495  
department shall provide that at least ten per cent of the first 36496  
one hundred thousand dollars of amounts deposited during each 36497  
calendar year in the agency's law enforcement trust fund under 36498  
this section, and at least twenty per cent of the amounts 36499  
exceeding one hundred thousand dollars that are so deposited, 36500  
shall be used in connection with community preventive education 36501  
programs. The manner of use shall be determined by the sheriff, 36502  
prosecutor, department, police force, or office of the constable 36503  
after receiving and considering advice on appropriate community 36504  
preventive education programs from the county's board of alcohol, 36505  
drug addiction, and mental health services, from the county's 36506  
alcohol and drug addiction services board, or through appropriate 36507  
community dialogue. 36508

The financial records kept under the internal control policy 36509  
shall specify the amount deposited during each calendar year in 36510  
the portion of that amount that was used pursuant to this 36511  
division, and the programs in connection with which the portion of 36512  
that amount was so used. 36513

As used in this division, "community preventive education programs" include, but are not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with using drugs of abuse.

(E) Upon the sale, under this section or section 2981.12 of the Revised Code, of any property that is required by law to be titled or registered, the state shall issue an appropriate certificate of title or registration to the purchaser. If the state is vested with title and elects to retain property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration.

(F) Any failure of a law enforcement officer or agency, prosecutor, court, or the attorney general to comply with this section in relation to any property seized does not affect the validity of the seizure and shall not be considered to be the basis for suppressing any evidence resulting from the seizure, provided the seizure itself was lawful.

**Sec. 3105.87.** The court may order a public retirement program or the Ohio public employees deferred compensation program to provide information from a participant's personal history record necessary to determine the amounts described in division (D) of section 3105.82 of the Revised Code.

**Sec. 3119.01.** (A) As used in the Revised Code, "child support enforcement agency" means a child support enforcement agency designated under former section 2301.35 of the Revised Code prior to October 1, 1997, or a private or government entity designated as a child support enforcement agency under section 307.981 of the Revised Code.

(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:

- (1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.
- (2) "Child support order" means either a court child support order or an administrative child support order.
- (3) "Obligee" means the person who is entitled to receive the support payments under a support order.
- (4) "Obligor" means the person who is required to pay support under a support order.
- (5) "Support order" means either an administrative child support order or a court support order.
- (C) As used in this chapter:
- (1) "Combined gross income" means the combined gross income of both parents.
- (2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.
- (3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(4) "Extraordinary medical expenses" means any uninsured 36574  
medical expenses incurred for a child during a calendar year that 36575  
exceed one hundred dollars. 36576

(5) "Income" means either of the following: 36577

(a) For a parent who is employed to full capacity, the gross 36578  
income of the parent; 36579

(b) For a parent who is unemployed or underemployed, the sum 36580  
of the gross income of the parent and any potential income of the 36581  
parent. 36582

(6) "Insurer" means any person authorized under Title XXXIX 36583  
of the Revised Code to engage in the business of insurance in this 36584  
state, any health insuring corporation, and any legal entity that 36585  
is self-insured and provides benefits to its employees or members. 36586

(7) "Gross income" means, except as excluded in division 36587  
(C)(7) of this section, the total of all earned and unearned 36588  
income from all sources during a calendar year, whether or not the 36589  
income is taxable, and includes income from salaries, wages, 36590  
overtime pay, and bonuses to the extent described in division (D) 36591  
of section 3119.05 of the Revised Code; commissions; royalties; 36592  
tips; rents; dividends; severance pay; pensions; interest; trust 36593  
income; annuities; social security benefits, including retirement, 36594  
disability, and survivor benefits that are not means-tested; 36595  
workers' compensation benefits; unemployment insurance benefits; 36596  
disability insurance benefits; benefits that are not means-tested 36597  
and that are received by and in the possession of the veteran who 36598  
is the beneficiary for any service-connected disability under a 36599  
program or law administered by the United States department of 36600  
veterans' affairs or veterans' administration; spousal support 36601  
actually received; and all other sources of income. "Gross income" 36602  
includes income of members of any branch of the United States 36603  
armed services or national guard, including, amounts representing 36604

base pay, basic allowance for quarters, basic allowance for 36605  
subsistence, supplemental subsistence allowance, cost of living 36606  
adjustment, specialty pay, variable housing allowance, and pay for 36607  
training or other types of required drills; self-generated income; 36608  
and potential cash flow from any source. 36609

"Gross income" does not include any of the following: 36610

(a) Benefits received from means-tested government 36611  
administered programs, including Ohio works first; prevention, 36612  
retention, and contingency; means-tested veterans' benefits; 36613  
supplemental security income; ~~food stamps~~ supplemental nutrition 36614  
assistance program; disability financial assistance; or other 36615  
assistance for which eligibility is determined on the basis of 36616  
income or assets; 36617

(b) Benefits for any service-connected disability under a 36618  
program or law administered by the United States department of 36619  
veterans' affairs or veterans' administration that are not 36620  
means-tested, that have not been distributed to the veteran who is 36621  
the beneficiary of the benefits, and that are in the possession of 36622  
the United States department of veterans' affairs or veterans' 36623  
administration; 36624

(c) Child support received for children who were not born or 36625  
adopted during the marriage at issue; 36626

(d) Amounts paid for mandatory deductions from wages such as 36627  
union dues but not taxes, social security, or retirement in lieu 36628  
of social security; 36629

(e) Nonrecurring or unsustainable income or cash flow items; 36630

(f) Adoption assistance and foster care maintenance payments 36631  
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 36632  
501, 42 U.S.C.A. 670 (1980), as amended. 36633

(8) "Nonrecurring or unsustainable income or cash flow item" 36634



means an income or cash flow item the parent receives in any year 36635  
or for any number of years not to exceed three years that the 36636  
parent does not expect to continue to receive on a regular basis. 36637  
"Nonrecurring or unsustainable income or cash flow item" does not 36638  
include a lottery prize award that is not paid in a lump sum or 36639  
any other item of income or cash flow that the parent receives or 36640  
expects to receive for each year for a period of more than three 36641  
years or that the parent receives and invests or otherwise uses to 36642  
produce income or cash flow for a period of more than three years. 36643

(9)(a) "Ordinary and necessary expenses incurred in 36644  
generating gross receipts" means actual cash items expended by the 36645  
parent or the parent's business and includes depreciation expenses 36646  
of business equipment as shown on the books of a business entity. 36647

(b) Except as specifically included in "ordinary and 36648  
necessary expenses incurred in generating gross receipts" by 36649  
division (C)(9)(a) of this section, "ordinary and necessary 36650  
expenses incurred in generating gross receipts" does not include 36651  
depreciation expenses and other noncash items that are allowed as 36652  
deductions on any federal tax return of the parent or the parent's 36653  
business. 36654

(10) "Personal earnings" means compensation paid or payable 36655  
for personal services, however denominated, and includes wages, 36656  
salary, commissions, bonuses, draws against commissions, profit 36657  
sharing, vacation pay, or any other compensation. 36658

(11) "Potential income" means both of the following for a 36659  
parent who the court pursuant to a court support order, or a child 36660  
support enforcement agency pursuant to an administrative child 36661  
support order, determines is voluntarily unemployed or voluntarily 36662  
underemployed: 36663

(a) Imputed income that the court or agency determines the 36664  
parent would have earned if fully employed as determined from the 36665

following criteria:	36666
(i) The parent's prior employment experience;	36667
(ii) The parent's education;	36668
(iii) The parent's physical and mental disabilities, if any;	36669
(iv) The availability of employment in the geographic area in which the parent resides;	36670 36671
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	36672 36673
(vi) The parent's special skills and training;	36674
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	36675 36676
(viii) The age and special needs of the child for whom child support is being calculated under this section;	36677 36678
(ix) The parent's increased earning capacity because of experience;	36679 36680
(x) Any other relevant factor.	36681
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	36682 36683 36684 36685 36686
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	36687 36688
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent	36689 36690 36691 36692 36693 36694

from self-employment, the operation of a business, or rents, 36695  
including company cars, free housing, reimbursed meals, and other 36696  
benefits, if the reimbursements are significant and reduce 36697  
personal living expenses. 36698

(14) "Split parental rights and responsibilities" means a 36699  
situation in which there is more than one child who is the subject 36700  
of an allocation of parental rights and responsibilities and each 36701  
parent is the residential parent and legal custodian of at least 36702  
one of those children. 36703

(15) "Worksheet" means the applicable worksheet that is used 36704  
to calculate a parent's child support obligation as set forth in 36705  
sections 3119.022 and 3119.023 of the Revised Code. 36706

**Sec. 3119.371.** (A) As used in this section: 36707

(1) "Health insurance provider" means: 36708

(a) A person authorized to engage in the business of sickness 36709  
and accident insurance under Title XXXIX of the Revised Code; 36710

(b) A person or government entity providing coverage for 36711  
medical services or items to individuals on a self-insurance 36712  
basis; 36713

(c) A health insuring corporation as defined in section 36714  
1751.01 of the Revised Code; 36715

(d) A group health plan as defined in 29 U.S.C. 1167; 36716

(e) Any organization, business, or association described in 36717  
42 U.S.C. 1396a(a)(25); or 36718

(f) A managed care organization. 36719

(2) "Information" means all of the following: 36720

(a) An individual's name, address, date of birth, and social 36721  
security number; 36722

(b) The group or plan number or other identifier assigned by a health insurance provider to a policy held by an individual or a plan in which the individual participates and the nature of the coverage; and 36723  
36724  
36725  
36726

(c) Any other data specified by the director of job and family services in rules adopted under section 3119.51 of the Revised Code. 36727  
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(B) Upon request of the office of child support in the department of job and family services and for the purpose of establishing and enforcing orders to provide health insurance coverage, a health insurance provider shall provide the information described in division (A)(2) of this section to the office of child support. 36730  
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**Sec. 3121.037.** (A) A withholding notice sent under section 3121.03 of the Revised Code shall contain all of the following: 36736  
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(1) Notice of the amount to be withheld from the obligor's income and a statement that, notwithstanding that amount, the payor may not withhold an amount for support and other purposes, including the fee described in division (A)~~(11)~~(12) of this section, that exceeds the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b); 36738  
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(2) A statement that the payor is required to send the amount withheld to the office of child support immediately, but not later than seven business days, after the obligor is paid and is required to report to the agency the date the amount was withheld; 36744  
36745  
36746  
36747

(3) A statement that the withholding shall be submitted to the state via electronic means if the employer employs more than fifty employees; 36748  
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36750

(4) A statement that the withholding is binding on the payor until further notice from the court or agency; 36751  
36752

~~(4)~~(5) A statement that if the payor is an employer, the payor is subject to a fine to be determined under the law of this state for discharging the obligor from employment, refusing to employ the obligor, or taking any disciplinary action against the obligor because of the withholding requirement;

~~(5)~~(6) A statement that, if the payor fails to withhold in accordance with the notice, the payor is liable for the accumulated amount the payor should have withheld from the obligor's income;

~~(6)~~(7) A statement that, except for deductions from lump sum payments made in accordance with section 3121.0311 of the Revised Code, the withholding in accordance with the notice has priority over any other legal process under the law of this state against the same income;

~~(7)~~(8) The date on which the notice was mailed and a statement that the payor is required to implement the withholding no later than fourteen business days following the date the notice was mailed or, if the payor is an employer, no later than the first pay period that occurs after fourteen business days following the date the notice was mailed, and is required to continue the withholding at the intervals specified in the notice.

~~(8)~~(9) A requirement that the payor do the following:

(a) Promptly notify the child support enforcement agency administering the support order, in writing, within ten business days after the date of any situation that occurs in which the payor ceases to pay income to the obligor in an amount sufficient to comply with the order, including termination of employment, layoff of the obligor from employment, any leave of absence of the obligor from employment without pay, termination of workers' compensation benefits, or termination of any pension, annuity, allowance, or retirement benefit;

(b) Provide the agency with the obligor's last known address 36784  
and, with respect to a court support order and if known, notify 36785  
the agency of any new employer or income source and the name, 36786  
address, and telephone number of the new employer or income 36787  
source. 36788

~~(9)~~(10) A requirement that, if the payor is an employer, the 36789  
payor do both of the following: 36790

(a) Identify in the notice given under division (A)~~(8)~~(9) of 36791  
this section any types of benefits other than personal earnings 36792  
the obligor is receiving or is eligible to receive as a benefit of 36793  
employment or as a result of the obligor's termination of 36794  
employment, including, but not limited to, unemployment 36795  
compensation, workers' compensation benefits, severance pay, sick 36796  
leave, lump sum payments of retirement benefits or contributions, 36797  
and bonuses or profit-sharing payments or distributions, and the 36798  
amount of the benefits; 36799

(b) Include in the notice the obligor's last known address 36800  
and telephone number, date of birth, social security number, and 36801  
case number and, if known, the name and business address of any 36802  
new employer of the obligor. 36803

~~(10)~~(11) Subject to section 3121.0311 of the Revised Code, a 36804  
requirement that, no later than the earlier of forty-five days 36805  
before a lump sum payment is to be made or, if the obligor's right 36806  
to the lump sum payment is determined less than forty-five days 36807  
before it is to be made, the date on which that determination is 36808  
made, the payor notify the child support enforcement agency 36809  
administering the support order of any lump sum payment of any 36810  
kind of one hundred fifty dollars or more that is to be paid to 36811  
the obligor, hold each lump sum payment of one hundred fifty 36812  
dollars or more for thirty days after the date on which it would 36813  
otherwise be paid to the obligor and, on order of the court or 36814  
agency that issued the support order, pay all or a specified 36815

amount of the lump sum payment to the office of child support; 36816

~~(11)~~(12) A statement that, in addition to the amount withheld 36817  
for support, the payor may withhold a fee from the obligor's 36818  
income as a charge for its services in complying with the notice 36819  
and a specification of the amount that may be withheld. 36820

(B) A deduction notice sent under section 3121.03 of the 36821  
Revised Code shall contain all of the following: 36822

(1) Notice of the amount to be deducted from the obligor's 36823  
account; 36824

(2) A statement that the financial institution is required to 36825  
send the amount deducted to the office of child support 36826  
immediately, but not later than seven business days, after the 36827  
date the last deduction was made and to report to the child 36828  
support enforcement agency the date on which the amount was 36829  
deducted; 36830

(3) A statement that the deduction is binding on the 36831  
financial institution until further notice from the court or 36832  
agency; 36833

(4) A statement that the deduction in accordance with the 36834  
notice has priority over any other legal process under the law of 36835  
this state against the same account; 36836

(5) The date on which the notice was mailed and a statement 36837  
that the financial institution is required to implement the 36838  
deduction no later than fourteen business days following that date 36839  
and to continue the deduction at the intervals specified in the 36840  
notice; 36841

(6) A requirement that the financial institution promptly 36842  
notify the child support enforcement agency administering the 36843  
support order, in writing, within ten days after the date of any 36844  
termination of the account from which the deduction is being made 36845

and notify the agency, in writing, of the opening of a new account 36846  
at that financial institution, the account number of the new 36847  
account, the name of any other known financial institutions in 36848  
which the obligor has any accounts, and the numbers of those 36849  
accounts; 36850

(7) A requirement that the financial institution include in 36851  
all notices the obligor's last known mailing address, last known 36852  
residence address, and social security number; 36853

(8) A statement that, in addition to the amount deducted for 36854  
support, the financial institution may deduct a fee from the 36855  
obligor's account as a charge for its services in complying with 36856  
the notice and a specification of the amount that may be deducted. 36857

**Sec. 3121.0311.** (A) If a lump sum payment referred to in 36858  
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code 36859  
consists of workers' compensation benefits and the obligor is 36860  
represented by an attorney with respect to the obligor's workers' 36861  
compensation claim, prior to issuing the notice to the child 36862  
support enforcement agency required by that division, the 36863  
administrator of workers' compensation, for claims involving state 36864  
fund employers, or a self-insuring employer, for that employer's 36865  
claims, shall notify the obligor and the obligor's attorney in 36866  
writing that the obligor is subject to a support order and that 36867  
the administrator or self-insuring employer, as appropriate, shall 36868  
hold the lump sum payment for a period of thirty days after the 36869  
administrator or self-insuring employer sends this written notice, 36870  
pending receipt of the information referred to in division (B) of 36871  
this section. 36872

(B) The administrator or self-insuring employer, as 36873  
appropriate, shall instruct the obligor's attorney in writing to 36874  
file a copy of the fee agreement signed by the obligor, along with 36875  
an affidavit signed by the attorney setting forth the amount of 36876



the attorney's fee with respect to the lump sum payment award to 36877  
the obligor and the amount of all necessary expenses, along with 36878  
documentation of those expenses, incurred by the attorney with 36879  
respect to obtaining the lump sum award. The obligor's attorney 36880  
shall file the fee agreement and attorney affidavit with the 36881  
administrator or self-insuring employer, as appropriate, within 36882  
thirty days after the date the administrator or self-insuring 36883  
employer sends the notice required by division (A) of this 36884  
section. 36885

(C) Upon receipt of the fee agreement and attorney affidavit, 36886  
the administrator or self-insuring employer, as appropriate, shall 36887  
deduct from the lump sum payment the amount of the attorney's fee 36888  
and necessary expenses and pay that amount directly to and solely 36889  
in the name of the attorney within fourteen days after the fee 36890  
agreement and attorney affidavit have been filed with the 36891  
administrator or self-insuring employer. 36892

(D) After deducting any attorney's fee and necessary 36893  
expenses, if the lump sum payment is one hundred fifty dollars or 36894  
more, the administrator or self-insuring employer, as appropriate, 36895  
shall hold the balance of the lump sum award in accordance with 36896  
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code. 36897

**Sec. 3121.19.** (A) The entire amount withheld or deducted 36898  
pursuant to a withholding or deduction notice described in section 36899  
3121.03 of the Revised Code shall be forwarded to the office of 36900  
child support in the department of job and family services 36901  
immediately, but not later than seven business days, after the 36902  
withholding or deduction, as directed in the withholding or 36903  
deduction notice. 36904

(B) An employer who employs more than fifty employees shall 36905  
submit the entire amount withheld pursuant to a withholding notice 36906  
described in section 3121.03 of the Revised Code by electronic 36907

transfer to the office of child support in the department of job 36908  
and family services immediately, but not later than seven business 36909  
days, after the withholding, as directed in the withholding 36910  
notice. 36911

**Sec. 3121.20.** (A) A payor or financial institution required 36912  
to withhold or deduct a specified amount from the income or 36913  
savings of more than one obligor under a withholding or deduction 36914  
notice described in section 3121.03 of the Revised Code and to 36915  
forward the amounts withheld or deducted to the office of child 36916  
support may combine all of the amounts to be forwarded in one 36917  
payment if the payment is accompanied by a list that clearly 36918  
identifies ~~each~~ all of the following: 36919

(1) Each obligor covered by the payment ~~and the;~~ 36920

(2) Each child support case, numbered as provided on the 36921  
withholding or deduction notice, that is covered by the payment; 36922

(3) The portion of the payment attributable to each obligor 36923  
and each case number. 36924

(B) A payor who employs more than fifty employees and who is 36925  
required to submit the withholding by electronic transfer pursuant 36926  
to sections 3121.037 and 3121.19 of the Revised Code shall combine 36927  
all of the amounts to be forwarded in one payment. The payment 36928  
shall be accompanied by information that clearly identifies all of 36929  
the following: 36930

(1) Each obligor that is covered by the payment; 36931

(2) Each child support case, numbered as provided on the 36932  
withholding notice issued pursuant to section 3121.03 of the 36933  
Revised Code, that is covered by the payment; 36934

(3) The portion of the payment attributable to each obligor 36935  
and each case number. 36936

**Sec. 3121.898.** The department of job and family services 36937  
shall use the new hire reports it receives for any of the 36938  
following purposes set forth in 42 U.S.C. 653a, as amended, 36939  
including: 36940

(A) To locate individuals for the purposes of establishing 36941  
paternity and for establishing, modifying, and enforcing child 36942  
support orders. 36943

(B) As used in this division, "state agency" means every 36944  
department, bureau, board, commission, office, or other organized 36945  
body established by the constitution or laws of this state for the 36946  
exercise of state government; every entity of county government 36947  
that is subject to the rules of a state agency; and every 36948  
contractual agent of a state agency. 36949

To make available to any state agency responsible for 36950  
administering any of the following programs for purposes of 36951  
verifying program eligibility: 36952

(1) Any Title IV-A program as defined in section 5101.80 of 36953  
the Revised Code; 36954

(2) The medicaid program authorized by Chapter 5111. of the 36955  
Revised Code; 36956

(3) The unemployment compensation program authorized by 36957  
Chapter 4141. of the Revised Code; 36958

(4) The ~~food stamp~~ supplemental nutrition assistance program 36959  
authorized by section 5101.54 of the Revised Code; 36960

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 36961  
amended. 36962

(C) The administration of the employment security program 36963  
under the director of job and family services. 36964

**Sec. 3123.952.** A child support enforcement agency may submit 36965

the name of a delinquent obligor to the office of child support 36966  
for inclusion on a poster only if all of the following apply: 36967

(A) The obligor is subject to a support order and there has 36968  
been an attempt to enforce the order through a public notice, a 36969  
wage withholding order, a lien on property, a financial 36970  
institution deduction order, or other court-ordered procedures. 36971

(B) The department of job and family services reviewed the 36972  
obligor's records and confirms the child support enforcement 36973  
agency's finding that the obligor's name and photograph may be 36974  
submitted to be displayed on a poster. 36975

(C) The agency does not know or is unable to verify the 36976  
obligor's whereabouts. 36977

(D) The obligor is not a participant in Ohio works first or 36978  
the prevention, retention, and contingency program or a recipient 36979  
of disability financial assistance, supplemental security income, 36980  
or ~~food stamps~~ supplemental nutrition assistance program benefits. 36981

(E) The child support enforcement agency does not have 36982  
evidence that the obligor has filed for protection under the 36983  
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 36984

(F) The obligee gave written authorization to the agency to 36985  
display the obligor on a poster. 36986

(G) A legal representative of the agency and a child support 36987  
enforcement administrator reviewed the case. 36988

(H) The agency is able to submit to the department a 36989  
description and photograph of the obligor, a statement of the 36990  
possible locations of the obligor, and any other information 36991  
required by the department. 36992

**Sec. 3125.25.** The director of job and family services shall 36993  
adopt rules under Chapter 119. of the Revised Code governing the 36994

operation of support enforcement by child support enforcement 36995  
agencies. The rules shall include, but shall not be limited to, 36996  
~~provisions~~ the following: 36997

(A) Provisions relating to plans of cooperation between the 36998  
agencies and boards of county commissioners entered into under 36999  
section 3125.12 of the Revised Code, ~~requirements;~~ 37000

(B) Provisions for the compromise and waiver of child support 37001  
arrears owed to the state and federal government, consistent 37002  
with Title IV-D of the "Social Security Act," 88 Stat. 2351 37003  
(1975), 42 U.S.C. 651 et seq., as amended; 37004

(C) Requirements for public hearings by the agencies, ~~and~~ 37005  
~~provisions;~~ 37006

(D) Provisions for appeals of agency decisions under 37007  
procedures established by the director. 37008

**Sec. 3301.07.** The state board of education shall exercise 37009  
under the acts of the general assembly general supervision of the 37010  
system of public education in the state. In addition to the powers 37011  
otherwise imposed on the state board under the provisions of law, 37012  
the board shall have the ~~following~~ powers described in this 37013  
section. 37014

(A) ~~Exercise~~ The state board shall exercise policy forming, 37015  
planning, and evaluative functions for the public schools of the 37016  
state, ~~and for adult education,~~ except as otherwise provided by 37017  
law. 37018

(B) ~~Exercise~~ (1) The state board shall exercise leadership in 37019  
the improvement of public education in this state, and administer 37020  
the educational policies of this state relating to public schools, 37021  
and relating to instruction and instructional material, building 37022  
and equipment, transportation of pupils, administrative 37023  
responsibilities of school officials and personnel, and finance 37024

and organization of school districts, educational service centers, 37025  
and territory. Consultative and advisory services in such matters 37026  
shall be provided by the board to school districts and educational 37027  
service centers of this state. ~~The~~ 37028

(2) ~~The state~~ board also shall develop a standard of 37029  
financial reporting which shall be used by ~~all~~ each school 37030  
~~districts and district board of education,~~ educational service 37031  
~~centers~~ center governing board, community school governing 37032  
authority, and STEM school governing body to make ~~their~~ its 37033  
financial information and annual budgets for each school building 37034  
under its control available to the public in a format 37035  
understandable by the average citizen ~~and provide year to year~~ 37036  
~~comparisons for at least five years.~~ The format shall show, among 37037  
other things, at the district and educational service center level 37038  
or at the school building level, as determined appropriate by the 37039  
department of education, revenue by source; expenditures for 37040  
salaries, wages, and benefits of employees, showing such amounts 37041  
separately for classroom teachers, other employees required to 37042  
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 37043  
the Revised Code, and all other employees; expenditures other than 37044  
for personnel, by category, including utilities, textbooks and 37045  
other educational materials, equipment, permanent improvements, 37046  
pupil transportation, extracurricular athletics, and other 37047  
extracurricular activities; and per pupil expenditures. 37048

(C) ~~Administer~~ The state board shall administer and supervise 37049  
the allocation and distribution of all state and federal funds for 37050  
public school education under the provisions of law, and may 37051  
prescribe such systems of accounting as are necessary and proper 37052  
to this function. It may require county auditors and treasurers, 37053  
boards of education, educational service center governing boards, 37054  
treasurers of such boards, teachers, and other school officers and 37055  
employees, or other public officers or employees, to file with it 37056

such reports as it may prescribe relating to such funds, or to the management and condition of such funds.

(D) ~~Formulate~~ (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, XLVII, and LI of the Revised Code a reference is made to standards prescribed under this section or division (D) of this section, that reference shall be construed to refer to the standards prescribed under division (D)(2) of this section, unless the context specifically indicates a different meaning or intent.

(2) The state board shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of requiring a general education of high quality. Such standards shall provide adequately for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed.

~~(E) May~~ In the formulation and administration of such standards as they relate to instructional materials and equipment in public schools, including library materials, the board shall require that the material and equipment be aligned with and promote skills expected under the statewide academic standards adopted under section 3301.079 of the Revised Code. 37089  
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(3) In addition to the minimum standards required by division (D)(2) of this section, the state board shall formulate and prescribe the following additional minimum operating standards for school districts: 37095  
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(a) Standards for the effective and efficient organization, administration, and supervision of each school district so that it becomes a thinking and learning organization according to principles of systems design and collaborative professional learning communities research as defined by the superintendent of public instruction, including a focus on the personalized and individualized needs of each student; a shared responsibility among school boards, administrators, faculty, and staff to develop a common vision, mission, and set of guiding principles; a shared responsibility among school boards, administrators, faculty, and staff to engage in a process of collective inquiry, action orientation, and experimentation to ensure the academic success of all students; commitment to teaching and learning strategies that utilize technological tools and emphasize inter-disciplinary, real world, project-based, technology-oriented, and service learning experiences to meet the individual needs of every student; commitment to high expectations for every student and commitment to closing the achievement gap so that all students achieve core knowledge and twenty-first century skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code; commitment to the use of assessments to diagnose the needs of each student; effective connections and relationships 37099  
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with families and community organizations that support student success; and commitment to the use of positive behavior intervention supports throughout a district to ensure a safe and secure learning environment for all students.

(b) Standards for the establishment of a business advisory committee and a family and community engagement team in each school district, under sections 3313.82, 3313.821, and 3313.822 of the Revised Code.

(c) Standards incorporating the classifications for the components of the adequacy amount under Chapter 3306. of the Revised Code into core academic strategy components and academic improvement components, as specified in rules adopted under section 3306.25 of the Revised Code;

(d) Standards for school district organizational units, as defined in sections 3306.02 and 3306.04 of the Revised Code, that require:

(i) The effective and efficient organization, administration, and supervision of each school district organizational unit so that it becomes a thinking and learning organization according to principles of systems design and collaborative professional learning communities research as defined by the state superintendent, including a focus on the personalized and individualized needs of each student; a shared responsibility among organizational unit administrators, faculty, and staff to develop a common vision, mission, and set of guiding principles; a shared responsibility among organizational unit administrators, faculty, and staff to engage in a process of collective inquiry, action orientation, and experimentation to ensure the academic success of all students; commitment to job embedded professional development and professional mentoring and coaching; established periods of time for teachers to pursue planning time for the

development of lesson plans, professional development, and shared 37153  
learning; commitment to effective management strategies that allow 37154  
administrators reasonable access to classrooms for observation and 37155  
professional development experiences; commitment to teaching and 37156  
learning strategies that utilize technological tools and emphasize 37157  
inter-disciplinary, real world, project-based, 37158  
technology-oriented, and service learning experiences to meet the 37159  
individual needs of every student; commitment to high expectations 37160  
for every student and commitment to closing the achievement gap so 37161  
that all students achieve core knowledge and twenty-first century 37162  
skills in accordance with the statewide academic standards adopted 37163  
under section 3301.079 of the Revised Code; commitment to the use 37164  
of assessments to diagnose the needs of each student; effective 37165  
connections and relationships with families and community 37166  
organizations that support student success; commitment to the use 37167  
of positive behavior intervention supports throughout the 37168  
organizational unit to ensure a safe and secure learning 37169  
environment for all students; 37170

(ii) A school organizational unit leadership team to 37171  
coordinate positive behavior intervention supports, family and 37172  
community engagement services, learning environments, thinking and 37173  
learning systems, collaborative planning, planning time, student 37174  
academic interventions, student extended learning opportunities, 37175  
and other activities identified by the team and approved by the 37176  
district board of education. The team shall include the building 37177  
principal, representatives from each collective bargaining unit, 37178  
the building lead teacher, parents, business representatives, and 37179  
community representatives. 37180

(E) The state board may require as part of the health 37181  
curriculum information developed under section 2108.34 of the 37182  
Revised Code promoting the donation of anatomical gifts pursuant 37183  
to Chapter 2108. of the Revised Code and may provide the 37184

information to high schools, educational service centers, and 37185  
joint vocational school district boards of education; 37186

(F) ~~Prepare~~ The state board shall prepare and submit annually 37187  
to the governor and the general assembly a report on the status, 37188  
needs, and major problems of the public schools of the state, with 37189  
recommendations for necessary legislative action and a ten-year 37190  
projection of the state's public and nonpublic school enrollment, 37191  
by year and by grade level~~+~~. 37192

(G) ~~Prepare~~ The state board shall prepare and submit to the 37193  
director of budget and management the biennial budgetary requests 37194  
of the state board of education, for its agencies and for the 37195  
public schools of the state~~+~~. 37196

(H) ~~Cooperate~~ The state board shall cooperate with federal, 37197  
state, and local agencies concerned with the health and welfare of 37198  
children and youth of the state~~+~~. 37199

(I) ~~Require~~ The state board shall require such reports from 37200  
school districts and educational service centers, school officers, 37201  
and employees as are necessary and desirable. The superintendents 37202  
and treasurers of school districts and educational service centers 37203  
shall certify as to the accuracy of all reports required by law or 37204  
state board or state department of education rules to be submitted 37205  
by the district or educational service center and which contain 37206  
information necessary for calculation of state funding. Any 37207  
superintendent who knowingly falsifies such report shall be 37208  
subject to license revocation pursuant to section 3319.31 of the 37209  
Revised Code. 37210

(J) In accordance with Chapter 119. of the Revised Code, the 37211  
state board shall adopt procedures, standards, and guidelines for 37212  
the education of children with disabilities pursuant to Chapter 37213  
3323. of the Revised Code, including procedures, standards, and 37214  
guidelines governing programs and services operated by county 37215

boards of mental retardation and developmental disabilities 37216  
pursuant to section 3323.09 of the Revised Code~~+~~. 37217

(K) For the purpose of encouraging the development of special 37218  
programs of education for academically gifted children, the state 37219  
board shall employ competent persons to analyze and publish data, 37220  
promote research, advise and counsel with boards of education, and 37221  
encourage the training of teachers in the special instruction of 37222  
gifted children. The board may provide financial assistance out of 37223  
any funds appropriated for this purpose to boards of education and 37224  
educational service center governing boards for developing and 37225  
conducting programs of education for academically gifted children. 37226  
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(L) ~~Require~~ The state board shall require that all public 37228  
schools emphasize and encourage, within existing units of study, 37229  
the teaching of energy and resource conservation as recommended to 37230  
each district board of education by leading business persons 37231  
involved in energy production and conservation, beginning in the 37232  
primary grades~~+~~. 37233

(M) ~~Formulate~~ The state board shall formulate and prescribe 37234  
minimum standards requiring the use of phonics as a technique in 37235  
the teaching of reading in grades kindergarten through three. In 37236  
addition, the state board shall provide in-service training 37237  
programs for teachers on the use of phonics as a technique in the 37238  
teaching of reading in grades kindergarten through three. 37239

~~(N) Develop and modify as necessary a state plan for 37240  
technology to encourage and promote the use of technological 37241  
advancements in educational settings. 37242~~

The board may adopt rules necessary for carrying out any 37243  
function imposed on it by law, and may provide rules as are 37244  
necessary for its government and the government of its employees, 37245  
and may delegate to the superintendent of public instruction the 37246

management and administration of any function imposed on it by 37247  
law. It may provide for the appointment of board members to serve 37248  
on temporary committees established by the board for such purposes 37249  
as are necessary. Permanent or standing committees shall not be 37250  
created. 37251

Compliance with the standards adopted under divisions (B)(2) 37252  
and (D) of this section, as they relate to the operation of a 37253  
school operated by a school district, may be waived by the state 37254  
superintendent pursuant to section 3306.40 of the Revised Code. 37255

As used in this section, "community school" means a community 37256  
school established under Chapter 3314. of the Revised Code, and 37257  
"STEM school" means a STEM school established under Chapter 3326. 37258  
of the Revised Code. 37259

**Sec. 3301.073.** ~~Upon~~ As required by section 3306.33 of the 37260  
Revised Code, and otherwise upon the request of the board of 37261  
education of any school district, the state board of education 37262  
shall furnish technical assistance to the school district in the 37263  
preparation of budgets, development of fiscal controls, 37264  
preparation of financial statements and reports, revenue 37265  
estimating, or in assisting the district in complying with any 37266  
certification requirements relating to the district's revenue or 37267  
expenditures. The assistance may be in the form of grants, 37268  
consultants, or the temporary assignment of employees after 37269  
determining in consultation with the district, its needs and the 37270  
nature of assistance needed and what assistance the state board of 37271  
education can provide within the amounts appropriated for this 37272  
purpose. The state board may enter into contracts with the 37273  
department of taxation ~~and~~, the auditor of state, and any other 37274  
governmental or private entity to perform its duties under this 37275  
section. 37276

**Sec. 3301.079.** (A)(1) ~~Not later than December 31, 2001~~ June 30, 2010, and at least once every five years thereafter, the state board of education shall adopt statewide academic standards with emphasis on coherence, focus, and rigor for each of grades kindergarten through twelve in ~~reading, writing, and mathematics.~~ Not later than December 31, 2002, the state board shall adopt statewide academic standards for each of grades kindergarten through twelve in science and social studies. The English language arts, mathematics, science, and social studies.

The standards shall specify the following:

(a) The core academic content and skills that students are expected to know and be able to do at each grade level-

~~(2)~~ that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century;

(b) The development of skill sets as they relate to creativity and innovation, critical thinking and problem solving, and communication and collaboration;

(c) The development of skill sets that promote information, media, and technological literacy;

(d) The development of skill sets that promote flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility;

(e) Interdisciplinary, project-based real world learning opportunities;

(f) Opportunities for the inclusion of community service learning.

(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and

model curricula for instruction in computer literacy, wellness literacy, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in divisions (A)(1)(a) to (f) of this section. 37307  
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(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically. 37312  
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The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 37317  
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(4) When academic standards have been completed for any subject area required by this division section, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. 37325  
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(B) Not later than eighteen months after the completion of academic standards for any subject area required by division (A) of this section March 31, 2011, the state board shall adopt a model curriculum for instruction in that each subject area for which updated academic standards are required by division (A)(1) of this section and for each of grades kindergarten through twelve 37333  
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that is sufficient to meet the needs of students in every 37339  
community. The model curriculum shall be aligned with the 37340  
standards, to ensure that the academic content and skills 37341  
specified for each grade level are taught to students, and shall 37342  
demonstrate vertical articulation and emphasize coherence, focus, 37343  
and rigor. When any model curriculum has been completed, the state 37344  
board shall inform all school districts, community schools, and 37345  
STEM schools of the content of that model curriculum. 37346

All school districts, community schools, and STEM schools may 37347  
utilize the state standards and the model curriculum established 37348  
by the state board, together with other relevant resources, 37349  
examples, or models to ensure that students have the opportunity 37350  
to attain the academic standards. Upon request, the department of 37351  
education shall provide technical assistance to any district, 37352  
community school, or STEM school in implementing the model 37353  
curriculum. 37354

Nothing in this section requires any school district to 37355  
utilize all or any part of a model curriculum developed under this 37356  
division. 37357

(C) The state board shall develop achievement ~~tests~~ 37358  
assessments aligned with the academic standards and model 37359  
curriculum for each of the subject areas and grade levels required 37360  
by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised 37361  
Code. 37362

When any achievement ~~test~~ assessment has been completed, the 37363  
state board shall inform all school districts, community schools, 37364  
STEM schools, and nonpublic schools required to administer the 37365  
assessment of its completion, and the department of education 37366  
shall make the achievement ~~test~~ assessment available to the 37367  
districts and schools. ~~School districts shall administer the~~ 37368  
~~achievement test beginning in the school year indicated in section~~ 37369  
~~3301.0712 of the Revised Code.~~ 37370



(D)(1) The state board shall adopt a diagnostic assessment 37371  
aligned with the academic standards and model curriculum for each 37372  
of grades kindergarten through two in ~~reading, writing, English~~ 37373  
language arts and mathematics and for grade three in ~~writing~~ 37374  
English language arts. The diagnostic assessment shall be designed 37375  
to measure student comprehension of academic content and mastery 37376  
of related skills for the relevant subject area and grade level. 37377  
Any diagnostic assessment shall not include components to identify 37378  
gifted students. Blank copies of diagnostic tests shall be public 37379  
records. 37380

(2) When each diagnostic assessment has been completed, the 37381  
state board shall inform all school districts of its completion 37382  
and the department of education shall make the diagnostic 37383  
assessment available to the districts at no cost to the district. 37384  
School districts shall administer the diagnostic assessment 37385  
pursuant to section 3301.0715 of the Revised Code beginning the 37386  
first school year following the development of the assessment. 37387

(E) The state board shall not adopt a diagnostic or 37388  
achievement assessment for any grade level or subject area other 37389  
than those specified in this section. 37390

(F) Whenever the state board or the department of education 37391  
consults with persons for the purpose of drafting or reviewing any 37392  
standards, diagnostic assessments, achievement ~~tests~~ assessments, 37393  
or model curriculum required under this section, the state board 37394  
or the department shall first consult with parents of students in 37395  
kindergarten through twelfth grade and with active Ohio classroom 37396  
teachers, other school personnel, and administrators with 37397  
expertise in the appropriate subject area. Whenever practicable, 37398  
the state board and department shall consult with teachers 37399  
recognized as outstanding in their fields. 37400

If the department contracts with more than one outside entity 37401  
for the development of the achievement ~~tests~~ assessments required 37402

by this section, the department shall ensure the 37403  
interchangeability of those ~~tests~~ assessments. 37404

~~(F)~~(G) The fairness sensitivity review committee, established 37405  
by rule of the state board of education, shall not allow any 37406  
question on any achievement ~~test~~ or diagnostic assessment 37407  
developed under this section or any proficiency test prescribed by 37408  
former section 3301.0710 of the Revised Code, as it existed prior 37409  
to September 11, 2001, to include, be written to promote, or 37410  
inquire as to individual moral or social values or beliefs. The 37411  
decision of the committee shall be final. This section does not 37412  
create a private cause of action. 37413

(H) As used in this section: 37414

(1) "Coherence" means a reflection of the structure of the 37415  
discipline being taught. 37416

(2) "Focus" means limiting the number of items included in a 37417  
curriculum to allow for deeper exploration of the subject matter. 37418

(3) "Rigor" means more challenging and demanding when 37419  
compared to international standards. 37420

(4) "Vertical articulation" means key academic concepts and 37421  
skills associated with mastery in particular content areas should 37422  
be articulated and reinforced in a developmentally appropriate 37423  
manner at each grade level so that over time students acquire a 37424  
depth of knowledge and understanding in the core academic 37425  
disciplines. 37426

**Sec. 3301.0710.** The state board of education shall adopt 37427  
rules establishing a statewide program to ~~test~~ assess student 37428  
achievement. The state board shall ensure that all ~~tests~~ 37429  
assessments administered under the ~~testing~~ program are aligned 37430  
with the academic standards and model curricula adopted by the 37431  
state board and are created with input from Ohio parents, Ohio 37432

classroom teachers, Ohio school administrators, and other Ohio 37433  
school personnel pursuant to section 3301.079 of the Revised Code. 37434

The ~~testing~~ assessment program shall be designed to ensure 37435  
that students who receive a high school diploma demonstrate at 37436  
least high school levels of achievement in ~~reading, writing~~ 37437  
English language arts, mathematics, science, and social studies, 37438  
and other skills necessary in the twenty-first century. 37439

(A)(1) The state board shall prescribe all of the following: 37440

(a) Two statewide achievement ~~tests~~ assessments, one each 37441  
designed to measure the level of ~~reading~~ English language arts and 37442  
mathematics skill expected at the end of third grade; 37443

(b) ~~Three~~ Two statewide achievement ~~tests~~ assessments, one 37444  
each designed to measure the level of ~~reading, writing,~~ English 37445  
language arts and mathematics skill expected at the end of fourth 37446  
grade; 37447

(c) Four statewide achievement ~~tests~~ assessments, one each 37448  
designed to measure the level of ~~reading~~ English language arts, 37449  
mathematics, science, and social studies skill expected at the end 37450  
of fifth grade; 37451

(d) Two statewide achievement ~~tests~~ assessments, one each 37452  
designed to measure the level of ~~reading~~ English language arts and 37453  
mathematics skill expected at the end of sixth grade; 37454

(e) ~~Three~~ Two statewide achievement ~~tests~~ assessments, one 37455  
each designed to measure the level of ~~reading, writing,~~ English 37456  
language arts and mathematics skill expected at the end of seventh 37457  
grade; 37458

(f) Four statewide achievement ~~tests~~ assessments, one each 37459  
designed to measure the level of ~~reading~~ English language arts, 37460  
mathematics, science, and social studies skill expected at the end 37461  
of eighth grade. 37462

(2) The state board shall determine and designate at least ~~five~~ three ranges of scores on each of the achievement ~~tests~~ assessments described in divisions (A)(1) and (B)~~(1)~~ of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

- (a) An advanced level of skill;
- (b) ~~An accelerated level of skill;~~
- ~~(c)~~ A proficient level of skill;
- ~~(d)~~ ~~A basic level of skill;~~
- ~~(e)~~(c) A limited level of skill.

(B)~~(1)~~ The ~~tests~~ assessments prescribed under ~~this~~ division (B)~~(1)~~ of this section shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school achievement ~~tests~~ assessments, one each designed to measure the level of reading, writing, mathematics, science, and social studies skill expected at the end of tenth grade. The state board shall designate a score in at least the range designated under division (A)(2)~~(e)~~(b) of this section on each such ~~test~~ assessment that shall be deemed to be a passing score on the ~~test~~ assessment as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code until the assessment system prescribed by section 3301.0712 of the Revised Code is implemented in accordance with rules adopted by the state board under division (E) of that section.

(2) The state board shall prescribe an assessment system in accordance with section 3301.0712 of the Revised Code that shall replace the Ohio graduation tests in the manner prescribed by rules adopted by the state board under division (E) of that section.

(3) The state board may enter into a reciprocal agreement 37494  
with the appropriate body or agency of any other state that has 37495  
similar statewide achievement ~~testing~~ assessment requirements for 37496  
receiving high school diplomas, under which any student who has 37497  
met an achievement ~~testing~~ assessment requirement of one state is 37498  
recognized as having met the similar ~~achievement-testing~~ 37499  
requirement of the other state for purposes of receiving a high 37500  
school diploma. For purposes of this section and sections 37501  
3301.0711 and 3313.61 of the Revised Code, any student enrolled in 37502  
any public high school in this state who has met an achievement 37503  
~~testing~~ assessment requirement specified in a reciprocal agreement 37504  
entered into under this division shall be deemed to have attained 37505  
at least the applicable score designated under this division on 37506  
each ~~test~~ assessment required by ~~this~~ division (B)(1) or (2) of 37507  
this section that is specified in the agreement. 37508

~~(C) Except as provided in division (H) of this section, the 37509  
state board shall annually designate as follows the dates on which 37510  
the tests prescribed under this section shall be administered:~~ 37511

~~(1) For the reading test prescribed under division (A)(1)(a) 37512  
of this section, as follows:~~ 37513

~~(a) One date prior to the thirty first day of December each 37514  
school year;~~ 37515

~~(b) At least one date of each school year that is not earlier 37516  
than Monday of the week containing the twenty fourth day of April.~~ 37517  
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~~(2) For the mathematics test prescribed under division 37519  
(A)(1)(a) of this section and the tests prescribed under divisions 37520  
(A)(1)(b), (c), (d), (e), and (f) of this section, at least one 37521  
date of each school year that is not earlier than Monday of the 37522  
week containing the twenty fourth day of April;~~ 37523

~~(3) For the tests prescribed under division (B) of this 37524~~

~~section, at least one date in each school year that is not earlier than Monday of the week containing the fifteenth day of March for all tenth grade students and at least one date prior to the thirty first day of December and at least one date subsequent to that date but prior to the thirty first day of March of each school year for eleventh and twelfth grade students.~~

~~(D) In prescribing test dates pursuant to division (C)(3) of this section, the state board shall, to the greatest extent practicable, provide options to school districts in the case of tests administered under that division to eleventh and twelfth grade students and in the case of tests administered to students pursuant to division (C)(2) of section 3301.0711 of the Revised Code. Such options shall include at least an opportunity for school districts to give such tests outside of regular school hours.~~

~~(E) In The superintendent of public instruction shall designate dates and times for the administration of the assessments prescribed by divisions (A) and (B) of this section.~~

~~In prescribing ~~test~~ administration dates pursuant to this section division, the ~~state board of education~~ superintendent shall designate the dates in such a way as to allow a reasonable length of time between the administration of ~~tests~~ assessments prescribed under this section and any administration of the ~~National Assessment~~ national assessment of ~~Education Progress Test~~ educational progress given to students in the same grade level pursuant to section 3301.27 of the Revised Code or federal law.~~

~~(F)(D) The state board shall prescribe a practice version of each Ohio graduation test described in division (B)(1) of this section that is of comparable length to the actual test.~~

~~(G)(E) Any committee established by the department of~~

education for the purpose of making recommendations to the state 37556  
board regarding the state board's designation of scores on the 37557  
tests described by this section shall inform the state board of 37558  
the probable percentage of students who would score in each of the 37559  
ranges established under division (A)(2) of this section on the 37560  
tests if the committee's recommendations are adopted by the state 37561  
board. To the extent possible, these percentages shall be 37562  
disaggregated by gender, major racial and ethnic groups, limited 37563  
English proficient students, economically disadvantaged students, 37564  
students with disabilities, and migrant students. 37565

If the state board intends to make any change to the 37566  
committee's recommendations, the state board shall explain the 37567  
intended change to the Ohio accountability task force established 37568  
by section 3302.021 of the Revised Code. The task force shall 37569  
recommend whether the state board should proceed to adopt the 37570  
intended change. Nothing in this division shall require the state 37571  
board to designate test scores based upon the recommendations of 37572  
the task force. 37573

~~(H)(1) The state board shall require any alternate assessment 37574  
administered to a student under division (C)(1) of section 37575  
3301.0711 of the Revised Code to be completed and submitted to the 37576  
entity with which the department contracts for the scoring of the 37577  
test not later than the first day of April of the school year in 37578  
which the test is administered. 37579~~

~~(2) For any test prescribed by this section, the state board 37580  
may designate a date one week earlier than the applicable date 37581  
designated under division (C) of this section for the 37582  
administration of the test to limited English proficient students. 37583~~

~~(3) In designating days for the administration of the tests 37584  
prescribed by division (A) of this section, the state board shall 37585  
require the tests for each grade level to be administered over a 37586  
period of two weeks. 37587~~

**Sec. 3301.0711.** (A) The department of education shall: 37588

(1) Annually furnish to, grade, and score all ~~tests~~ 37589  
assessments required by divisions (A)(1) and (B)(1) of section 37590  
3301.0710 of the Revised Code to be administered by city, local, 37591  
exempted village, and joint vocational school districts, except 37592  
that each district shall score any test administered pursuant to 37593  
division (B)(10) of this section. Each ~~test~~ assessment so 37594  
furnished shall include the data verification code of the student 37595  
to whom the test will be administered, as assigned pursuant to 37596  
division (D)(2) of section 3301.0714 of the Revised Code. In 37597  
furnishing the practice versions of Ohio graduation tests 37598  
prescribed by division ~~(F)~~(D) of section 3301.0710 of the Revised 37599  
Code, the department shall make the tests available on its web 37600  
site for reproduction by districts. In awarding contracts for 37601  
grading ~~tests~~ assessments, the department shall give preference to 37602  
Ohio-based entities employing Ohio residents. 37603

(2) Adopt rules for the ethical use of ~~tests~~ assessments and 37604  
prescribing the manner in which the ~~tests~~ assessments prescribed 37605  
by section 3301.0710 of the Revised Code shall be administered to 37606  
students. 37607

(B) Except as provided in divisions (C) and (J) of this 37608  
section, the board of education of each city, local, and exempted 37609  
village school district shall, in accordance with rules adopted 37610  
under division (A) of this section: 37611

(1) Administer the ~~reading test~~ English language arts 37612  
prescribed under division (A)(1)(a) of section 3301.0710 of the 37613  
Revised Code twice annually to all students in the third grade who 37614  
have not attained the score designated for that ~~test~~ assessment 37615  
under division (A)(2)~~(e)~~(b) of section 3301.0710 of the Revised 37616  
Code. 37617

(2) Administer the mathematics ~~test~~ assessment prescribed 37618



under division (A)(1)(a) of section 3301.0710 of the Revised Code 37619  
at least once annually to all students in the third grade. 37620

(3) Administer the ~~tests~~ assessments prescribed under 37621  
division (A)(1)(b) of section 3301.0710 of the Revised Code at 37622  
least once annually to all students in the fourth grade. 37623

(4) Administer the ~~tests~~ assessments prescribed under 37624  
division (A)(1)(c) of section 3301.0710 of the Revised Code at 37625  
least once annually to all students in the fifth grade. 37626

(5) Administer the ~~tests~~ assessments prescribed under 37627  
division (A)(1)(d) of section 3301.0710 of the Revised Code at 37628  
least once annually to all students in the sixth grade. 37629

(6) Administer the ~~tests~~ assessments prescribed under 37630  
division (A)(1)(e) of section 3301.0710 of the Revised Code at 37631  
least once annually to all students in the seventh grade. 37632

(7) Administer the ~~tests~~ assessments prescribed under 37633  
division (A)(1)(f) of section 3301.0710 of the Revised Code at 37634  
least once annually to all students in the eighth grade. 37635

(8) Except as provided in division (B)(9) of this section, 37636  
administer any ~~test~~ assessment prescribed under division (B)(1) of 37637  
section 3301.0710 of the Revised Code as follows: 37638

(a) At least once annually to all tenth grade students and at 37639  
least twice annually to all students in eleventh or twelfth grade 37640  
who have not yet attained the score on that ~~test~~ assessment 37641  
designated under that division; 37642

(b) To any person who has successfully completed the 37643  
curriculum in any high school or the individualized education 37644  
program developed for the person by any high school pursuant to 37645  
section 3323.08 of the Revised Code but has not received a high 37646  
school diploma and who requests to take such ~~test~~ assessment, at 37647  
any time such test is administered in the district. 37648

(9) In lieu of the board of education of any city, local, or  
exempted village school district in which the student is also  
enrolled, the board of a joint vocational school district shall  
administer any ~~test~~ assessment prescribed under division (B)(1) of  
section 3301.0710 of the Revised Code at least twice annually to  
any student enrolled in the joint vocational school district who  
has not yet attained the score on that ~~test~~ assessment designated  
under that division. A board of a joint vocational school district  
may also administer such a ~~test~~ an assessment to any student  
described in division (B)(8)(b) of this section.

(10) If the district has been declared to be under an  
academic watch or in a state of academic emergency pursuant to  
section 3302.03 of the Revised Code or has a three-year average  
graduation rate of not more than seventy-five per cent, administer  
each ~~test~~ assessment prescribed by division ~~(F)~~(D) of section  
3301.0710 of the Revised Code in September to all ninth grade  
students, beginning in the school year that starts July 1, 2005.

Except as provided in section 3313.614 of the Revised Code  
for administration of an assessment to a person who has fulfilled  
the curriculum requirement for a high school diploma but has not  
passed one or more of the required assessments, the assessments  
prescribed under division (B)(1) of section 3301.0710 of the  
Revised Code and the practice assessments prescribed under  
division (D) of that section and required to be administered under  
divisions (B)(8), (9), and (10) of this section shall not be  
administered after the assessment system prescribed by division  
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised  
Code is implemented under rule of the state board adopted under  
division (E)(1) of section 3301.0712 of the Revised Code.

(11) Administer the assessments prescribed by division (B)(2)  
of section 3301.0710 and section 3301.0712 of the Revised Code in  
accordance with the timeline and plan for implementation of those

assessments prescribed by rule of the state board adopted under 37681  
division (E)(1) of section 3301.0712 of the Revised Code. 37682

(C)(1)(a) Any student receiving special education services 37683  
under Chapter 3323. of the Revised Code may be excused from taking 37684  
any particular ~~test~~ assessment required to be administered under 37685  
this section if the individualized education program developed for 37686  
the student pursuant to section 3323.08 of the Revised Code 37687  
excuses the student from taking that ~~test~~ assessment and instead 37688  
specifies an alternate assessment method approved by the 37689  
department of education as conforming to requirements of federal 37690  
law for receipt of federal funds for disadvantaged pupils. To the 37691  
extent possible, the individualized education program shall not 37692  
excuse the student from taking a ~~test~~ an assessment unless no 37693  
reasonable accommodation can be made to enable the student to take 37694  
the ~~test~~ assessment. 37695

(b) Any alternate assessment approved by the department for a 37696  
student under this division shall produce measurable results 37697  
comparable to those produced by the ~~tests which the alternate~~ 37698  
~~assessments are replacing~~ assessment it replaces in order to allow 37699  
for the student's ~~assessment~~ results to be included in the data 37700  
compiled for a school district or building under section 3302.03 37701  
of the Revised Code. 37702

(c) Any student enrolled in a chartered nonpublic school who 37703  
has been identified, based on an evaluation conducted in 37704  
accordance with section 3323.03 of the Revised Code or section 504 37705  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 37706  
794, as amended, as a child with a disability shall be excused 37707  
from taking any particular ~~test~~ assessment required to be 37708  
administered under this section if a plan developed for the 37709  
student pursuant to rules adopted by the state board excuses the 37710  
student from taking that ~~test~~ assessment. In the case of any 37711  
student so excused from taking a ~~test~~ an assessment, the chartered 37712

nonpublic school shall not prohibit the student from taking the 37713  
~~test~~ assessment. 37714

(2) A district board may, for medical reasons or other good 37715  
cause, excuse a student from taking ~~a test~~ an assessment 37716  
administered under this section on the date scheduled, but ~~any~~ 37717  
~~such test~~ that assessment shall be administered to ~~such the~~ 37718  
excused student not later than nine days following the scheduled 37719  
date. The district board shall annually report the number of 37720  
students who have not taken one or more of the ~~tests~~ assessments 37721  
required by this section to the state board of education not later 37722  
than the thirtieth day of June. 37723

(3) As used in this division, "limited English proficient 37724  
student" has the same meaning as in 20 U.S.C. 7801. 37725

No school district board shall excuse any limited English 37726  
proficient student from taking any particular ~~test~~ assessment 37727  
required to be administered under this section, except that any 37728  
limited English proficient student who has been enrolled in United 37729  
States schools for less than one full school year shall not be 37730  
required to take any ~~such~~ reading ~~or~~, writing ~~test~~, or English 37731  
language arts assessment. However, no board shall prohibit a 37732  
limited English proficient student who is not required to take a 37733  
~~test~~ an assessment under this division from taking the ~~test~~ 37734  
assessment. A board may permit any limited English proficient 37735  
student to take ~~any test~~ an assessment required to be administered 37736  
under this section with appropriate accommodations, as determined 37737  
by the department. For each limited English proficient student, 37738  
each school district shall annually assess that student's progress 37739  
in learning English, in accordance with procedures approved by the 37740  
department. 37741

The governing authority of a chartered nonpublic school may 37742  
excuse a limited English proficient student from taking any ~~test~~ 37743  
assessment administered under this section. However, no governing 37744

authority shall prohibit a limited English proficient student from 37745  
taking the ~~test~~ assessment. 37746

(D)(1) In the school year next succeeding the school year in 37747  
which the ~~tests~~ assessments prescribed by division (A)(1) or 37748  
(B)(1) of section 3301.0710 of the Revised Code or former division 37749  
(A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as 37750  
it existed prior to September 11, 2001, are administered to any 37751  
student, the board of education of any school district in which 37752  
the student is enrolled in that year shall provide to the student 37753  
intervention services commensurate with the student's ~~test~~ 37754  
performance, including any intensive intervention required under 37755  
section 3313.608 of the Revised Code, in any skill in which the 37756  
student failed to demonstrate at least a score at the proficient 37757  
level on the ~~test~~ assessment. 37758

(2) Following any administration of the ~~tests~~ assessments 37759  
prescribed by division ~~(F)~~(D) of section 3301.0710 of the Revised 37760  
Code to ninth grade students, each school district that has a 37761  
three-year average graduation rate of not more than seventy-five 37762  
per cent shall determine for each high school in the district 37763  
whether the school shall be required to provide intervention 37764  
services to any students who took the ~~tests~~ assessments. In 37765  
determining which high schools shall provide intervention services 37766  
based on the resources available, the district shall consider each 37767  
school's graduation rate and scores on the practice ~~tests~~ 37768  
assessments. The district also shall consider the scores received 37769  
by ninth grade students on the ~~reading~~ English language arts and 37770  
mathematics ~~tests~~ assessments prescribed under division (A)(1)(f) 37771  
of section 3301.0710 of the Revised Code in the eighth grade in 37772  
determining which high schools shall provide intervention 37773  
services. 37774

Each high school selected to provide intervention services 37775  
under this division shall provide intervention services to any 37776

student whose ~~test~~ results indicate that the student is failing to 37777  
make satisfactory progress toward being able to attain scores at 37778  
the proficient level on the Ohio graduation tests. Intervention 37779  
services shall be provided in any skill in which a student 37780  
demonstrates unsatisfactory progress and shall be commensurate 37781  
with the student's ~~test~~ performance. Schools shall provide the 37782  
intervention services prior to the end of the school year, during 37783  
the summer following the ninth grade, in the next succeeding 37784  
school year, or at any combination of those times. 37785

(E) Except as provided in section 3313.608 of the Revised 37786  
Code and division (M) of this section, no school district board of 37787  
education shall utilize any student's failure to attain a 37788  
specified score on ~~any test~~ an assessment administered under this 37789  
section as a factor in any decision to deny the student promotion 37790  
to a higher grade level. However, a district board may choose not 37791  
to promote to the next grade level any student who does not take 37792  
~~any test~~ an assessment administered under this section or make up 37793  
~~such test~~ an assessment as provided by division (C)(2) of this 37794  
section and who is not exempt from the requirement to take the 37795  
~~test~~ assessment under division (C)(3) of this section. 37796

(F) No person shall be charged a fee for taking any ~~test~~ 37797  
assessment administered under this section. 37798

(G)(1) Each school district board shall designate one 37799  
location for the collection of ~~tests~~ assessments administered in 37800  
the spring under division (B)(1) of this section and ~~the tests~~ 37801  
those administered under divisions (B)(2) to (7) of this section. 37802  
Each district board shall submit the ~~tests~~ assessments to the 37803  
entity with which the department contracts for the scoring of the 37804  
~~tests~~ assessments as follows: 37805

(a) If the district's total enrollment in grades kindergarten 37806  
through twelve during the first full school week of October was 37807  
less than two thousand five hundred, not later than the Friday 37808

after all of the ~~tests~~ assessments have been administered; 37809

(b) If the district's total enrollment in grades kindergarten 37810  
through twelve during the first full school week of October was 37811  
two thousand five hundred or more, but less than seven thousand, 37812  
not later than the Monday after all of the ~~tests~~ assessments have 37813  
been administered; 37814

(c) If the district's total enrollment in grades kindergarten 37815  
through twelve during the first full school week of October was 37816  
seven thousand or more, not later than the Tuesday after all of 37817  
the ~~tests~~ assessments have been administered. 37818

However, any ~~such test~~ assessment that a student takes during 37819  
the make-up period described in division (C)(2) of this section 37820  
shall be submitted not later than the Friday following the day the 37821  
student takes the ~~test~~ assessment. 37822

(2) The department or an entity with which the department 37823  
contracts for the scoring of the ~~test~~ assessment shall send to 37824  
each school district board a list of the individual ~~test~~ scores of 37825  
all persons taking ~~any test~~ an assessment prescribed by division 37826  
(A)(1) or (B)(1) of section 3301.0710 of the Revised Code within 37827  
sixty days after its administration, but in no case shall the 37828  
scores be returned later than the fifteenth day of June following 37829  
the administration. For ~~any tests~~ assessments administered under 37830  
this section by a joint vocational school district, the department 37831  
or entity shall also send to each city, local, or exempted village 37832  
school district a list of the individual ~~test~~ scores of any 37833  
students of such city, local, or exempted village school district 37834  
who are attending school in the joint vocational school district. 37835  
37836

(H) Individual ~~test~~ scores on any ~~tests~~ assessments 37837  
administered under this section shall be released by a district 37838  
board only in accordance with section 3319.321 of the Revised Code 37839

and the rules adopted under division (A) of this section. No 37840  
district board or its employees shall utilize individual or 37841  
aggregate ~~test~~ results in any manner that conflicts with rules for 37842  
the ethical use of ~~tests~~ assessments adopted pursuant to division 37843  
(A) of this section. 37844

(I) Except as provided in division (G) of this section, the 37845  
department or an entity with which the department contracts for 37846  
the scoring of the ~~test~~ assessment shall not release any 37847  
individual ~~test~~ scores on any ~~test~~ assessment administered under 37848  
this section. The state board of education shall adopt rules to 37849  
ensure the protection of student confidentiality at all times. The 37850  
rules may require the use of the data verification codes assigned 37851  
to students pursuant to division (D)(2) of section 3301.0714 of 37852  
the Revised Code to protect the confidentiality of student ~~test~~ 37853  
scores. 37854

(J) Notwithstanding division (D) of section 3311.52 of the 37855  
Revised Code, this section does not apply to the board of 37856  
education of any cooperative education school district except as 37857  
provided under rules adopted pursuant to this division. 37858

(1) In accordance with rules that the state board of 37859  
education shall adopt, the board of education of any city, 37860  
exempted village, or local school district with territory in a 37861  
cooperative education school district established pursuant to 37862  
divisions (A) to (C) of section 3311.52 of the Revised Code may 37863  
enter into an agreement with the board of education of the 37864  
cooperative education school district for administering any ~~test~~ 37865  
assessment prescribed under this section to students of the city, 37866  
exempted village, or local school district who are attending 37867  
school in the cooperative education school district. 37868

(2) In accordance with rules that the state board of 37869  
education shall adopt, the board of education of any city, 37870  
exempted village, or local school district with territory in a 37871



cooperative education school district established pursuant to 37872  
section 3311.521 of the Revised Code shall enter into an agreement 37873  
with the cooperative district that provides for the administration 37874  
of any ~~test~~ assessment prescribed under this section to both of 37875  
the following: 37876

(a) Students who are attending school in the cooperative 37877  
district and who, if the cooperative district were not 37878  
established, would be entitled to attend school in the city, 37879  
local, or exempted village school district pursuant to section 37880  
3313.64 or 3313.65 of the Revised Code; 37881

(b) Persons described in division (B)(8)(b) of this section. 37882

Any ~~testing~~ assessment of students pursuant to such an 37883  
agreement shall be in lieu of any ~~testing~~ assessment of such 37884  
students or persons pursuant to this section. 37885

(K)(1) As a condition of compliance with section 3313.612 of 37886  
the Revised Code, each chartered nonpublic school that educates 37887  
students in grades nine through twelve shall administer the 37888  
assessments prescribed by divisions (B)(1) and (2) of section 37889  
3301.0710 of the Revised Code. Any chartered nonpublic school may 37890  
participate in the ~~testing~~ assessment program by administering any 37891  
of the ~~tests~~ assessments prescribed by division (A) of section 37892  
3301.0710 ~~or 3301.0712~~ of the Revised Code ~~if the~~. The chief 37893  
administrator of the school ~~specifies~~ shall specify which ~~tests~~ 37894  
assessments the school ~~wishes to~~ will administer. Such 37895  
specification shall be made in writing to the superintendent of 37896  
public instruction prior to the first day of August of any school 37897  
year in which ~~tests~~ assessments are administered and shall include 37898  
a pledge that the nonpublic school will administer the specified 37899  
~~tests~~ assessments in the same manner as public schools are 37900  
required to do under this section and rules adopted by the 37901  
department. 37902

(2) The department of education shall furnish the ~~tests~~ 37903  
assessments prescribed by section 3301.0710 or 3301.0712 of the 37904  
Revised Code to ~~any~~ each chartered nonpublic school ~~electing to~~ 37905  
~~participate~~ that participates under this division. 37906

(L)(1) The superintendent of the state school for the blind 37907  
and the superintendent of the state school for the deaf shall 37908  
administer the ~~tests~~ assessments described by ~~section~~ sections 37909  
3301.0710 and 3301.0712 of the Revised Code. Each superintendent 37910  
shall administer the ~~tests~~ assessments in the same manner as 37911  
district boards are required to do under this section and rules 37912  
adopted by the department of education and in conformity with 37913  
division (C)(1)(a) of this section. 37914

(2) The department of education shall furnish the ~~tests~~ 37915  
assessments described by ~~section~~ sections 3301.0710 and 3301.0712 37916  
of the Revised Code to each superintendent. 37917

(M) Notwithstanding division (E) of this section, a school 37918  
district may use a student's failure to attain a score in at least 37919  
the ~~basic~~ proficient range on the mathematics ~~test~~ assessment 37920  
described by division (A)(1)(a) of section 3301.0710 of the 37921  
Revised Code or on ~~any of the tests~~ an assessment described by 37922  
division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of 37923  
the Revised Code as a factor in retaining that student in the 37924  
current grade level. 37925

(N)(1) In the manner specified in divisions (N)(3) ~~to (5)~~ and 37926  
(4) of this section, the ~~tests~~ assessments required by division 37927  
(A)(1) of section 3301.0710 of the Revised Code shall become 37928  
public records pursuant to section 149.43 of the Revised Code on 37929  
the first day of July following the school year that the ~~test was~~ 37930  
assessments were administered. 37931

(2) The department may field test proposed ~~test~~ questions 37932  
with samples of students to determine the validity, reliability, 37933

or appropriateness of ~~test~~ questions for possible inclusion in a 37934  
future year's ~~test~~ assessment. The department also may use anchor 37935  
questions on ~~tests~~ assessments to ensure that different versions 37936  
of the same test are of comparable difficulty. 37937

Field test questions and anchor questions shall not be 37938  
considered in computing ~~test~~ scores for individual students. Field 37939  
test questions and anchor questions may be included as part of the 37940  
administration of any ~~test~~ assessment required by division (A)(1) 37941  
or (B)(1) of section 3301.0710 of the Revised Code. 37942

(3) Any field test question or anchor question administered 37943  
under division (N)(2) of this section shall not be a public 37944  
record. Such field test questions and anchor questions shall be 37945  
redacted from any ~~tests~~ assessments which are released as a public 37946  
record pursuant to division (N)(1) of this section. 37947

(4) This division applies to the ~~tests~~ assessments prescribed 37948  
by division (A) of section 3301.0710 of the Revised Code. 37949

(a) The first administration of each ~~test~~ assessment, as 37950  
specified in former section 3301.0712 of the Revised Code, shall 37951  
be a public record. 37952

(b) For subsequent administrations of each ~~test~~ assessment, 37953  
not less than forty per cent of the questions on the ~~test~~ 37954  
assessment that are used to compute a student's score shall be a 37955  
public record. The department shall determine which questions will 37956  
be needed for reuse on a future ~~test~~ assessment and those 37957  
questions shall not be public records and shall be redacted from 37958  
the ~~test~~ assessment prior to its release as a public record. 37959  
However, for each redacted question, the department shall inform 37960  
each city, local, and exempted village school district of the 37961  
statewide academic standard adopted by the state board of 37962  
education under section 3301.079 of the Revised Code and the 37963  
corresponding benchmark to which the question relates. The 37964

preceding sentence does not apply to field test questions that are 37965  
redacted under division (N)(3) of this section. 37966

(5) Each ~~test~~ assessment prescribed by division (B)(~~1~~) of 37967  
section 3301.0710 of the Revised Code ~~that is administered in the~~ 37968  
~~spring shall be a public record. Each test prescribed by that~~ 37969  
~~division that is administered in the fall or summer~~ shall not be a 37970  
public record. 37971

(0) As used in this section: 37972

(1) "Three-year average" means the average of the most recent 37973  
consecutive three school years of data. 37974

(2) "Dropout" means a student who withdraws from school 37975  
before completing course requirements for graduation and who is 37976  
not enrolled in an education program approved by the state board 37977  
of education or an education program outside the state. "Dropout" 37978  
does not include a student who has departed the country. 37979

(3) "Graduation rate" means the ratio of students receiving a 37980  
diploma to the number of students who entered ninth grade four 37981  
years earlier. Students who transfer into the district are added 37982  
to the calculation. Students who transfer out of the district for 37983  
reasons other than dropout are subtracted from the calculation. If 37984  
a student who was a dropout in any previous year returns to the 37985  
same school district, that student shall be entered into the 37986  
calculation as if the student had entered ninth grade four years 37987  
before the graduation year of the graduating class that the 37988  
student joins. 37989

Sec. 3301.0712. (A) The state board of education, the 37990  
superintendent of public instruction, and the chancellor of the 37991  
Ohio board of regents shall develop a system of assessments as 37992  
described in divisions (B)(1) to (4) of this section to assess 37993  
whether each student upon graduating from high school is college 37994

or career ready. The system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and a prerequisite for eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (E) of this section. 37995  
37996  
37997  
37998  
37999  
38000

(B) The assessment system shall consist of the following: 38001

(1) A nationally standardized assessment that measures competencies in science, mathematics, and English language arts selected jointly by the state superintendent and the chancellor. 38002  
38003  
38004

(2) A series of end-of-course examinations in the areas of science, mathematics, English language arts, and social studies selected jointly by the state superintendent and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. 38005  
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(3) A community service learning project developed and completed by each student in accordance with section 3313.605 of the Revised Code. The purpose of the community service learning project is to assess the student's: 38010  
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(a) Awareness of the importance of civic responsibility and community service; 38014  
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(b) Leadership skills; 38016

(c) Collaboration skills; 38017

(d) Cultural awareness and global competence; and 38018

(e) Flexibility, adaptability, and self-direction. 38019

The community service learning project shall promote learning through active participation, provide structured time for the student to reflect, provide opportunities to use skills and knowledge in real-life situations, extend learning beyond the 38020  
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<u>classroom, and foster a sense of caring for others.</u>	38024
<u>(4) A senior project completed by a student or a group of</u>	38025
<u>students. The purpose of the senior project is to assess the</u>	38026
<u>student's:</u>	38027
<u>(a) Mastery of core knowledge in a subject area chosen by the</u>	38028
<u>student;</u>	38029
<u>(b) Written and verbal communication skills;</u>	38030
<u>(c) Critical thinking and problem-solving skills;</u>	38031
<u>(d) Real world and interdisciplinary learning;</u>	38032
<u>(e) Creative and innovative thinking;</u>	38033
<u>(f) Acquired technology, information, and media skills; and</u>	38034
<u>(g) Personal management skills such as self-direction, time</u>	38035
<u>management, work ethic, enthusiasm, and the desire to produce a</u>	38036
<u>high quality product.</u>	38037
<u>The state superintendent and the chancellor jointly shall</u>	38038
<u>develop standards for the senior project for students</u>	38039
<u>participating in dual enrollment programs.</u>	38040
<u>(C)(1) The state superintendent and the chancellor jointly</u>	38041
<u>shall designate the scoring rubrics and the required overall</u>	38042
<u>composite score for the assessment system to assess whether each</u>	38043
<u>student is college or career ready.</u>	38044
<u>(2) Each community service learning project and senior</u>	38045
<u>project shall be judged by the student's high school in accordance</u>	38046
<u>with rubrics designated by the state superintendent and the</u>	38047
<u>chancellor.</u>	38048
<u>(D) Not later than thirty days after the state board adopts</u>	38049
<u>the model curricula required by division (B) of section 3301.079</u>	38050
<u>of the Revised Code, the state board shall convene a group of</u>	38051
<u>national experts, state experts, and local practitioners to</u>	38052

provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations and scoring rubrics prescribed by this section. 38053  
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(E) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following: 38057  
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(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted; 38060  
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(2) The date after which a person entering ninth grade shall attain at least the composite score for the entire assessment system as a prerequisite for a high school diploma under sections 3313.61, 3313.612, or 3325.08 of the Revised Code; 38063  
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(3) The date after which a person shall attain at least the composite score for the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 38067  
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(4) Whether and the extent to which a person may be excused from a social studies end-of-course examination under division (H) of section 3313.61 and division (B)(2) of section 3313.612 of the Revised Code; 38071  
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(5) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall attain at least the composite score for the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code; 38075  
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(6) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for 38082  
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purposes of division (F) of section 3313.603 and section 3314.36 38084  
of the Revised Code. 38085

No rule adopted under this division shall be effective 38086  
earlier than one year after the date the rule is filed in final 38087  
form pursuant to Chapter 119. of the Revised Code. 38088

**Sec. 3301.0714.** (A) The state board of education shall adopt 38089  
rules for a statewide education management information system. The 38090  
rules shall require the state board to establish guidelines for 38091  
the establishment and maintenance of the system in accordance with 38092  
this section and the rules adopted under this section. The 38093  
guidelines shall include: 38094

(1) Standards identifying and defining the types of data in 38095  
the system in accordance with divisions (B) and (C) of this 38096  
section; 38097

(2) Procedures for annually collecting and reporting the data 38098  
to the state board in accordance with division (D) of this 38099  
section; 38100

(3) Procedures for annually compiling the data in accordance 38101  
with division (G) of this section; 38102

(4) Procedures for annually reporting the data to the public 38103  
in accordance with division (H) of this section. 38104

(B) The guidelines adopted under this section shall require 38105  
the data maintained in the education management information system 38106  
to include at least the following: 38107

(1) Student participation and performance data, for each 38108  
grade in each school district as a whole and for each grade in 38109  
each school building in each school district, that includes: 38110

(a) The numbers of students receiving each category of 38111  
instructional service offered by the school district, such as 38112  
regular education instruction, vocational education instruction, 38113



specialized instruction programs or enrichment instruction that is 38114  
part of the educational curriculum, instruction for gifted 38115  
students, instruction for students with disabilities, and remedial 38116  
instruction. The guidelines shall require instructional services 38117  
under this division to be divided into discrete categories if an 38118  
instructional service is limited to a specific subject, a specific 38119  
type of student, or both, such as regular instructional services 38120  
in mathematics, remedial reading instructional services, 38121  
instructional services specifically for students gifted in 38122  
mathematics or some other subject area, or instructional services 38123  
for students with a specific type of disability. The categories of 38124  
instructional services required by the guidelines under this 38125  
division shall be the same as the categories of instructional 38126  
services used in determining cost units pursuant to division 38127  
(C)(3) of this section. 38128

(b) The numbers of students receiving support or 38129  
extracurricular services for each of the support services or 38130  
extracurricular programs offered by the school district, such as 38131  
counseling services, health services, and extracurricular sports 38132  
and fine arts programs. The categories of services required by the 38133  
guidelines under this division shall be the same as the categories 38134  
of services used in determining cost units pursuant to division 38135  
(C)(4)(a) of this section. 38136

(c) Average student grades in each subject in grades nine 38137  
through twelve; 38138

(d) Academic achievement levels as assessed ~~by the testing of~~ 38139  
~~student achievement~~ under sections 3301.0710 ~~and~~, 3301.0711, ~~and~~ 38140  
3301.0712 of the Revised Code; 38141

(e) The number of students designated as having a disabling 38142  
condition pursuant to division (C)(1) of section 3301.0711 of the 38143  
Revised Code; 38144

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	38145 38146 38147
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	38148 38149 38150 38151
(h) Expulsion rates;	38152
(i) Suspension rates;	38153
<del>(j) The percentage of students receiving corporal punishment;</del>	38154
<del>(k)</del> Dropout rates;	38155
<del>(l)</del> <u>(k)</u> Rates of retention in grade;	38156
<del>(m)</del> <u>(l)</u> For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	38157 38158 38159
<del>(n)</del> <u>(m)</u> Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	38160 38161 38162 38163 38164
<del>(o)</del> <u>(n)</u> Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	38165 38166 38167 38168 38169 38170 38171
<u>(o) Aggregate results of kindergarten and first grade hearing, vision, speech and communications, health and medical, and developmental screenings required under section 3313.673 of</u>	38172 38173 38174

<u>the Revised Code.</u>	38175
(2) Personnel and classroom enrollment data for each school district, including:	38176 38177
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	38178 38179 38180 38181 38182 38183 38184 38185 38186 38187
(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	38188 38189 38190 38191 38192 38193 38194 38195 38196 38197 38198 38199
(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.	38200 38201 38202 38203 38204
(d) The number of <del>master</del> <u>lead</u> teachers employed by each	38205

school district and each school building, ~~once a definition of~~ 38206  
~~master teacher has been developed by the educator standards board~~ 38207  
~~pursuant to section 3319.61 of the Revised Code.~~ 38208

(3)(a) Student demographic data for each school district, 38209  
including information regarding the gender ratio of the school 38210  
district's pupils, the racial make-up of the school district's 38211  
pupils, the number of limited English proficient students in the 38212  
district, and an appropriate measure of the number of the school 38213  
district's pupils who reside in economically disadvantaged 38214  
households. The demographic data shall be collected in a manner to 38215  
allow correlation with data collected under division (B)(1) of 38216  
this section. Categories for data collected pursuant to division 38217  
(B)(3) of this section shall conform, where appropriate, to 38218  
standard practices of agencies of the federal government. 38219

(b) With respect to each student entering kindergarten, 38220  
whether the student previously participated in a public preschool 38221  
program, a private preschool program, or a head start program, and 38222  
the number of years the student participated in each of these 38223  
programs. 38224

(4) Any data required to be collected pursuant to federal 38225  
law. 38226

(C) The education management information system shall include 38227  
cost accounting data for each district as a whole and for each 38228  
school building in each school district. The guidelines adopted 38229  
under this section shall require the cost data for each school 38230  
district to be maintained in a system of mutually exclusive cost 38231  
units and shall require all of the costs of each school district 38232  
to be divided among the cost units. The guidelines shall require 38233  
the system of mutually exclusive cost units to include at least 38234  
the following: 38235

(1) Administrative costs for the school district as a whole. 38236

The guidelines shall require the cost units under this division 38237  
(C)(1) to be designed so that each of them may be compiled and 38238  
reported in terms of average expenditure per pupil in formula ADM 38239  
in the school district, as determined pursuant to section 3317.03 38240  
of the Revised Code. 38241

(2) Administrative costs for each school building in the 38242  
school district. The guidelines shall require the cost units under 38243  
this division (C)(2) to be designed so that each of them may be 38244  
compiled and reported in terms of average expenditure per 38245  
full-time equivalent pupil receiving instructional or support 38246  
services in each building. 38247

(3) Instructional services costs for each category of 38248  
instructional service provided directly to students and required 38249  
by guidelines adopted pursuant to division (B)(1)(a) of this 38250  
section. The guidelines shall require the cost units under 38251  
division (C)(3) of this section to be designed so that each of 38252  
them may be compiled and reported in terms of average expenditure 38253  
per pupil receiving the service in the school district as a whole 38254  
and average expenditure per pupil receiving the service in each 38255  
building in the school district and in terms of a total cost for 38256  
each category of service and, as a breakdown of the total cost, a 38257  
cost for each of the following components: 38258

(a) The cost of each instructional services category required 38259  
by guidelines adopted under division (B)(1)(a) of this section 38260  
that is provided directly to students by a classroom teacher; 38261

(b) The cost of the instructional support services, such as 38262  
services provided by a speech-language pathologist, classroom 38263  
aide, multimedia aide, or librarian, provided directly to students 38264  
in conjunction with each instructional services category; 38265

(c) The cost of the administrative support services related 38266  
to each instructional services category, such as the cost of 38267

personnel that develop the curriculum for the instructional 38268  
services category and the cost of personnel supervising or 38269  
coordinating the delivery of the instructional services category. 38270

(4) Support or extracurricular services costs for each 38271  
category of service directly provided to students and required by 38272  
guidelines adopted pursuant to division (B)(1)(b) of this section. 38273  
The guidelines shall require the cost units under division (C)(4) 38274  
of this section to be designed so that each of them may be 38275  
compiled and reported in terms of average expenditure per pupil 38276  
receiving the service in the school district as a whole and 38277  
average expenditure per pupil receiving the service in each 38278  
building in the school district and in terms of a total cost for 38279  
each category of service and, as a breakdown of the total cost, a 38280  
cost for each of the following components: 38281

(a) The cost of each support or extracurricular services 38282  
category required by guidelines adopted under division (B)(1)(b) 38283  
of this section that is provided directly to students by a 38284  
licensed employee, such as services provided by a guidance 38285  
counselor or any services provided by a licensed employee under a 38286  
supplemental contract; 38287

(b) The cost of each such services category provided directly 38288  
to students by a nonlicensed employee, such as janitorial 38289  
services, cafeteria services, or services of a sports trainer; 38290

(c) The cost of the administrative services related to each 38291  
services category in division (C)(4)(a) or (b) of this section, 38292  
such as the cost of any licensed or nonlicensed employees that 38293  
develop, supervise, coordinate, or otherwise are involved in 38294  
administering or aiding the delivery of each services category. 38295

(D)(1) The guidelines adopted under this section shall 38296  
require school districts to collect information about individual 38297  
students, staff members, or both in connection with any data 38298

required by division (B) or (C) of this section or other reporting 38299  
requirements established in the Revised Code. The guidelines may 38300  
also require school districts to report information about 38301  
individual staff members in connection with any data required by 38302  
division (B) or (C) of this section or other reporting 38303  
requirements established in the Revised Code. The guidelines shall 38304  
not authorize school districts to request social security numbers 38305  
of individual students. The guidelines shall prohibit the 38306  
reporting under this section of a student's name, address, and 38307  
social security number to the state board of education or the 38308  
department of education. The guidelines shall also prohibit the 38309  
reporting under this section of any personally identifiable 38310  
information about any student, except for the purpose of assigning 38311  
the data verification code required by division (D)(2) of this 38312  
section, to any other person unless such person is employed by the 38313  
school district or the information technology center operated 38314  
under section 3301.075 of the Revised Code and is authorized by 38315  
the district or technology center to have access to such 38316  
information or is employed by an entity with which the department 38317  
contracts for the scoring of ~~tests~~ assessments administered under 38318  
section 3301.0711 ~~or 3301.0712~~ of the Revised Code. The guidelines 38319  
may require school districts to provide the social security 38320  
numbers of individual staff members. 38321

(2) The guidelines shall provide for each school district or 38322  
community school to assign a data verification code that is unique 38323  
on a statewide basis over time to each student whose initial Ohio 38324  
enrollment is in that district or school and to report all 38325  
required individual student data for that student utilizing such 38326  
code. The guidelines shall also provide for assigning data 38327  
verification codes to all students enrolled in districts or 38328  
community schools on the effective date of the guidelines 38329  
established under this section. 38330

Individual student data shall be reported to the department 38331  
through the information technology centers utilizing the code but, 38332  
except as provided in sections 3310.11, 3310.42, 3313.978, and 38333  
3317.20 of the Revised Code, at no time shall the state board or 38334  
the department have access to information that would enable any 38335  
data verification code to be matched to personally identifiable 38336  
student data. 38337

Each school district shall ensure that the data verification 38338  
code is included in the student's records reported to any 38339  
subsequent school district or community school in which the 38340  
student enrolls. Any such subsequent district or school shall 38341  
utilize the same identifier in its reporting of data under this 38342  
section. 38343

The director of health shall request and receive, pursuant to 38344  
sections 3301.0723 and 3701.62 of the Revised Code, a data 38345  
verification code for a child who is receiving services under 38346  
division (A)(2) of section 3701.61 of the Revised Code. 38347

(E) The guidelines adopted under this section may require 38348  
school districts to collect and report data, information, or 38349  
reports other than that described in divisions (A), (B), and (C) 38350  
of this section for the purpose of complying with other reporting 38351  
requirements established in the Revised Code. The other data, 38352  
information, or reports may be maintained in the education 38353  
management information system but are not required to be compiled 38354  
as part of the profile formats required under division (G) of this 38355  
section or the annual statewide report required under division (H) 38356  
of this section. 38357

(F) Beginning with the school year that begins July 1, 1991, 38358  
the board of education of each school district shall annually 38359  
collect and report to the state board, in accordance with the 38360  
guidelines established by the board, the data required pursuant to 38361  
this section. A school district may collect and report these data 38362



notwithstanding section 2151.357 or 3319.321 of the Revised Code. 38363

(G) The state board shall, in accordance with the procedures 38364  
it adopts, annually compile the data reported by each school 38365  
district pursuant to division (D) of this section. The state board 38366  
shall design formats for profiling each school district as a whole 38367  
and each school building within each district and shall compile 38368  
the data in accordance with these formats. These profile formats 38369  
shall: 38370

(1) Include all of the data gathered under this section in a 38371  
manner that facilitates comparison among school districts and 38372  
among school buildings within each school district; 38373

(2) Present the data on academic achievement levels as 38374  
assessed by the testing of student achievement maintained pursuant 38375  
to division (B)(1)(d) of this section. 38376

(H)(1) The state board shall, in accordance with the 38377  
procedures it adopts, annually prepare a statewide report for all 38378  
school districts and the general public that includes the profile 38379  
of each of the school districts developed pursuant to division (G) 38380  
of this section. Copies of the report shall be sent to each school 38381  
district. 38382

(2) The state board shall, in accordance with the procedures 38383  
it adopts, annually prepare an individual report for each school 38384  
district and the general public that includes the profiles of each 38385  
of the school buildings in that school district developed pursuant 38386  
to division (G) of this section. Copies of the report shall be 38387  
sent to the superintendent of the district and to each member of 38388  
the district board of education. 38389

(3) Copies of the reports received from the state board under 38390  
divisions (H)(1) and (2) of this section shall be made available 38391  
to the general public at each school district's offices. Each 38392  
district board of education shall make copies of each report 38393

available to any person upon request and payment of a reasonable 38394  
fee for the cost of reproducing the report. The board shall 38395  
annually publish in a newspaper of general circulation in the 38396  
school district, at least twice during the two weeks prior to the 38397  
week in which the reports will first be available, a notice 38398  
containing the address where the reports are available and the 38399  
date on which the reports will be available. 38400

(I) Any data that is collected or maintained pursuant to this 38401  
section and that identifies an individual pupil is not a public 38402  
record for the purposes of section 149.43 of the Revised Code. 38403

(J) As used in this section: 38404

(1) "School district" means any city, local, exempted 38405  
village, or joint vocational school district and, in accordance 38406  
with section 3314.17 of the Revised Code, any community school. As 38407  
used in division (L) of this section, "school district" also 38408  
includes any educational service center or other educational 38409  
entity required to submit data using the system established under 38410  
this section. 38411

(2) "Cost" means any expenditure for operating expenses made 38412  
by a school district excluding any expenditures for debt 38413  
retirement except for payments made to any commercial lending 38414  
institution for any loan approved pursuant to section 3313.483 of 38415  
the Revised Code. 38416

(K) Any person who removes data from the information system 38417  
established under this section for the purpose of releasing it to 38418  
any person not entitled under law to have access to such 38419  
information is subject to section 2913.42 of the Revised Code 38420  
prohibiting tampering with data. 38421

(L)(1) In accordance with division (L)(2) of this section and 38422  
the rules adopted under division (L)(10) of this section, the 38423  
department of education may sanction any school district that 38424

reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	38456 38457 38458
(iv) Continue monitoring the district's data reporting;	38459
(v) Assign department staff to supervise the district's data management system;	38460 38461
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	38462 38463 38464
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	38465 38466 38467 38468
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	38469 38470 38471 38472 38473
(ix) Any other action designed to correct the district's data reporting problems.	38474 38475
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	38476 38477 38478 38479 38480 38481
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department	38482 38483 38484 38485

withheld funds from the district under that division, the 38486  
department may release those funds to the district, except that if 38487  
the department withheld funding under division (L)(2)(c) of this 38488  
section, the department shall not release the funds withheld under 38489  
division (L)(2)(b) of this section and, if the department withheld 38490  
funding under division (L)(2)(d) of this section, the department 38491  
shall not release the funds withheld under division (L)(2)(b) or 38492  
(c) of this section. 38493

(5) Notwithstanding anything in this section to the contrary, 38494  
the department may use its own staff or an outside entity to 38495  
conduct an audit of a school district's data reporting practices 38496  
any time the department has reason to believe the district has not 38497  
made a good faith effort to report data as required by this 38498  
section. If any audit conducted by an outside entity under 38499  
division (L)(2)(d)(i) or (5) of this section confirms that a 38500  
district has not made a good faith effort to report data as 38501  
required by this section, the district shall reimburse the 38502  
department for the full cost of the audit. The department may 38503  
withhold state funds due to the district for this purpose. 38504

(6) Prior to issuing a revised report card for a school 38505  
district under division (L)(2)(d)(viii) of this section, the 38506  
department may hold a hearing to provide the district with an 38507  
opportunity to demonstrate that it made a good faith effort to 38508  
report data as required by this section. The hearing shall be 38509  
conducted by a referee appointed by the department. Based on the 38510  
information provided in the hearing, the referee shall recommend 38511  
whether the department should issue a revised report card for the 38512  
district. If the referee affirms the department's contention that 38513  
the district did not make a good faith effort to report data as 38514  
required by this section, the district shall bear the full cost of 38515  
conducting the hearing and of issuing any revised report card. 38516

(7) If the department determines that any inaccurate data 38517

reported under this section caused a school district to receive 38518  
excess state funds in any fiscal year, the district shall 38519  
reimburse the department an amount equal to the excess funds, in 38520  
accordance with a payment schedule determined by the department. 38521  
The department may withhold state funds due to the district for 38522  
this purpose. 38523

(8) Any school district that has funds withheld under 38524  
division (L)(2) of this section may appeal the withholding in 38525  
accordance with Chapter 119. of the Revised Code. 38526

(9) In all cases of a disagreement between the department and 38527  
a school district regarding the appropriateness of an action taken 38528  
under division (L)(2) of this section, the burden of proof shall 38529  
be on the district to demonstrate that it made a good faith effort 38530  
to report data as required by this section. 38531

(10) The state board of education shall adopt rules under 38532  
Chapter 119. of the Revised Code to implement division (L) of this 38533  
section. 38534

(M) No information technology center or school district shall 38535  
acquire, change, or update its student administration software 38536  
package to manage and report data required to be reported to the 38537  
department unless it converts to a student software package that 38538  
is certified by the department. 38539

(N) The state board of education, in accordance with sections 38540  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 38541  
license as defined under division (A) of section 3319.31 of the 38542  
Revised Code that has been issued to any school district employee 38543  
found to have willfully reported erroneous, inaccurate, or 38544  
incomplete data to the education management information system. 38545

(O) No person shall release or maintain any information about 38546  
any student in violation of this section. Whoever violates this 38547  
division is guilty of a misdemeanor of the fourth degree. 38548

(P) The department shall disaggregate the data collected 38549  
under division (B)(1)~~(e)~~(n) of this section according to the race 38550  
and socioeconomic status of the students assessed. No data 38551  
collected under that division shall be included on the report 38552  
cards required by section 3302.03 of the Revised Code. 38553

(Q) If the department cannot compile any of the information 38554  
required by division (C)(5) of section 3302.03 of the Revised Code 38555  
based upon the data collected under this section, the department 38556  
shall develop a plan and a reasonable timeline for the collection 38557  
of any data necessary to comply with that division. 38558

**Sec. 3301.0715.** (A) Except as provided in division (E) of 38559  
this section, the board of education of each city, local, and 38560  
exempted village school district shall administer each applicable 38561  
diagnostic assessment developed and provided to the district in 38562  
accordance with section 3301.079 of the Revised Code to the 38563  
following: 38564

(1) Each student enrolled in a building that has failed to 38565  
make adequate yearly progress for two or more consecutive school 38566  
years; 38567

(2) Any student who transfers into the district or to a 38568  
different school within the district if each applicable diagnostic 38569  
assessment was not administered by the district or school the 38570  
student previously attended in the current school year, within 38571  
thirty days after the date of transfer. If the district or school 38572  
into which the student transfers cannot determine whether the 38573  
student has taken any applicable diagnostic assessment in the 38574  
current school year, the district or school may administer the 38575  
diagnostic assessment to the student. 38576

(3) Each kindergarten student, not earlier than four weeks 38577  
prior to the first day of school and not later than the first day 38578  
of October. For the purpose of division (A)(3) of this section, 38579

the district shall administer the kindergarten readiness 38580  
assessment provided by the department of education. In no case 38581  
shall the results of the readiness assessment be used to prohibit 38582  
a student from enrolling in kindergarten. 38583

(4) Each student enrolled in first or second grade. 38584

(B) Each district board shall administer each diagnostic 38585  
assessment as the board deems appropriate. However, the board 38586  
shall administer any diagnostic assessment at least once annually 38587  
to all students in the appropriate grade level. A district board 38588  
may administer any diagnostic assessment in the fall and spring of 38589  
a school year to measure the amount of academic growth 38590  
attributable to the instruction received by students during that 38591  
school year. 38592

(C) Each district board shall utilize and score any 38593  
diagnostic assessment administered under division (A) of this 38594  
section in accordance with rules established by the department. 38595  
Except as required by division (B)(1)~~(e)~~(n) of section 3301.0714 38596  
of the Revised Code, neither the state board of education nor the 38597  
department shall require school districts to report the results of 38598  
diagnostic assessments for any students to the department or to 38599  
make any such results available in any form to the public. After 38600  
the administration of any diagnostic assessment, each district 38601  
shall provide a student's completed diagnostic assessment, the 38602  
results of such assessment, and any other accompanying documents 38603  
used during the administration of the assessment to the parent of 38604  
that student upon the parent's request. 38605

(D) Each district board shall provide intervention services 38606  
to students whose diagnostic assessments show that they are 38607  
failing to make satisfactory progress toward attaining the 38608  
academic standards for their grade level. 38609

(E) Any district that made adequate yearly progress in the 38610



immediately preceding school year may assess student progress in 38611  
grades one through three using a diagnostic assessment other than 38612  
the diagnostic assessment required by division (A) of this 38613  
section. 38614

(F) A district board may administer the third grade ~~writing~~ 38615  
English language arts diagnostic assessment provided to the 38616  
district in accordance with section 3301.079 of the Revised Code 38617  
to any student enrolled in a building that is not subject to 38618  
division (A)(1) of this section. Any district electing to 38619  
administer the diagnostic assessment to students under this 38620  
division shall provide intervention services to any such student 38621  
whose diagnostic assessment shows unsatisfactory progress toward 38622  
attaining the academic standards for the student's grade level. 38623

(G) As used in this section, "adequate yearly progress" has 38624  
the same meaning as in section 3302.01 of the Revised Code. 38625

**Sec. 3301.0716.** Notwithstanding division (D) of section 38626  
3301.0714 of the Revised Code, the department of education may 38627  
have access to personally identifiable information about any 38628  
student under the following circumstances: 38629

(A) An entity with which the department contracts for the 38630  
scoring of ~~tests~~ assessments administered under section 3301.0711 38631  
or 3301.0712 of the Revised Code has notified the department that 38632  
the student's written response to a question on ~~such a test~~ an 38633  
assessment included threats or descriptions of harm to another 38634  
person or the student's self and the information is necessary to 38635  
enable the department to identify the student for purposes of 38636  
notifying the school district or school in which the student is 38637  
enrolled of the potential for harm. 38638

(B) The department requests the information to respond to an 38639  
appeal from a school district or school for verification of the 38640  
accuracy of the student's score on ~~a test~~ an assessment 38641

administered under section 3301.0711 or 3301.0712 of the Revised Code. 38642  
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(C) The department requests the information to determine whether the student satisfies the alternative conditions for a high school diploma prescribed in section 3313.615 of the Revised Code. 38644  
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**Sec. 3301.12.** (A) The superintendent of public instruction in addition to the authority otherwise imposed on the superintendent, shall perform the following duties: 38648  
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(1) The superintendent shall provide technical and professional assistance and advice to all school districts in reference to all aspects of education, including finance, buildings and equipment, administration, organization of school districts, curriculum and instruction, transportation of pupils, personnel problems, and the interpretation of school laws and state regulations. 38651  
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(2) The superintendent shall prescribe and require the preparation and filing of such financial and other reports from school districts, officers, and employees as are necessary or proper. The superintendent shall prescribe and require the installation by school districts of such standardized reporting forms and accounting procedures as are essential to the businesslike operations of the public schools of the state. 38658  
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(3) The superintendent shall conduct such studies and research projects as are necessary or desirable for the improvement of public school education in Ohio, and such as may be assigned to the superintendent by the state board of education. Such studies and projects may include analysis of data contained in the education management information system established under section 3301.0714 of the Revised Code. For any study or project that requires the analysis of individual student data, the 38665  
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department of education or any entity with which the 38673  
superintendent or department contracts to conduct the study or 38674  
project shall maintain the confidentiality of student data at all 38675  
times. For this purpose, the department or contracting entity 38676  
shall use the data verification code assigned pursuant to division 38677  
(D)(2) of section 3301.0714 of the Revised Code for each student 38678  
whose data is analyzed. Except as otherwise provided in division 38679  
(D)(1) of section 3301.0714 of the Revised Code, at no time shall 38680  
the superintendent, the department, the state board of education, 38681  
or any entity conducting a study or research project on the 38682  
superintendent's behalf have access to a student's name, address, 38683  
or social security number while analyzing individual student data. 38684

(4) The superintendent shall prepare and submit annually to 38685  
the state board of education a report of the activities of the 38686  
department of education and the status, problems, and needs of 38687  
education in the state of Ohio. 38688

(5) The superintendent shall supervise all agencies over 38689  
which the board exercises administrative control, including 38690  
schools for education of persons with disabilities. 38691

(6) In accordance with section 3333.048 of the Revised Code, 38692  
the superintendent, jointly with the chancellor of the Ohio board 38693  
of regents, shall establish metrics and courses of study for 38694  
institutions of higher education that prepare educators and other 38695  
school personnel and shall provide for inspection of those 38696  
institutions. 38697

(B) The superintendent of public instruction may annually 38698  
inspect and analyze the expenditures of each school district and 38699  
make a determination as to the efficiency of each district's 38700  
costs, relative to other school districts in the state, for 38701  
instructional, administrative, and student support services. The 38702  
superintendent shall notify each school district as to the nature 38703  
of, and reasons for, the determination. The state board of 38704

education shall adopt rules in accordance with Chapter 119. of the 38705  
Revised Code setting forth the procedures and standards for the 38706  
performance of the inspection and analysis. 38707

Sec. 3301.122. Not later than December 1, 2009, the 38708  
superintendent of public instruction, in consultation with the 38709  
chancellor of the Ohio board of regents, shall develop a ten-year 38710  
strategic plan aligned with the strategic plan for higher 38711  
education developed by the chancellor under division (D) of 38712  
Section 375.30.25 of Am. Sub. H.B. 119 of the 127th general 38713  
assembly. The superintendent shall submit the plan to the general 38714  
assembly, in accordance with section 101.68 of the Revised Code, 38715  
and to the governor. The plan shall include recommendations for: 38716

(A) A framework for collaborative, professional, innovative, 38717  
and thinking twenty-first century learning environments; 38718

(B) Ways to prepare and support Ohio's educators for 38719  
successful instructional careers; 38720

(C) Enhancement of the current financial and resource 38721  
management accountability systems; 38722

(D) Implementation of an effective school funding system 38723  
according to the principles, mandates, and guidance established in 38724  
Chapter 3306. of the Revised Code. 38725

Sec. 3301.16. Pursuant to standards prescribed by the state 38726  
board of education as provided in division (D) of section 3301.07 38727  
of the Revised Code, the state board shall classify and charter 38728  
school districts and individual schools within each district 38729  
except that no charter shall be granted to a nonpublic school 38730  
unless pursuant to division (K) of section 3301.0711 of the 38731  
Revised Code the school elects to administer the tests prescribed 38732  
by division (B) of complies with section 3301.0710 3313.612 of the 38733  
Revised Code beginning July 1, 1995. 38734

In the course of considering the charter of a new school district created under section 3311.26 or 3311.38 of the Revised Code, the state board shall require the party proposing creation of the district to submit to the board a map, certified by the county auditor of the county in which the proposed new district is located, showing the boundaries of the proposed new district. In the case of a proposed new district located in more than one county, the map shall be certified by the county auditor of each county in which the proposed district is located.

The state board shall revoke the charter of any school district or school which fails to meet the standards for elementary and high schools as prescribed by the board. The state board shall also revoke the charter of any nonpublic school that does not comply with section 3313.612 of the Revised Code ~~or, on or after July 1, 1995, does not participate in the testing program prescribed by division (B) of section 3301.0710 of the Revised Code.~~

In the issuance and revocation of school district or school charters, the state board shall be governed by the provisions of Chapter 119. of the Revised Code.

No school district, or individual school operated by a school district, shall operate without a charter issued by the state board under this section.

In case a school district charter is revoked pursuant to this section, the state board may dissolve the school district and transfer its territory to one or more adjacent districts. An equitable division of the funds, property, and indebtedness of the school district shall be made by the state board among the receiving districts. The board of education of a receiving district shall accept such territory pursuant to the order of the state board. Prior to dissolving the school district, the state board shall notify the appropriate educational service center

governing board and all adjacent school district boards of 38767  
education of its intention to do so. Boards so notified may make 38768  
recommendations to the state board regarding the proposed 38769  
dissolution and subsequent transfer of territory. Except as 38770  
provided in section 3301.161 of the Revised Code, the transfer 38771  
ordered by the state board shall become effective on the date 38772  
specified by the state board, but the date shall be at least 38773  
thirty days following the date of issuance of the order. 38774

A high school is one of higher grade than an elementary 38775  
school, in which instruction and training are given in accordance 38776  
with sections 3301.07 and 3313.60 of the Revised Code and which 38777  
also offers other subjects of study more advanced than those 38778  
taught in the elementary schools and such other subjects as may be 38779  
approved by the state board of education. 38780

An elementary school is one in which instruction and training 38781  
are given in accordance with sections 3301.07 and 3313.60 of the 38782  
Revised Code and which offers such other subjects as may be 38783  
approved by the state board of education. In districts wherein a 38784  
junior high school is maintained, the elementary schools in that 38785  
district may be considered to include only the work of the first 38786  
six school years inclusive, plus the kindergarten year. 38787

A high school or an elementary school may consist of less 38788  
than one or more than one organizational unit, as defined in 38789  
sections 3306.02 and 3306.04 of the Revised Code. 38790

**Sec. 3301.42.** The partnership for continued learning shall 38791  
promote systemic approaches to education by supporting regional 38792  
efforts to foster collaboration among providers of preschool 38793  
through postsecondary education, identifying the workforce needs 38794  
of private sector employers in the state, and making 38795  
recommendations for facilitating collaboration among providers of 38796  
preschool through postsecondary education and for maintaining a 38797

high-quality workforce in the state. Copies of the recommendations 38798  
shall be provided to the governor, the president and minority 38799  
leader of the senate, the speaker and minority leader of the house 38800  
of representatives, the chairpersons and ranking minority members 38801  
of the standing committees of the senate and the house of 38802  
representatives that consider education legislation, the 38803  
~~chairperson~~ chancellor of the Ohio board of regents, and the 38804  
president of the state board of education. The recommendations 38805  
shall address at least the following issues: 38806

(A) Expansion of access to preschool and other learning 38807  
opportunities for children under five years old; 38808

(B) Increasing opportunities for students to earn credit 38809  
toward a degree from an institution of higher education while 38810  
enrolled in high school, including expanded opportunities for 38811  
students to earn that credit on their high school campuses; a 38812  
definition of "in good standing" for purposes of section 3313.6013 38813  
of the Revised Code; and legislative changes that the partnership, 38814  
in consultation with the Ohio board of regents and the state board 38815  
of education, determines would improve the operation of the 38816  
post-secondary enrollment options program established under 38817  
Chapter 3365. of the Revised Code and other dual enrollment 38818  
programs. The recommendations for legislative changes required by 38819  
this division shall be issued not later than May 31, 2007. 38820

(C) Expansion of access to workforce development programs 38821  
administered by school districts, institutions of higher 38822  
education, and other providers of career-technical education; 38823

(D) Alignment of the statewide academic standards for grades 38824  
nine through twelve adopted under section 3301.079 of the Revised 38825  
Code, the Ohio graduation tests prescribed by division (B)(1) of 38826  
section 3301.0710 of the Revised Code and the assessment system 38827  
prescribed by division (B)(2) of that section, and the curriculum 38828

requirements for a high school diploma prescribed by section	38829
3313.603 of the Revised Code with the expectations of employers	38830
and institutions of higher education regarding the knowledge and	38831
skills that high school graduates should attain prior to entering	38832
the workforce or enrolling in an institution of higher education;	38833
(E) Improving the science and mathematics skills of students	38834
and employees to meet the needs of a knowledge-intensive economy;	38835
(F) Reducing the number of students who need academic	38836
remediation after enrollment in an institution of higher	38837
education;	38838
(G) Expansion of school counseling career and educational	38839
programs, access programs, and other strategies to overcome	38840
financial, cultural, and organizational barriers that interfere	38841
with students' planning for postsecondary education and that	38842
prevent students from obtaining a postsecondary education;	38843
(H) Alignment of teacher preparation programs approved by the	38844
<del>state board of education</del> <u>chancellor of the Ohio board of regents</u>	38845
pursuant to section <del>3319.23</del> <u>3333.048</u> of the Revised Code with the	38846
instructional needs and expectations of school districts;	38847
(I) Strategies for retaining more graduates of Ohio	38848
institutions of higher education in the state and for attracting	38849
talented individuals from outside Ohio to work in the state;	38850
(J) Strategies for promoting lifelong continuing education as	38851
a component of maintaining a strong workforce and economy;	38852
(K) Appropriate measures of the impact of statewide efforts	38853
to promote collaboration among providers of preschool through	38854
postsecondary education and to develop a high-quality workforce	38855
and strategies for collecting and sharing data relevant to such	38856
measures;	38857
(L) Strategies for developing and improving opportunities and	38858



for removing barriers to achievement for children identified as 38859  
gifted under Chapter 3324. of the Revised Code; 38860

(M) Legislative changes to establish criteria by which state 38861  
universities may waive the general requirement, under division (B) 38862  
of section 3345.06 of the Revised Code, that a student complete 38863  
the Ohio core curriculum to be admitted as an undergraduate. The 38864  
partnership at least shall consider criteria for waiving the 38865  
requirement for students who have served in the military and 38866  
students who entered ninth grade on or after July 1, 2010, in 38867  
another state and moved to Ohio prior to high school graduation. 38868  
The recommendations for legislative changes under this division 38869  
shall be developed in consultation with the Ohio board of regents 38870  
and shall be issued not later than July 1, 2007. 38871

**Sec. 3301.55.** (A) A school district, county MR/DD board, or 38872  
eligible nonpublic school operating a preschool program shall 38873  
house the program in buildings that meet the following 38874  
requirements: 38875

(1) The building is operated by the district, county MR/DD 38876  
board, or eligible nonpublic school and has been approved by the 38877  
division of ~~industrial compliance~~ labor in the department of 38878  
commerce or a certified municipal, township, or county building 38879  
department for the purpose of operating a program for preschool 38880  
children. Any such structure shall be constructed, equipped, 38881  
repaired, altered, and maintained in accordance with applicable 38882  
provisions of Chapters 3781. and 3791. and with rules adopted by 38883  
the board of building standards under Chapter 3781. of the Revised 38884  
Code for the safety and sanitation of structures erected for this 38885  
purpose. 38886

(2) The building is in compliance with fire and safety laws 38887  
and regulations as evidenced by reports of annual school fire and 38888  
safety inspections as conducted by appropriate local authorities. 38889

(3) The school is in compliance with rules established by the state board of education regarding school food services.

(4) The facility includes not less than thirty-five square feet of indoor space for each child in the program. Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use.

(5) First aid facilities and space for temporary placement or isolation of injured or ill children are provided.

(B) Each school district, county MR/DD board, or eligible nonpublic school that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the state board of education to the board not later than the first day of September of the school year in which the program is to be initiated. The board shall determine whether the buildings meet the requirements of this section and section 3301.53 of the Revised Code, and notify the superintendent of its determination. If the board determines, on the basis of the building plan or any other information, that the buildings do not meet those requirements, it shall cause the buildings to be inspected by the department of education. The department shall make a report to the superintendent specifying any aspects of the building that are not in compliance with the requirements of this section and section 3301.53 of the Revised Code and the time period that will be allowed the district, county MR/DD board, or school to meet the requirements.

**Sec. 3301.68.** There is hereby ~~created~~ re-established the legislative committee on education oversight as a subcommittee of the legislative service commission. The committee shall consist of five members of the house of representatives appointed by the speaker of the house of representatives and five members of the

senate appointed by the president of the senate. Not more than 38921  
three of the members appointed from each house shall be members of 38922  
the same political party. Members shall serve during the term of 38923  
office to which they were elected. 38924

The committee, subject to the oversight and direction of the 38925  
legislative service commission, shall direct the work of the 38926  
legislative office of education oversight, which is hereby 38927  
~~established~~ re-established. The committee may employ a staff 38928  
director and such other staff as are necessary for the operation 38929  
of the office, who shall be in the unclassified service of the 38930  
state, and may contract for the services of whatever technical 38931  
advisors are necessary for the committee and the office to carry 38932  
out their duties. 38933

The chairperson and vice-chairperson of the legislative 38934  
service commission shall fix the compensation of the director. The 38935  
director, with the approval of the director of the legislative 38936  
service commission, shall fix the compensation of other staff of 38937  
the office in accordance with a salary schedule established by the 38938  
director of the legislative service commission. Contracts for the 38939  
services of necessary technical advisors shall be approved by the 38940  
director of the legislative service commission. 38941

All expenses incurred by the committee or office shall be 38942  
paid upon vouchers approved by the chairperson of the committee. 38943  
The committee shall adopt rules for the conduct of its business 38944  
and the election of officers, except that the office of 38945  
chairperson of the committee shall alternate each general assembly 38946  
between a member of the house of representatives selected by the 38947  
speaker and a member of the senate selected by the president. 38948

The committee shall select, for the office to review and 38949  
evaluate, education and school-related programs that receive state 38950  
financial assistance in any form. The reviews and evaluations may 38951  
include any of the following: 38952

(A) Assessment of the uses school districts and institutions of higher education make of state money they receive and determination of the extent to which such money improves school district or institutional performance in the areas for which the money was intended to be used;

(B) Determination of whether an education program meets its intended goals, has adequate operating or administrative procedures and fiscal controls, encompasses only authorized activities, has any undesirable or unintended effects, and is efficiently managed;

(C) Examination of various pilot programs developed and initiated in school districts and at state-assisted colleges and universities to determine whether such programs suggest innovative, effective ways to deal with problems that may exist in other school districts or state-assisted colleges or universities, and to assess the fiscal costs and likely impact of adopting such programs throughout the state or in other state-assisted colleges and universities.

The committee shall report the results of each program review the office conducts to the general assembly.

If the general assembly directs the legislative office of education oversight to submit a study to the general assembly by a particular date, the committee, upon a majority vote of its members, may modify the scope and due date of the study to accommodate the availability of data and resources.

Sec. 3301.80. The office of school resource management is hereby established within the department of education. The office shall assist school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code in improving the efficiency of their educational and operational systems by using

data and best practices to redirect resources to classroom 38984  
practices that research has shown to contribute to student 38985  
academic success. 38986

The office shall do all of the following: 38987

(A) In consultation with the auditor of state and the 38988  
director of budget and management, determine the fiscal data to be 38989  
included on the funding and expenditure accountability reports 38990  
required under division (C) of section 3302.031 of the Revised 38991  
Code. The office may consult with fiscal officers of school 38992  
districts and public schools and may use data collected from the 38993  
department's work with school districts on resource allocation, 38994  
conducted pursuant to Section 269.10.60 of Am. Sub. H.B. 119 of 38995  
the 127th general assembly, in making its determination. 38996

(B) Collaborate with the auditor of state to establish the 38997  
metrics for the performance reviews conducted under section 38998  
3306.32 of the Revised Code and to periodically publish best 38999  
practices for improved operational efficiency, as identified in 39000  
the performance reviews; 39001

(C) Ensure that school districts, community schools, and STEM 39002  
schools act in a timely manner to develop plans for implementation 39003  
of the recommendations made in the performance reviews conducted 39004  
under section 3306.32 of the Revised Code; 39005

(D) Provide staff assistance to the Ohio school funding 39006  
research advisory council; 39007

(E) Conduct assessments and evaluations as directed by the 39008  
superintendent of public instruction. 39009

**Sec. 3301.81.** The office of urban and rural student success 39010  
is hereby created within the department of education. The office 39011  
shall do all of the following: 39012

<u>(A) Develop system redesign and improvement strategies for</u>	39013
<u>urban and rural school districts;</u>	39014
<u>(B) Provide school districts with recommendations and</u>	39015
<u>strategies to improve the academic success of students from</u>	39016
<u>economically disadvantaged areas;</u>	39017
<u>(C) Provide school districts with recommendations and</u>	39018
<u>strategies to address nonacademic barriers, including social,</u>	39019
<u>emotional, physical, and psychological barriers, facing students</u>	39020
<u>from economically disadvantaged areas;</u>	39021
<u>(D) Work with the university system of Ohio institutions,</u>	39022
<u>private institutions of higher education, and national and</u>	39023
<u>international experts when implementing its duties under divisions</u>	39024
<u>(A) to (C) of this section;</u>	39025
<u>(E) Provide other assistance and support to meet the unique</u>	39026
<u>needs of urban and rural school districts, as directed by the</u>	39027
<u>superintendent of public instruction.</u>	39028
<b><u>Sec. 3301.82. (A) The center for creativity and innovation is</u></b>	39029
<b><u>hereby created in the department of education. The center shall</u></b>	39030
<b><u>assist schools in city, exempted village, local, and joint</u></b>	39031
<b><u>vocational school districts, educational service centers,</u></b>	39032
<b><u>community schools established under Chapter 3314. of the Revised</u></b>	39033
<b><u>Code, and STEM schools established under Chapter 3326. of the</u></b>	39034
<b><u>Revised Code in any of the following:</u></b>	39035
<u>(1) The design and implementation of strategies and systems</u>	39036
<u>that enable schools to become professional learning communities,</u>	39037
<u>including the following:</u>	39038
<u>(a) Mentoring and coaching teachers and support staff;</u>	39039
<u>(b) Enabling school principals to focus on supporting</u>	39040
<u>instruction and engaging teachers and support staff as part of the</u>	39041
<u>instructional leadership team so that teachers and staff may share</u>	39042

<u>the responsibility for making and implementing school decisions;</u>	39043
<u>(c) Adopting new models for restructuring the learning day or</u>	39044
<u>year, such as including teacher planning and collaboration time as</u>	39045
<u>part of the school day;</u>	39046
<u>(d) Creating smaller schools or smaller units within larger</u>	39047
<u>schools to facilitate teacher collaboration to improve and advance</u>	39048
<u>the professional practice of teaching and to enhance instruction</u>	39049
<u>that yields enhanced student achievement.</u>	39050
<u>(2) The use of strategies in collaboration with the teach</u>	39051
<u>Ohio program to promote, recruit, and enhance the teaching</u>	39052
<u>profession, including:</u>	39053
<u>(a) The design and implementation of "grow your own"</u>	39054
<u>recruitment and retention strategies that are designed to support</u>	39055
<u>individuals in becoming licensed teachers, to retain highly</u>	39056
<u>qualified teachers, to assist experienced teachers in obtaining</u>	39057
<u>licensure in subject areas for which there is need, to assist</u>	39058
<u>teachers in obtaining senior professional educator and lead</u>	39059
<u>professional educator licenses, and to assist teachers to grow and</u>	39060
<u>develop in the profession;</u>	39061
<u>(b) Enhanced conditions for new teachers;</u>	39062
<u>(c) Incentives to attract qualified mathematics, science, or</u>	39063
<u>special education teachers;</u>	39064
<u>(d) The development and implementation of a partnership with</u>	39065
<u>teacher preparation programs at colleges and universities to help</u>	39066
<u>attract teachers qualified to teach in shortage areas;</u>	39067
<u>(e) The implementation of a program to increase the cultural</u>	39068
<u>competency of both new and veteran teachers.</u>	39069
<u>(3) Identifying statutes, rules, and regulations that impede</u>	39070
<u>the adoption of innovative practices and make recommendations to</u>	39071
<u>the superintendent of public instruction for the repeal,</u>	39072

<u>rescission, revision, or waiver of those provisions;</u>	39073
<u>(4) Identifying promising programs and practices based on high quality education research and developing models for their early adoption, including research and practices in arts education and creativity;</u>	39074
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<u>(5) Other duties as assigned by the superintendent of public instruction.</u>	39078
	39079
<u>(B) The center shall provide staff assistance to the Ohio school funding research advisory council.</u>	39080
	39081
<u>(C) The center shall promote collaboration between school districts and community schools established under Chapter 3314. of the Revised Code to enhance the academic programs of both and to broaden the application of successful and innovative academic practices developed by community schools. In doing so, the center shall work with the office of community schools to do the following:</u>	39082
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<u>(1) Study, gather information concerning, and serve as a clearinghouse of best practices and innovative programming developed and utilized by community schools that could be adopted by school districts;</u>	39089
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<u>(2) Identify circumstances in which students could benefit from collaboration between the complementary programs of school districts and community schools.</u>	39093
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	39095
<u>(D) The department may accept, receive, and expend gifts, devises, or bequests of money, lands, or other properties for the center for creativity and innovation. The state board of education may adopt rules for the purpose of enabling the center to carry out the conditions and limitations upon which a bequest, gift, or endowment is made.</u>	39096
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<u>Sec. 3301.83. (A) The department of education shall conduct</u>	39102



an on-site visit of each school operated by a school district at 39103  
least every five years to evaluate the school's operations. During 39104  
each visit, the department shall do all of the following: 39105

(1) Determine if the school has complied with the operating 39106  
standards prescribed by the state board of education under 39107  
division (D)(3) of section 3301.07 of the Revised Code; 39108

(2) Determine if the school has complied with all laws 39109  
regarding academic and fiscal accountability and with all other 39110  
applicable laws and administrative rules; 39111

(3) Review the school's progress in implementing a continuous 39112  
improvement plan developed under division (B) of section 3302.04 39113  
of the Revised Code, if applicable. 39114

(B) Each on-site visit conducted under this section shall 39115  
include school tours, classroom observations, and interviews with 39116  
administrators, teachers, other school staff, parents, community 39117  
members, or students. 39118

(C) Each school shall provide any data, documents, or other 39119  
materials the department considers necessary to enable it to 39120  
conduct a thorough on-site visit. 39121

(D) Upon completion of each on-site visit, the department 39122  
shall issue a written report summarizing its findings. The 39123  
department shall provide a copy of the report to the district 39124  
board of education. The district board may submit factual 39125  
corrections to the department by a deadline established by the 39126  
department. Upon receipt of any factual corrections, the 39127  
department shall revise the report and issue a final version. The 39128  
department shall post the final version of the report on its web 39129  
site. The district board also shall post the final version on the 39130  
district's web site, if the district maintains a web site. 39131

(E) Any on-site visit required by this section may be 39132

conducted in conjunction with a site evaluation required under 39133  
division (D) of section 3302.04 of the Revised Code. 39134

(F) The state board of education shall adopt rules to 39135  
implement this section. 39136

**Sec. 3301.90.** The governor shall create the early childhood 39137  
advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 39138  
shall appoint one of its members to serve as chairperson of the 39139  
council. The council shall serve as the state advisory council on 39140  
early childhood education and care, as described in 42 U.S.C. 39141  
9837b(b)(1). In addition to the duties specified in 42 U.S.C. 39142  
9837b(b)(1), the council shall advise the state regarding the 39143  
creation and duties of the center for early childhood development. 39144  
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**Sec. 3302.01.** As used in this chapter: 39146

(A) "Performance index score" means the average of the totals 39147  
derived from calculations for each subject area of ~~reading,~~ 39148  
~~writing~~ English language arts, mathematics, science, and social 39149  
studies of the weighted proportion of untested students and 39150  
students scoring at each level of skill described in division 39151  
(A)(2) of section 3301.0710 of the Revised Code on the ~~tests~~ 39152  
assessments prescribed by divisions (A) and (B)(1) of that 39153  
section. The department of education shall assign weights such 39154  
that students who do not take ~~a test~~ an assessment receive a 39155  
weight of zero and students who take ~~a test~~ an assessment receive 39156  
progressively larger weights dependent upon the level of skill 39157  
attained on the ~~test~~ assessment. The department shall also 39158  
determine the performance index score a school district or 39159  
building needs to achieve for the purpose of the performance 39160  
ratings assigned pursuant to section 3302.03 of the Revised Code. 39161

Students shall be included in the "performance index score" 39162

in accordance with division (D)(2) of section 3302.03 of the Revised Code. 39163  
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(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following: 39165  
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(1) Major racial and ethnic groups; 39168

(2) Students with disabilities; 39169

(3) Economically disadvantaged students; 39170

(4) Limited English proficient students. 39171

(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education. 39172  
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(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001." 39178  
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(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001." 39181  
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(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement ~~tests~~ assessments prescribed by section 3301.0710 of the Revised Code. 39186  
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Sec. 3302.02. The Not later than one year after the adoption 39192  
of rules under division (E) of section 3301.0712 of the Revised 39193  
Code and at least every sixth year thereafter, upon 39194  
recommendations of the superintendent of public instruction, the 39195  
state board of education ~~annually through 2007, and every six~~ 39196  
~~years thereafter,~~ shall establish ~~at least seventeen~~ performance 39197  
indicators for the report cards required by division (C) of 39198  
section 3302.03 of the Revised Code. In establishing these 39199  
indicators, the ~~state board~~ superintendent shall consider 39200  
inclusion of student performance on ~~any tests given~~ assessments 39201  
prescribed under section 3301.0710 or 3301.0712 of the Revised 39202  
Code, rates of student improvement on such tests, student 39203  
attendance, the breadth of coursework available within the 39204  
district, and other indicators of student success. ~~The state board~~ 39205  
Not later than December 31, 2011, the state board, upon 39206  
recommendation of the superintendent, shall establish a 39207  
performance indicator reflecting the level of services provided 39208  
to, and the performance of, students identified as gifted under 39209  
Chapter 3324. of the Revised Code. 39210

The superintendent shall inform the Ohio accountability task 39211  
force established under section 3302.021 of the Revised Code of 39212  
the performance indicators ~~it~~ the superintendent establishes under 39213  
this section and the rationale for choosing each indicator and for 39214  
determining how a school district or building meets that 39215  
indicator. 39216

The ~~state board~~ superintendent shall not establish any 39217  
performance indicator for passage of the third or fourth grade 39218  
~~reading test~~ English language arts assessment that is solely based 39219  
on the ~~test~~ assessment given in the fall for the purpose of 39220  
determining whether students have met the reading guarantee 39221  
provisions of section 3313.608 of the Revised Code. 39222

**Sec. 3302.021.** (A) Not earlier than July 1, 2005, and not 39223  
later than July 1, 2007, the department of education shall 39224  
implement a value-added progress dimension for school districts 39225  
and buildings and shall incorporate the value-added progress 39226  
dimension into the report cards and performance ratings issued for 39227  
districts and buildings under section 3302.03 of the Revised Code. 39228

The state board of education shall adopt rules, pursuant to 39229  
Chapter 119. of the Revised Code, for the implementation of the 39230  
value-added progress dimension. In adopting rules, the state board 39231  
shall consult with the Ohio accountability task force established 39232  
under division ~~(D)~~(E) of this section. The rules adopted under 39233  
this division shall specify both of the following: 39234

(1) A scale for describing the levels of academic progress in 39235  
reading and mathematics relative to a standard year of academic 39236  
growth in those subjects for each of grades three through eight; 39237

(2) That the department shall maintain the confidentiality of 39238  
individual student test scores and individual student reports in 39239  
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 39240  
Revised Code and federal law. The department may require school 39241  
districts to use a unique identifier for each student for this 39242  
purpose. Individual student test scores and individual student 39243  
reports shall be made available only to a student's classroom 39244  
teacher and other appropriate educational personnel and to the 39245  
student's parent or guardian. 39246

(B) The department shall use a system designed for collecting 39247  
necessary data, calculating the value-added progress dimension, 39248  
analyzing data, and generating reports, which system has been used 39249  
previously by a non-profit organization led by the Ohio business 39250  
community for at least one year in the operation of a pilot 39251  
program in cooperation with school districts to collect and report 39252  
student achievement data via electronic means and to provide 39253

information to the districts regarding the academic performance of 39254  
individual students, grade levels, school buildings, and the 39255  
districts as a whole. 39256

(C) The department shall not pay more than two dollars per 39257  
student for data analysis and reporting to implement the 39258  
value-added progress dimension in the same manner and with the 39259  
same services as under the pilot program described by division (B) 39260  
of this section. However, nothing in this section shall preclude 39261  
the department or any school district from entering into a 39262  
contract for the provision of more services at a higher fee per 39263  
student. Any data analysis conducted under this section by an 39264  
entity under contract with the department shall be completed in 39265  
accordance with timelines established by the superintendent of 39266  
public instruction. 39267

(D) The department shall share any aggregate student data and 39268  
any calculation, analysis, or report utilizing aggregate student 39269  
data that is generated under this section with the chancellor of 39270  
the Ohio board of regents. The department shall not share 39271  
individual student test scores and individual student reports with 39272  
the chancellor. 39273

(E)(1) There is hereby established the Ohio accountability 39274  
task force. The task force shall consist of the following thirteen 39275  
members: 39276

(a) The chairpersons and ranking minority members of the 39277  
house of representatives and senate standing committees primarily 39278  
responsible for education legislation, who shall be nonvoting 39279  
members; 39280

(b) One representative of the governor's office, appointed by 39281  
the governor; 39282

(c) The superintendent of public instruction, or the 39283  
superintendent's designee; 39284

(d) One representative of teacher employee organizations	39285
formed pursuant to Chapter 4117. of the Revised Code, appointed by	39286
the speaker of the house of representatives;	39287
(e) One representative of school district boards of	39288
education, appointed by the president of the senate;	39289
(f) One school district superintendent, appointed by the	39290
speaker of the house of representatives;	39291
(g) One representative of business, appointed by the	39292
president of the senate;	39293
(h) One representative of a non-profit organization led by	39294
the Ohio business community, appointed by the governor;	39295
(i) One school building principal, appointed by the president	39296
of the senate;	39297
(j) A member of the state board of education, appointed by	39298
the speaker of the house of representatives.	39299
Initial appointed members of the task force shall serve until	39300
January 1, 2005. Thereafter, terms of office for appointed members	39301
shall be for two years, each term ending on the same day of the	39302
same month as did the term that it succeeds. Each appointed member	39303
shall hold office from the date of appointment until the end of	39304
the term for which the member was appointed. Members may be	39305
reappointed. Vacancies shall be filled in the same manner as the	39306
original appointment. Any member appointed to fill a vacancy	39307
occurring prior to the expiration of the term for which the	39308
member's predecessor was appointed shall hold office for the	39309
remainder of that term.	39310
The task force shall select from among its members a	39311
chairperson. The task force shall meet at least six times each	39312
calendar year and at other times upon the call of the chairperson	39313
to conduct its business. Members of the task force shall serve	39314

without compensation. 39315

(2) The task force shall do all of the following: 39316

(a) Examine the implementation of the value-added progress 39317  
dimension by the department, including the system described in 39318  
division (B) of this section, the reporting of performance data to 39319  
school districts and buildings, and the provision of professional 39320  
development on the interpretation of the data to classroom 39321  
teachers and administrators; 39322

(b) Periodically review any fees for data analysis and 39323  
reporting paid by the department pursuant to division (C) of this 39324  
section and determine if the fees are appropriate based upon the 39325  
level of services provided; 39326

(c) Periodically report to the department and the state board 39327  
on all issues related to the school district and building 39328  
accountability system established under this chapter; 39329

(d) Not later than seven years after its initial meeting, 39330  
make recommendations to improve the school district and building 39331  
accountability system established under this chapter. The task 39332  
force shall adopt recommendations by a majority vote of its 39333  
members. Copies of the recommendations shall be provided to the 39334  
state board, the governor, the speaker of the house of 39335  
representatives, and the president of the senate. 39336

(e) Determine starting dates for the implementation of the 39337  
value-added progress dimension and its incorporation into school 39338  
district and building report cards and performance ratings. 39339

**Sec. 3302.03.** (A) Annually the department of education shall 39340  
report for each school district and each school building in a 39341  
district all of the following: 39342

(1) The extent to which the school district or building meets 39343  
each of the applicable performance indicators created by the state 39344



board of education under section 3302.02 of the Revised Code and	39345
the number of applicable performance indicators that have been	39346
achieved;	39347
(2) The performance index score of the school district or	39348
building;	39349
(3) Whether the school district or building has made adequate	39350
yearly progress;	39351
(4) Whether the school district or building is excellent,	39352
effective, needs continuous improvement, is under an academic	39353
watch, or is in a state of academic emergency.	39354
(B) Except as otherwise provided in divisions (B)(6) and (7)	39355
of this section:	39356
(1) A school district or building shall be declared excellent	39357
if it fulfills one of the following requirements:	39358
(a) It makes adequate yearly progress and either meets at	39359
least ninety-four per cent of the applicable state performance	39360
indicators or has a performance index score established by the	39361
department.	39362
(b) It has failed to make adequate yearly progress for not	39363
more than two consecutive years and either meets at least	39364
ninety-four per cent of the applicable state performance	39365
indicators or has a performance index score established by the	39366
department.	39367
(2) A school district or building shall be declared effective	39368
if it fulfills one of the following requirements:	39369
(a) It makes adequate yearly progress and either meets at	39370
least seventy-five per cent but less than ninety-four per cent of	39371
the applicable state performance indicators or has a performance	39372
index score established by the department.	39373
(b) It does not make adequate yearly progress and either	39374

meets at least seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for three consecutive years, it shall be declared in need of continuous improvement.

(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following requirements:

(a) It makes adequate yearly progress, meets less than seventy-five per cent of the applicable state performance indicators, and has a performance index score established by the department.

(b) It does not make adequate yearly progress and either meets at least fifty per cent but less than seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department.

(4) A school district or building shall be declared to be under an academic watch if it does not make adequate yearly progress and either meets at least thirty-one per cent but less than fifty per cent of the applicable state performance indicators or has a performance index score established by the department.

(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department.

(6) When designating performance ratings for school districts and buildings under divisions (B)(1) to (5) of this section, the department shall not assign a school district or building a lower designation from its previous year's designation based solely on one subgroup not making adequate yearly progress.

(7) Division (B)(7) of this section does not apply to any 39406  
community school established under Chapter 3314. of the Revised 39407  
Code in which a majority of the students are enrolled in a dropout 39408  
prevention and recovery program. 39409

A school district or building shall not be assigned a higher 39410  
performance rating than in need of continuous improvement if at 39411  
least ten per cent but not more than fifteen per cent of the 39412  
enrolled students do not take all achievement ~~tests~~ assessments 39413  
prescribed for their grade level under division (A)(1) or (B)(1) 39414  
of section 3301.0710 of the Revised Code from which they are not 39415  
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 39416  
the Revised Code. A school district or building shall not be 39417  
assigned a higher performance rating than under an academic watch 39418  
if more than fifteen per cent but not more than twenty per cent of 39419  
the enrolled students do not take all achievement ~~tests~~ 39420  
assessments prescribed for their grade level under division (A)(1) 39421  
or (B)(1) of section 3301.0710 of the Revised Code from which they 39422  
are not excused pursuant to division (C)(1) or (3) of section 39423  
3301.0711 of the Revised Code. A school district or building shall 39424  
not be assigned a higher performance rating than in a state of 39425  
academic emergency if more than twenty per cent of the enrolled 39426  
students do not take all achievement ~~tests~~ assessments prescribed 39427  
for their grade level under division (A)(1) or (B)(1) of section 39428  
3301.0710 of the Revised Code from which they are not excused 39429  
pursuant to division (C)(1) or (3) of section 3301.0711 of the 39430  
Revised Code. 39431

(C)(1) The department shall issue annual report cards for 39432  
each school district, each building within each district, and for 39433  
the state as a whole reflecting performance on the indicators 39434  
created by the state board under section 3302.02 of the Revised 39435  
Code, the performance index score, and adequate yearly progress. 39436

(2) The department shall include on the report card for each 39437

district information pertaining to any change from the previous	39438
year made by the school district or school buildings within the	39439
district on any performance indicator.	39440
(3) When reporting data on student performance, the	39441
department shall disaggregate that data according to the following	39442
categories:	39443
(a) Performance of students by age group;	39444
(b) Performance of students by race and ethnic group;	39445
(c) Performance of students by gender;	39446
(d) Performance of students grouped by those who have been	39447
enrolled in a district or school for three or more years;	39448
(e) Performance of students grouped by those who have been	39449
enrolled in a district or school for more than one year and less	39450
than three years;	39451
(f) Performance of students grouped by those who have been	39452
enrolled in a district or school for one year or less;	39453
(g) Performance of students grouped by those who are	39454
economically disadvantaged;	39455
(h) Performance of students grouped by those who are enrolled	39456
in a conversion community school established under Chapter 3314.	39457
of the Revised Code;	39458
(i) Performance of students grouped by those who are	39459
classified as limited English proficient;	39460
(j) Performance of students grouped by those who have	39461
disabilities;	39462
(k) Performance of students grouped by those who are	39463
classified as migrants;	39464
(l) Performance of students grouped by those who are	39465
identified as gifted pursuant to Chapter 3324. of the Revised	39466

Code. 39467

The department may disaggregate data on student performance 39468  
according to other categories that the department determines are 39469  
appropriate. To the extent possible, the department shall 39470  
disaggregate data on student performance according to any 39471  
combinations of two or more of the categories listed in divisions 39472  
(C)(3)(a) to (1) of this section that it deems relevant. 39473

In reporting data pursuant to division (C)(3) of this 39474  
section, the department shall not include in the report cards any 39475  
data statistical in nature that is statistically unreliable or 39476  
that could result in the identification of individual students. 39477  
For this purpose, the department shall not report student 39478  
performance data for any group identified in division (C)(3) of 39479  
this section that contains less than ten students. 39480

(4) The department may include with the report cards any 39481  
additional education and fiscal performance data it deems 39482  
valuable. 39483

(5) The department shall include on each report card a list 39484  
of additional information collected by the department that is 39485  
available regarding the district or building for which the report 39486  
card is issued. When available, such additional information shall 39487  
include student mobility data disaggregated by race and 39488  
socioeconomic status, college enrollment data, and the reports 39489  
prepared under section 3302.031 of the Revised Code. 39490

The department shall maintain a site on the world wide web. 39491  
The report card shall include the address of the site and shall 39492  
specify that such additional information is available to the 39493  
public at that site. The department shall also provide a copy of 39494  
each item on the list to the superintendent of each school 39495  
district. The district superintendent shall provide a copy of any 39496  
item on the list to anyone who requests it. 39497

(6)(a) This division does not apply to conversion community schools that primarily enroll students between sixteen and twenty-two years of age who dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions.

For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the report card issued for the district.

(b) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(7) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the "No Child Left Behind Act of 2001," and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(8) The department shall include on the report card the number of ~~master~~ lead teachers employed by each district and each building once the data is available from the education management information system established under section 3301.0714 of the Revised Code.

(D)(1) In calculating ~~reading, writing~~ English language arts, 39530  
mathematics, social studies, or science ~~proficiency or achievement~~ 39531  
~~test~~ assessment passage rates used to determine school district or 39532  
building performance under this section, the department shall 39533  
include all students taking ~~a test~~ an assessment with 39534  
accommodation or to whom an alternate assessment is administered 39535  
pursuant to division (C)(1) or (3) of section 3301.0711 of the 39536  
Revised Code. 39537

(2) In calculating performance index scores, rates of 39538  
achievement on the performance indicators established by the state 39539  
board under section 3302.02 of the Revised Code, and adequate 39540  
yearly progress for school districts and buildings under this 39541  
section, the department shall do all of the following: 39542

(a) Include for each district or building only those students 39543  
who are included in the ADM certified for the first full school 39544  
week of October and are continuously enrolled in the district or 39545  
building through the time of the spring administration of any ~~test~~ 39546  
assessment prescribed by division (A)(1) or (B)(1) of section 39547  
3301.0710 of the Revised Code that is administered to the 39548  
student's grade level; 39549

(b) Include cumulative totals from both the fall and spring 39550  
administrations of the third grade reading achievement test; 39551

(c) Except as required by the "No Child Left Behind Act of 39552  
2001" for the calculation of adequate yearly progress, exclude for 39553  
each district or building any limited English proficient student 39554  
who has been enrolled in United States schools for less than one 39555  
full school year. 39556

**Sec. 3302.031. (A) As used in this section:** 39557

(1) "Community school" means a community school established 39558  
under Chapter 3314. of the Revised Code. 39559

(2) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 39560  
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(B) In addition to the report cards required under section 3302.03 of the Revised Code, the department of education shall annually prepare the following reports for each school district and described in this section. The department shall make a copy of each report available to the superintendent of each district: 39563  
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(A) A public, school districts, community schools, and STEM schools on the department's web site. 39568  
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(C) The department shall prepare a funding and expenditure accountability report which shall consist of for each school district, community school, and STEM school. The report shall specify the amount of state aid payments for the fiscal year the school district, community school, or STEM school will receive during the fiscal year under Chapter Chapters 3306. and 3317. of the Revised Code and. The report shall include any other fiscal data the department office of school resource management established under section 3301.80 of the Revised Code determines is necessary to inform the public about the financial status of the district: 39570  
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(B) or school. 39581

(D) The department shall prepare the following reports for each school district: 39582  
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(1) A school safety and discipline report which shall consist of statistical information regarding student safety and discipline in each school building, including the number of suspensions and expulsions disaggregated according to race and gender; 39584  
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(C)(2) A student equity report which shall consist of at least a description of the status of teacher qualifications, library and media resources, textbooks, classroom materials and 39588  
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supplies, and technology resources for each district. To the 39591  
extent possible, the information included in the report required 39592  
under this division shall be disaggregated according to grade 39593  
level, race, gender, disability, and scores attained on ~~tests~~ 39594  
assessments required under section 3301.0710 of the Revised Code. 39595

~~(D)~~(3) A school enrollment report which shall consist of 39596  
information about the composition of classes within each district 39597  
by grade and subject disaggregated according to race, gender, and 39598  
scores attained on ~~tests~~ assessments required under section 39599  
3301.0710 of the Revised Code; 39600

~~(E)~~(4) A student retention report which shall consist of the 39601  
number of students retained in their respective grade levels in 39602  
the district disaggregated by grade level, subject area, race, 39603  
gender, and disability; 39604

~~(F)~~(5) A school district performance report which shall 39605  
describe for the district and each building within the district 39606  
the extent to which the district or building meets each of the 39607  
applicable performance indicators established under section 39608  
3302.02 of the Revised Code, the number of performance indicators 39609  
that have been achieved, and the performance index score. In 39610  
calculating the rates of achievement on the performance indicators 39611  
and the performance index scores for each report, the department 39612  
shall exclude all students with disabilities. 39613

**Sec. 3302.05.** The state board of education shall adopt rules 39614  
freeing school districts declared to be excellent under division 39615  
(B)(1) or effective under division (B)(2) of section 3302.03 of 39616  
the Revised Code from specified state mandates. Any mandates 39617  
included in the rules shall be only those statutes or rules 39618  
pertaining to state education requirements. The rules shall not 39619  
exempt districts from any standard or requirement of Chapter 3306. 39620  
or from any operating standard adopted under division (D)(3) of 39621

section 3301.07 of the Revised Code. 39622

**Sec. 3302.07.** (A) The board of education of any school 39623  
district, the governing board of any educational service center, 39624  
or the administrative authority of any chartered nonpublic school 39625  
may submit to the state board of education an application 39626  
proposing an innovative education pilot program the implementation 39627  
of which requires exemptions from specific statutory provisions or 39628  
rules. If a district or service center board employs teachers 39629  
under a collective bargaining agreement adopted pursuant to 39630  
Chapter 4117. of the Revised Code, any application submitted under 39631  
this division shall include the written consent of the teachers' 39632  
employee representative designated under division (B) of section 39633  
4117.04 of the Revised Code. The exemptions requested in the 39634  
application shall be limited to any requirement of Title XXXVIII of 39635  
the Revised Code or of any rule of the state board adopted 39636  
pursuant to that title except that the application may not propose 39637  
an exemption from any requirement of or rule adopted pursuant to 39638  
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 39639  
3323. of the Revised Code. Furthermore, an exemption from any 39640  
standard or requirement of Chapter 3306. or from any operating 39641  
standard adopted under division (D)(3) of section 3301.07 of the 39642  
Revised Code shall be granted only pursuant to a waiver granted by 39643  
the superintendent of public instruction under section 3306.40 of 39644  
the Revised Code. 39645

(B) The state board of education shall accept any application 39646  
submitted in accordance with division (A) of this section. The 39647  
superintendent of public instruction shall approve or disapprove 39648  
the application in accordance with standards for approval, which 39649  
shall be adopted by the state board. 39650

(C) The superintendent of public instruction shall exempt 39651  
each district or service center board or chartered nonpublic 39652

school administrative authority with an application approved under 39653  
division (B) of this section for a specified period from the 39654  
statutory provisions or rules specified in the approved 39655  
application. The period of exemption shall not exceed the period 39656  
during which the pilot program proposed in the application is 39657  
being implemented and a reasonable period to allow for evaluation 39658  
of the effectiveness of the program. 39659

**Sec. 3304.231.** There is hereby created a brain injury 39660  
advisory committee, which shall advise the administrator of the 39661  
rehabilitation services commission and the brain injury program 39662  
with regard to unmet needs of survivors of brain injury, 39663  
development of programs for survivors and their families, 39664  
establishment of training programs for health care professionals, 39665  
and any other matter within the province of the brain injury 39666  
program. The committee shall consist of not ~~less~~ fewer than 39667  
~~eighteen~~ twenty and not more than ~~twenty-one~~ twenty-two members as 39668  
follows: 39669

(A) Not ~~less~~ fewer than ten and not more than twelve members 39670  
appointed by the administrator of the rehabilitation services 39671  
commission, including all of the following: a survivor of brain 39672  
injury, a relative of a survivor of brain injury, a licensed 39673  
physician recommended by the Ohio chapter of the American college 39674  
of emergency physicians, a licensed physician recommended by the 39675  
Ohio state medical association, one other health care 39676  
professional, a rehabilitation professional, an individual who 39677  
represents the brain injury association of Ohio, and not ~~less~~ 39678  
fewer than three nor more than five individuals who shall 39679  
represent the public; 39680

(B) The directors of the departments of health, alcohol and 39681  
drug addiction services, mental retardation and developmental 39682  
disabilities, mental health, job and family services, aging, and 39683

highway public safety; the administrator of workers' compensation; 39684  
the superintendent of public instruction; and the administrator of 39685  
the rehabilitation services commission. Any of the officials 39686  
specified in this division may designate an individual to serve in 39687  
the official's place as a member of the committee. 39688

~~The director of health shall make initial appointments to the 39689  
committee by November 1, 1990. Appointments made after July 26, 39690  
1991, shall be made by the administrator of the rehabilitation 39691  
services commission. Terms of office of the appointed members 39692  
shall be two years. Members may be reappointed. Vacancies shall be 39693  
filled in the manner provided for original appointments. Any 39694  
member appointed to fill a vacancy occurring prior to the 39695  
expiration date of the term for which the member's predecessor was 39696  
appointed shall hold office as a member for the remainder of that 39697  
term. 39698~~

Members of the committee shall serve without compensation, 39699  
but shall be reimbursed for actual and necessary expenses incurred 39700  
in the performance of their duties. 39701

Sec. 3306.01. This chapter shall be administered by the state 39702  
board of education. The superintendent of public instruction shall 39703  
calculate the amounts payable to each school district and shall 39704  
certify the amounts payable to each eligible district to the 39705  
treasurer of the district as determined under this chapter. As 39706  
soon as possible after such amounts are calculated, the 39707  
superintendent shall certify to the treasurer of each school 39708  
district the district's adjusted charge-off increase, as defined 39709  
in section 5705.211 of the Revised Code. No moneys shall be 39710  
distributed pursuant to this chapter without the approval of the 39711  
controlling board. 39712

The state board of education shall, in accordance with 39713  
appropriations made by the general assembly, meet the financial 39714

obligations of this chapter. 39715

Annually, the department of education shall calculate and 39716  
report to each school district the district's adequacy amount 39717  
utilizing the calculations in sections 3306.03 and 3306.13 of the 39718  
Revised Code. The department shall calculate and report separately 39719  
for each school district the district's total state and local 39720  
funds for its students with disabilities, utilizing the 39721  
calculations in sections 3306.05, 3306.11, and 3306.13 of the 39722  
Revised Code. The department shall calculate and report separately 39723  
for each school district the amount of funding calculated for each 39724  
factor of the district's adequacy amount. 39725

Not later than the thirty-first day of August of each fiscal 39726  
year, the department of education shall provide to each school 39727  
district a preliminary estimate of the amount of funding that the 39728  
department calculates the district will receive under section 39729  
3306.13 of the Revised Code. Not later than the first day of 39730  
December of each fiscal year, the department shall update that 39731  
preliminary estimate. 39732

Moneys distributed pursuant to this chapter shall be 39733  
calculated and paid on a fiscal year basis, beginning with the 39734  
first day of July and extending through the thirtieth day of June. 39735  
Unless otherwise provided, the moneys appropriated for each fiscal 39736  
year shall be distributed at least monthly to each school 39737  
district. The state board shall submit a yearly distribution plan 39738  
to the controlling board at its first meeting in July. The state 39739  
board shall submit any proposed midyear revision of the plan to 39740  
the controlling board in January. Any year-end revision of the 39741  
plan shall be submitted to the controlling board in June. If 39742  
moneys appropriated for each fiscal year are distributed other 39743  
than monthly, such distribution shall be on the same basis for 39744  
each school district. 39745

The total amounts paid each month shall constitute, as nearly 39746

as possible, one-twelfth of the total amount payable for the 39747  
entire year. 39748

Payments shall be calculated to reflect the reporting of 39749  
formula ADM. Annualized periodic payments for each school district 39750  
shall be based on the district's final student counts verified by 39751  
the superintendent of public instruction based on reports under 39752  
section 3317.03 of the Revised Code, as adjusted, if so ordered, 39753  
under division (K) of that section. 39754

(A) Except as otherwise provided, payments under this chapter 39755  
shall be made only to those school districts that comply with 39756  
divisions (A)(1) to (3) of this section. 39757

(1) Each city, exempted village, and local school district 39758  
shall levy for current operating expenses at least twenty mills. 39759  
Levies for joint vocational or cooperative education school 39760  
districts or county school financing districts, limited to or to 39761  
the extent apportioned to current expenses, shall be included in 39762  
this qualification requirement. School district income tax levies 39763  
under Chapter 5748. of the Revised Code, limited to or to the 39764  
extent apportioned to current operating expenses, shall be 39765  
included in this qualification requirement to the extent 39766  
determined by the tax commissioner under division (D) of section 39767  
3317.021 of the Revised Code. 39768

(2) Each city, exempted village, local, and joint vocational 39769  
school district, during the school learning year next preceding 39770  
the fiscal year for which payments are calculated under this 39771  
chapter, shall meet the requirement of section 3313.48 or 3313.481 39772  
of the Revised Code, with regard to the minimum number of days or 39773  
hours school must be open for instruction with pupils in 39774  
attendance, for individualized parent-teacher conference and 39775  
reporting periods, and for professional meetings of teachers. The 39776  
superintendent of public instruction shall waive a number of days 39777  
on which it had been necessary for a school to be closed because 39778

of disease epidemic, hazardous weather conditions, inoperability 39779  
of school buses or other equipment necessary to the school's 39780  
operation, damage to a school building, or other temporary 39781  
circumstances due to utility failure rendering the school building 39782  
unfit for school use, as follows: 39783

(a) In determining eligibility for payments under this 39784  
chapter for fiscal year 2010, up to five days for the 2008-2009 39785  
learning year; 39786

(b) In determining eligibility for payments under this 39787  
chapter for fiscal year 2011, up to three days for the 2009-2010 39788  
learning year; 39789

(c) In determining eligibility for payments under this 39790  
chapter for fiscal year 2012 and thereafter, up to one day for the 39791  
preceding learning year. 39792

The state board shall adopt standards for the superintendent 39793  
to apply in determining the waiver of days or hours for schools 39794  
operating under section 3313.481 of the Revised Code. 39795

A school district shall not be considered to have failed to 39796  
comply with this division or section 3313.481 of the Revised Code 39797  
because schools were open for instruction but either twelfth grade 39798  
students were excused from attendance for up to three days or only 39799  
a portion of the kindergarten students were in attendance for up 39800  
to three days in order to allow for the gradual orientation to 39801  
school of such students. 39802

The superintendent of public instruction shall waive the 39803  
requirements of this section with reference to the minimum number 39804  
of days or hours a school must be open for instruction with pupils 39805  
in attendance for the learning year succeeding the learning year 39806  
in which a board of education initiates a plan of operation 39807  
pursuant to section 3313.481 of the Revised Code. The minimum 39808  
requirements of this section shall again be applicable to the 39809

district beginning with the learning year commencing the second 39810  
July succeeding the initiation of the plan, and for each learning 39811  
year thereafter. 39812

A school district shall not be considered to have failed to 39813  
comply with this division or section 3313.48 or 3313.481 of the 39814  
Revised Code because schools were open for instruction but the 39815  
length of the regularly scheduled learning day, for any number of 39816  
days during the learning year, was reduced by not more than two 39817  
hours due to hazardous weather conditions. 39818

(3) Each city, exempted village, local, and joint vocational 39819  
school district shall have on file, and shall pay in accordance 39820  
with, a teachers' salary schedule which complies with section 39821  
3317.13 of the Revised Code. 39822

(B) A school district board of education or educational 39823  
service center governing board that has not conformed with other 39824  
law, and the rules pursuant thereto, shall not participate in the 39825  
distribution of funds authorized by this chapter, except for good 39826  
and sufficient reason established to the satisfaction of the state 39827  
board of education and the state controlling board. 39828

(C) All funds allocated to school districts under this 39829  
chapter, except those specifically allocated for other purposes, 39830  
shall be used only to pay current operating expenses or for either 39831  
of the following purposes: 39832

(1) The modification or purchase of classroom space to 39833  
provide all-day kindergarten as required by section 3321.05 of the 39834  
Revised Code, provided the district certifies its shortage of 39835  
space for providing all-day kindergarten to the department of 39836  
education, in a manner specified by the department; 39837

(2) The modification or purchase of classroom space to reduce 39838  
class sizes in grades kindergarten through three to attain the 39839  
goal of fifteen students per core teacher, provided the district 39840



certifies its need for additional classroom space to the 39841  
department, in a manner specified by the department. 39842

(D) On or before the last day of each month, the department 39843  
of education shall certify to the director of budget and 39844  
management for payment, for each county: 39845

(1)(a) That portion of the allocation of money under section 39846  
3306.13 of the Revised Code that is required to be paid in that 39847  
month to each school district located wholly within the county 39848  
subsequent to the deductions described in division (D)(1)(b) of 39849  
this section; 39850

(b) The amounts deducted from such allocation under sections 39851  
3307.31 and 3309.51 of the Revised Code for payment directly to 39852  
the school employees and state teachers retirement systems under 39853  
such sections. 39854

(2) If the district is located in more than one county, an 39855  
apportionment of the amounts that would otherwise be certified 39856  
under division (D)(1) of this section. The amounts apportioned to 39857  
the county shall equal the amounts certified under division (D)(1) 39858  
of this section times the percentage of the district's resident 39859  
pupils who reside both in the district and in the county, based on 39860  
the average daily membership reported under division (A) of 39861  
section 3317.03 of the Revised Code in October of the prior fiscal 39862  
year. 39863

Sec. 3306.011. Beginning with fiscal year 2010, the payments 39864  
prescribed by this chapter supersede and replace the payments 39865  
described under sections 3317.012, 3317.013, 3317.014, 3317.022, 39866  
3317.029, 3317.0216, 3317.0217, and 3317.16 of the Revised Code, 39867  
except as otherwise provided in section 3317.018 of the Revised 39868  
Code. 39869

Sec. 3306.012. The form developed by the department of 39870

education to calculate funding to a school district formerly known 39871  
as the form "SF-3," on and after the effective date of this 39872  
section shall be known as the "PASS form." As used in this section 39873  
and any section referring to the PASS form, "PASS" is an acronym 39874  
for "Pathway to Student Success." The form shall be revised as 39875  
necessary to reflect payments made under this chapter and Chapter 39876  
3317. of the Revised Code and shall be available to the public in 39877  
a format understandable to the average citizen. 39878

**Sec. 3306.02. As used in this chapter:** 39879

(A) "Adequacy amount" means the amount described in section 39880  
3306.03 of the Revised Code. 39881

(B) "Building manager" means a person who supervises the 39882  
administrative (non-curricular, non-instructional) functions of 39883  
school operation so that a school principal can focus on 39884  
supporting instruction, providing instructional leadership, and 39885  
engaging teachers as part of the instructional leadership team. A 39886  
building manager may be, but is not required to be, a licensed 39887  
educator under section 3319.22 of the Revised Code. 39888

(C) "Career-technical education teacher" means an education 39889  
professional who provides specialized instruction in career and 39890  
technical courses. 39891

(D)(1) "Category one special education ADM" means a school 39892  
district's formula ADM of children whose primary or only 39893  
identified disability is a speech and language disability, as this 39894  
term is defined pursuant to Chapter 3323. of the Revised Code. 39895  
Beginning in fiscal year 2010, for any school district for which 39896  
formula ADM means the number verified in the previous fiscal year, 39897  
the category one special education ADM also shall be as verified 39898  
from the previous year. 39899

(2) "Category two special education ADM" means a school 39900

district's formula ADM of children identified as specific learning disabled or developmentally disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-minor, as defined in this section. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category two special education ADM also shall be as verified from the previous year. 39901  
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(3) "Category three special education ADM" means a school district's formula ADM of children identified as hearing disabled or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category three special education ADM also shall be as verified from the previous year. 39909  
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(4) "Category four special education ADM" means a school district's formula ADM of children identified as vision impaired, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major, as defined in this section. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category four special education ADM also shall be as verified from the previous year. 39917  
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(5) "Category five special education ADM" means a school district's formula ADM of children identified as orthopedically disabled or as having multiple disabilities, as these terms are defined pursuant to Chapter 3323. of the Revised Code. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category five special education ADM also shall be as verified from the previous year. 39925  
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(6) "Category six special education ADM" means a school district's formula ADM of children identified as autistic, having traumatic brain injuries, or as both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category six special education ADM also shall be as verified from the previous year.

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(E) "Class one effective operating tax rate" of a school district means the quotient obtained by dividing the district's class one taxes charged and payable for current expenses, excluding taxes levied under sections 5705.194 to 5705.197, 5705.199, 5705.213, and 5705.219 of the Revised Code, by the district's class one taxable value.

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(F) "Core teacher" means an education professional who provides instruction in English-language arts, mathematics, science, social studies, or foreign languages.

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(G) "Counselor" means a person with a valid educator license issued pursuant to section 3319.22 of the Revised Code who provides pre-college and career counseling, general academic counseling, course planning, and other counseling services that are not related to a student's individualized education plan, as defined in section 3323.01 of the Revised Code.

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(H)(1) "Formula ADM" means, for a city, local, or exempted village school district, the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, further adjusted by the department of education, as follows:

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(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3)

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of section 3317.03 of the Revised Code; 39964

(b) Add twenty per cent of the number of students who are 39965  
entitled to attend school in the district under section 3313.64 or 39966  
3313.65 of the Revised Code and are enrolled in another school 39967  
district under a career-technical educational compact. 39968

(2) In making calculations under this chapter that utilize 39969  
formula ADM, the department shall use the formula ADM derived from 39970  
the final, verified, and adjusted average daily membership 39971  
described under division (A) of section 3317.03 of the Revised 39972  
Code for the prior fiscal year, unless such average daily 39973  
membership for the current fiscal year exceeds that number by two 39974  
per cent or more. In that case, the department shall derive the 39975  
formula ADM from such average daily membership for the current 39976  
fiscal year. 39977

(3) For fiscal year 2010, the department shall calculate 39978  
formula ADM on the basis of the final, verified, and adjusted 39979  
average daily membership, described in division (A) of the version 39980  
of section 3317.03 of the Revised Code in effect on and after the 39981  
effective date of this amendment, for October 2008 unless such 39982  
average daily membership for October 2009 exceeds that number by 39983  
two per cent or more. In that case, the department shall derive 39984  
the formula ADM from such average daily membership for October 39985  
2009. 39986

(I) "Gifted coordinator" means a person who holds a valid 39987  
educator license issued under section 3319.22 of the Revised Code, 39988  
meets the qualifications for a gifted coordinator specified in the 39989  
operating standards for identifying and serving gifted students 39990  
prescribed in rules adopted by the state board of education, and 39991  
provides coordination services for gifted students in accordance 39992  
with those standards. 39993

(J) "Gifted intervention specialist" means a person who holds 39994

a valid gifted intervention specialist license or endorsement 39995  
issued under section 3319.22 of the Revised Code and serves gifted 39996  
students in accordance with the operating standards for 39997  
identifying and serving gifted students prescribed in rules 39998  
adopted by the state board of education. 39999

(K) "Internet- or computer-based community school" has the 40000  
same meaning as in section 3314.02 of the Revised Code. 40001

(L) "Lead teacher" means a teacher who provides mentoring and 40002  
coaching for new teachers. A lead teacher also assists in 40003  
coordinating professional development activities, in the 40004  
development of professional learning communities, and in common 40005  
planning time, and assists teachers in developing project-based, 40006  
real-world learning activities for their students. The lead 40007  
teacher position shall be a rotating position in which an 40008  
individual shall serve no more than three years. After lead 40009  
teacher licenses become available under section 3319.22 of the 40010  
Revised Code, only teachers who hold that license shall be 40011  
appointed as lead teachers. Until that time, each school district 40012  
shall designate qualifications for the lead teacher position that 40013  
are comparable to the licensing requirements, and shall give 40014  
preference for appointment to the position to teachers who are 40015  
certified by the national board for professional teaching 40016  
standards or who meet the qualifications for a "master teacher" 40017  
established by the educator standards board. 40018

(M) "Limited English proficiency teacher" means a person who 40019  
provides instruction in English as a second language. 40020

(N) "Medically fragile child" means a child to whom all of 40021  
the following apply: 40022

(1) The child requires the services of a doctor of medicine 40023  
or osteopathic medicine at least once a week due to the 40024  
instability of the child's medical condition. 40025

(2) The child requires the services of a registered nurse on a daily basis. 40026  
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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded. 40028  
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(O) "Ohio educational challenge factor" means an index to adjust the funding amount for each school district to account for student and community socioeconomic factors affecting teacher recruitment and retention, professional development, and other factors related to quality instruction. The Ohio educational challenge factor for each school district includes the district's college attainment rate of population, wealth per pupil, and concentration of poverty, and is listed in section 3306.051 of the Revised Code. 40031  
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(P) "Organizational unit" means, for the purpose of calculating a school district's adequacy amount under this chapter, a unit used to index a school district's formula ADM in certain grade levels. Calculating the number of organizational units in a school district functions to allocate the state's resources in a manner that achieves a thorough, efficient, and adequate educational system that provides the appropriate services to students enrolled in that district. In recognition of the fact that students have different educational needs at each developmental stage, organizational units group the grade levels into elementary school units, middle school units, and high school units. Except as provided in division (C) of section 3306.04 of the Revised Code, a school district's "organizational units" is the sum of its elementary school units, middle school units, and high school units. 40040  
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(Q) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state 40055  
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board of education prior to July 1, 2001, and if either of the 40058  
following apply: 40059

(1) The child is identified as having a medical condition 40060  
that is among those listed by the superintendent of public 40061  
instruction as conditions where a substantial majority of cases 40062  
fall within the definition of "medically fragile child." 40063

(2) The child is determined by the superintendent of public 40064  
instruction to be a medically fragile child. A school district may 40065  
petition the superintendent of public instruction for a 40066  
determination that a child is a medically fragile child. 40067

(R) A child may be identified as having an "other health 40068  
impairment-minor" if the child's condition meets the definition of 40069  
"other health impaired" established in rules adopted by the state 40070  
board of education prior to July 1, 2001, but the child's 40071  
condition does not meet either of the conditions specified in 40072  
division (O)(1) or (2) of this section. 40073

(S) "Potential value" of a school district means the 40074  
recognized valuation of a school district plus the tax exempt 40075  
value of the district. 40076

(T) "Principal" means a person who provides management 40077  
oversight of building operations, academic leadership for the 40078  
teaching professionals, and other administrative duties. 40079

(U) "Property exemption value" means the amount certified for 40080  
a school district under divisions (A)(6) and (7) of section 40081  
3317.021 of the Revised Code. 40082

(V) "Recognized valuation" means the amount calculated for a 40083  
school district pursuant to section 3317.015 of the Revised Code. 40084

(W) "School nurse wellness coordinator" means a person who 40085  
has fulfilled the requirements for the issuance of a school nurse 40086  
wellness coordinator license under section 3319.221 of the Revised 40087



<u>Code.</u>	40088
<u>(X) "Small school district" means a city, local, or exempted village school district that has a formula ADM of less than four hundred eighteen students in grades kindergarten through twelve.</u>	40089 40090 40091
<u>(Y) "Special education" has the same meaning as in section 3323.01 of the Revised Code.</u>	40092 40093
<u>(Z) "Special education teacher" means a teacher who holds the necessary license issued pursuant to section 3319.22 of the Revised Code to meet the unique needs of children with disabilities.</u>	40094 40095 40096 40097
<u>(AA) "Special education teacher's aide" means a person providing support for special education teachers and other associated duties.</u>	40098 40099 40100
<u>(BB) "Specialist teacher" means a person holding a valid educator's license, issued pursuant to section 3319.22 of the Revised Code, who provides instruction in dance, drama and theater, music, visual art, or physical education.</u>	40101 40102 40103 40104
<u>(CC) "State share percentage" means the quotient of a school district's state share of the adequacy amount determined under section 3306.13 of the Revised Code divided by the total adequacy amount for the district as described in section 3306.03 of the Revised Code. If the quotient is a negative number, the district's state share percentage is zero.</u>	40105 40106 40107 40108 40109 40110
<u>(DD) "Family and community liaisons" means individuals who provide assistance to students and their families, individuals who are linkage coordinators as described in section 3306.31 of the Revised Code, and may include individuals who hold valid licenses as family liaisons, social workers, and student advocates.</u>	40111 40112 40113 40114 40115 40116
<u>(EE) "Supplemental teacher" means a person holding a valid</u>	40117

educator license issued pursuant to section 3319.22 of the Revised Code, or qualified to secure such a license and approved by the school district to provide remedial services, intensive subject-based instruction, homework help, or other forms of supplemental instruction. 40118  
40119  
40120  
40121  
40122

(FF) "Targeted poverty indicator" means the percentage of a school district's students who are economically disadvantaged, as determined for purposes of the report card issued under section 3302.03 of the Revised Code. 40123  
40124  
40125  
40126

(GG) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code. 40127  
40128  
40129

(HH) "Total taxable value" means the sum of the amounts certified for a school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 40130  
40131  
40132

**Sec. 3306.03.** (A) The adequacy amount for each city, local, and exempted village school district is the sum of the following: 40133  
40134

(1) Instructional services support calculated under section 3306.05 of the Revised Code; 40135  
40136

(2) Additional services support calculated under section 3306.06 of the Revised Code; 40137  
40138

(3) Administrative services support calculated under section 3306.07 of the Revised Code; 40139  
40140

(4) Operations and maintenance support calculated under section 3306.08 of the Revised Code; 40141  
40142

(5) Gifted education and enrichment support calculated under sections 3306.09 and 3306.091, respectively, of the Revised Code; 40143  
40144

(6) Technology resources support calculated under section 3306.10 of the Revised Code; 40145  
40146

(7) The professional development factor, calculated by multiplying the sum of the school district's core teacher, specialist teacher, lead teacher, and special education teacher positions, all as calculated under sections 3306.05 and 3306.11 of the Revised Code, by \$1,833 in fiscal years 2010 and 2011;

(8) The instructional materials factor, calculated by multiplying the school district's formula ADM by \$165. The instructional materials factor for each city, local, and exempted village school district shall be adjusted by multiplying this calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 2017.

(B) The state share of the adequacy amount paid to each school district shall be determined under section 3306.13 of the Revised Code.

(C) Funding for career-technical education teachers and career-technical education program operations shall be calculated under section 3306.052 of the Revised Code. Transportation support shall be calculated under section 3306.12 of the Revised Code. Both are in addition to the state share of the adequacy amount.

**Sec. 3306.031.** Beginning in fiscal year 2012, each city, local, and exempted village school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code for which funds are calculated for the professional development factor of the adequacy amount under section 3306.03, 3306.16, or 3306.17 of the Revised Code shall use those funds to provide teacher professional development that is aligned with the standards for professional development adopted by the state board of education

under section 3319.61 of the Revised Code. The department of 40178  
education shall provide guidance to districts and schools in 40179  
aligning professional development opportunities with the 40180  
standards. 40181

**Sec. 3306.04.** (A) For purposes of calculating the adequacy 40182  
amount for each city, local, and exempted village school district, 40183  
the department of education shall calculate the number of the 40184  
district's organizational units. 40185

(B) Except for a small school district, each school 40186  
district's "organizational units" is the sum of its elementary 40187  
school units, middle school units, and high school units, as 40188  
follows: 40189

(1) The number of the district's elementary school 40190  
organizational units is calculated by dividing its formula ADM for 40191  
grades kindergarten to five by four hundred eighteen. 40192

(2) The number of the district's middle school organizational 40193  
units is calculated by dividing its formula ADM for grades six to 40194  
eight by five hundred fifty-seven. 40195

(3) The number of the district's high school organizational 40196  
units is calculated by dividing its formula ADM for grades nine to 40197  
twelve by seven hundred thirty-three. 40198

(C) For each small school district, the number of 40199  
organizational units is one organizational unit. 40200

(D) Each school district, regardless of its formula ADM, 40201  
shall have at least one organizational unit. 40202

**Sec. 3306.05.** (A) The instructional services support 40203  
component of the adequacy amount for each city, local, and 40204  
exempted village school district is the sum of the following: 40205

<u>(1) The core teacher factor;</u>	40206
<u>(2) The specialist teacher factor;</u>	40207
<u>(3) The lead teacher factor;</u>	40208
<u>(4) The special education teacher factor;</u>	40209
<u>(5) The special education teacher's aide factor;</u>	40210
<u>(6) The limited English proficiency teacher factor;</u>	40211
<u>(7) The supplemental teacher factor.</u>	40212
<u>(B) Each factor listed in division (A) of this section shall</u>	40213
<u>be calculated by multiplying the Ohio educational challenge</u>	40214
<u>factor, specified for the district in section 3306.051 of the</u>	40215
<u>Revised Code, times the statewide base teacher salary of \$56,902</u>	40216
<u>in fiscal year 2010 and \$57,812 in fiscal year 2011, times the</u>	40217
<u>number of positions funded, as follows:</u>	40218
<u>(1) The number of core teacher positions funded shall be</u>	40219
<u>calculated by dividing the district's formula ADM in grades four</u>	40220
<u>to twelve by twenty-five, and then adding that number to the</u>	40221
<u>quotient of the district's formula ADM in grades kindergarten to</u>	40222
<u>three divided by the following:</u>	40223
<u>(a) In fiscal years 2010 and 2011, nineteen;</u>	40224
<u>(b) In fiscal years 2012 and 2013, seventeen;</u>	40225
<u>(c) In fiscal year 2014 and in each fiscal year thereafter,</u>	40226
<u>fifteen.</u>	40227
<u>(2) The number of specialist teacher positions funded shall</u>	40228
<u>be calculated by multiplying the number of core teacher positions</u>	40229
<u>determined under division (B)(1) of this section for grades</u>	40230
<u>kindergarten to eight by one-fifth, and by multiplying the number</u>	40231
<u>of core teacher positions determined for grades nine to twelve by</u>	40232
<u>one-fourth.</u>	40233
<u>(3) The number of lead teacher positions funded shall equal</u>	40234

<u>the number of the district's organizational units.</u>	40235
<u>(4) The number of special education teacher positions and special education teacher's aide positions funded shall be calculated as provided in section 3306.11 of the Revised Code.</u>	40236 40237 40238
<u>(5) The number of limited English proficiency teacher positions funded shall be calculated by multiplying the district's formula ADM times the district's percentage of limited English proficient students, as defined in 20 U.S.C. 7801, and then dividing that product by one hundred;</u>	40239 40240 40241 40242 40243
<u>(6) The number of supplemental teacher positions funded shall be calculated by multiplying the district's formula ADM times its targeted poverty indicator, and then dividing that product by one hundred.</u>	40244 40245 40246 40247
<u>(C) Each school district shall account separately for expenditures of the amounts received for instructional services support under this section and report that information to the department of education.</u>	40248 40249 40250 40251
<u>Sec. 3306.051. (A) The Ohio educational challenge factor is based on the following characteristics:</u>	40252 40253
<u>(1) The college attainment rate of the school district's population;</u>	40254 40255
<u>(2) The district's wealth per pupil, based on property valuation and federal adjusted gross income;</u>	40256 40257
<u>(3) The district's concentration of poverty, based on its targeted poverty indicator.</u>	40258 40259
<u>(B) The Ohio educational challenge factor for each city, local, and exempted village school district for fiscal years 2010 and 2011 shall equal the following:</u>	40260 40261 40262
<u>Educational</u>	40263

<u>School</u>		<u>Challenge</u>	
<u>District</u>	<u>County</u>	<u>Factor</u>	40265
<u>Ada Ex Vill SD</u>	<u>Hardin</u>	<u>1.276507</u>	40266
<u>Adena Local SD</u>	<u>Ross</u>	<u>1.464992</u>	40267
<u>Akron City SD</u>	<u>Summit</u>	<u>1.406389</u>	40268
<u>Alexander Local SD</u>	<u>Athens</u>	<u>1.313935</u>	40269
<u>Allen East Local SD</u>	<u>Allen</u>	<u>1.424432</u>	40270
<u>Alliance City SD</u>	<u>Stark</u>	<u>1.412775</u>	40271
<u>Amanda-Clearcreek Local SD</u>	<u>Fairfield</u>	<u>1.475639</u>	40272
<u>Amherst Ex Vill SD</u>	<u>Lorain</u>	<u>1.075260</u>	40273
<u>Anna Local SD</u>	<u>Shelby</u>	<u>1.145758</u>	40274
<u>Ansonia Local SD</u>	<u>Darke</u>	<u>1.491442</u>	40275
<u>Anthony Wayne Local SD</u>	<u>Lucas</u>	<u>0.967172</u>	40276
<u>Antwerp Local SD</u>	<u>Paulding</u>	<u>1.388847</u>	40277
<u>Arcadia Local SD</u>	<u>Hancock</u>	<u>1.099092</u>	40278
<u>Arcanum Butler Local SD</u>	<u>Darke</u>	<u>1.232531</u>	40279
<u>Archbold-Area Local SD</u>	<u>Fulton</u>	<u>1.061622</u>	40280
<u>Arlington Local SD</u>	<u>Hancock</u>	<u>1.209353</u>	40281
<u>Ashland City SD</u>	<u>Ashland</u>	<u>1.165340</u>	40282
<u>Ashtabula Area City SD</u>	<u>Ashtabula</u>	<u>1.382239</u>	40283
<u>Athens City SD</u>	<u>Athens</u>	<u>1.111632</u>	40284
<u>Aurora City SD</u>	<u>Portage</u>	<u>0.926606</u>	40285
<u>Austintown Local SD</u>	<u>Mahoning</u>	<u>1.199890</u>	40286
<u>Avon Lake City SD</u>	<u>Lorain</u>	<u>0.907126</u>	40287
<u>Avon Local SD</u>	<u>Lorain</u>	<u>0.956278</u>	40288
<u>Ayersville Local SD</u>	<u>Defiance</u>	<u>1.083115</u>	40289
<u>Barberton City SD</u>	<u>Summit</u>	<u>1.378977</u>	40290
<u>Barnesville Ex Vill SD</u>	<u>Belmont</u>	<u>1.336210</u>	40291
<u>Batavia Local SD</u>	<u>Clermont</u>	<u>1.237613</u>	40292
<u>Bath Local SD</u>	<u>Allen</u>	<u>1.162598</u>	40293
<u>Bay Village City SD</u>	<u>Cuyahoga</u>	<u>0.872927</u>	40294
<u>Beachwood City SD</u>	<u>Cuyahoga</u>	<u>0.788347</u>	40295
<u>Beaver Local SD</u>	<u>Columbiana</u>	<u>1.326577</u>	40296

<u>Beavercreek City SD</u>	<u>Greene</u>	<u>0.922944</u>	40297
<u>Bedford City SD</u>	<u>Cuyahoga</u>	<u>1.146404</u>	40298
<u>Bellaire Local SD</u>	<u>Belmont</u>	<u>1.553266</u>	40299
<u>Bellefontaine City SD</u>	<u>Logan</u>	<u>1.316875</u>	40300
<u>Bellevue City SD</u>	<u>Huron</u>	<u>1.224385</u>	40301
<u>Belpre City SD</u>	<u>Washington</u>	<u>1.189101</u>	40302
<u>Benjamin Logan Local SD</u>	<u>Logan</u>	<u>1.092906</u>	40303
<u>Benton Carroll Salem Local SD</u>	<u>Ottawa</u>	<u>1.064360</u>	40304
<u>Berea City SD</u>	<u>Cuyahoga</u>	<u>1.076406</u>	40305
<u>Berkshire Local SD</u>	<u>Geauga</u>	<u>1.031217</u>	40306
<u>Berlin-Milan Local SD</u>	<u>Erie</u>	<u>1.080029</u>	40307
<u>Berne Union Local SD</u>	<u>Fairfield</u>	<u>1.212285</u>	40308
<u>Bethel Local SD</u>	<u>Miami</u>	<u>1.042841</u>	40309
<u>Bethel-Tate Local SD</u>	<u>Clermont</u>	<u>1.467173</u>	40310
<u>Bettsville Local SD</u>	<u>Seneca</u>	<u>1.266982</u>	40311
<u>Bexley City SD</u>	<u>Franklin</u>	<u>0.811340</u>	40312
<u>Big Walnut Local SD</u>	<u>Delaware</u>	<u>0.967045</u>	40313
<u>Black River Local SD</u>	<u>Medina</u>	<u>1.235165</u>	40314
<u>Blanchester Local SD</u>	<u>Clinton</u>	<u>1.464462</u>	40315
<u>Bloom Carroll Local SD</u>	<u>Fairfield</u>	<u>1.019268</u>	40316
<u>Bloomfield-Mespo Local SD</u>	<u>Trumbull</u>	<u>1.242742</u>	40317
<u>Bloom-Vernon Local SD</u>	<u>Scioto</u>	<u>1.550611</u>	40318
<u>Bluffton Ex Vill SD</u>	<u>Allen</u>	<u>1.110535</u>	40319
<u>Boardman Local SD</u>	<u>Mahoning</u>	<u>1.059697</u>	40320
<u>Botkins Local SD</u>	<u>Shelby</u>	<u>1.160687</u>	40321
<u>Bowling Green City SD</u>	<u>Wood</u>	<u>0.994699</u>	40322
<u>Bradford Ex Vill SD</u>	<u>Miami</u>	<u>1.501180</u>	40323
<u>Brecksville-Broadview Hts City SD</u>	<u>Cuyahoga</u>	<u>0.907332</u>	40324
<u>Bridgeport Ex Vill SD</u>	<u>Belmont</u>	<u>1.400416</u>	40325
<u>Bright Local SD</u>	<u>Highland</u>	<u>1.514786</u>	40326
<u>Bristol Local SD</u>	<u>Trumbull</u>	<u>1.311147</u>	40327
<u>Brookfield Local SD</u>	<u>Trumbull</u>	<u>1.254722</u>	40328
<u>Brooklyn City SD</u>	<u>Cuyahoga</u>	<u>1.095906</u>	40329



<u>Brookville Local SD</u>	<u>Montgomery</u>	<u>1.117308</u>	40330
<u>Brown Local SD</u>	<u>Carroll</u>	<u>1.200260</u>	40331
<u>Brunswick City SD</u>	<u>Medina</u>	<u>1.070900</u>	40332
<u>Bryan City SD</u>	<u>Williams</u>	<u>1.147033</u>	40333
<u>Buckeye Central Local SD</u>	<u>Crawford</u>	<u>1.318612</u>	40334
<u>Buckeye Local SD</u>	<u>Ashtabula</u>	<u>1.205162</u>	40335
<u>Buckeye Local SD</u>	<u>Jefferson</u>	<u>1.289405</u>	40336
<u>Buckeye Local SD</u>	<u>Medina</u>	<u>1.045651</u>	40337
<u>Buckeye Valley Local SD</u>	<u>Delaware</u>	<u>1.000444</u>	40338
<u>Bucyrus City SD</u>	<u>Crawford</u>	<u>1.523808</u>	40339
<u>Caldwell Ex Vill SD</u>	<u>Noble</u>	<u>1.326424</u>	40340
<u>Cambridge City SD</u>	<u>Guernsey</u>	<u>1.499755</u>	40341
<u>Campbell City SD</u>	<u>Mahoning</u>	<u>1.595858</u>	40342
<u>Canal Winchester Local SD</u>	<u>Franklin</u>	<u>1.106260</u>	40343
<u>Canfield Local SD</u>	<u>Mahoning</u>	<u>0.947954</u>	40344
<u>Canton City SD</u>	<u>Stark</u>	<u>1.585014</u>	40345
<u>Canton Local SD</u>	<u>Stark</u>	<u>1.232137</u>	40346
<u>Cardinal Local SD</u>	<u>Geauga</u>	<u>1.108513</u>	40347
<u>Cardington-Lincoln Local SD</u>	<u>Morrow</u>	<u>1.470847</u>	40348
<u>Carey Ex Vill SD</u>	<u>Wyandot</u>	<u>1.236865</u>	40349
<u>Carlisle Local SD</u>	<u>Warren</u>	<u>1.238244</u>	40350
<u>Carrollton Ex Vill SD</u>	<u>Carroll</u>	<u>1.267127</u>	40351
<u>Cedar Cliff Local SD</u>	<u>Greene</u>	<u>1.196668</u>	40352
<u>Celina City SD</u>	<u>Mercer</u>	<u>1.175680</u>	40353
<u>Centerburg Local SD</u>	<u>Knox</u>	<u>1.226160</u>	40354
<u>Centerville City SD</u>	<u>Montgomery</u>	<u>0.874900</u>	40355
<u>Central Local SD</u>	<u>Defiance</u>	<u>1.471967</u>	40356
<u>Chagrin Falls Ex Vill SD</u>	<u>Cuyahoga</u>	<u>0.773955</u>	40357
<u>Champion Local SD</u>	<u>Trumbull</u>	<u>1.138977</u>	40358
<u>Chardon Local SD</u>	<u>Geauga</u>	<u>0.970334</u>	40359
<u>Chesapeake Union Ex Vill SD</u>	<u>Lawrence</u>	<u>1.588621</u>	40360
<u>Chillicothe City SD</u>	<u>Ross</u>	<u>1.213102</u>	40361
<u>Chippewa Local SD</u>	<u>Wayne</u>	<u>1.085963</u>	40362

<u>Cincinnati City SD</u>	<u>Hamilton</u>	<u>1.160152</u>	40363
<u>Circleville City SD</u>	<u>Pickaway</u>	<u>1.242114</u>	40364
<u>Clark-Shawnee Local SD</u>	<u>Clark</u>	<u>1.060460</u>	40365
<u>Clay Local SD</u>	<u>Scioto</u>	<u>1.438160</u>	40366
<u>Claymont City SD</u>	<u>Tuscarawas</u>	<u>1.549650</u>	40367
<u>Clear Fork Valley Local SD</u>	<u>Richland</u>	<u>1.313111</u>	40368
<u>Clearview Local SD</u>	<u>Lorain</u>	<u>1.541988</u>	40369
<u>Clermont-Northeastern Local SD</u>	<u>Clermont</u>	<u>1.156191</u>	40370
<u>Cleveland Hts-Univ Hts City SD</u>	<u>Cuyahoga</u>	<u>1.034050</u>	40371
<u>Cleveland Municipal SD</u>	<u>Cuyahoga</u>	<u>1.591903</u>	40372
<u>Clinton-Massie Local SD</u>	<u>Clinton</u>	<u>1.133361</u>	40373
<u>Cloverleaf Local SD</u>	<u>Medina</u>	<u>1.075321</u>	40374
<u>Clyde-Green Springs Ex Vill SD</u>	<u>Sandusky</u>	<u>1.316544</u>	40375
<u>Coldwater Ex Vill SD</u>	<u>Mercer</u>	<u>1.379071</u>	40376
<u>College Corner Local SD</u>	<u>Preble</u>	<u>1.316130</u>	40377
<u>Colonel Crawford Local SD</u>	<u>Crawford</u>	<u>1.091023</u>	40378
<u>Columbia Local SD</u>	<u>Lorain</u>	<u>1.030821</u>	40379
<u>Columbiana Ex Vill SD</u>	<u>Columbiana</u>	<u>1.137881</u>	40380
<u>Columbus City SD</u>	<u>Franklin</u>	<u>1.266133</u>	40381
<u>Columbus Grove Local SD</u>	<u>Putnam</u>	<u>1.244911</u>	40382
<u>Conneaut Area City SD</u>	<u>Ashtabula</u>	<u>1.525711</u>	40383
<u>Conotton Valley Union Local SD</u>	<u>Harrison</u>	<u>1.345678</u>	40384
<u>Continental Local SD</u>	<u>Putnam</u>	<u>1.396089</u>	40385
<u>Copley-Fairlawn City SD</u>	<u>Summit</u>	<u>0.909191</u>	40386
<u>Cory-Rawson Local SD</u>	<u>Hancock</u>	<u>1.146248</u>	40387
<u>Coshocton City SD</u>	<u>Coshocton</u>	<u>1.385980</u>	40388
<u>Coventry Local SD</u>	<u>Summit</u>	<u>1.095527</u>	40389
<u>Covington Ex Vill SD</u>	<u>Miami</u>	<u>1.157932</u>	40390
<u>Crestline Ex Vill SD</u>	<u>Crawford</u>	<u>1.374339</u>	40391
<u>Crestview Local SD</u>	<u>Columbiana</u>	<u>1.310088</u>	40392
<u>Crestview Local SD</u>	<u>Richland</u>	<u>1.481045</u>	40393
<u>Crestview Local SD</u>	<u>Van Wert</u>	<u>1.373754</u>	40394
<u>Crestwood Local SD</u>	<u>Portage</u>	<u>1.129538</u>	40395

<u>Crooksville Ex Vill SD</u>	<u>Perry</u>	<u>1.573427</u>	40396
<u>Cuyahoga Falls City SD</u>	<u>Summit</u>	<u>1.094856</u>	40397
<u>Cuyahoga Heights Local SD</u>	<u>Cuyahoga</u>	<u>0.898436</u>	40398
<u>Dalton Local SD</u>	<u>Wayne</u>	<u>1.092859</u>	40399
<u>Danbury Local SD</u>	<u>Ottawa</u>	<u>0.971857</u>	40400
<u>Danville Local SD</u>	<u>Knox</u>	<u>1.494103</u>	40401
<u>Dawson-Bryant Local SD</u>	<u>Lawrence</u>	<u>1.648169</u>	40402
<u>Dayton City SD</u>	<u>Montgomery</u>	<u>1.448163</u>	40403
<u>Deer Park Community City SD</u>	<u>Hamilton</u>	<u>1.020600</u>	40404
<u>Defiance City SD</u>	<u>Defiance</u>	<u>1.325040</u>	40405
<u>Delaware City SD</u>	<u>Delaware</u>	<u>1.113757</u>	40406
<u>Delphos City SD</u>	<u>Allen</u>	<u>1.157538</u>	40407
<u>Dover City SD</u>	<u>Tuscarawas</u>	<u>1.140054</u>	40408
<u>Dublin City SD</u>	<u>Franklin</u>	<u>0.867517</u>	40409
<u>East Cleveland City SD</u>	<u>Cuyahoga</u>	<u>1.581708</u>	40410
<u>East Clinton Local SD</u>	<u>Clinton</u>	<u>1.462780</u>	40411
<u>East Guernsey Local SD</u>	<u>Guernsey</u>	<u>1.515285</u>	40412
<u>East Holmes Local SD</u>	<u>Holmes</u>	<u>1.139627</u>	40413
<u>East Knox Local SD</u>	<u>Knox</u>	<u>1.155805</u>	40414
<u>East Liverpool City SD</u>	<u>Columbiana</u>	<u>1.590185</u>	40415
<u>East Muskingum Local SD</u>	<u>Muskingum</u>	<u>1.207660</u>	40416
<u>East Palestine City SD</u>	<u>Columbiana</u>	<u>1.344973</u>	40417
<u>Eastern Local SD</u>	<u>Brown</u>	<u>1.331577</u>	40418
<u>Eastern Local SD</u>	<u>Meigs</u>	<u>1.512415</u>	40419
<u>Eastern Local SD</u>	<u>Pike</u>	<u>1.581268</u>	40420
<u>Eastwood Local SD</u>	<u>Wood</u>	<u>1.126743</u>	40421
<u>Eaton Community Schools City SD</u>	<u>Preble</u>	<u>1.136722</u>	40422
<u>Edgerton Local SD</u>	<u>Williams</u>	<u>1.306016</u>	40423
<u>Edgewood City SD</u>	<u>Butler</u>	<u>1.233147</u>	40424
<u>Edison Local SD</u>	<u>Jefferson</u>	<u>1.199355</u>	40425
<u>Edon-Northwest Local SD</u>	<u>Williams</u>	<u>1.318268</u>	40426
<u>Elgin Local SD</u>	<u>Marion</u>	<u>1.333351</u>	40427
<u>Elida Local SD</u>	<u>Allen</u>	<u>1.174016</u>	40428

<u>Elmwood Local SD</u>	<u>Wood</u>	<u>1.457047</u>	40429
<u>Elyria City SD</u>	<u>Lorain</u>	<u>1.284154</u>	40430
<u>Euclid City SD</u>	<u>Cuyahoga</u>	<u>1.257378</u>	40431
<u>Evergreen Local SD</u>	<u>Fulton</u>	<u>1.132215</u>	40432
<u>Fairbanks Local SD</u>	<u>Union</u>	<u>1.029919</u>	40433
<u>Fairborn City SD</u>	<u>Greene</u>	<u>1.169324</u>	40434
<u>Fairfield City SD</u>	<u>Butler</u>	<u>1.120999</u>	40435
<u>Fairfield Local SD</u>	<u>Highland</u>	<u>1.476728</u>	40436
<u>Fairfield Union Local SD</u>	<u>Fairfield</u>	<u>1.305113</u>	40437
<u>Fairland Local SD</u>	<u>Lawrence</u>	<u>1.298842</u>	40438
<u>Fairlawn Local SD</u>	<u>Shelby</u>	<u>1.450135</u>	40439
<u>Fairless Local SD</u>	<u>Stark</u>	<u>1.342312</u>	40440
<u>Fairport Harbor Ex Vill SD</u>	<u>Lake</u>	<u>1.074627</u>	40441
<u>Fairview Park City SD</u>	<u>Cuyahoga</u>	<u>0.917044</u>	40442
<u>Fayetteville-Perry Local SD</u>	<u>Brown</u>	<u>1.232747</u>	40443
<u>Federal Hocking Local SD</u>	<u>Athens</u>	<u>1.504926</u>	40444
<u>Felicity-Franklin Local SD</u>	<u>Clermont</u>	<u>1.545885</u>	40445
<u>Field Local SD</u>	<u>Portage</u>	<u>1.063508</u>	40446
<u>Findlay City SD</u>	<u>Hancock</u>	<u>1.134799</u>	40447
<u>Finneytown Local SD</u>	<u>Hamilton</u>	<u>1.067569</u>	40448
<u>Firelands Local SD</u>	<u>Lorain</u>	<u>1.084064</u>	40449
<u>Forest Hills Local SD</u>	<u>Hamilton</u>	<u>0.918825</u>	40450
<u>Fort Frye Local SD</u>	<u>Washington</u>	<u>1.247229</u>	40451
<u>Fort Loramie Local SD</u>	<u>Shelby</u>	<u>1.228727</u>	40452
<u>Fort Recovery Local SD</u>	<u>Mercer</u>	<u>1.390459</u>	40453
<u>Fostoria City SD</u>	<u>Seneca</u>	<u>1.398532</u>	40454
<u>Franklin City SD</u>	<u>Warren</u>	<u>1.181691</u>	40455
<u>Franklin Local SD</u>	<u>Muskingum</u>	<u>1.516304</u>	40456
<u>Franklin-Monroe Local SD</u>	<u>Darke</u>	<u>1.155467</u>	40457
<u>Fredericktown Local SD</u>	<u>Knox</u>	<u>1.206674</u>	40458
<u>Fremont City SD</u>	<u>Sandusky</u>	<u>1.222520</u>	40459
<u>Frontier Local SD</u>	<u>Washington</u>	<u>1.548391</u>	40460
<u>Gahanna-Jefferson City SD</u>	<u>Franklin</u>	<u>0.937449</u>	40461

<u>Galion City SD</u>	<u>Crawford</u>	<u>1.340599</u>	40462
<u>Gallia County Local SD</u>	<u>Gallia</u>	<u>1.180183</u>	40463
<u>Gallipolis City SD</u>	<u>Gallia</u>	<u>1.309992</u>	40464
<u>Garaway Local SD</u>	<u>Tuscarawas</u>	<u>1.168729</u>	40465
<u>Garfield Heights City SD</u>	<u>Cuyahoga</u>	<u>1.275039</u>	40466
<u>Geneva Area City SD</u>	<u>Ashtabula</u>	<u>1.241353</u>	40467
<u>Genoa Area Local SD</u>	<u>Ottawa</u>	<u>1.144052</u>	40468
<u>Georgetown Ex Vill SD</u>	<u>Brown</u>	<u>1.330521</u>	40469
<u>Gibsonburg Ex Vill SD</u>	<u>Sandusky</u>	<u>1.447493</u>	40470
<u>Girard City SD</u>	<u>Trumbull</u>	<u>1.331051</u>	40471
<u>Gorham Fayette Local SD</u>	<u>Fulton</u>	<u>1.474052</u>	40472
<u>Goshen Local SD</u>	<u>Clermont</u>	<u>1.330935</u>	40473
<u>Graham Local SD</u>	<u>Champaign</u>	<u>1.232041</u>	40474
<u>Grand Valley Local SD</u>	<u>Ashtabula</u>	<u>1.254268</u>	40475
<u>Grandview Heights City SD</u>	<u>Franklin</u>	<u>0.884845</u>	40476
<u>Granville Ex Vill SD</u>	<u>Licking</u>	<u>0.945199</u>	40477
<u>Green Local SD</u>	<u>Scioto</u>	<u>1.368399</u>	40478
<u>Green Local SD</u>	<u>Summit</u>	<u>1.028315</u>	40479
<u>Green Local SD</u>	<u>Wayne</u>	<u>1.206381</u>	40480
<u>Greeneview Local SD</u>	<u>Greene</u>	<u>1.148655</u>	40481
<u>Greenfield Ex Vill SD</u>	<u>Highland</u>	<u>1.511212</u>	40482
<u>Greenon Local SD</u>	<u>Clark</u>	<u>1.063320</u>	40483
<u>Greenville City SD</u>	<u>Darke</u>	<u>1.182750</u>	40484
<u>Groveport Madison Local SD</u>	<u>Franklin</u>	<u>1.237531</u>	40485
<u>Hamilton City SD</u>	<u>Butler</u>	<u>1.370018</u>	40486
<u>Hamilton Local SD</u>	<u>Franklin</u>	<u>1.517435</u>	40487
<u>Hardin Northern Local SD</u>	<u>Hardin</u>	<u>1.241016</u>	40488
<u>Hardin-Houston Local SD</u>	<u>Shelby</u>	<u>1.235363</u>	40489
<u>Harrison Hills City SD</u>	<u>Harrison</u>	<u>1.285541</u>	40490
<u>Heath City SD</u>	<u>Licking</u>	<u>1.159649</u>	40491
<u>Hicksville Ex Vill SD</u>	<u>Defiance</u>	<u>1.451150</u>	40492
<u>Highland Local SD</u>	<u>Medina</u>	<u>0.966108</u>	40493
<u>Highland Local SD</u>	<u>Morrow</u>	<u>1.319540</u>	40494

<u>Hilliard City SD</u>	<u>Franklin</u>	<u>0.985085</u>	40495
<u>Hillsboro City SD</u>	<u>Highland</u>	<u>1.326287</u>	40496
<u>Hillsdale Local SD</u>	<u>Ashland</u>	<u>1.192263</u>	40497
<u>Holgate Local SD</u>	<u>Henry</u>	<u>1.480580</u>	40498
<u>Hopewell-Loudon Local SD</u>	<u>Seneca</u>	<u>1.094095</u>	40499
<u>Howland Local SD</u>	<u>Trumbull</u>	<u>0.997232</u>	40500
<u>Hubbard Ex Vill SD</u>	<u>Trumbull</u>	<u>1.217366</u>	40501
<u>Huber Heights City SD</u>	<u>Montgomery</u>	<u>1.189895</u>	40502
<u>Hudson Local SD</u>	<u>Summit</u>	<u>0.867982</u>	40503
<u>Huntington Local SD</u>	<u>Ross</u>	<u>1.563988</u>	40504
<u>Huron City SD</u>	<u>Erie</u>	<u>0.953062</u>	40505
<u>Independence Local SD</u>	<u>Cuyahoga</u>	<u>0.877361</u>	40506
<u>Indian Creek Local SD</u>	<u>Jefferson</u>	<u>1.194894</u>	40507
<u>Indian Hill Ex Vill SD</u>	<u>Hamilton</u>	<u>0.769421</u>	40508
<u>Indian Lake Local SD</u>	<u>Logan</u>	<u>1.177268</u>	40509
<u>Indian Valley Local SD</u>	<u>Tuscarawas</u>	<u>1.490431</u>	40510
<u>Ironton City SD</u>	<u>Lawrence</u>	<u>1.372550</u>	40511
<u>Jackson Center Local SD</u>	<u>Shelby</u>	<u>1.222754</u>	40512
<u>Jackson City SD</u>	<u>Jackson</u>	<u>1.339235</u>	40513
<u>Jackson Local SD</u>	<u>Stark</u>	<u>0.936952</u>	40514
<u>Jackson-Milton Local SD</u>	<u>Mahoning</u>	<u>1.120098</u>	40515
<u>James A Garfield Local SD</u>	<u>Portage</u>	<u>1.221108</u>	40516
<u>Jefferson Area Local SD</u>	<u>Ashtabula</u>	<u>1.231486</u>	40517
<u>Jefferson Local SD</u>	<u>Madison</u>	<u>1.217465</u>	40518
<u>Jefferson Township Local SD</u>	<u>Montgomery</u>	<u>1.349631</u>	40519
<u>Jennings Local SD</u>	<u>Putnam</u>	<u>1.233214</u>	40520
<u>Johnstown-Monroe Local SD</u>	<u>Licking</u>	<u>1.068628</u>	40521
<u>Jonathan Alder Local SD</u>	<u>Madison</u>	<u>1.087918</u>	40522
<u>Joseph Badger Local SD</u>	<u>Trumbull</u>	<u>1.217508</u>	40523
<u>Kalida Local SD</u>	<u>Putnam</u>	<u>1.134357</u>	40524
<u>Kelleys Island Local SD</u>	<u>Erie</u>	<u>0.897093</u>	40525
<u>Kenston Local SD</u>	<u>Geauga</u>	<u>0.888370</u>	40526
<u>Kent City SD</u>	<u>Portage</u>	<u>1.292091</u>	40527

<u>Kenton City SD</u>	<u>Hardin</u>	<u>1.341240</u>	40528
<u>Kettering City SD</u>	<u>Montgomery</u>	<u>1.039020</u>	40529
<u>Keystone Local SD</u>	<u>Lorain</u>	<u>1.095731</u>	40530
<u>Kings Local SD</u>	<u>Warren</u>	<u>0.944617</u>	40531
<u>Kirtland Local SD</u>	<u>Lake</u>	<u>0.869122</u>	40532
<u>La Brae Local SD</u>	<u>Trumbull</u>	<u>1.509648</u>	40533
<u>Lake Local SD</u>	<u>Stark</u>	<u>1.105350</u>	40534
<u>Lake Local SD</u>	<u>Wood</u>	<u>1.092732</u>	40535
<u>Lakeview Local SD</u>	<u>Trumbull</u>	<u>1.050113</u>	40536
<u>Lakewood City SD</u>	<u>Cuyahoga</u>	<u>1.082658</u>	40537
<u>Lakewood Local SD</u>	<u>Licking</u>	<u>1.161169</u>	40538
<u>Lakota Local SD</u>	<u>Butler</u>	<u>0.991612</u>	40539
<u>Lakota Local SD</u>	<u>Sandusky</u>	<u>1.334058</u>	40540
<u>Lancaster City SD</u>	<u>Fairfield</u>	<u>1.181921</u>	40541
<u>Lebanon City SD</u>	<u>Warren</u>	<u>1.057278</u>	40542
<u>Ledgemont Local SD</u>	<u>Geauga</u>	<u>1.089874</u>	40543
<u>Leetonia Ex Vill SD</u>	<u>Columbiana</u>	<u>1.492636</u>	40544
<u>Leipsic Local SD</u>	<u>Putnam</u>	<u>1.358612</u>	40545
<u>Lexington Local SD</u>	<u>Richland</u>	<u>1.055083</u>	40546
<u>Liberty Benton Local SD</u>	<u>Hancock</u>	<u>1.100796</u>	40547
<u>Liberty Center Local SD</u>	<u>Henry</u>	<u>1.243394</u>	40548
<u>Liberty Local SD</u>	<u>Trumbull</u>	<u>1.143199</u>	40549
<u>Liberty Union-Thurston Local SD</u>	<u>Fairfield</u>	<u>1.153214</u>	40550
<u>Licking Heights Local SD</u>	<u>Licking</u>	<u>1.099699</u>	40551
<u>Licking Valley Local SD</u>	<u>Licking</u>	<u>1.315180</u>	40552
<u>Lima City SD</u>	<u>Allen</u>	<u>1.609824</u>	40553
<u>Lincolnview Local SD</u>	<u>Van Wert</u>	<u>1.304841</u>	40554
<u>Lisbon Ex Vill SD</u>	<u>Columbiana</u>	<u>1.485931</u>	40555
<u>Little Miami Local SD</u>	<u>Warren</u>	<u>1.000131</u>	40556
<u>Lockland City SD</u>	<u>Hamilton</u>	<u>1.263116</u>	40557
<u>Logan Elm Local SD</u>	<u>Pickaway</u>	<u>1.144691</u>	40558
<u>Logan-Hocking Local SD</u>	<u>Hocking</u>	<u>1.351308</u>	40559
<u>London City SD</u>	<u>Madison</u>	<u>1.168705</u>	40560

<u>Lorain City SD</u>	<u>Lorain</u>	<u>1.606260</u>	40561
<u>Lordstown Local SD</u>	<u>Trumbull</u>	<u>1.028907</u>	40562
<u>Loudonville-Perrysville Ex Vill SD</u>	<u>Ashland</u>	<u>1.239646</u>	40563
<u>Louisville City SD</u>	<u>Stark</u>	<u>1.145913</u>	40564
<u>Loveland City SD</u>	<u>Hamilton</u>	<u>0.952906</u>	40565
<u>Lowellville Local SD</u>	<u>Mahoning</u>	<u>1.444465</u>	40566
<u>Lucas Local SD</u>	<u>Richland</u>	<u>1.148773</u>	40567
<u>Lynchburg-Clay Local SD</u>	<u>Highland</u>	<u>1.487133</u>	40568
<u>Mad River Local SD</u>	<u>Montgomery</u>	<u>1.516797</u>	40569
<u>Madeira City SD</u>	<u>Hamilton</u>	<u>0.902798</u>	40570
<u>Madison Local SD</u>	<u>Butler</u>	<u>1.149365</u>	40571
<u>Madison Local SD</u>	<u>Lake</u>	<u>1.210499</u>	40572
<u>Madison Local SD</u>	<u>Richland</u>	<u>1.260875</u>	40573
<u>Madison-Plains Local SD</u>	<u>Madison</u>	<u>1.111244</u>	40574
<u>Manchester Local SD</u>	<u>Summit</u>	<u>1.072196</u>	40575
<u>Manchester Local SD</u>	<u>Adams</u>	<u>1.093117</u>	40576
<u>Mansfield City SD</u>	<u>Richland</u>	<u>1.413073</u>	40577
<u>Maple Heights City SD</u>	<u>Cuyahoga</u>	<u>1.369670</u>	40578
<u>Mapleton Local SD</u>	<u>Ashland</u>	<u>1.244822</u>	40579
<u>Maplewood Local SD</u>	<u>Trumbull</u>	<u>1.306471</u>	40580
<u>Margaretta Local SD</u>	<u>Erie</u>	<u>1.101795</u>	40581
<u>Mariemont City SD</u>	<u>Hamilton</u>	<u>0.888848</u>	40582
<u>Marietta City SD</u>	<u>Washington</u>	<u>1.142004</u>	40583
<u>Marion City SD</u>	<u>Marion</u>	<u>1.561608</u>	40584
<u>Marion Local SD</u>	<u>Mercer</u>	<u>1.395959</u>	40585
<u>Marlington Local SD</u>	<u>Stark</u>	<u>1.198789</u>	40586
<u>Martins Ferry City SD</u>	<u>Belmont</u>	<u>1.598533</u>	40587
<u>Marysville Ex Vill SD</u>	<u>Union</u>	<u>1.084320</u>	40588
<u>Mason City SD</u>	<u>Warren</u>	<u>0.992155</u>	40589
<u>Massillon City SD</u>	<u>Stark</u>	<u>1.355745</u>	40590
<u>Mathews Local SD</u>	<u>Trumbull</u>	<u>1.030473</u>	40591
<u>Maumee City SD</u>	<u>Lucas</u>	<u>0.996440</u>	40592



<u>Mayfield City SD</u>	<u>Cuyahoga</u>	<u>0.851001</u>	40593
<u>Maysville Local SD</u>	<u>Muskingum</u>	<u>1.517598</u>	40594
<u>McComb Local SD</u>	<u>Hancock</u>	<u>1.301153</u>	40595
<u>McDonald Local SD</u>	<u>Trumbull</u>	<u>1.429212</u>	40596
<u>Mechanicsburg Ex Vill SD</u>	<u>Champaign</u>	<u>1.243229</u>	40597
<u>Medina City SD</u>	<u>Medina</u>	<u>1.005089</u>	40598
<u>Meigs Local SD</u>	<u>Meigs</u>	<u>1.584300</u>	40599
<u>Mentor Ex Vill SD</u>	<u>Lake</u>	<u>0.964461</u>	40600
<u>Miami East Local SD</u>	<u>Miami</u>	<u>1.121995</u>	40601
<u>Miami Trace Local SD</u>	<u>Fayette</u>	<u>1.228492</u>	40602
<u>Miamisburg City SD</u>	<u>Montgomery</u>	<u>1.114930</u>	40603
<u>Middletown City SD</u>	<u>Butler</u>	<u>1.257163</u>	40604
<u>Midview Local SD</u>	<u>Lorain</u>	<u>1.092786</u>	40605
<u>Milford Ex Vill SD</u>	<u>Clermont</u>	<u>1.018109</u>	40606
<u>Millcreek-West Unity Local SD</u>	<u>Williams</u>	<u>1.351879</u>	40607
<u>Miller City-New Cleveland Local SD</u>	<u>Putnam</u>	<u>1.379562</u>	40608
<u>Milton-Union Ex Vill SD</u>	<u>Miami</u>	<u>1.221554</u>	40609
<u>Minerva Local SD</u>	<u>Stark</u>	<u>1.326538</u>	40610
<u>Minford Local SD</u>	<u>Scioto</u>	<u>1.509434</u>	40611
<u>Minster Local SD</u>	<u>Auglaize</u>	<u>1.068103</u>	40612
<u>Mississinawa Valley Local SD</u>	<u>Darke</u>	<u>1.517760</u>	40613
<u>Mogadore Local SD</u>	<u>Summit</u>	<u>1.115527</u>	40614
<u>Mohawk Local SD</u>	<u>Wyandot</u>	<u>1.149449</u>	40615
<u>Monroe Local SD</u>	<u>Butler</u>	<u>0.988156</u>	40616
<u>Monroeville Local SD</u>	<u>Huron</u>	<u>1.105963</u>	40617
<u>Montpelier Ex Vill SD</u>	<u>Williams</u>	<u>1.484169</u>	40618
<u>Morgan Local SD</u>	<u>Morgan</u>	<u>1.515632</u>	40619
<u>Mount Gilead Ex Vill SD</u>	<u>Morrow</u>	<u>1.303456</u>	40620
<u>Mount Healthy City SD</u>	<u>Hamilton</u>	<u>1.385527</u>	40621
<u>Mount Vernon City SD</u>	<u>Knox</u>	<u>1.222667</u>	40622
<u>Napoleon City SD</u>	<u>Henry</u>	<u>1.219862</u>	40623
<u>National Trail Local SD</u>	<u>Preble</u>	<u>1.337309</u>	40624

<u>Nelsonville-York City SD</u>	<u>Athens</u>	<u>1.554619</u>	40625
<u>New Albany-Plain Local SD</u>	<u>Franklin</u>	<u>0.863212</u>	40626
<u>New Boston Local SD</u>	<u>Scioto</u>	<u>1.589690</u>	40627
<u>New Bremen Local SD</u>	<u>Auglaize</u>	<u>1.127253</u>	40628
<u>New Knoxville Local SD</u>	<u>Auglaize</u>	<u>1.217764</u>	40629
<u>New Lebanon Local SD</u>	<u>Montgomery</u>	<u>1.462491</u>	40630
<u>New Lexington City SD</u>	<u>Perry</u>	<u>1.545076</u>	40631
<u>New London Local SD</u>	<u>Huron</u>	<u>1.474130</u>	40632
<u>New Miami Local SD</u>	<u>Butler</u>	<u>1.573547</u>	40633
<u>New Philadelphia City SD</u>	<u>Tuscarawas</u>	<u>1.184127</u>	40634
<u>New Richmond Ex Vill SD</u>	<u>Clermont</u>	<u>1.121137</u>	40635
<u>New Riegel Local SD</u>	<u>Seneca</u>	<u>1.393211</u>	40636
<u>Newark City SD</u>	<u>Licking</u>	<u>1.252280</u>	40637
<u>Newbury Local SD</u>	<u>Geauga</u>	<u>0.944732</u>	40638
<u>Newcomerstown Ex Vill SD</u>	<u>Tuscarawas</u>	<u>1.529126</u>	40639
<u>Newton Falls Ex Vill SD</u>	<u>Trumbull</u>	<u>1.313730</u>	40640
<u>Newton Local SD</u>	<u>Miami</u>	<u>1.224466</u>	40641
<u>Niles City SD</u>	<u>Trumbull</u>	<u>1.334003</u>	40642
<u>Noble Local SD</u>	<u>Noble</u>	<u>1.480889</u>	40643
<u>Nordonia Hills City SD</u>	<u>Summit</u>	<u>0.934080</u>	40644
<u>North Baltimore Local SD</u>	<u>Wood</u>	<u>1.308125</u>	40645
<u>North Canton City SD</u>	<u>Stark</u>	<u>1.003775</u>	40646
<u>North Central Local SD</u>	<u>Wayne</u>	<u>1.223714</u>	40647
<u>North Central Local SD</u>	<u>Williams</u>	<u>1.324444</u>	40648
<u>North College Hill City SD</u>	<u>Hamilton</u>	<u>1.379521</u>	40649
<u>North Fork Local SD</u>	<u>Licking</u>	<u>1.226601</u>	40650
<u>North Olmsted City SD</u>	<u>Cuyahoga</u>	<u>1.055678</u>	40651
<u>North Ridgeville City SD</u>	<u>Lorain</u>	<u>1.035395</u>	40652
<u>North Royalton City SD</u>	<u>Cuyahoga</u>	<u>0.943948</u>	40653
<u>North Union Local SD</u>	<u>Union</u>	<u>1.325953</u>	40654
<u>Northeastern Local SD</u>	<u>Clark</u>	<u>1.119356</u>	40655
<u>Northeastern Local SD</u>	<u>Defiance</u>	<u>1.078723</u>	40656
<u>Northern Local SD</u>	<u>Perry</u>	<u>1.254464</u>	40657

<u>Northmont City SD</u>	<u>Montgomery</u>	<u>1.099334</u>	40658
<u>Northmor Local SD</u>	<u>Morrow</u>	<u>1.234469</u>	40659
<u>Northridge Local SD</u>	<u>Licking</u>	<u>1.112137</u>	40660
<u>Northridge Local SD</u>	<u>Montgomery</u>	<u>1.313654</u>	40661
<u>Northwest Local SD</u>	<u>Hamilton</u>	<u>1.097477</u>	40662
<u>Northwest Local SD</u>	<u>Scioto</u>	<u>1.585245</u>	40663
<u>Northwest Local SD</u>	<u>Stark</u>	<u>1.188706</u>	40664
<u>Northwestern Local SD</u>	<u>Clark</u>	<u>1.124065</u>	40665
<u>Northwestern Local SD</u>	<u>Wayne</u>	<u>1.480021</u>	40666
<u>Northwood Local SD</u>	<u>Wood</u>	<u>1.172657</u>	40667
<u>Norton City SD</u>	<u>Summit</u>	<u>1.077363</u>	40668
<u>Norwalk City SD</u>	<u>Huron</u>	<u>1.238518</u>	40669
<u>Norwood City SD</u>	<u>Hamilton</u>	<u>1.203977</u>	40670
<u>Oak Hill Union Local SD</u>	<u>Jackson</u>	<u>1.517445</u>	40671
<u>Oak Hills Local SD</u>	<u>Hamilton</u>	<u>1.009889</u>	40672
<u>Oakwood City SD</u>	<u>Montgomery</u>	<u>0.888026</u>	40673
<u>Oberlin City SD</u>	<u>Lorain</u>	<u>1.151305</u>	40674
<u>Ohio Valley Local SD</u>	<u>Adams</u>	<u>1.546394</u>	40675
<u>Old Fort Local SD</u>	<u>Seneca</u>	<u>1.154292</u>	40676
<u>Olentangy Local SD</u>	<u>Delaware</u>	<u>0.873909</u>	40677
<u>Olmsted Falls City SD</u>	<u>Cuyahoga</u>	<u>1.034716</u>	40678
<u>Ontario Local SD</u>	<u>Richland</u>	<u>1.017660</u>	40679
<u>Orange City SD</u>	<u>Cuyahoga</u>	<u>0.767949</u>	40680
<u>Oregon City SD</u>	<u>Lucas</u>	<u>1.149614</u>	40681
<u>Orrville City SD</u>	<u>Wayne</u>	<u>1.220908</u>	40682
<u>Osnaburg Local SD</u>	<u>Stark</u>	<u>1.161056</u>	40683
<u>Otsego Local SD</u>	<u>Wood</u>	<u>1.085754</u>	40684
<u>Ottawa Hills Local SD</u>	<u>Lucas</u>	<u>0.807704</u>	40685
<u>Ottawa-Glandorf Local SD</u>	<u>Putnam</u>	<u>1.129901</u>	40686
<u>Ottoville Local SD</u>	<u>Putnam</u>	<u>1.155937</u>	40687
<u>Painsville City Local SD</u>	<u>Lake</u>	<u>1.576006</u>	40688
<u>Painsville Township Local SD</u>	<u>Lake</u>	<u>0.979713</u>	40689
<u>Paint Valley Local SD</u>	<u>Ross</u>	<u>1.511112</u>	40690

<u>Pandora-Gilboa Local SD</u>	<u>Putnam</u>	<u>1.207508</u>	40691
<u>Parkway Local SD</u>	<u>Mercer</u>	<u>1.451914</u>	40692
<u>Parma City SD</u>	<u>Cuyahoga</u>	<u>1.096590</u>	40693
<u>Patrick Henry Local SD</u>	<u>Henry</u>	<u>1.314110</u>	40694
<u>Paulding Ex Vill SD</u>	<u>Paulding</u>	<u>1.316904</u>	40695
<u>Perkins Local SD</u>	<u>Erie</u>	<u>1.006525</u>	40696
<u>Perry Local SD</u>	<u>Allen</u>	<u>1.252464</u>	40697
<u>Perry Local SD</u>	<u>Lake</u>	<u>1.014880</u>	40698
<u>Perry Local SD</u>	<u>Stark</u>	<u>1.155570</u>	40699
<u>Perrysburg Ex Vill SD</u>	<u>Wood</u>	<u>0.941179</u>	40700
<u>Pettisville Local SD</u>	<u>Fulton</u>	<u>1.215972</u>	40701
<u>Pickerington Local SD</u>	<u>Fairfield</u>	<u>1.078034</u>	40702
<u>Pike-Delta-York Local SD</u>	<u>Fulton</u>	<u>1.225338</u>	40703
<u>Piqua City SD</u>	<u>Miami</u>	<u>1.252751</u>	40704
<u>Plain Local SD</u>	<u>Stark</u>	<u>1.101022</u>	40705
<u>Pleasant Local SD</u>	<u>Marion</u>	<u>1.066006</u>	40706
<u>Plymouth-Shiloh Local SD</u>	<u>Richland</u>	<u>1.539933</u>	40707
<u>Poland Local SD</u>	<u>Mahoning</u>	<u>0.976878</u>	40708
<u>Port Clinton City SD</u>	<u>Ottawa</u>	<u>1.045171</u>	40709
<u>Portsmouth City SD</u>	<u>Scioto</u>	<u>1.560445</u>	40710
<u>Preble-Shawnee Local SD</u>	<u>Preble</u>	<u>1.253492</u>	40711
<u>Princeton City SD</u>	<u>Hamilton</u>	<u>0.989700</u>	40712
<u>Put-In-Bay Local SD</u>	<u>Ottawa</u>	<u>0.870887</u>	40713
<u>Pymatuning Valley Local SD</u>	<u>Ashtabula</u>	<u>1.357539</u>	40714
<u>Ravenna City SD</u>	<u>Portage</u>	<u>1.258270</u>	40715
<u>Reading Community City SD</u>	<u>Hamilton</u>	<u>1.138957</u>	40716
<u>Revere Local SD</u>	<u>Summit</u>	<u>0.811916</u>	40717
<u>Reynoldsburg City SD</u>	<u>Franklin</u>	<u>1.185729</u>	40718
<u>Richmond Heights Local SD</u>	<u>Cuyahoga</u>	<u>0.988219</u>	40719
<u>Ridgedale Local SD</u>	<u>Marion</u>	<u>1.232091</u>	40720
<u>Ridgemont Local SD</u>	<u>Hardin</u>	<u>1.315320</u>	40721
<u>Ridgewood Local SD</u>	<u>Coshocton</u>	<u>1.499377</u>	40722
<u>Ripley-Union-Lewis Local SD</u>	<u>Brown</u>	<u>1.518737</u>	40723

<u>Rittman Ex Vill SD</u>	<u>Wayne</u>	<u>1.341158</u>	40724
<u>River Valley Local SD</u>	<u>Marion</u>	<u>1.144948</u>	40725
<u>River View Local SD</u>	<u>Coshocton</u>	<u>1.255718</u>	40726
<u>Riverdale Local SD</u>	<u>Hardin</u>	<u>1.463411</u>	40727
<u>Riverside Local SD</u>	<u>Logan</u>	<u>1.477936</u>	40728
<u>Rock Hill Local SD</u>	<u>Lawrence</u>	<u>1.590768</u>	40729
<u>Rocky River City SD</u>	<u>Cuyahoga</u>	<u>0.840017</u>	40730
<u>Rolling Hills Local SD</u>	<u>Guernsey</u>	<u>1.513489</u>	40731
<u>Rootstown Local SD</u>	<u>Portage</u>	<u>1.084884</u>	40732
<u>Ross Local SD</u>	<u>Butler</u>	<u>1.128779</u>	40733
<u>Rossford Ex Vill SD</u>	<u>Wood</u>	<u>1.080899</u>	40734
<u>Russia Local SD</u>	<u>Shelby</u>	<u>1.374251</u>	40735
<u>Salem City SD</u>	<u>Columbiana</u>	<u>1.180687</u>	40736
<u>Sandusky City SD</u>	<u>Erie</u>	<u>1.300930</u>	40737
<u>Sandy Valley Local SD</u>	<u>Stark</u>	<u>1.331965</u>	40738
<u>Scioto Valley Local SD</u>	<u>Pike</u>	<u>1.526714</u>	40739
<u>Sebring Local SD</u>	<u>Mahoning</u>	<u>1.501056</u>	40740
<u>Seneca East Local SD</u>	<u>Seneca</u>	<u>1.233540</u>	40741
<u>Shadyside Local SD</u>	<u>Belmont</u>	<u>1.206383</u>	40742
<u>Shaker Heights City SD</u>	<u>Cuyahoga</u>	<u>0.930871</u>	40743
<u>Shawnee Local SD</u>	<u>Allen</u>	<u>1.008274</u>	40744
<u>Sheffield-Sheffield Lake City SD</u>	<u>Lorain</u>	<u>1.122898</u>	40745
<u>Shelby City SD</u>	<u>Richland</u>	<u>1.248437</u>	40746
<u>Sidney City SD</u>	<u>Shelby</u>	<u>1.240389</u>	40747
<u>Solon City SD</u>	<u>Cuyahoga</u>	<u>0.895529</u>	40748
<u>South Central Local SD</u>	<u>Huron</u>	<u>1.497606</u>	40749
<u>South Euclid-Lyndhurst City SD</u>	<u>Cuyahoga</u>	<u>1.002369</u>	40750
<u>South Point Local SD</u>	<u>Lawrence</u>	<u>1.517360</u>	40751
<u>South Range Local SD</u>	<u>Mahoning</u>	<u>1.076772</u>	40752
<u>Southeast Local SD</u>	<u>Portage</u>	<u>1.237090</u>	40753
<u>Southeast Local SD</u>	<u>Wayne</u>	<u>1.180842</u>	40754
<u>Southeastern Local SD</u>	<u>Clark</u>	<u>1.160870</u>	40755
<u>Southeastern Local SD</u>	<u>Ross</u>	<u>1.513790</u>	40756

<u>Southern Local SD</u>	<u>Columbiana</u>	<u>1.537098</u>	40757
<u>Southern Local SD</u>	<u>Meigs</u>	<u>1.547346</u>	40758
<u>Southern Local SD</u>	<u>Perry</u>	<u>1.600707</u>	40759
<u>Southington Local SD</u>	<u>Trumbull</u>	<u>1.160291</u>	40760
<u>Southwest Licking Local SD</u>	<u>Licking</u>	<u>1.065949</u>	40761
<u>Southwest Local SD</u>	<u>Hamilton</u>	<u>1.093489</u>	40762
<u>South-Western City SD</u>	<u>Franklin</u>	<u>1.265187</u>	40763
<u>Spencerville Local SD</u>	<u>Allen</u>	<u>1.301749</u>	40764
<u>Springboro Community City SD</u>	<u>Warren</u>	<u>0.960788</u>	40765
<u>Springfield City SD</u>	<u>Clark</u>	<u>1.552526</u>	40766
<u>Springfield Local SD</u>	<u>Lucas</u>	<u>1.056764</u>	40767
<u>Springfield Local SD</u>	<u>Mahoning</u>	<u>1.192990</u>	40768
<u>Springfield Local SD</u>	<u>Summit</u>	<u>1.196328</u>	40769
<u>St Bernard-Elmwood Place City SD</u>	<u>Hamilton</u>	<u>1.248092</u>	40770
<u>St Clairsville-Richland City SD</u>	<u>Belmont</u>	<u>1.150841</u>	40771
<u>St Henry Consolidated Local SD</u>	<u>Mercer</u>	<u>1.382949</u>	40772
<u>St Marys City SD</u>	<u>Auglaize</u>	<u>1.150444</u>	40773
<u>Steubenville City SD</u>	<u>Jefferson</u>	<u>1.365647</u>	40774
<u>Stow-Munroe Falls City SD</u>	<u>Summit</u>	<u>0.974464</u>	40775
<u>Strasburg-Franklin Local SD</u>	<u>Tuscarawas</u>	<u>1.147256</u>	40776
<u>Streetsboro City SD</u>	<u>Portage</u>	<u>1.023340</u>	40777
<u>Strongsville City SD</u>	<u>Cuyahoga</u>	<u>0.942379</u>	40778
<u>Struthers City SD</u>	<u>Mahoning</u>	<u>1.530919</u>	40779
<u>Stryker Local SD</u>	<u>Williams</u>	<u>1.237584</u>	40780
<u>Sugarcreek Local SD</u>	<u>Greene</u>	<u>0.946787</u>	40781
<u>Swanton Local SD</u>	<u>Fulton</u>	<u>1.077057</u>	40782
<u>Switzerland Of Ohio Local SD</u>	<u>Monroe</u>	<u>1.363501</u>	40783
<u>Sycamore Community City SD</u>	<u>Hamilton</u>	<u>0.805157</u>	40784
<u>Sylvania City SD</u>	<u>Lucas</u>	<u>0.919772</u>	40785
<u>Symmes Valley Local SD</u>	<u>Lawrence</u>	<u>1.554601</u>	40786
<u>Talawanda City SD</u>	<u>Butler</u>	<u>1.090290</u>	40787
<u>Tallmadge City SD</u>	<u>Summit</u>	<u>1.039240</u>	40788
<u>Teays Valley Local SD</u>	<u>Pickaway</u>	<u>1.231537</u>	40789

<u>Tecumseh Local SD</u>	<u>Clark</u>	<u>1.318724</u>	40790
<u>Three Rivers Local SD</u>	<u>Hamilton</u>	<u>0.992195</u>	40791
<u>Tiffin City SD</u>	<u>Seneca</u>	<u>1.200469</u>	40792
<u>Tipp City Ex Vill SD</u>	<u>Miami</u>	<u>1.056646</u>	40793
<u>Toledo City SD</u>	<u>Lucas</u>	<u>1.362225</u>	40794
<u>Toronto City SD</u>	<u>Jefferson</u>	<u>1.279649</u>	40795
<u>Triad Local SD</u>	<u>Champaign</u>	<u>1.247663</u>	40796
<u>Tri-County North Local SD</u>	<u>Preble</u>	<u>1.220510</u>	40797
<u>Trimble Local SD</u>	<u>Athens</u>	<u>1.608740</u>	40798
<u>Tri-Valley Local SD</u>	<u>Muskingum</u>	<u>1.302648</u>	40799
<u>Tri-Village Local SD</u>	<u>Darke</u>	<u>1.253812</u>	40800
<u>Triway Local SD</u>	<u>Wayne</u>	<u>1.201400</u>	40801
<u>Trotwood-Madison City SD</u>	<u>Montgomery</u>	<u>1.536714</u>	40802
<u>Troy City SD</u>	<u>Miami</u>	<u>1.128451</u>	40803
<u>Tuscarawas Valley Local SD</u>	<u>Tuscarawas</u>	<u>1.133251</u>	40804
<u>Tuslaw Local SD</u>	<u>Stark</u>	<u>1.149109</u>	40805
<u>Twin Valley Community Local SD</u>	<u>Preble</u>	<u>1.226702</u>	40806
<u>Twinsburg City SD</u>	<u>Summit</u>	<u>0.954737</u>	40807
<u>Union Local SD</u>	<u>Belmont</u>	<u>1.472803</u>	40808
<u>Union Scioto Local SD</u>	<u>Ross</u>	<u>1.459022</u>	40809
<u>United Local SD</u>	<u>Columbiana</u>	<u>1.456646</u>	40810
<u>Upper Arlington City SD</u>	<u>Franklin</u>	<u>0.763445</u>	40811
<u>Upper Sandusky Ex Vill SD</u>	<u>Wyandot</u>	<u>1.211886</u>	40812
<u>Upper Scioto Valley Local SD</u>	<u>Hardin</u>	<u>1.481493</u>	40813
<u>Urbana City SD</u>	<u>Champaign</u>	<u>1.245402</u>	40814
<u>Valley Local SD</u>	<u>Scioto</u>	<u>1.556395</u>	40815
<u>Valley View Local SD</u>	<u>Montgomery</u>	<u>1.134885</u>	40816
<u>Van Buren Local SD</u>	<u>Hancock</u>	<u>0.986475</u>	40817
<u>Van Wert City SD</u>	<u>Van Wert</u>	<u>1.302853</u>	40818
<u>Vandalia-Butler City SD</u>	<u>Montgomery</u>	<u>0.982917</u>	40819
<u>Vanlue Local SD</u>	<u>Hancock</u>	<u>1.225490</u>	40820
<u>Vermilion Local SD</u>	<u>Erie</u>	<u>1.101326</u>	40821
<u>Versailles Ex Vill SD</u>	<u>Darke</u>	<u>1.234253</u>	40822

<u>Vinton County Local SD</u>	<u>Vinton</u>	<u>1.581898</u>	40823
<u>Wadsworth City SD</u>	<u>Medina</u>	<u>1.221864</u>	40824
<u>Walnut Township Local SD</u>	<u>Fairfield</u>	<u>1.169550</u>	40825
<u>Wapakoneta City SD</u>	<u>Auglaize</u>	<u>1.218209</u>	40826
<u>Warren City SD</u>	<u>Trumbull</u>	<u>1.557959</u>	40827
<u>Warren Local SD</u>	<u>Washington</u>	<u>1.298018</u>	40828
<u>Warrensville Heights City SD</u>	<u>Cuyahoga</u>	<u>1.261012</u>	40829
<u>Washington Court House City SD</u>	<u>Fayette</u>	<u>1.333465</u>	40830
<u>Washington Local SD</u>	<u>Lucas</u>	<u>1.172637</u>	40831
<u>Washington-Nile Local SD</u>	<u>Scioto</u>	<u>1.547444</u>	40832
<u>Waterloo Local SD</u>	<u>Portage</u>	<u>1.150614</u>	40833
<u>Wauseon Ex Vill SD</u>	<u>Fulton</u>	<u>1.299620</u>	40834
<u>Waverly City SD</u>	<u>Pike</u>	<u>1.469624</u>	40835
<u>Wayne Local SD</u>	<u>Warren</u>	<u>1.056943</u>	40836
<u>Wayne Trace Local SD</u>	<u>Paulding</u>	<u>1.323577</u>	40837
<u>Waynesfield-Goshen Local SD</u>	<u>Auglaize</u>	<u>1.402136</u>	40838
<u>Weathersfield Local SD</u>	<u>Trumbull</u>	<u>1.207306</u>	40839
<u>Wellington Ex Vill SD</u>	<u>Lorain</u>	<u>1.219534</u>	40840
<u>Wellston City SD</u>	<u>Jackson</u>	<u>1.550848</u>	40841
<u>Wellsville Local SD</u>	<u>Columbiana</u>	<u>1.568998</u>	40842
<u>West Branch Local SD</u>	<u>Mahoning</u>	<u>1.297805</u>	40843
<u>West Carrollton City SD</u>	<u>Montgomery</u>	<u>1.220862</u>	40844
<u>West Clermont Local SD</u>	<u>Clermont</u>	<u>1.059095</u>	40845
<u>West Geauga Local SD</u>	<u>Gauga</u>	<u>0.858500</u>	40846
<u>West Holmes Local SD</u>	<u>Holmes</u>	<u>1.243758</u>	40847
<u>West Liberty-Salem Local SD</u>	<u>Champaign</u>	<u>1.221358</u>	40848
<u>West Muskingum Local SD</u>	<u>Muskingum</u>	<u>1.138872</u>	40849
<u>Western Brown Local SD</u>	<u>Brown</u>	<u>1.508565</u>	40850
<u>Western Local SD</u>	<u>Pike</u>	<u>1.616394</u>	40851
<u>Western Reserve Local SD</u>	<u>Huron</u>	<u>1.309909</u>	40852
<u>Western Reserve Local SD</u>	<u>Mahoning</u>	<u>1.091041</u>	40853
<u>Westerville City SD</u>	<u>Franklin</u>	<u>0.963748</u>	40854
<u>Westfall Local SD</u>	<u>Pickaway</u>	<u>1.311966</u>	40855



<u>Westlake City SD</u>	<u>Cuyahoga</u>	<u>0.820277</u>	40856
<u>Wheelersburg Local SD</u>	<u>Scioto</u>	<u>1.305562</u>	40857
<u>Whitehall City SD</u>	<u>Franklin</u>	<u>1.402068</u>	40858
<u>Wickliffe City SD</u>	<u>Lake</u>	<u>0.994269</u>	40859
<u>Willard City SD</u>	<u>Huron</u>	<u>1.358778</u>	40860
<u>Williamsburg Local SD</u>	<u>Clermont</u>	<u>1.225041</u>	40861
<u>Willoughby-Eastlake City SD</u>	<u>Lake</u>	<u>1.069333</u>	40862
<u>Wilmington City SD</u>	<u>Clinton</u>	<u>1.169459</u>	40863
<u>Windham Ex Vill SD</u>	<u>Portage</u>	<u>1.584385</u>	40864
<u>Winton Woods City SD</u>	<u>Hamilton</u>	<u>1.120204</u>	40865
<u>Wolf Creek Local SD</u>	<u>Washington</u>	<u>1.158506</u>	40866
<u>Woodmore Local SD</u>	<u>Sandusky</u>	<u>1.082991</u>	40867
<u>Woodridge Local SD</u>	<u>Summit</u>	<u>0.956249</u>	40868
<u>Wooster City SD</u>	<u>Wayne</u>	<u>1.128544</u>	40869
<u>Worthington City SD</u>	<u>Franklin</u>	<u>0.896897</u>	40870
<u>Wynford Local SD</u>	<u>Crawford</u>	<u>1.300946</u>	40871
<u>Wyoming City SD</u>	<u>Hamilton</u>	<u>0.871194</u>	40872
<u>Xenia Community City SD</u>	<u>Greene</u>	<u>1.223093</u>	40873
<u>Yellow Springs Ex Vill SD</u>	<u>Greene</u>	<u>0.955678</u>	40874
<u>Youngstown City SD</u>	<u>Mahoning</u>	<u>1.634946</u>	40875
<u>Zane Trace Local SD</u>	<u>Ross</u>	<u>1.222296</u>	40876
<u>Zanesville City SD</u>	<u>Muskingum</u>	<u>1.389095</u>	40877

Sec. 3306.052. Each city, local, and exempted village school 40879  
district shall receive funding for career-technical education 40880  
teachers and career-technical education program operations for 40881  
fiscal years 2010 and 2011 as follows: 40882

(A) For fiscal year 2010, each district shall receive an 40883  
amount equal to the amount the district received for fiscal year 40884  
2009 under division (E) of section 3317.022 of the Revised Code, 40885  
as that section existed for that fiscal year, less any amounts 40886  
attributable to community school students and net of any additions 40887  
or deductions attributable to open enrollment students, times 40888

<u>1.019.</u>	40889
<u>(B) For fiscal year 2011, each district shall receive an</u>	40890
<u>amount equal to the amount the district received for fiscal year</u>	40891
<u>2010 under division (A) of this section times 1.019.</u>	40892
<b><u>Sec. 3306.06.</u></b> (A) <u>The additional services support component</u>	40893
<u>of the adequacy amount for each city, local, and exempted village</u>	40894
<u>school district is the sum of the following:</u>	40895
<u>(1) The family and community liaison factor;</u>	40896
<u>(2) The counselor factor;</u>	40897
<u>(3) The summer remediation factor;</u>	40898
<u>(4) The school nurse wellness coordinator factor;</u>	40899
<u>(5) The district health professional factor.</u>	40900
<u>(B)(1) The family and community liaison factor shall be</u>	40901
<u>calculated by multiplying the school district's formula ADM times</u>	40902
<u>its targeted poverty indicator and dividing the product by</u>	40903
<u>seventy-five, and then multiplying the quotient by the product of</u>	40904
<u>the applicable Ohio educational challenge factor times \$38,633, in</u>	40905
<u>fiscal year 2010, and times \$39,381, in fiscal year 2011.</u>	40906
<u>(2) The counselor factor shall be calculated by dividing the</u>	40907
<u>district's formula ADM for grades six to twelve by two hundred</u>	40908
<u>fifty, and then multiplying the quotient by a dollar amount for</u>	40909
<u>each fiscal year established by law. No counselor factor shall be</u>	40910
<u>calculated and paid for fiscal years 2010 and 2011.</u>	40911
<u>(3) The summer remediation program factor shall be calculated</u>	40912
<u>by multiplying the district's formula ADM times its targeted</u>	40913
<u>poverty indicator times fifty per cent, which represents the</u>	40914
<u>anticipated participation rate, dividing that product by thirty,</u>	40915
<u>which is the assumed student-to-teacher ratio for summer</u>	40916
<u>remediation, and multiplying that quotient by the product of</u>	40917

\$3,000 times the applicable Ohio educational challenge factor. 40918

(4) The school nurse wellness coordinator factor shall be 40919  
calculated by multiplying the number of the district's 40920  
organizational units times a dollar amount for each fiscal year 40921  
established by law, except that in a small school district, the 40922  
school nurse wellness coordinator factor shall be zero. No school 40923  
nurse wellness coordinator factor shall be calculated and paid for 40924  
fiscal years 2010 and 2011. 40925

(5) The district health professional factor for each district 40926  
equals a dollar amount specified by law for each fiscal year. No 40927  
district health professional factor shall be calculated and paid 40928  
for fiscal years 2010 and 2011. 40929

(C) In adopting expenditure and reporting standards under 40930  
section 3306.25 of the Revised Code, the superintendent of public 40931  
instruction shall include standards that encourage school 40932  
districts to give preference to employing or obtaining the 40933  
services of licensed school nurses with funds received for the 40934  
school nurse wellness coordinator factor and the district health 40935  
professional factor. 40936

(D) Each school district shall account separately for 40937  
expenditures of the amounts received for additional services 40938  
support under this section and report that information to the 40939  
department of education. 40940

**Sec. 3306.07.** (A) The administrative services support 40941  
component of the adequacy amount for each city, local, and 40942  
exempted village school district is the sum of the following: 40943

(1) The district administration factor; 40944

(2) The principal factor; 40945

(3) The administrative support personnel factor; 40946

(B)(1) The district administration factor equals \$187,176 in 40947

fiscal year 2010 and \$190,801 in fiscal year 2011. 40948

(2) The principal factor shall be calculated by multiplying the number of the district's organizational units times \$89,563 in fiscal year 2010 and \$91,297 in fiscal year 2011. However, each type 1 or type 2 school district shall receive for a principal factor an amount not less than the applicable dollar amount specified in this paragraph times the number of school buildings in the district for which the department of education issued a report card under section 3302.03 of the Revised Code for the prior school year. As used in this division, "type 1 school district" means a school district characterized as a type 1 (rural/agricultural, high poverty, low median income) district, and "type 2 school district" means a school district characterized as a type 2 (rural/agricultural, small student population, low poverty, low to moderate median income), in the typology of districts published by the department in July 2007. 40949  
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(3) The administrative support personnel factor is funding determined for building managers, secretaries, and noninstructional aides. 40964  
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(a) The funding for building managers shall be calculated by multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 2011 times the number of the district's organizational units. 40967  
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(b) The funding for secretaries shall be calculated by multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 2011 times the number of the district's organizational units, where two additional secretaries shall be funded for each high school organizational unit. 40970  
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(c) The funding for noninstructional aides shall be a dollar amount set by law for each fiscal year times the number of the district's organizational units, where the organizational units are multiplied by two in the case of elementary school and middle 40975  
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school organizational units and by three in case of high school 40979  
organizational units. 40980

However, each small school district shall receive funding for 40981  
one building manager, one secretary, and one noninstructional 40982  
aide. Every other city, local, and exempted village school 40983  
district shall receive funding for at least one building manager, 40984  
one secretary, and one noninstructional aide. 40985

No funding shall be calculated and paid for noninstructional 40986  
aides for fiscal years 2010 and 2011. 40987

(C) Each school district shall account separately for the 40988  
amounts received for administrative services support under this 40989  
section and report that information to the department of 40990  
education. 40991

**Sec. 3306.08.** (A) The operations and maintenance support 40992  
component of the adequacy amount for each city, local, and 40993  
exempted village school district shall be calculated by 40994  
multiplying the district's formula ADM times \$884. 40995

(B) The operations and maintenance support for each city, 40996  
local, and exempted village school district shall be adjusted by 40997  
multiplying the calculated amount by 0.45 in fiscal years 2010 and 40998  
2011, and by 0.75 in fiscal years 2012 and 2013. 40999

(C) Each school district shall account separately for 41000  
expenditures of the amounts received for operations and 41001  
maintenance support under this section and report that information 41002  
to the department of education. 41003

**Sec. 3306.09.** (A) The gifted education support component of 41004  
the adequacy amount for each city, local, and exempted village 41005  
school district is the sum of the following: 41006

(1) The gifted identification factor; 41007

<u>(2) The gifted coordinator factor;</u>	41008
<u>(3) The gifted intervention specialist factor;</u>	41009
<u>(4) The gifted intervention specialist professional development factor.</u>	41010 41011
<u>(B)(1) The gifted identification factor shall be calculated by multiplying the district's formula ADM times \$5.</u>	41012 41013
<u>(2) The gifted coordinator factor shall be calculated by multiplying \$66,375 in fiscal year 2010 and \$67,660 in fiscal year 2011 times the quotient of the district's formula ADM divided by two thousand five hundred.</u>	41014 41015 41016 41017
<u>(3) The gifted intervention specialist factor shall be calculated by multiplying the number of the district's organizational units times the Ohio educational challenge factor specified for the district in section 3306.051 of the Revised Code times the statewide base teacher salary specified in section 3306.05 of the Revised Code.</u>	41018 41019 41020 41021 41022 41023
<u>(4) The gifted intervention specialist professional development factor shall be calculated by multiplying the number of the district's organizational units times the per-teaching-position dollar amount specified for the professional development factor in division (A)(7) of section 3306.03 of the Revised Code.</u>	41024 41025 41026 41027 41028 41029
<u>(C) The gifted intervention specialist factor and the gifted intervention specialist professional development factor for each city, local, and exempted village school district, shall be adjusted by multiplying the calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 2017.</u>	41030 41031 41032 41033 41034 41035 41036
<u>(D) A school district that does not submit an annual report</u>	41037

under section 3324.05 of the Revised Code, or that reports zero 41038  
students identified as gifted, shall receive zero funding for the 41039  
gifted coordinator factor, the gifted intervention specialist 41040  
factor, and the gifted intervention specialist professional 41041  
development factor. 41042

(E) Each school district shall expend the funds calculated 41043  
under the gifted education support component in accordance with 41044  
rules adopted under section 3306.25 of the Revised Code. Those 41045  
rules shall require that such funds be spent only for the 41046  
employment of staff to serve students identified as gifted, in 41047  
accordance with Chapter 3324. of the Revised Code, or for other 41048  
services to such students. The rules shall be aligned with the 41049  
operating standards for identifying and serving gifted students 41050  
prescribed in rules adopted by the state board of education. 41051  
Notwithstanding anything to the contrary in section 3306.25 of the 41052  
Revised Code, the rules regarding the expenditure and reporting of 41053  
funds for the gifted education support component adopted under 41054  
that section shall take effect July 1, 2011. 41055

Subject to approval by the department of education, a school 41056  
district may use up to fifteen per cent of the portion of the 41057  
gifted intervention specialist factor attributable to the grade 41058  
six through twelve formula ADM to support access to services 41059  
provided by the district that are not services described in 41060  
Chapter 3324. of the Revised Code but are specified in gifted 41061  
students' written education plans prepared in accordance with the 41062  
state board's operating standards for identifying and serving 41063  
gifted students. 41064

(F) Each school district shall account separately for 41065  
expenditures of the amounts received for gifted identification, 41066  
gifted coordinators, gifted intervention specialists, and gifted 41067  
intervention specialist professional development under this 41068  
section and report that information to the department of 41069

education. 41070

(G)(1) Each city, local, and exempted village school district 41071  
that received for fiscal year 2009 unit funding for gifted student 41072  
services under division (L) of section 3317.024 and division (E) 41073  
of section 3317.05 of the Revised Code, as those sections existed 41074  
for that fiscal year, shall spend in each fiscal year thereafter 41075  
for services to identified gifted students from the funds received 41076  
under this chapter an amount not less than the aggregate amount 41077  
received for such gifted unit funding for fiscal year 2009. 41078

(2) Each city, local, and exempted village school district 41079  
that, in fiscal year 2009, received gifted student services from 41080  
an educational service center, which service center received for 41081  
fiscal year 2009 unit funding for gifted student services, shall 41082  
in each fiscal year thereafter do either of the following: 41083

(a) Obtain gifted student services from an educational 41084  
service center that are comparable to the gifted student services 41085  
provided to the district with gifted unit funding in fiscal year 41086  
2009 by an educational service center; 41087

(b) Spend for services to identified gifted students from the 41088  
funds received under this chapter an amount not less than the 41089  
amount of gifted unit funding expended by an educational service 41090  
center in fiscal year 2009 for the district's students. 41091

(3) No district to which division (G)(1) or (2) of this 41092  
section applies shall apply for or receive a waiver under section 41093  
3306.40 of the Revised Code from the spending requirements 41094  
prescribed in those divisions or under division (E) of this 41095  
section. 41096

(4) Each educational service center that received for fiscal 41097  
year 2009 unit funding for gifted student services shall spend 41098  
from its state funds in each fiscal year thereafter for services 41099  
to identified gifted students an amount not less than the 41100



aggregate amount received for gifted unit funding for fiscal year 2009. No educational service center to which division (G)(4) of this section shall receive any waiver of this requirement. 41101  
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(H) A city, local, or exempted village school district that did not receive for fiscal year 2009 unit funding for gifted student services under division (L) of section 3317.024 and division (E) of section 3317.05 of the Revised Code, as those sections existed for that fiscal year, may apply for a waiver under section 3306.40 of the Revised Code from any expenditure requirements prescribed under division (E) of this section. Notwithstanding anything to the contrary in section 3306.40 of the Revised Code, the first waiver granted to a district pursuant to this division shall not be effective for longer than two years, and any subsequent renewal of that waiver shall not be effective for longer than one year. 41104  
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**Sec. 3306.091.** (A) The enrichment support component of the adequacy amount for each city, local, and exempted village school district shall be calculated by multiplying the district's formula ADM times \$100 times the Ohio educational challenge factor. 41116  
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(B) The enrichment support for each city, local, and exempted village school district shall be adjusted by multiplying the calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 2017. 41120  
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(C) The enrichment support component shall be used for purposes other than services for students identified as gifted delivered in accordance with Chapter 3324. of the Revised Code. A district may spend the enrichment support component to pay for enrichment activities that may encourage the intellectual and creative pursuits of all students, including the fine arts. 41126  
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(D) Each school district shall account separately for 41132  
expenditures of the amounts received for enrichment support under 41133  
this section and report that information to the department of 41134  
education. 41135

**Sec. 3306.10.** (A) The technology resources support component 41136  
of the adequacy amount for each city, local, and exempted village 41137  
school district is the sum of the following: 41138

(1) The licensed librarian and media specialist factor; 41139

(2) The technical equipment factor. 41140

(B)(1) The licensed librarian and media specialist factor 41141  
shall be calculated by multiplying the number of the district's 41142  
organizational units times \$60,000. 41143

(2) The technical equipment factor shall be calculated by 41144  
multiplying the district's formula ADM times \$250. 41145

(C) The licensed librarian and media specialist factor and 41146  
the technical equipment factor for each city, local, and exempted 41147  
village school district shall be adjusted by multiplying the 41148  
calculated amounts by 0.20 in fiscal year 2010, by 0.30 in fiscal 41149  
year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in 41150  
fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 41151  
2017. 41152

(D) Each school district shall account separately for the 41153  
amounts received for technology resources support under this 41154  
section and report that information to the department of 41155  
education. 41156

**Sec. 3306.11.** (A) For the purpose of calculating a school 41157  
district's instructional services support under section 3306.05 of 41158  
the Revised Code, the number of special education teacher 41159  
positions used in calculating the special education teacher 41160

factor, and the number of special education teacher's aide 41161  
positions used in calculating the special education teacher's aide 41162  
factor shall be calculated as set forth in this section. 41163

(B)(1) The number of special education teacher positions 41164  
shall be calculated by multiplying the sum of the weighted number 41165  
of children with disabilities calculated under division (C) of 41166  
this section times nine-tenths, and then dividing that product by 41167  
twenty. 41168

(2) The number of special education teacher's aide positions 41169  
shall be calculated by dividing the number of special education 41170  
teacher positions calculated under division (B)(1) of this section 41171  
by two, and multiplying that quotient by 0.50 in fiscal years 2010 41172  
and 2011. 41173

(C) The weighted number of children with disabilities for a 41174  
school district is the sum of: 41175

(1) 0.2906 times the district's category one special 41176  
education ADM; 41177

(2) 0.7374 times the district's category two special 41178  
education ADM; 41179

(3) 1.7716 times the district's category three special 41180  
education ADM; 41181

(4) 2.3643 times the district's category four special 41182  
education ADM; 41183

(5) 3.2022 times the district's category five special 41184  
education ADM; 41185

(6) 4.7205 times the district's category six special 41186  
education ADM. 41187

(D) Each school district shall account separately for 41188  
expenditures of the amounts received for resources for children 41189

with disabilities under this section and section 3306.05 of the 41190  
Revised Code and report that information to the department of 41191  
education. Those amounts may be used to pay for providers of 41192  
related services, as defined in section 3323.01 of the Revised 41193  
Code, for children with disabilities. 41194

**Sec. 3306.12.** (A) As used in this section: 41195

(1) "Assigned bus" means a school bus used to transport 41196  
qualifying riders. 41197

(2) "Nontraditional ridership" means the average number of 41198  
qualifying riders who are enrolled in a community school 41199  
established under Chapter 3314. of the Revised Code, in a STEM 41200  
school established under Chapter 3326. of the Revised Code, or in 41201  
a nonpublic school and are provided school bus service by a school 41202  
district during the first full week of October. 41203

(3) "Qualifying riders" means resident students enrolled in 41204  
regular education in grades kindergarten to twelve who are 41205  
provided school bus service by a school district and who live more 41206  
than one mile from the school they attend, including students with 41207  
dual enrollment in a joint vocational school district or a 41208  
cooperative education school district, and students enrolled in a 41209  
community school, STEM school, or nonpublic school. 41210

(4) "Qualifying ridership" means the average number of 41211  
qualifying riders who are provided school bus service by a school 41212  
district during the first full week of October. 41213

(5) "Rider density" means the number of qualifying riders per 41214  
square mile of a school district. 41215

(6) "School bus service" means a school district's 41216  
transportation of qualifying riders in any of the following types 41217  
of vehicles: 41218

(a) School buses owned or leased by the district; 41219

(b) School buses operated by a private contractor hired by 41220  
the district; 41221

(c) School buses operated by another school district or 41222  
entity with which the district has contracted, either as part of a 41223  
consortium for the provision of transportation or otherwise. 41224

(B) Not later than the fifteenth day of October each year, 41225  
each city, local, and exempted village school district shall 41226  
report to the department of education its qualifying ridership, 41227  
nontraditional ridership, number of qualifying riders per assigned 41228  
bus, and any other information requested by the department. 41229  
Subsequent adjustments to the reported numbers shall be made only 41230  
in accordance with rules adopted by the department. 41231

(C) The department shall calculate the statewide 41232  
transportation cost per student as follows: 41233

(1) Determine each city, local, and exempted village school 41234  
district's transportation cost per student by dividing the 41235  
district's total costs for school bus service in the previous 41236  
fiscal year by its qualifying ridership in the previous fiscal 41237  
year. 41238

(2) After excluding districts that do not provide school bus 41239  
service and the ten districts with the highest transportation 41240  
costs per student and the ten districts with the lowest 41241  
transportation costs per student, divide the aggregate cost for 41242  
school bus service for the remaining districts in the previous 41243  
fiscal year by the aggregate qualifying ridership of those 41244  
districts in the previous fiscal year. 41245

(D) The department shall calculate the statewide 41246  
transportation cost per mile as follows: 41247

(1) Determine each city, local, and exempted village school 41248  
district's transportation cost per mile by dividing the district's 41249  
total costs for school bus service in the previous fiscal year by 41250

its total number of miles driven for school bus service in the 41251  
previous fiscal year. 41252

(2) After excluding districts that do not provide school bus 41253  
service and the ten districts with the highest transportation 41254  
costs per mile and the ten districts with the lowest 41255  
transportation costs per mile, divide the aggregate cost for 41256  
school bus service for the remaining districts in the previous 41257  
fiscal year by the aggregate miles driven for school bus service 41258  
in those districts in the previous fiscal year. 41259

(E) The department shall calculate each city, local, and 41260  
exempted village school district's transportation base payment as 41261  
follows: 41262

(1) Multiply the statewide transportation cost per student by 41263  
the district's qualifying ridership for the current fiscal year. 41264

(2) Multiply the statewide transportation cost per mile by 41265  
the district's total number of miles driven for school bus service 41266  
in the current fiscal year. 41267

(3) Multiply the greater of the amounts calculated under 41268  
divisions (E)(1) and (2) of this section by the greater of sixty 41269  
per cent or the district's state share percentage. 41270

(F) The department shall calculate each city, local, and 41271  
exempted village school district's nontraditional ridership 41272  
adjustment according to the following formula: 41273

(nontraditional ridership for the current fiscal year / 41274  
qualifying ridership for the current fiscal year) X 0.1 X 41275  
transportation base payment 41276

(G) If a city, local, and exempted village school district 41277  
offers school bus service to all resident students who are 41278  
enrolled in regular education in district schools in grades nine 41279  
to twelve and who live more than one mile from the school they 41280  
attend, the department shall calculate the district's high school 41281

ridership adjustment according to the following formula: 41282

0.025 X transportation base payment 41283

(H) If a city, local, and exempted village school district offers school bus service to students enrolled in grades kindergarten to eight who live more than one mile, but two miles or less, from the school they attend, the department shall calculate an additional adjustment according to the following formula: 41284  
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0.025 X transportation base payment 41290

(I)(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of qualifying riders per assigned bus as adjusted to reflect the district's rider density in comparison to the rider density of all other districts. The department shall post on the department's web site each district's target number of qualifying riders per assigned bus and a description of how the target number was determined. 41291  
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(2) The department shall determine each school district's efficiency index by dividing the district's median number of qualifying riders per assigned bus by its target number of qualifying riders per assigned bus. 41302  
41303  
41304  
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(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment as follows: 41306  
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(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment shall be calculated according to the following formula: 41309  
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41311

0.1 X transportation base payment 41312

(b) If the district's efficiency index is less than 1.5 but equal to or greater than 1.0, the efficiency adjustment shall be calculated according to the following formula:

[(efficiency index - 1) / 5] X transportation base payment

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment shall be zero.

(J) The department shall pay each city, local, and exempted village school district the lesser of the following:

(1) The sum of the amounts calculated under divisions (E) to (H) and (I)(3) of this section;

(2) The district's total costs for school bus service for the prior fiscal year.

(K) In addition to funds paid under division (J) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(L)(1) In fiscal years 2010 and 2011, the department shall pay each district a pro rata portion of the amounts calculated under division (J) of this section and described in division (K) of this section, based on state appropriations.

(2) In addition to the prorated payment under division (L)(1) of this section, in fiscal years 2010 and 2011, the department shall pay each school district that meets the conditions prescribed in division (L)(3) of this section an additional amount equal to the following product:

(a) The difference of (i) the amounts calculated under



division (J) of this section and prescribed in division (K) of 41343  
this section minus (ii) that prorated payment; times 41344

(b) 0.30 in fiscal year 2010 and 0.70 in fiscal year 2011. 41345

(3) Division (L)(2) of this section applies to each school 41346  
district that meets all of the following conditions: 41347

(a) The district qualifies for the calculation of a payment 41348  
under division (J) of this section because it transports students 41349  
on board-owned or contractor-owned school buses. 41350

(b) The district's local wealth per pupil, calculated as 41351  
prescribed in section 3317.0217 of the Revised Code, is at or 41352  
below the median local wealth per pupil of all districts that 41353  
qualify for calculation of a payment under division (J) of this 41354  
section. 41355

(c) The district's rider density is at or below the median 41356  
rider density of all districts that qualify for calculation of a 41357  
payment under division (J) of this section. 41358

**Sec. 3306.13.** (A) The department of education shall compute 41359  
and distribute to each city, local, and exempted village school 41360  
district the state share of the adequacy amount for the fiscal 41361  
year by subtracting the district's charge-off amount calculated 41362  
under division (B) of this section from its adequacy amount 41363  
calculated under section 3306.03 of the Revised Code. 41364

(B)(1) For districts with a class one effective operating tax 41365  
rate that is less than twenty and one-tenth effective mills as of 41366  
the first day of July of the current fiscal year, the charge-off 41367  
amount equals the applicable charge-off rate, prescribed in 41368  
division (C) of this section, times the sum of the district's 41369  
total taxable value plus its property exemption value. 41370

(2) For districts with a class one effective operating tax 41371  
rate that is greater than or equal to twenty and one-tenth class 41372

one effective mills as of the first day of July of the current 41373  
fiscal year, the charge-off amount equals the applicable 41374  
charge-off rate, prescribed in division (C) of this section, times 41375  
the sum of the district's recognized valuation plus its property 41376  
exemption value. 41377

If the difference obtained from the calculation is a negative 41378  
number, the state share shall be zero. 41379

(3)(a) For each school district for which the tax exempt 41380  
value of the district equals or exceeds twenty-five per cent of 41381  
the potential value of the district, the department shall 41382  
calculate the difference between the district's tax exempt value 41383  
and twenty-five per cent of the district's potential value. 41384

(b) For each school district to which division (B)(3)(a) of 41385  
this section applies, the department shall adjust the total 41386  
taxable value used in the calculation under division (B)(1) of 41387  
this section or the recognized valuation used in the calculation 41388  
under division (B)(2) of this section by subtracting from it the 41389  
amount calculated under division (B)(3)(a) of this section. 41390

(C) The charge-off rate shall be as follows: 41391

(1) In fiscal years 2010 and 2011, 0.022; 41392

(2) In fiscal years 2012 and 2013, 0.021; 41393

(3) In fiscal year 2014 and in each fiscal year thereafter, 41394  
0.020. 41395

(D) The department shall use the information obtained under 41396  
section 3317.021 of the Revised Code during the calendar year in 41397  
which the fiscal year begins to calculate the district state 41398  
shares under this section. 41399

**Sec. 3306.14.** (A) The partnership for continued learning 41400  
shall establish a career-technical education funding committee. 41401  
The committee shall study the extent to which current funding for 41402

joint vocational school districts and compact and comprehensive 41403  
career-technical schools is responsive to state, regional, and 41404  
local business and industry needs. The committee shall consist of 41405  
the following: 41406

(1) One or more representatives of the partnership, selected 41407  
by the members of the partnership; 41408

(2) One or more business leaders, selected by the 41409  
superintendent of public instruction; 41410

(3) At least three representatives of joint vocational school 41411  
districts, selected by the superintendent of public instruction; 41412

(4) At least three representatives of compact 41413  
career-technical schools selected by the superintendent of public 41414  
instruction; 41415

(5) At least three representatives of comprehensive 41416  
career-technical schools selected by the superintendent of public 41417  
instruction; 41418

(6) One member of a school district board of education 41419  
selected by the governor. 41420

Any of the members selected under divisions (A)(3) to (5) of 41421  
this section may be members of the partnership. 41422

The committee shall operate under the direction of the 41423  
superintendent and the chancellor. 41424

(B) Not later than September 1, 2010, the committee shall 41425  
issue a report to the partnership for continued learning and the 41426  
general assembly containing its findings and recommendations for 41427  
revisions to career-technical education programming and funding. 41428  
After the committee issues the report, the committee shall cease 41429  
to exist. 41430

(C) The general assembly shall consider the enactment of laws 41431

implementing the recommendations of the committee not later than 41432  
July 1, 2011. 41433

(D) The department of education shall continue to evaluate 41434  
the efficacy of the career-technical education system and its 41435  
programmatic offerings. 41436

**Sec. 3306.15.** (A) In fiscal years 2010 and 2011, each 41437  
educational service center shall undergo a performance review 41438  
under sections 3306.32 and 3306.321 of the Revised Code. 41439

(B) The educational service center study committee is hereby 41440  
established. The committee shall study the extent to which the 41441  
current educational service center system supports school 41442  
districts in academic achievement, teacher quality, shared 41443  
educational services, and the purchasing of services and 41444  
commodities. The committee shall consist of the following members: 41445

(1) The superintendent of public instruction, the chancellor 41446  
of the Ohio board of regents, the auditor of state or a designee 41447  
of the auditor of state, and the director of budget and management 41448  
or a designee of the director; 41449

(2) The following members appointed by the governor: 41450

(a) A representative of educational service centers; 41451

(b) A superintendent of a city school district; 41452

(c) A representative of parents or community representatives; 41453

(d) A representative of the business community; 41454

(e) A representative of county boards of mental retardation 41455  
and developmental disabilities; 41456

(f) A member of a school district board of education. 41457

(3) The following members appointed by the speaker of the 41458  
house of representatives: 41459

<u>(a) A representative of educational service centers;</u>	41460
<u>(b) A superintendent of an exempted village school district;</u>	41461
<u>(c) A representative of school district treasurers or business managers;</u>	41462 41463
<u>(d) A representative of higher education institutions.</u>	41464
<u>(4) The following members appointed by the president of the senate:</u>	41465 41466
<u>(a) A representative of educational service centers;</u>	41467
<u>(b) A superintendent of a local school district;</u>	41468
<u>(c) A representative of higher education institutions;</u>	41469
<u>(d) A representative of the special education community.</u>	41470
<u>The committee shall be co-chaired by the superintendent of public instruction and the chancellor of the Ohio board of regents. The governor, speaker of the house of representatives, and president of the senate shall appoint members no later than September 1, 2009, and the committee shall hold its first meeting no later than October 15, 2009.</u>	41471 41472 41473 41474 41475 41476
<u>(C) Based on the performance reviews conducted under this section, the committee shall make recommendations regarding the following:</u>	41477 41478 41479
<u>(1) A new regional service delivery system;</u>	41480
<u>(2) Educational service system governance structure;</u>	41481
<u>(3) Accountability metrics for educational service centers.</u>	41482
<u>Not later than July 1, 2010, the committee shall issue to the governor a status report of its progress. The committee shall issue a final report containing its findings and recommendations to the governor not later than October 1, 2010, at which time the committee shall cease to exist.</u>	41483 41484 41485 41486 41487

(D) The department of education and the office of budget and management shall provide the committee with any information and assistance required by the committee to carry out its duties. 41488  
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Sec. 3306.16. (A)(1) Except as provided in division (C) of this section, the department of education shall calculate and pay the adequacy amount for each community school established under Chapter 3314. of the Revised Code, other than internet- or computer-based community schools, in the manner set forth in sections 3306.02 to 3306.11 of the Revised Code, with the following exceptions: 41491  
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(a) The base teacher salary shall be \$51,407 in fiscal year 2010 and \$52,230 in fiscal year 2011. 41498  
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(b) The number of organizational units attributed to each community school shall be calculated by dividing the community school's ADM by two hundred ninety-one, but no school shall be attributed less than one-half of one organizational unit. 41500  
41501  
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(c) The calculation of instructional services support, the family and community liaison factor, the summer remediation factor, and enrichment support shall not utilize the Ohio educational challenge factor, unless division (C) of this section applies. 41504  
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(d) The counselor factor shall equal a dollar amount for each fiscal year established by law. No counselor factor shall be calculated and paid for fiscal years 2010 and 2011. 41509  
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(e) The school nurse wellness coordinator factor and the district health professional factor shall be calculated as follows: 41512  
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41514

(i) Each community school with ADM of less than four hundred eighteen shall receive only the school nurse wellness coordinator factor; 41515  
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41517

(ii) Each community school with ADM of four hundred eighteen or more shall receive only the district health professional factor. 41518  
41519  
41520

No school nurse wellness coordinator factor or district health professional factor shall be calculated and paid for fiscal years 2010 and 2011. 41521  
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41523

(f) Administrative services support shall include only the following: 41524  
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(i) The principal factor; 41526

(ii) The administrative services support personnel factor, except that a community school shall receive funding for at least one-half of one building manager, one-half of one secretary, and one-half of one noninstructional aide. No funding shall be calculated and paid for noninstructional aides for fiscal years 2010 and 2011. 41527  
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(g) The district administration factor shall equal zero. 41533

(2) In addition to the adequacy amount, the department shall calculate and pay to each community school that is not an internet- or computer-based community school an amount for career-technical education, as follows: 41534  
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41537

(a) For fiscal year 2010, 1.019 times the amount paid to the school for fiscal year 2009 under former division (D)(4) of section 3314.08 of the Revised Code; 41538  
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41540

(b) For fiscal year 2011, 1.019 times the amount paid to the school for fiscal year 2010 under division (A)(2)(a) of this section. 41541  
41542  
41543

(B) The department of education shall calculate and pay the adequacy amount for each internet- or computer-based community school in the manner set forth in sections 3306.02 to 3306.11 of the Revised Code, with the following exceptions: 41544  
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41546  
41547

- (1) The base teacher salary shall be \$51,407 in fiscal year 2010 and \$52,230 in fiscal year 2011. 41548  
41549
- (2) The number of organizational units attributed to each internet- or computer-based community school shall be calculated by dividing the community school's ADM by two hundred ninety-one. There shall be no minimum number of organizational units that must be attributed to an internet- or computer-based community school, and no internet- or computer-based community school shall be attributed more than one organizational unit, regardless of the number of students enrolled in the school. 41550  
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- (3) The calculation of instructional services support shall not utilize the Ohio educational challenge factor unless division (C) of this section applies. 41558  
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- (4) The number of core teacher positions shall equal the school's ADM divided by one hundred twenty-five. 41561  
41562
- (5) The number of specialist teacher positions shall equal zero. 41563  
41564
- (6) The number of lead teacher positions shall equal zero. 41565
- (7) The number of supplemental teacher positions shall equal zero. 41566  
41567
- (8) The family and community liaison factor shall equal zero. 41568
- (9) The counselor factor shall equal a dollar amount for each fiscal year established by law. No counselor factor shall be calculated and paid for fiscal years 2010 and 2011. 41569  
41570  
41571
- (10) The summer remediation factor shall equal zero. 41572
- (11) The school nurse wellness coordinator factor and district health professional factor each shall equal zero. 41573  
41574
- (12) Administrative services support shall equal zero. 41575
- (13) Operations and maintenance support shall equal zero. 41576



<u>(14) Gifted education support and enrichment support each shall equal zero.</u>	41577 41578
<u>(15) Technology resources support shall equal the school's ADM multiplied by \$1,037.</u>	41579 41580
<u>(16) The professional development factor shall equal zero.</u>	41581
<u>(C) In calculating the adequacy amount under divisions (A) and (B) of this section, the department shall not apply the exception specified in division (A)(1)(c) or (B)(3) of this section, and shall utilize the educational challenge factor in calculating the school's instructional services support, family and community liaison factor, summer remediation factor, and enrichment support, as provided in division (D) of this section, if both of the following apply:</u>	41582 41583 41584 41585 41586 41587 41588 41589
<u>(1) The community school is either:</u>	41590
<u>(a) A new start-up community school, as defined in section 3314.02 of the Revised Code;</u>	41591 41592
<u>(b) A conversion community school that was open for instruction as a community school prior to July 1, 2009.</u>	41593 41594
<u>(2) The community school satisfies the conditions of division (C)(2)(a) or (b) of this section:</u>	41595 41596
<u>(a) The community school is sponsored by a city, local, or exempted village school district and at least fifty per cent of the community school ADM for the previous school year or, if the current fiscal year is the community school's first year of operation, at least fifty per cent of the students attending during the first full school week of October, consist of students entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in the school district that is the community school's sponsor.</u>	41597 41598 41599 41600 41601 41602 41603 41604 41605
<u>(b) The community school was rated for the previous school</u>	41606

year under section 3302.03 of the Revised Code as continuous 41607  
improvement or higher. 41608

(D) The educational challenge factor utilized for a community 41609  
school under division (C) of this section shall be: 41610

(1) If the community school qualifies under division 41611  
(C)(2)(a) of this section, the educational challenge factor 41612  
prescribed in section 3306.051 of the Revised Code for the school 41613  
district that sponsors the school; 41614

(2) If the community school qualifies under division 41615  
(C)(2)(b) of this section, the unweighted mean of all of the 41616  
educational challenge factors prescribed in section 3306.051 of 41617  
the Revised Code; 41618

(3) If the community school qualifies under both divisions 41619  
(C)(2)(a) and (b) of this section, the greater of the educational 41620  
challenge factors described in divisions (D)(1) and (2) of this 41621  
section. 41622

(E) If two or more community schools, which are not internet- 41623  
or computer-based community schools, are located in the same 41624  
building, have at least one common member on their respective 41625  
governing authorities, and have the same chief administrative 41626  
officer, the department shall compute aggregate funding for all of 41627  
those schools according to the provisions of division (A) of this 41628  
section as if they were one school, and then shall pay each school 41629  
a share of that aggregate amount on a per pupil basis. 41630

(F)(1) The aggregate amount calculated and paid pursuant to 41631  
divisions (A)(1) and (C) of this section for fiscal year 2010 to 41632  
each community school that is not an internet- or computer-based 41633  
community school shall not exceed 1.019 times the product of: 41634

(a) The quotient of the aggregate amount paid to the 41635  
community school under former divisions (D)(1), (2), and (5) to 41636  
(10) of section 3314.08 of the Revised Code and former section 41637

3314.13 of the Revised Code, plus any gifted education units paid to the school, for fiscal year 2009, divided by the community school ADM for fiscal year 2009, as adjusted and verified by the department; times

(b) The community school ADM for fiscal year 2010, as adjusted and verified by the department.

(2) The aggregate amount calculated and paid pursuant to divisions (A)(1) and (C) of this section for fiscal year 2011 to each community school that is not an internet- or computer-based community school shall not exceed 1.019 times the product of:

(a) The quotient of the aggregate amount paid to the community school under divisions (A)(1) and (C) of this section for fiscal year 2010, divided by the community school ADM for fiscal year 2010, as adjusted and verified by the department; times

(b) The community school ADM for fiscal year 2011, as adjusted and verified by the department.

(3) The aggregate amount calculated and paid pursuant to divisions (B) and (C) of this section for fiscal year 2010 to each internet- or computer-based community school shall not exceed 1.019 times the product of:

(a) The quotient of the aggregate amount paid to the school under former divisions (D)(1) and (2) of section 3314.08 of the Revised Code, plus any gifted education units paid to the school, for fiscal year 2009, divided by the community school ADM for fiscal year 2009, as adjusted and verified by the department; times

(b) The community school ADM for fiscal year 2010, as adjusted and verified by the department.

(4) The aggregate amount calculated and paid pursuant to

divisions (B) and (C) of this section for fiscal year 2011 to each 41668  
internet- or computer-based community school shall not exceed 41669  
1.019 times the product of: 41670

(a) The quotient of the aggregate amount paid to the school 41671  
under divisions (B) and (C) of this section for fiscal year 2010, 41672  
divided by the community school ADM for fiscal year 2010, as 41673  
adjusted and verified by the department; times 41674

(b) The community school ADM for fiscal year 2011, as 41675  
adjusted and verified by the department. 41676

(G) Each community school shall track its expenditure of the 41677  
amount received under this section and report that information to 41678  
the department of education. 41679

**Sec. 3306.17.** For each STEM school established under Chapter 41680  
3326. of the Revised Code, the governing body of which is not a 41681  
city, local, or exempted village school district board of 41682  
education pursuant to section 3326.51 of the Revised Code, the 41683  
department of education shall calculate and pay the adequacy 41684  
amount in the manner set forth in sections 3306.02 to 3306.11 of 41685  
the Revised Code, with the following exceptions: 41686

(A) The adequacy amount shall be calculated as if the STEM 41687  
school were a small school district, regardless of the number of 41688  
students enrolled in the school. 41689

(B) The calculation of instructional services support, the 41690  
family and community liaison factor, the summer remediation 41691  
factor, and enrichment support shall not utilize the Ohio 41692  
educational challenge factor. 41693

**Sec. 3306.18.** On or before the fifteenth day of July of each 41694  
year, the superintendent of public instruction shall certify to 41695  
the state board of education the amount each city, local, and 41696  
exempted village school district expended in the previous fiscal 41697

year on each factor of the district's adequacy amount. 41698

Sec. 3306.19. (A) The department of education shall calculate 41699  
and pay transitional aid in fiscal years 2010 and 2011 to each 41700  
city, local, and exempted village school district that receives 41701  
less from the combination of its state share of the adequacy 41702  
amount calculated under section 3306.13 of the Revised Code plus 41703  
the amount calculated for career-technical education under section 41704  
3306.052 of the Revised Code plus the prorated transportation 41705  
funding calculated under division (L)(1) of section 3306.12 of the 41706  
Revised Code than its transitional aid guarantee base for the 41707  
fiscal year. The amount of the transitional aid payment shall 41708  
equal the difference of the district's transitional aid guarantee 41709  
base for the current fiscal year minus the sum of its calculated 41710  
state share of the adequacy amount plus its career-technical 41711  
education funding plus its prorated transportation funding for the 41712  
current fiscal year. 41713

(1) The transitional aid guarantee base for each city, local, 41714  
and exempted village school district for fiscal year 2010 equals 41715  
the sum of the following computed for fiscal year 2009, as 41716  
reconciled by the department, less any amounts attributable to 41717  
community school students included in the calculations and, 41718  
subject to division (A)(3) of this section, net of any additions 41719  
or deductions attributable to open enrollment students and less 41720  
any general revenue fund spending reductions ordered by the 41721  
governor under section 126.05 of the Revised Code: 41722

(a) Base-cost funding under division (A) of section 3317.022 41723  
of the Revised Code; 41724

(b) Special education and related services additional 41725  
weighted funding under division (C)(1) of section 3317.022 of the 41726  
Revised Code; 41727

<u>(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code;</u>	41728 41729
<u>(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;</u>	41730 41731
<u>(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;</u>	41732 41733
<u>(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;</u>	41734 41735 41736
<u>(g) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;</u>	41737 41738
<u>(h) Transportation under Section 269.20.80 of Am. Sub. H.B. 119 of the 127th general assembly;</u>	41739 41740
<u>(i) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;</u>	41741 41742
<u>(j) The charge-off supplement under section 3317.0216 of the Revised Code;</u>	41743 41744
<u>(k) Transitional aid under Section 269.30.80 of Am. Sub. H.B. 119 of the 127th general assembly.</u>	41745 41746
<u>(2) Subject to division (A)(3) of this section, the transitional aid guarantee base for each city, local, and exempted village school district for fiscal year 2011 equals ninety-eight per cent of the following difference:</u>	41747 41748 41749 41750
<u>(a) The sum of the district's state share of the adequacy amount calculated under section 3306.13 of the Revised Code plus the district's career-technical education funding calculated under division (L)(1) of section 3306.052 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus any transitional aid payment under this section for fiscal year 2010,</u>	41751 41752 41753 41754 41755 41756 41757

as the sum is adjusted under division (B)(1) of this section, if 41758  
applicable; minus 41759

(b) Any general revenue fund spending reductions ordered by 41760  
the governor for fiscal year 2010 under section 126.05 of the 41761  
Revised Code. 41762

(3) If a school district had a policy under section 3313.98 41763  
of the Revised Code permitting open enrollment for the prior 41764  
fiscal year, but for the current fiscal year has altered its 41765  
policy so that students who enrolled in the district in the prior 41766  
year under the district's policy no longer are eligible to enroll 41767  
in the district in the current year under its new policy, the 41768  
amount attributable to such students affected by the change in the 41769  
district's policy paid to the district for the prior fiscal year 41770  
shall not be included in the district's transitional aid base for 41771  
the current fiscal year. 41772

(B) Notwithstanding any provision of this chapter to the 41773  
contrary: 41774

(1) The combination of the state share of the adequacy amount 41775  
plus the prorated transportation funding under division (L)(1) of 41776  
section 3306.12 of the Revised Code for any city, local, or 41777  
exempted village school district for fiscal year 2010 shall not 41778  
exceed 1.019 times the difference of its transitional aid 41779  
guarantee base for fiscal year 2010 minus the amount described in 41780  
division (A)(1)(d) of this section. 41781

(2) The combination of the state share of the adequacy amount 41782  
plus the prorated transportation funding under division (L)(1) of 41783  
section 3306.12 of the Revised Code for any city, local, or 41784  
exempted village school district for fiscal year 2011 shall not 41785  
exceed 1.019 times the difference of its transitional aid 41786  
guarantee base for fiscal year 2011 minus the amount paid to the 41787  
district under division (A) of section 3306.052 of the Revised 41788

Code. 41789

Sec. 3306.191. The department of education shall calculate 41790  
and pay additional transitional aid in fiscal year 2011 to a city, 41791  
local, and exempted village school district equal to the 41792  
following: 41793

(0.98 X the district's state education aid for fiscal year 2010) - 41794  
the district's state education aid for fiscal year 2011 41795

If the result is a negative number, no payment shall be paid 41796  
under this section. 41797

As used in this section, "state education aid" has the same 41798  
meaning as in section 5751.20 of the Revised Code. 41799

Sec. 3306.192. In fiscal year 2012 and in each fiscal year 41800  
thereafter, the department of education shall pay a city, local, 41801  
or exempted village school district additional funds computed as 41802  
follows: 41803

(A) The statewide per pupil amount paid for chartered 41804  
nonpublic school students - (the sum of the district's payments 41805  
under sections 3306.052, 3306.12, 3306.13, and 3306.19 of the 41806  
Revised Code/its formula ADM); times 41807

(B) The district's formula ADM. 41808

If the result is a negative number, no payment shall be made 41809  
under this section. 41810

As used in this section, the "statewide per pupil amount paid 41811  
for chartered nonpublic school for students" means the statewide 41812  
per pupil amount paid under sections 3317.06 and 3317.063 of the 41813  
Revised Code, combined, for the current fiscal year, as calculated 41814  
by the department. 41815

Sec. 3306.21. Nothing in this chapter shall be construed to 41816



affect or limit the authority of a school district, community school, or STEM school to contract with an educational service center, under sections 3313.843, 3313.844, 3313.845, 3314.022, and 3326.45 of the Revised Code, for the provision of any services for which funds are calculated and paid under this chapter. 41817  
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Sec. 3306.22. Nothing in this chapter shall be construed to prohibit a school district from using funds calculated and paid under this chapter to establish, operate, or participate in a joint or cooperative program under section 3313.842 of the Revised Code. 41822  
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Sec. 3306.25. (A) The superintendent of public instruction shall adopt rules, in accordance with Chapter 119. of the Revised Code, prescribing standards for the expenditure of funds calculated under this chapter and for the reporting of expenditures of those funds for particular funded components, as determined by the superintendent, so that those funds are directed toward the purposes for which they were calculated. 41827  
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The superintendent shall classify the components into the following categories: 41834  
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(1) Core academic strategy components, which shall be considered those components that are fundamental to successful education practices in the twenty-first century for all students; 41836  
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(2) Academic improvement components, which shall be considered those components that have been demonstrated to make the greatest improvement in the academic achievement of underperforming students; 41839  
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(3) Other components. 41843

The superintendent shall determine the funded components included in each category. 41844  
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(B) The rules adopted for core academic strategy components under division (A)(1) of this section shall prescribe standards for expenditure and reporting and shall apply to all school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code. However, the rules shall afford districts, community schools, and STEM schools rated as effective or excellent, under section 3302.03 of the Revised Code, flexibility in determining how to spend funds calculated for the components included in that category.

(C) The rules adopted for academic improvement components under division (A)(2) of this section shall prescribe standards for expenditure and reporting and shall apply only to school districts, community schools, and STEM schools that have been declared to be in academic emergency or academic watch, under section 3302.03 of the Revised Code, for two or more consecutive years, beginning with the ratings of districts and schools issued under that section in the fiscal year that begins two years prior to the effective date of rules adopted under division (A)(2) of this section.

(D) The rules adopted under division (A)(3) of this section shall prescribe only reporting standards and shall not prescribe spending requirements or standards. The rules shall apply to all school districts, community schools, and STEM schools.

(E) The rules shall take effect pursuant to a schedule determined by the superintendent. However, no rule adopted under division (A)(1) or (3) of this section shall take effect earlier than July 1, 2010, and no rule adopted under division (A)(2) of this section shall take effect earlier than July 1, 2011.

(F) Each school district, community school, and STEM school shall comply with each applicable rule adopted under this section beginning on the effective date of that rule.

<u>Sec. 3306.29. (A) The Ohio school funding research advisory</u>	41878
<u>council is hereby established. The council shall consist of the</u>	41879
<u>following members:</u>	41880
<u>(1) The superintendent of public instruction, or the</u>	41881
<u>superintendent's designee;</u>	41882
<u>(2) The chancellor of the Ohio board of regents, or the</u>	41883
<u>chancellor's designee;</u>	41884
<u>(3) Two school district teachers, appointed by the governor;</u>	41885
<u>(4) Two nonteaching, nonadministrative school district</u>	41886
<u>employees, appointed by the governor;</u>	41887
<u>(5) One school district principal, appointed by the governor;</u>	41888
<u>(6) One school district superintendent, appointed by the</u>	41889
<u>governor;</u>	41890
<u>(7) One school district treasurer, appointed by the governor;</u>	41891
<u>(8) One member of the board of education of a city, local, or</u>	41892
<u>exempted village school district, appointed by the governor;</u>	41893
<u>(9) One representative of a college of education operated by</u>	41894
<u>a member institution of the university system of Ohio, appointed</u>	41895
<u>by the governor;</u>	41896
<u>(10) One member representing the business community,</u>	41897
<u>appointed by the governor;</u>	41898
<u>(11) One member representing philanthropic organizations,</u>	41899
<u>appointed by the governor;</u>	41900
<u>(12) A representative of the Ohio academy of science,</u>	41901
<u>appointed by the governor;</u>	41902
<u>(13) One member representing the general public, appointed by</u>	41903
<u>the governor;</u>	41904
<u>(14) One member representing educational service centers,</u>	41905

<u>appointed by the governor;</u>	41906
<u>(15) One parent of a student attending a school operated by a school district, appointed by the governor;</u>	41907
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<u>(16) One member representing sponsors of community schools established under Chapter 3314. of the Revised Code, appointed by the governor;</u>	41909
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<u>(17) One member representing nonprofit operators of community schools, appointed by the governor;</u>	41912
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<u>(18) One community school fiscal officer, appointed by the governor;</u>	41914
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<u>(19) One parent of a student attending a community school, appointed by the governor;</u>	41916
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<u>(20) One member representing early childhood education providers, appointed by the governor;</u>	41918
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<u>(21) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be from the minority party and recommended by the minority leader of the house of representatives;</u>	41920
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<u>(22) Two members of the senate appointed by the president of the senate, one of whom shall be from the minority party and recommended by the minority leader of the senate.</u>	41924
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<u>The council shall reflect the diversity of this state in terms of gender, race, ethnic background, and geographic distribution. In making appointments to the council, the governor shall consider recommendations of stakeholder associations or groups representing the professions or individuals to be represented on the council.</u>	41927
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<u>The members shall serve without compensation.</u>	41933
<u>(B) The superintendent of public instruction, or the superintendent's designee to the council, shall be the chairperson</u>	41934
	41935

of the council. 41936

The office of school resource management and the center for 41937  
creativity and innovation in the department of education shall 41938  
provide staffing assistance to the council. 41939

The council shall meet at least quarterly, beginning in 41940  
August 2009. 41941

(C) Not later than the first day of December of each 41942  
even-numbered year, the council shall present to the governor, the 41943  
state board of education, the general assembly, in accordance with 41944  
section 101.68 of the Revised Code, and the public recommendations 41945  
for revisions to the educational adequacy components of the 41946  
research-based school funding model established under this 41947  
chapter. 41948

(1) The recommendations shall be based on current, high 41949  
quality research, information provided by school districts, and 41950  
best practices in operational efficiencies identified in the 41951  
performance reviews required by section 3306.32 of the Revised 41952  
Code. 41953

(2) In preparing its recommendations due December 1, 2010, 41954  
the council's analyses shall include, but shall not be limited to, 41955  
the adequacy of the model's financing for gifted education 41956  
services, career-technical education, arts education, services for 41957  
limited English proficient students, and early college high 41958  
schools. This analysis shall consider, for each area, current 41959  
educational need, current educational practices, and best 41960  
practices. 41961

(3) In preparing its recommendations due December 1, 2010, 41962  
and in subsequent biennia, the council's analyses may address, but 41963  
need not be limited to, any of the following: 41964

(a) Strategies and incentives to promote school cost-saving 41965  
measures and efficiencies; 41966

(b) Options for adding learning time to the learning year, such as moving professional development for educators to summer, adding learning time for children with greater educational needs, accounting for learning time by hours instead of days, and appropriate compensation to school districts and staff for providing additional learning time; 41967  
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(c) The adequacy of the model's accounting for and financing of operational costs, including district-level administration and administrative and transportation challenges experienced by low-density and low-wealth school districts, and the effect of those costs on student academic achievement; 41973  
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(d) The accuracy of the calculation of each component of the funding model, and of the model as a whole, in light of current educational needs, current educational practices, and best practices. 41978  
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**Sec. 3306.291.** (A) A subcommittee of the Ohio school funding research advisory council is hereby established to study and make recommendations to foster collaboration between school districts and community schools established under Chapter 3314. of the Revised Code. The subcommittee shall recommend fiscal strategies, including changes to the funding model established under this chapter, that will provide incentives and compensation for Ohio school districts and community schools to enter into collaborative agreements that result in creative and innovative academic programming for students and academic and fiscal efficiency. The subcommittee shall report its findings and recommendations to the council, the governor, and, in accordance with section 101.68 of the Revised Code, the general assembly not later than September 1, 2010, and periodically thereafter at the direction of the superintendent of public instruction. 41982  
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(B) The subcommittee shall consist of the following members 41997

<u>of the council:</u>	41998
<u>(1) The school district superintendent;</u>	41999
<u>(2) The school district treasurer;</u>	42000
<u>(3) One of the school district teachers, selected by the</u> <u>superintendent of public instruction;</u>	42001 42002
<u>(4) The member representing a college of education operated</u> <u>by a member institution of the university system of Ohio;</u>	42003 42004
<u>(5) The member representing sponsors of community schools;</u>	42005
<u>(6) The member representing nonprofit operators of community</u> <u>schools;</u>	42006 42007
<u>(7) The community school fiscal officer;</u>	42008
<u>(8) The parent of a student attending a community school;</u>	42009
<u>(9) The parent of a student attending a school operated by a</u> <u>school district.</u>	42010 42011
<u>The members of the subcommittee shall serve without</u> <u>compensation.</u>	42012 42013
<u><b>Sec. 3306.292.</b> The Ohio school funding research advisory</u> <u>council may establish subcommittees in addition to the</u> <u>subcommittee established under section 3306.291 of the Revised</u> <u>Code. The council shall determine the membership and duties of the</u> <u>additional subcommittees. Up to one-half of the members of each</u> <u>additional subcommittee may be individuals who are not members of</u> <u>the council.</u>	42014 42015 42016 42017 42018 42019 42020
<u><b>Sec. 3306.30.</b> (A) The board of education of each city, local,</u> <u>and exempted village school district, the governing authority of</u> <u>each community school established under Chapter 3314. of the</u> <u>Revised Code, and the governing body of each STEM school</u> <u>established under Chapter 3326. of the Revised Code annually shall</u>	42021 42022 42023 42024 42025

submit to the department of education, by the date and in the 42026  
manner prescribed by the superintendent of public instruction, a 42027  
plan describing how the district or school will deploy the funds 42028  
received under this chapter. The plan shall deploy the funds 42029  
received for each component of the adequacy amount, shall comply 42030  
with any applicable expenditure or reporting standard prescribed 42031  
by rule adopted under section 3306.25 of the Revised Code, and in 42032  
the case of school districts, shall comply with the operating 42033  
standards adopted under division (D)(3) of section 3301.07 of the 42034  
Revised Code and any directive of the superintendent of public 42035  
instruction, unless a waiver has been granted under section 42036  
3306.40 of the Revised Code. In the case of a district to which 42037  
section 3306.31 of the Revised Code applies, the plan shall 42038  
include the deployment of funds for the purposes described in 42039  
divisions (B) and (D) of that section. 42040

(B) The department annually shall reconcile each spending 42041  
plan submitted under this section with the actual spending of the 42042  
district, community school, or STEM school. If the department 42043  
finds that a district, community school, or STEM school has not 42044  
complied any applicable expenditure or reporting standard 42045  
prescribed by rule adopted under section 3306.25 of the Revised 42046  
Code, the department shall proceed to take action under section 42047  
3306.33 of the Revised Code. 42048

(C) If a school district, community school, or STEM school 42049  
fails to submit a spending plan as required by this section or, as 42050  
applicable, section 3306.31 of the Revised Code, the department 42051  
shall proceed to take action under section 3306.33 of the Revised 42052  
Code. 42053

**Sec. 3306.31.** (A) This section applies to any city, local, or 42054  
exempted village school district that has a three-year average 42055  
graduation rate, as defined in section 3301.0711 of the Revised 42056



Code, of eighty per cent or less. 42057

(B) The board of education of each school district to which 42058  
this section applies shall implement actions prescribed by the 42059  
governor's closing the achievement gap initiative in each of the 42060  
following: 42061

(1) Each high school; 42062

(2) Each elementary or middle school in which less than fifty 42063  
per cent of the students have attained a proficient score on the 42064  
fourth or seventh grade achievement assessments in English 42065  
language arts or mathematics required under section 3301.0710 of 42066  
the Revised Code. 42067

(C) The board of education of each school district to which 42068  
this section applies shall work with the department of education 42069  
and the governor's closing the achievement gap initiative in 42070  
developing its annual spending plan prior to submitting the plan 42071  
under section 3306.30 of the Revised Code. 42072

(D) The board of each district to which this section applies 42073  
shall create and staff, in each organizational unit, at least one 42074  
position funded under division (A)(1) of section 3306.06 of the 42075  
Revised Code. Each such position shall function as a linkage 42076  
coordinator for closing the achievement gap and increasing the 42077  
graduation rate. A linkage coordinator is a person, meeting 42078  
guidelines established by the governor's closing the achievement 42079  
gap initiative, who shall work with and who is the primary mentor, 42080  
coach, and motivator for students identified as at risk of not 42081  
graduating, as defined by the governor's closing the achievement 42082  
gap initiative, and who coordinates those students' participation 42083  
in academic programs, social service programs, out-of-school 42084  
cultural and work-related experiences, and in-school and 42085  
out-of-school mentoring programs, based on the students' needs. 42086  
The linkage coordinator shall coordinate remedial disciplinary 42087

plans as needed and work with school personnel to gather student 42088  
academic information and to engage parents of targeted students. 42089  
The linkage coordinator shall serve as a liaison between the 42090  
school and the governor's closing the achievement gap initiative 42091  
and shall participate in all professional development activities 42092  
as directed by the closing the achievement gap initiative. The 42093  
linkage coordinator shall establish and coordinate the work of 42094  
academic promotion teams, which shall address the academic and 42095  
social needs of the identified students. The membership of teams 42096  
in different schools may vary and may include the linkage 42097  
coordinator, parents, teachers, principals, school nurses, school 42098  
counselors, probation officers, or other school personnel or 42099  
members of the community. 42100

(E) The governor's closing the achievement gap initiative 42101  
shall work with each organizational unit of a school district to 42102  
which this section applies to assess the progress in implementing 42103  
prescribed activities, as required under division (B) of this 42104  
section, and shall assist linkage coordinators, administrators, 42105  
and other school staff in ensuring compliance with the district's 42106  
spending plan required under section 3306.30 of the Revised Code. 42107

(F) The items related to implementing divisions (B) and (D) 42108  
of this section included in the spending plan of a district to 42109  
which this section applies are subject to the approval of the 42110  
superintendent of public instruction and the governor's closing 42111  
the achievement gap initiative. If they disapprove those items in 42112  
the plan, the state superintendent shall do one of the following: 42113

(1) Modify the items related to implementing divisions (B) 42114  
and (D) of this section in the plan as the state superintendent 42115  
considers appropriate and notify the district board of the 42116  
modifications. The district board shall comply with the plan as 42117  
modified by the state superintendent. 42118

(2) Return the spending plan and require the district board 42119

to modify the items related to implementing divisions (B) and (D) 42120  
of this section in the plan according to the state 42121  
superintendent's instructions or recommendations. The district 42122  
board shall modify the plan according to the state 42123  
superintendent's instructions or recommendations and return the 42124  
modified plan by a date specified by the state superintendent. 42125

(G) The department shall work with the governor's closing the 42126  
achievement gap initiative in reconciling, under division (B) of 42127  
section 3306.30 of the Revised Code, the spending plan submitted 42128  
by a district to which this section applies with the district's 42129  
actual spending. 42130

**Sec. 3306.32.** (A) Each city, local, exempted village, and 42131  
joint vocational school district, each educational service center 42132  
each community school established under Chapter 3314. of the 42133  
Revised Code, and each STEM school established under Chapter 3326. 42134  
of the Revised Code shall undergo a performance review under this 42135  
section at least once every five fiscal years under the direction 42136  
of the department of education. If a school district board of 42137  
education governs and controls a STEM school as described in 42138  
section 3326.51 of the Revised Code, the performance review of 42139  
that STEM school under this section shall be conducted at the time 42140  
of and as part of the school district's performance review. 42141

(B) The office of school resource management of the 42143  
department shall determine the order in which performance reviews 42144  
shall be conducted under this section. After receiving 42145  
recommendations from the office of school resource management, the 42146  
state board of education and the auditor of state jointly shall 42147  
adopt rules in accordance with Chapter 119. of the Revised Code 42148  
prescribing the scope of the performance reviews. 42149

(C) The department may contract with the auditor of state, 42150

any other governmental entity, or any private entity to conduct 42151  
performance reviews under this section. 42152

(D) Upon the conclusion of a performance review under this 42153  
section, the contractor conducting the performance review shall 42154  
submit a final review report to the state board, the office of 42155  
school resource management, and the board, governing authority, or 42156  
governing body of the district, service center, community school, 42157  
or STEM school. 42158

(E) Not later than ninety days after the date of the final 42159  
review report, the board, governing authority, or governing body 42160  
of the district, community school, or STEM school shall submit to 42161  
the office of school resource management a response to the report. 42162  
The response shall address the findings and recommendations 42163  
specified in the final review report and shall specify a timeline 42164  
for implementing recommendations listed in the report. This 42165  
division does not apply to any educational service center. 42166

(F) At the end of the timeline specified in the response, the 42168  
board, governing authority, or governing body shall submit a 42169  
report to the office of school resource management. The report 42170  
shall explain the progress made in implementing each 42171  
recommendation of the review report, specify the steps taken to 42172  
implement each recommendation, and indicate for each 42173  
recommendation whether and to what extent the recommendation has 42174  
been implemented. This division does not apply to any educational 42175  
service center. 42176

(G) If a district, community school, or STEM school fails to 42177  
cooperate with a performance review under this section, or fails 42178  
timely to submit a response or report under division (E) or (F) of 42179  
this section that the office of school resource management finds 42180  
satisfactory, the department shall proceed to take action under 42181  
section 3306.33 of the Revised Code. This division does not apply 42182

to any educational service center. 42183

(H) The department shall pay the cost of each performance 42184

review under this section. 42185

Sec. 3306.321. (A) A performance review of an educational 42186

service center under section 3306.32 of the Revised Code shall 42187

examine the service center's delivery of services to local school 42188

districts and client districts as required by law and any 42189

contracts it has with those districts and whether that delivery of 42190

services comports with the requirements and specifications for 42191

those services, including the quality standards recommended by the 42192

state regional alliance advisory board under section 3312.12 of 42193

the Revised Code. 42194

(B) The department of education shall review the final report 42195

of the performance review of each educational service center and, 42196

if the findings indicate that the service center's services do not 42197

comport with the requirements and specifications for those 42198

services prescribed by law or contract, shall provide technical 42199

assistance to the service center in aligning its services with 42200

those requirements and specifications. 42201

(C) As used in this section, "client district" has the same 42202

meaning as in section 3317.11 of the Revised Code. 42203

Sec. 3306.33. (A) Not earlier than July 1, 2010, the 42204

department of education shall take action under this section with 42205

respect to a school district, community school established under 42206

Chapter 3314. of the Revised Code, or STEM school established 42207

under Chapter 3326. of the Revised Code in any of the following 42208

circumstances: 42209

(1) The department determines, based on its reconciliation 42210

under section 3306.30 of the Revised Code of a spending plan with 42211

actual spending, a site visit under section 3301.83 or 3314.39 of 42212

the Revised Code, or a determination under section 117.54 of the 42213  
Revised Code, that the school district, community school, or STEM 42214  
school has failed to comply with any applicable expenditure or 42215  
reporting standard prescribed by rule adopted under section 42216  
3306.25 of the Revised Code. 42217

(2) The district, community school, or STEM school fails to 42218  
submit a spending plan under section 3306.30 and, if applicable, 42219  
section 3306.31 of the Revised Code. 42220

(3) The district, community school, or STEM school fails to 42221  
cooperate with a performance review under section 3306.31 of the 42222  
Revised Code, fails timely to submit a response or report under 42223  
division (E) or (F) of that section that the office of school 42224  
resource management finds satisfactory, or fails to implement a 42225  
recommendation set forth in a performance review report. 42226

(B) When a circumstance described in division (A) of this 42227  
section applies, the department shall provide the school district, 42228  
community school, or STEM school with technical assistance to 42229  
bring the district or school into compliance with the expenditure 42230  
and reporting standards adopted under section 3306.25 of the 42231  
Revised Code and the requirements of this chapter, as applicable 42232  
to the circumstance triggering action under this section. In 42233  
addition, the board of the district, the governing authority of 42234  
the community school, or the governing body of the STEM school 42235  
shall take all of the following actions: 42236

(1) Develop and submit to the department a three-year 42237  
operations improvement plan containing all of the following: 42238

(a) An analysis of the reasons for the failure to meet the 42239  
applicable expenditure or reporting standards or requirements of 42240  
this chapter; 42241

(b) Specific strategies the board, governing authority, or 42242  
governing body will use to address the problems in meeting the 42243

<u>standards or requirements;</u>	42244
<u>(c) Identification of the resources the board, governing authority, or governing body will use to meet the standards or requirements;</u>	42245
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<u>(d) A description of how the board, governing authority, or governing body will measure its progress in meeting the standards or requirements.</u>	42248
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<u>If the district or school is required to have a continuous improvement plan under section 3302.04 of the Revised Code, the three-year operations improvement plan required by this section shall be aligned with the continuous improvement plan.</u>	42251
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<u>(2) Notify the parent or guardian of each student served by the district, community school, or STEM school, either in writing or by electronic means, of the standards or requirements that were not met, the actions being taken to meet the standards or requirements, and any progress achieved in the immediately preceding school year toward meeting the standards or requirements.</u>	42255
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<u>(3) Present the plan, and take public testimony with respect to it, in a public hearing before the board, governing authority, or governing body.</u>	42262
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<u>(C) When a circumstance described in division (A) of this section applies to a school district, community school, or STEM school for a second consecutive year, whether it is the same or a different circumstance, the department shall provide the district, community school, or STEM school with technical assistance to bring the district or school into compliance with the expenditure or reporting standards adopted under section 3306.25 of the Revised Code and the requirements of this chapter, as applicable to the circumstance triggering action under this section. In addition, both of the following apply:</u>	42265
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(1) The board, governing authority of the community school, 42275  
or the governing body of the STEM school shall take all of the 42276  
actions prescribed in divisions (B)(1) to (3) of this section; 42277

(2) The department shall establish a state intervention team 42278  
to evaluate all aspects of the district's or school's operations, 42279  
including, but not limited to, management, instructional methods, 42280  
resource allocation, and scheduling. The intervention team shall 42281  
include teachers and administrators recognized as outstanding in 42282  
their fields. The team shall make recommendations regarding 42283  
methods for bringing the district or school into compliance with 42284  
the applicable standards adopted under section 3306.25 of the 42285  
Revised Code and requirements of this chapter. The superintendent 42286  
of public instruction shall establish guidelines for the 42287  
intervention teams. The district or school shall pay the costs of 42288  
the intervention team. 42289

(D) When a circumstance described in division (A) of this 42290  
section applies to a school district, community school, or STEM 42291  
school for a third consecutive year, whether it is the same or a 42292  
different circumstance as in the preceding years, the 42293  
superintendent of public instruction shall either: 42294

(1) Establish an accountability compliance commission under 42295  
section 3306.34 of the Revised Code; 42296

(2) Appoint a trustee who shall govern the district, 42297  
community school, or STEM school in place of the board of 42298  
education of the school district, the governing authority of the 42299  
community school, or the governing body of the STEM school until 42300  
the beginning of the first year that none of the circumstances 42301  
described in division (A) of this section apply to the district, 42302  
community school, or STEM school. 42303

(E) When a circumstance described in division (A) of this 42304  
section applies to a school district, community school, or STEM 42305



school for a fourth consecutive year, whether it is the same or a 42306  
different circumstance as in the preceding years: 42307

(1) With respect to a school district, the state board of 42308  
education shall proceed under section 3301.16 of the Revised Code 42309  
to revoke the district's charter. 42310

(2) With respect to a community school or a STEM school, the 42311  
department of education shall order the school to close, and the 42312  
governing authority or the governing body shall permanently close 42313  
the school. 42314

(F)(1) At any time, the state board may proceed under section 42315  
3301.16 of the Revised Code to revoke the charter of a school 42316  
district that fails to meet the operating standards established 42317  
under division (D)(3) of section 3301.07 of the Revised Code or 42318  
fails to comply with this section. 42319

(2) At any time, the department may order a community school 42320  
or a STEM school to close if the school fails to comply with this 42321  
section. In that case, the governing authority or the governing 42322  
body shall permanently close the school. 42323

**Sec. 3306.34.** (A) Each accountability compliance commission 42324  
appointed under division (D) of section 3306.33 of the Revised 42325  
Code is a body both corporate and politic, constituting an agency 42326  
and instrumentality of the state and performing essential 42327  
governmental functions of the state. A commission shall be known 42328  
as the "accountability compliance commission for ..... 42329  
(name of school district, community school, or STEM school)," and, 42330  
in that name, may exercise all authority vested in such a 42331  
commission by this section. A separate commission shall be 42332  
established for each school district, community school, or STEM 42333  
school for which the superintendent of public instruction opts to 42334  
establish a commission under division (D) of section 3306.33 of 42335  
the Revised Code. 42336

(B) Each accountability commission shall consist of three members, one of whom shall be appointed by the governor, one of whom shall be appointed by the superintendent of public instruction, and one of whom shall be appointed by the auditor of state. 42337  
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All members shall serve at the pleasure of the appointing authority during the life of the commission. In the event of the death, resignation, incapacity, removal, or ineligibility to serve of a member, the appointing authority shall appoint a successor within fifteen days after the vacancy occurs. Members shall serve without compensation, but shall be paid by the commission their necessary and actual expenses incurred while engaged in the business of the commission. 42342  
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(C) Immediately after appointment of the initial members of an accountability compliance commission, the state superintendent shall call the first meeting of the commission and shall cause written notice of the time, date, and place of that meeting to be given to each member of the commission at least forty-eight hours in advance of the meeting. The first meeting shall include an overview of the commission's roles and responsibilities, the requirements of section 2921.42 and Chapter 102. of the Revised Code as they pertain to commission members, the requirements of section 121.22 of the Revised Code, and the provisions of division (F) of this section. At its first meeting, the commission shall adopt temporary bylaws in accordance with division (D) of this section to govern its operations until the adoption of permanent bylaws. 42350  
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The state superintendent shall designate a chairperson for the commission from among the members. The chairperson shall call and conduct meetings, set meeting agendas, and serve as a liaison between the commission and the district board of education, the community school governing authority, or STEM school governing 42364  
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body. The chairperson also shall appoint a secretary, who shall 42369  
not be a member of the commission. 42370

The department of education shall provide administrative 42371  
support for the commission, provide data requested by the 42372  
commission, and inform the commission of available state resources 42373  
that could assist the commission in its work. 42374

(D) Each accountability compliance commission may adopt and 42375  
alter bylaws and rules, which shall not be subject to section 42376  
111.15 or Chapter 119. of the Revised Code, for the conduct of its 42377  
affairs and for the manner, subject to this section, in which its 42378  
powers and functions shall be exercised and embodied. 42379

(E) Two members of an accountability compliance commission 42380  
constitute a quorum of the commission. The affirmative vote of two 42381  
members of the commission is necessary for any action taken by 42382  
vote of the commission. No vacancy in the membership of the 42383  
commission shall impair the rights of a quorum by such vote to 42384  
exercise all the rights and perform all the duties of the 42385  
commission. Members of the commission are not disqualified from 42386  
voting by reason of the functions of any other office they hold 42387  
and are not disqualified from exercising the functions of the 42388  
other office with respect to the school district or community 42389  
school or STEM school, its officers, or the commission. 42390

(F) The members of an accountability compliance commission, 42391  
the state superintendent, and any person authorized to act on 42392  
behalf of or assist them shall not be personally liable or subject 42393  
to any suit, judgment, or claim for damages resulting from the 42394  
exercise of or failure to exercise the powers, duties, and 42395  
functions granted to them in regard to their functioning under 42396  
this section, but the commission, state superintendent, and such 42397  
other persons shall be subject to mandamus proceedings to compel 42398  
performance of their duties under this section. 42399

(G) Each member of an accountability compliance commission shall file the statement described in section 102.02 of the Revised Code with the Ohio ethics commission. The statement shall be confidential, subject to review, as described in division (B) of that section. 42400  
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(H) Meetings of each accountability compliance commission shall be subject to section 121.22 of the Revised Code. 42405  
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(I) Each accountability compliance commission shall seek input from the district board of education, community school governing authority, or STEM school governing body regarding ways to improve the district's or school's operations and compliance with the requirements of this chapter and the expenditure and reporting standards prescribed by rule adopted under section 3306.25 of the Revised Code, but any decision of the commission related to any authority granted to the commission under this section shall be final. 42407  
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The commission may do any of the following: 42416

(1) Prepare and submit the school district's, community school's, or STEM school's spending plan required under section 3306.30 and, if applicable, section 3306.31 of the Revised Code; 42417  
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(2) Appoint school building administrators and reassign administrative personnel; 42420  
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(3) Terminate the contracts of administrators or administrative personnel. The commission shall not be required to comply with section 3319.16 of the Revised Code with respect to any contract terminated under this division. 42422  
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(4) Contract with a private entity to perform school or district management functions; 42426  
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(5) Establish a budget for the district or school and approve district or school appropriations and expenditures, unless, in the 42428  
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case of a school district, a financial planning and supervision 42430  
commission has been established for the district pursuant to 42431  
section 3316.05 of the Revised Code; 42432

(6) Exercise the powers, duties, and functions with respect 42433  
to the district, community school, or STEM school as are granted 42434  
to a financial planning and supervision commission with respect to 42435  
a school district under divisions (A)(1) to (4) of section 3316.07 42436  
of the Revised Code, unless a financial planning and supervision 42437  
commission has been established for the district. 42438

(J) If the board of education of a school district, governing 42439  
authority of a community school, or governing body of a STEM 42440  
school for which an accountability compliance commission has been 42441  
established renews any collective bargaining agreement under 42442  
Chapter 4117. of the Revised Code during the existence of the 42443  
commission, the board, governing authority, or governing body 42444  
shall not enter into any agreement that would render any decision 42445  
of the commission unenforceable. 42446

(K) An accountability compliance commission shall cease to 42447  
exist at the beginning of the first year that none of the 42448  
circumstances described in division (A) of section 3306.33 of the 42449  
Revised Code apply to the district, community school, or STEM 42450  
school. 42451

**Sec. 3306.35.** The department of education shall develop a 42452  
form, which shall be known as the "Formula ACcountability and 42453  
Transparency" form or "FACT" form. The department annually shall 42454  
issue and publish on its web site a FACT form for each city, 42455  
local, and exempted village school district, community school 42456  
established under Chapter 3314. of the Revised Code, and STEM 42457  
school established under Chapter 3326. of the Revised Code. The 42458  
form shall compare the payments to the district or school under 42459  
each component prescribed by this chapter with the district's or 42460

school's deployment of those payments as indicated in its spending 42461  
plan submitted under section 3306.30 and, if applicable, 3306.31 42462  
of the Revised Code. The form shall not be the basis of any 42463  
actions under section 3306.33 of the Revised Code but shall be a 42464  
public document to inform parents, students, and taxpayers about 42465  
the district's or school's spending. 42466

**Sec. 3306.40.** The board of education of a school district, 42467  
the governing authority of a community school established under 42468  
Chapter 3314. of the Revised Code, or the governing body of a STEM 42469  
school established under Chapter 3326. of the Revised Code may 42470  
apply to the superintendent of public instruction for a waiver of 42471  
any standard or requirement of this chapter, including any 42472  
applicable expenditure or reporting standard prescribed by rule 42473  
adopted under section 3306.25 of the Revised Code. The board of 42474  
education of any school district also may apply to the state 42475  
superintendent for a waiver of any operating standard adopted 42476  
under division (D)(3) of section 3301.07 of the Revised Code. 42477

The state board of education shall adopt standards for the 42478  
approval or disapproval of waivers under this section. The state 42479  
superintendent shall consider every application for a waiver, and 42480  
shall determine whether to grant or deny a waiver in accordance 42481  
with the state board's standards. For each waiver granted, the 42482  
state superintendent shall specify the period of time during which 42483  
the waiver is in effect, which shall not exceed five years. A 42484  
district, community school, or STEM school may apply to renew a 42485  
waiver. 42486

**Sec. 3306.50.** (A) The Harmon commission is hereby created. 42487

(1) The commission shall consist of twenty-one members, each 42488  
of whom must be one of the following: 42489

(a) A classroom teacher; 42490

<u>(b) A school administrator;</u>	42491
<u>(c) An instructor at a teacher preparation program under section 3333.048 of the Revised Code.</u>	42492 42493
<u>(2) The members shall be appointed as follows:</u>	42494
<u>(a) Eleven persons, who are not also members of the general assembly, appointed jointly by the speaker of the house of representatives and the president of the senate, upon consultation with the minority leader of the house of representatives and the minority leader of the senate;</u>	42495 42496 42497 42498 42499
<u>(b) Ten persons appointed by the governor.</u>	42500
<u>In making their respective appointments under this section, the appointing authorities shall consult with each other so that of the twenty-one members appointed to the commission, there are at least five members from each of the categories prescribed in divisions (A)(1)(a) to (c) of this section.</u>	42501 42502 42503 42504 42505
<u>The members appointed under division (A)(2)(a) of this section shall serve for the duration of the general assembly in which they were appointed.</u>	42506 42507 42508
<u>The members appointed under division (A)(2)(b) of this section shall serve for the duration of the term of the governor in which they were appointed.</u>	42509 42510 42511
<u>Vacancies on the commission shall be filled in the manner of the initial appointments.</u>	42512 42513
<u>(B) The chairperson of the commission shall be selected by the governor from among the members of the commission.</u>	42514 42515
<u>(C) The members of the commission shall serve without compensation but shall be paid by the department of education their necessary and actual expenses incurred while engaged in the business of the committee.</u>	42516 42517 42518 42519

Sec. 3306.51. The Harmon commission shall review and approve 42520  
or disapprove applications from city, exempted village, and local 42521  
school districts and community schools established under Chapter 42522  
3314. of the Revised Code for individual classrooms to be 42523  
designated as creative learning environments. To be eligible for 42524  
designation of one or more of its classrooms as a creative 42525  
learning environment, a community school shall enter into a 42526  
memorandum of understanding, approved by the center for creativity 42527  
and innovation in the department of education, with one or more 42528  
school districts that specifies a collaborative agreement to share 42529  
programming and resources to promote successful academic 42530  
achievement for students and academic and fiscal efficiencies. 42531

The commission shall designate a classroom as a creative 42532  
learning environment if the commission determines that the 42533  
classroom supports and emphasizes innovation in instruction 42534  
methods and lesson plans and operates in accordance with the 42535  
guidelines adopted by the state board of education under section 42536  
3306.52 of the Revised Code. Beginning July 1, 2010, a district or 42537  
community school that has a classroom that is designated a 42538  
creative learning environment may qualify for the pilot subsidy 42539  
prescribed by section 3306.57 of the Revised Code. 42540

Sec. 3306.52. The state board of education shall do both of 42541  
the following: 42542

(A) Adopt guidelines for the Harmon commission to use in 42543  
reviewing applications for creative learning environments. 42544

(B) Direct the department of education, through the center 42545  
for creativity and innovation, to provide staff to assist the 42546  
commission in carrying out the commission's duties under sections 42547  
3306.50 to 3306.56 of the Revised Code. 42548

Sec. 3306.53. From January 1, 2010, through April 14, 2010, a 42549



city, exempted village, or local school district and a community 42550  
school may submit to the Harmon commission an unlimited number of 42551  
applications for first-time designation of individual classrooms 42552  
as creative learning environments. No applications may be 42553  
submitted between April 15, 2010, and July 1, 2010. After July 1, 42554  
2011, each city, exempted village, or local school district and 42555  
each eligible community school may submit only one application per 42556  
fiscal year for first-time designation of one classroom as a 42557  
creative learning environment. 42558

Sec. 3306.54. Not later than the first day of May each year, 42559  
the Harmon commission shall begin meeting to review pending 42560  
applications for first-time designations submitted under section 42561  
3306.53 of the Revised Code. The commission shall approve or 42562  
disapprove all pending applications by the first day of July. The 42563  
decision of the commission is final. 42564

Sec. 3306.55. (A) The Harmon commission's first-time 42565  
designation of a classroom as a creative learning environment is 42566  
valid for one fiscal year. A school district or community school 42567  
may apply to have the designation renewed. The commission shall 42568  
renew the designation for the next two fiscal years if the school 42569  
district or community school applies for the renewal and the 42570  
commission finds that the classroom continues to meet the 42571  
guidelines adopted under section 3306.52 of the Revised Code. The 42572  
commission shall not renew the designation if the school district 42573  
or community school does not apply for renewal or if the 42574  
commission determines that the classroom no longer meets those 42575  
guidelines. 42576

(B) At the end of a two-year renewal granted under division 42577  
(A) of this section, and every two fiscal years thereafter, the 42578  
designation of a classroom as a creative learning environment is 42579

automatically renewed, without need for application, for the next 42580  
two fiscal years, unless the designation is revoked under division 42581  
(C) of this section. 42582

(C) If the department of education at any time finds that the 42583  
classroom is no longer operating in accordance with the standards 42584  
adopted under section 3306.52 of the Revised Code, the department 42585  
shall appeal the designation to the commission not later than the 42586  
fifteenth day of February. The commission shall review the 42587  
operation of the classroom and either continue the designation or 42588  
revoke the designation. A revocation shall take effect on the 42589  
first day of July following the department's appeal. 42590

(D) The decision of the commission under divisions (A) to (C) 42591  
of this section is final. 42592

(E) If the commission does not renew a designation of a 42593  
classroom under division (A) of this section or revokes that 42594  
designation under division (C) of this section, the district or 42595  
community school may reapply for designation of the classroom 42596  
under section 3306.53 of the Revised Code. That application shall 42597  
be treated as a new application for first-time designation. 42598

**Sec. 3306.56.** The city, exempted village, or local school 42599  
district or community school that operates a classroom designated 42600  
by the Harmon commission as a creative learning environment shall 42601  
submit periodic progress reports on the operation and performance 42602  
of the classroom to the department of education in the manner and 42603  
by the deadlines prescribed by the department. 42604

**Sec. 3306.57.** (A) To facilitate the pilot subsidy prescribed 42605  
by this section, the department of education annually shall rank 42606  
each city, exempted village, or local school district according to 42607  
income factor, as defined in section 3317.02 of the Revised Code, 42608  
from lowest to highest income factor. 42609

(B) Any school district that has one or more classrooms designated by the Harmon commission as a creative learning environment may apply for the pilot subsidy under this section if it is ranked in the lowest quintile according to income factor under division (A) of this section. Any community school established under Chapter 3314. of the Revised Code that has one or more classrooms designated by the Harmon commission as a creative learning environment may apply for the pilot subsidy. Each district and community school electing to apply shall do so in the manner and by the deadline established by the department. If more eligible districts and community schools apply for the subsidy than can be supported by the amount appropriated for the subsidy, the department shall select districts and community schools to receive the subsidy on a first-come, first served basis.

(C) Each school district or community school selected by the department for the pilot subsidy shall receive for fiscal year 2011 an amount equal to one hundred dollars for each student enrolled in a classroom operated by the district or community school that is designated as a creative learning environment.

(D) The department shall require each school district and community school that applies for a subsidy under this section to provide to the department, in the manner prescribed by the department, any data the department determines is necessary to process the district's or community school's application or subsidy payment.

**Sec. 3307.31.** (A) Payments by boards of education and governing authorities of community schools to the state teachers retirement system, as provided in sections 3307.29 and 3307.291 of the Revised Code, shall be made from the amount allocated under section 3314.08, Chapter 3306., or Chapter 3317. of the Revised

Code prior to its distribution to the individual school districts 42641  
or community schools. The amount due from each school district or 42642  
community school shall be certified by the secretary of the system 42643  
to the superintendent of public instruction monthly, or at such 42644  
times as may be determined by the state teachers retirement board. 42645  
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The superintendent shall deduct, from the amount allocated to 42647  
each district or community school under section 3314.08, Chapter 42648  
3306., or Chapter 3317. of the Revised Code, the entire amounts 42649  
due to the system from such district or school upon the 42650  
certification to the superintendent by the secretary thereof. 42651

The superintendent shall certify to the director of budget 42652  
and management the amounts thus due the system for payment. 42653

(B) Payments to the state teachers retirement system by a 42654  
science, technology, engineering, and mathematics school shall be 42655  
deducted from the amount allocated under section 3326.33 of the 42656  
Revised Code and shall be made in the same manner as payments by 42657  
boards of education under this section. 42658

**Sec. 3307.64.** A disability benefit recipient, notwithstanding 42659  
section 3319.13 of the Revised Code, shall retain membership in 42660  
the state teachers retirement system and shall be considered on 42661  
leave of absence during the first five years following the 42662  
effective date of a disability benefit. 42663

The state teachers retirement board shall require any 42664  
disability benefit recipient to submit to an annual medical 42665  
examination by a physician selected by the board, except that the 42666  
board may waive the medical examination if the board's physician 42667  
certifies that the recipient's disability is ongoing. If a 42668  
disability benefit recipient refuses to submit to a medical 42669  
examination, the recipient's disability benefit shall be suspended 42670  
until the recipient withdraws the refusal. If the refusal 42671

continues for one year, all the recipient's rights under and to 42672  
the disability benefit shall be terminated as of the effective 42673  
date of the original suspension. 42674

After the examination, the examiner shall report and certify 42675  
to the board whether the disability benefit recipient is no longer 42676  
physically and mentally incapable of resuming the service from 42677  
which the recipient was found disabled. If the board concurs in a 42678  
report by the examining physician that the disability benefit 42679  
recipient is no longer incapable, the payment of a disability 42680  
benefit shall be terminated not later than the following 42681  
thirty-first day of August or upon employment as a teacher prior 42682  
thereto. If the leave of absence has not expired, the board shall 42683  
so certify to the disability benefit recipient's last employer 42684  
before being found disabled that the recipient is no longer 42685  
physically and mentally incapable of resuming service that is the 42686  
same or similar to that from which the recipient was found 42687  
disabled. If the recipient was under contract at the time the 42688  
recipient was found disabled, the employer by the first day of the 42689  
next succeeding year shall restore the recipient to the 42690  
recipient's previous position and salary or to a position and 42691  
salary similar thereto, unless the recipient was dismissed or 42692  
resigned in lieu of dismissal for dishonesty, misfeasance, 42693  
malfeasance, or conviction of a felony. 42694

A disability benefit shall terminate if the disability 42695  
benefit recipient becomes employed as a teacher in any public or 42696  
private school or institution in this state or elsewhere. An 42697  
individual receiving a disability benefit from the system shall be 42698  
ineligible for any employment as a teacher and it shall be 42699  
unlawful for any employer to employ the individual as a teacher. 42700  
If any employer should employ or reemploy the individual prior to 42701  
the termination of a disability benefit, the employer shall file 42702  
notice of employment with the board designating the date of the 42703

employment. If the individual should be paid both a disability 42704  
benefit and also compensation for teaching service for all or any 42705  
part of the same month, the secretary of the board shall certify 42706  
to the employer or to the superintendent of public instruction the 42707  
amount of the disability benefit received by the individual during 42708  
the employment, which amount shall be deducted from any amount due 42709  
the employing district under ~~Chapter~~ Chapters 3306. and 3317. of 42710  
the Revised Code or shall be paid by the employer to the annuity 42711  
and pension reserve fund. 42712

Each disability benefit recipient shall file with the board 42713  
an annual statement of earnings, current medical information on 42714  
the recipient's condition, and any other information required in 42715  
rules adopted by the board. The board may waive the requirement 42716  
that a disability benefit recipient file an annual statement of 42717  
earnings or current medical information if the board's physician 42718  
certifies that the recipient's disability is ongoing. 42719

The board shall annually examine the information submitted by 42720  
the recipient. If a disability benefit recipient refuses to file 42721  
the statement or information, the disability benefit shall be 42722  
suspended until the statement and information are filed. If the 42723  
refusal continues for one year, the recipient's right to the 42724  
disability benefit shall be terminated as of the effective date of 42725  
the original suspension. 42726

A disability benefit also may be terminated by the board at 42727  
the request of the disability benefit recipient. 42728

If disability retirement under section 3307.63 of the Revised 42729  
Code is terminated for any reason, the annuity and pension 42730  
reserves at that time in the annuity and pension reserve fund 42731  
shall be transferred to the teachers' savings fund and the 42732  
employers' trust fund, respectively. If the total disability 42733  
benefit paid was less than the amount of the accumulated 42734  
contributions of the member transferred to the annuity and pension 42735

reserve fund at the time of the member's disability retirement, 42736  
then the difference shall be transferred from the annuity and 42737  
pension reserve fund to another fund as required. In determining 42738  
the amount of a member's account following the termination of 42739  
disability retirement for any reason, the total amount paid shall 42740  
be charged against the member's refundable account. 42741

If a disability allowance paid under section 3307.631 of the 42742  
Revised Code is terminated for any reason, the reserve on the 42743  
allowance at that time in the annuity and pension reserve fund 42744  
shall be transferred from that fund to the employers' trust fund. 42745

If a former disability benefit recipient again becomes a 42746  
contributor, other than as an other system retirant under section 42747  
3307.35 of the Revised Code, to this retirement system, the school 42748  
employees retirement system, or the public employees retirement 42749  
system, and completes at least two additional years of service 42750  
credit, the former disability benefit recipient shall receive 42751  
credit for the period as a disability benefit recipient. 42752

**Sec. 3309.41.** (A) A disability benefit recipient shall retain 42753  
membership status and shall be considered on leave of absence from 42754  
employment during the first five years following the effective 42755  
date of a disability benefit, notwithstanding any contrary 42756  
provisions in Chapter 124. or 3319. of the Revised Code. 42757

(B) The school employees retirement board shall require a 42758  
disability benefit recipient to undergo an annual medical 42759  
examination, except that the board may waive the medical 42760  
examination if the board's physician or physicians certify that 42761  
the recipient's disability is ongoing. Should any disability 42762  
benefit recipient refuse to submit to a medical examination, the 42763  
recipient's disability benefit shall be suspended until withdrawal 42764  
of the refusal. Should the refusal continue for one year, all the 42765  
recipient's rights in and to the disability benefit shall be 42766

terminated as of the effective date of the original suspension. 42767

(C) On completion of the examination by an examining 42768  
physician or physicians selected by the board, the physician or 42769  
physicians shall report and certify to the board whether the 42770  
disability benefit recipient is no longer physically and mentally 42771  
incapable of resuming the service from which the recipient was 42772  
found disabled. If the board concurs in the report that the 42773  
disability benefit recipient is no longer incapable, the payment 42774  
of the disability benefit shall be terminated not later than three 42775  
months after the date of the board's concurrence or upon 42776  
employment as an employee. If the leave of absence has not 42777  
expired, the retirement board shall certify to the disability 42778  
benefit recipient's last employer before being found disabled that 42779  
the recipient is no longer physically and mentally incapable of 42780  
resuming service that is the same or similar to that from which 42781  
the recipient was found disabled. The employer shall restore the 42782  
recipient to the recipient's previous position and salary or to a 42783  
position and salary similar thereto not later than the first day 42784  
of the first month following termination of the disability 42785  
benefit, unless the recipient was dismissed or resigned in lieu of 42786  
dismissal for dishonesty, misfeasance, malfeasance, or conviction 42787  
of a felony. 42788

(D) Each disability benefit recipient shall file with the 42789  
board an annual statement of earnings, current medical information 42790  
on the recipient's condition, and any other information required 42791  
in rules adopted by the board. The board may waive the requirement 42792  
that a disability benefit recipient file an annual statement of 42793  
earnings or current medical information on the recipient's 42794  
condition if the board's physician or physicians certify that the 42795  
recipient's disability is ongoing. 42796

The board shall annually examine the information submitted by 42797  
the recipient. If a disability benefit recipient refuses to file 42798



the statement or information, the disability benefit shall be 42799  
suspended until the statement and information are filed. If the 42800  
refusal continues for one year, the recipient's right to the 42801  
disability benefit shall be terminated as of the effective date of 42802  
the original suspension. 42803

(E) If a disability benefit recipient is employed by an 42804  
employer covered by this chapter, the recipient's disability 42805  
benefit shall cease. 42806

(F) If disability retirement under section 3309.40 of the 42807  
Revised Code is terminated for any reason, the annuity and pension 42808  
reserves at that time in the annuity and pension reserve fund 42809  
shall be transferred to the employees' savings fund and the 42810  
employers' trust fund, respectively. If the total disability 42811  
benefit paid is less than the amount of the accumulated 42812  
contributions of the member transferred into the annuity and 42813  
pension reserve fund at the time of the member's disability 42814  
retirement, the difference shall be transferred from the annuity 42815  
and pension reserve fund to another fund as may be required. In 42816  
determining the amount of a member's account following the 42817  
termination of disability retirement for any reason, the amount 42818  
paid shall be charged against the member's refundable account. 42819

If a disability allowance paid under section 3309.401 of the 42820  
Revised Code is terminated for any reason, the reserve on the 42821  
allowance at that time in the annuity and pension reserve fund 42822  
shall be transferred from that fund to the employers' trust fund. 42823

The board may terminate a disability benefit at the request 42824  
of the recipient. 42825

(G) If a disability benefit is terminated and a former 42826  
disability benefit recipient again becomes a contributor, other 42827  
than as an other system retirant as defined in section 3309.341 of 42828  
the Revised Code, to this system, the public employees retirement 42829

system, or the state teachers retirement system, and completes an 42830  
additional two years of service credit after the termination of 42831  
the disability benefit, the former disability benefit recipient 42832  
shall be entitled to full service credit for the period as a 42833  
disability benefit recipient. 42834

(H) If any employer employs any member who is receiving a 42835  
disability benefit, the employer shall file notice of employment 42836  
with the retirement board, designating the date of employment. In 42837  
case the notice is not filed, the total amount of the benefit paid 42838  
during the period of employment prior to notice shall be paid from 42839  
amounts allocated under ~~Chapter~~ Chapters 3306. and 3317. of the 42840  
Revised Code prior to its distribution to the school district in 42841  
which the disability benefit recipient was so employed. 42842

**Sec. 3309.48.** Any employee who left the service of an 42843  
employer after attaining age sixty-five or over and such employer 42844  
had failed or refused to deduct and transmit to the school 42845  
employees retirement system the employee contributions as required 42846  
by section 3309.47 of the Revised Code during any year for which 42847  
membership was compulsory as determined by the school employees 42848  
retirement board, shall be granted service credit without cost, 42849  
which shall be considered as total service credit for the purposes 42850  
of meeting the qualifications for service retirement provided by 42851  
the law in effect on and retroactive to the first eligible 42852  
retirement date following the date such employment terminated, but 42853  
shall not be paid until formal application for such allowance on a 42854  
form provided by the retirement board is received in the office of 42855  
the retirement system. The total service credit granted under this 42856  
section shall not exceed ten years for any such employee. 42857

The liability incurred by the retirement board because of the 42858  
service credit granted under this section shall be determined by 42859  
the retirement board, the cost of which shall be equal to an 42860

amount that is determined by applying the combined employee and 42861  
employer rates of contribution against the compensation of such 42862  
employee at the rates of contribution and maximum salary 42863  
provisions in effect during such employment for each year for 42864  
which credit is granted, together with interest at the rate to be 42865  
credited accumulated contributions at retirement, compounded 42866  
annually from the first day of the month payment was due the 42867  
retirement system to and including the month of deposit, the total 42868  
amount of which shall be collected from the employer. Such amounts 42869  
shall be certified by the retirement board to the superintendent 42870  
of public instruction, who shall deduct the amount due the system 42871  
from any funds due the affected school district under ~~Chapter~~ 42872  
Chapters 3306. and 3317. of the Revised Code. The superintendent 42873  
shall certify to the director of budget and management the amount 42874  
due the system for payment. The total amount paid shall be 42875  
deposited into the employers' trust fund, and shall not be 42876  
considered as accumulated contributions of the employee in the 42877  
event of ~~his~~ the employee's death or withdrawal of funds. 42878

**Sec. 3309.51.** (A) Each employer shall pay annually into the 42879  
employers' trust fund, in such monthly or less frequent 42880  
installments as the school employees retirement board requires, an 42881  
amount certified by the school employees retirement board, which 42882  
shall be as required by Chapter 3309. of the Revised Code. 42883

Payments by school district boards of education to the 42884  
employers' trust fund of the school employees retirement system 42885  
may be made from the amounts allocated under ~~Chapter~~ Chapters 42886  
3306. and 3317. of the Revised Code prior to their distribution to 42887  
the individual school districts. The amount due from each school 42888  
district may be certified by the secretary of the system to the 42889  
superintendent of public instruction monthly, or at such times as 42890  
is determined by the school employees retirement board. 42891

Payments by governing authorities of community schools to the employers' trust fund of the school employees retirement system shall be made from the amounts allocated under ~~section~~ sections 3306.16 and 3314.08 of the Revised Code prior to their distribution to the individual community schools. The amount due from each community school shall be certified by the secretary of the system to the superintendent of public instruction monthly, or at such times as determined by the school employees retirement board.

Payments by a science, technology, engineering, and mathematics school, other than one governed as provided in section 3326.51 of the Revised Code, to the employers' trust fund of the school employees retirement system shall be made from the amounts allocated under ~~section~~ sections 3306.17, 3326.33, and 3326.34 of the Revised Code prior to their distribution to the school. The amount due from a science, technology, engineering, and mathematics school shall be certified by the secretary of the school employees retirement system to the superintendent of public instruction monthly, or at such times as determined by the school employees retirement board.

(B) The superintendent shall deduct from the amount allocated to each community school under ~~section~~ sections 3306.16 and 3314.08 of the Revised Code, to each school district under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code, or to each science, technology, engineering, and mathematics school under ~~section~~ sections 3306.17, 3326.33, and 3326.34 of the Revised Code the entire amounts due to the school employees retirement system from such school or school district upon the certification to the superintendent by the secretary thereof.

(C) Where an employer fails or has failed or refuses to make payments to the employers' trust fund, as provided for under Chapter 3309. of the Revised Code, the secretary of the school

employees retirement system may certify to the state 42924  
superintendent of public instruction, monthly or at such times as 42925  
is determined by the school employees retirement board, the amount 42926  
due from such employer, and the superintendent shall deduct from 42927  
the amount allocated to the employer under section 3314.08 ~~or~~, 42928  
3326.33, or 3326.34 or Chapter 3306. or 3317. of the Revised Code, 42929  
as applicable, the entire amounts due to the system from the 42930  
employer upon the certification to the superintendent by the 42931  
secretary of the school employees retirement system. 42932

(D) The superintendent shall certify to the director of 42933  
budget and management the amounts thus due the system for payment. 42934  
42935

**Sec. 3310.03.** (A) A student is an "eligible student" for 42936  
purposes of the educational choice scholarship pilot program if 42937  
the student's resident district is not a school district in which 42938  
the pilot project scholarship program is operating under sections 42939  
3313.974 to 3313.979 of the Revised Code; the student is not 42940  
enrolled, for any portion of the school year in which the student 42941  
submits an application for the scholarship, in a nonpublic school; 42942  
and the student satisfies one of the following conditions: 42943

(1) The student is enrolled in a school building that is 42944  
operated by the student's resident district and to which both of 42945  
the following apply: 42946

(a) The building was declared, in at least two of the three 42947  
most recent ratings of school buildings published prior to the 42948  
first day of July of the school year for which a scholarship is 42949  
sought, to be in a state of academic emergency or academic watch 42950  
under section 3302.03 of the Revised Code; 42951

(b) The building was not declared to be excellent or 42952  
effective under that section in the most recent rating published 42953  
prior to the first day of July of the school year for which a 42954

scholarship is sought. 42955

(2) The student is eligible to enroll in kindergarten in the 42956  
school year for which a scholarship is sought and otherwise would 42957  
be assigned under section 3319.01 of the Revised Code to a school 42958  
building described in division (A)(1) of this section. 42959

(3) The student is enrolled in a community school established 42960  
under Chapter 3314. of the Revised Code but otherwise would be 42961  
assigned under section 3319.01 of the Revised Code to a building 42962  
described in division (A)(1) of this section. 42963

(4) The student is enrolled in a school building that is 42964  
operated by the student's resident district or in a community 42965  
school established under Chapter 3314. of the Revised Code and 42966  
otherwise would be assigned under section 3319.01 of the Revised 42967  
Code to a school building described in division (A)(1) of this 42968  
section in the school year for which the scholarship is sought. 42969

(5) The student is eligible to enroll in kindergarten in the 42970  
school year for which a scholarship is sought, or is enrolled in a 42971  
community school established under Chapter 3314. of the Revised 42972  
Code, and all of the following apply to the student's resident 42973  
district: 42974

(a) The district has in force an intradistrict open 42975  
enrollment policy under which no student in kindergarten or the 42976  
community school student's grade level, respectively, is 42977  
automatically assigned to a particular school building; 42978

(b) In at least two of the three most recent ratings of 42979  
school districts published prior to the first day of July of the 42980  
school year for which a scholarship is sought, the district was 42981  
declared to be in a state of academic emergency under section 42982  
3302.03 of the Revised Code; 42983

(c) The district was not declared to be excellent or 42984  
effective under that section in the most recent rating published 42985

prior to the first day of July of the school year for which a 42986  
scholarship is sought. 42987

(B) A student who receives a scholarship under the 42988  
educational choice scholarship pilot program remains an eligible 42989  
student and may continue to receive scholarships in subsequent 42990  
school years until the student completes grade twelve, so long as 42991  
all of the following apply: 42992

(1) The student's resident district remains the same, or the 42993  
student transfers to a new resident district and otherwise would 42994  
be assigned in the new resident district to a school building 42995  
described in division (A)(1) of this section; 42996

(2) The student takes each ~~state test~~ assessment prescribed 42997  
for the student's grade level under section 3301.0710 or 3301.0712 42998  
of the Revised Code while enrolled in a chartered nonpublic 42999  
school; 43000

(3) In each school year that the student is enrolled in a 43001  
chartered nonpublic school, the student is absent from school for 43002  
not more than twenty days that the school is open for instruction, 43003  
not including excused absences. 43004

(C) The department shall cease awarding first-time 43005  
scholarships pursuant to divisions (A)(1) to (4) of this section 43006  
with respect to a school building that, in the most recent ratings 43007  
of school buildings published under section 3302.03 of the Revised 43008  
Code prior to the first day of July of the school year, ceases to 43009  
meet the criteria in division (A)(1) of this section. The 43010  
department shall cease awarding first-time scholarships pursuant 43011  
to division (A)(5) of this section with respect to a school 43012  
district that, in the most recent ratings of school districts 43013  
published under section 3302.03 of the Revised Code prior to the 43014  
first day of July of the school year, ceases to meet the criteria 43015  
in division (A)(5) of this section. However, students who have 43016

received scholarships in the prior school year remain eligible 43017  
students pursuant to division (B) of this section. 43018

(D) The state board of education shall adopt rules defining 43019  
excused absences for purposes of division (B)(3) of this section. 43020

**Sec. 3310.08.** (A) The amount paid for an eligible student 43021  
under the educational choice scholarship pilot program shall be 43022  
the lesser of the tuition of the chartered nonpublic school in 43023  
which the student is enrolled or the maximum amount prescribed in 43024  
section 3310.09 of the Revised Code. 43025

(B)(1) The department shall pay to the parent of each 43026  
eligible student for whom a scholarship is awarded under the 43027  
program, or to the student if at least eighteen years of age, 43028  
periodic partial payments of the scholarship. 43029

(2) The department shall proportionately reduce or terminate 43030  
the payments for any student who withdraws from a chartered 43031  
nonpublic school prior to the end of the school year. 43032

(C)(1) The department shall deduct five thousand two hundred 43033  
dollars from the payments made to each school district under 43034  
~~Chapter~~ Chapters 3306. and 3317. and, if necessary, sections 43035  
321.24 and 323.156 of the Revised Code ~~one of the following~~ 43036  
~~amounts, as applicable,~~ for each eligible student awarded a 43037  
scholarship under the educational choice scholarship pilot program 43038  
who is entitled under section 3313.64 or 3313.65 of the Revised 43039  
Code to attend school in the district. 43040

~~(a) For each scholarship student enrolled in kindergarten,~~ 43041  
~~two thousand seven hundred dollars;~~ 43042

~~(b) For each scholarship student enrolled in grades one to~~ 43043  
~~twelve, five thousand two hundred dollars.~~ 43044

The amount deducted under division (C)(1) of this section 43045  
funds scholarships for students under both the educational choice 43046



scholarship pilot program and the pilot project scholarship 43047  
program under sections 3313.974 to 3313.979 of the Revised Code. 43048

(2) If the department reduces or terminates payments to a 43049  
parent or a student, as prescribed in division (B)(2) of this 43050  
section, and the student enrolls in the schools of the student's 43051  
resident district ~~or in a community school, established under~~ 43052  
~~Chapter 3314. of the Revised Code,~~ before the end of the school 43053  
year, the department shall proportionally restore to the resident 43054  
district the amount deducted for that student under division 43055  
(C)(1) of this section. 43056

(D) In the case of any school district from which a deduction 43057  
is made under division (C) of this section, the department shall 43058  
disclose on the district's SF-3 form, or any successor to that 43059  
form used to calculate a district's state funding for operating 43060  
expenses, a comparison of the following: 43061

(1) The district's ~~state base cost~~ state share of the 43062  
adequacy amount payment, as calculated under ~~division (A)(1) of~~ 43063  
~~section 3317.022 3306.13~~ of the Revised Code ~~prior to making the~~ 43064  
~~adjustments under divisions (A)(2) and (3) of that section,~~ with 43065  
the scholarship students included in the district's formula ADM; 43066

(2) What the district's ~~state base cost~~ share of the adequacy 43067  
amount payment would have been, as calculated under ~~division~~ 43068  
~~(A)(1) of that section prior to making the adjustments under~~ 43069  
~~divisions (A)(2) and (3) of that section,~~ if the scholarship 43070  
students were not included in the district's formula ADM. 43071

This comparison shall display both the aggregate difference 43072  
between the amounts described in divisions (D)(1) and (2) of this 43073  
section, and the quotient of that aggregate difference divided by 43074  
the number of eligible students for whom deductions are made under 43075  
division (C) of this section. 43076

**Sec. 3310.09.** ~~(A)~~ The maximum amount awarded to an eligible student ~~in fiscal year 2007~~ under the educational choice scholarship pilot program shall be as follows:

~~(1)~~(A) For grades kindergarten through eight, four thousand ~~two~~ five hundred ~~fifty~~ dollars;

~~(2)~~(B) For grades nine through twelve, five thousand three ~~hundred~~ dollars.

~~(B) In fiscal year 2008 and in each fiscal year thereafter, the maximum amount awarded under the program shall be the applicable maximum amount awarded in the previous fiscal year increased by the same percentage by which the general assembly increased the formula amount, as defined in section 3317.02 of the Revised Code, from the previous fiscal year.~~

**Sec. 3310.11.** (A) Only for the purpose of administering the educational choice scholarship pilot program, the department of education may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(1) The student's resident district;

(2) If applicable, the community school in which that student is enrolled;

(3) The independent contractor engaged to create and maintain student data verification codes.

(B) Upon a request by the department under division (A) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the

department. If the student has not been assigned a code, because 43106  
the student will be entering kindergarten during the school year 43107  
for which the scholarship is sought, the district shall assign a 43108  
code to that student and submit the code to the department or 43109  
parent by a date specified by the department. If the district does 43110  
not assign a code to the student by the specified date, the 43111  
department shall assign a code to that student. 43112

The department annually shall submit to each school district 43113  
the name and data verification code of each student residing in 43114  
the district who is entering kindergarten, who has been awarded a 43115  
scholarship under the program, and for whom the department has 43116  
assigned a code under this division. 43117

(C) For the purpose of administering the applicable ~~tests~~ 43118  
assessments prescribed under sections 3301.0710 and 3301.0712 of 43119  
the Revised Code, as required by section 3310.14 of the Revised 43120  
Code, the department shall provide to each chartered nonpublic 43121  
school that enrolls a scholarship student the data verification 43122  
code for that student. 43123

(D) The department and each chartered nonpublic school that 43124  
receives a data verification code under this section shall not 43125  
release that code to any person except as provided by law. 43126

Any document relative to this program that the department 43127  
holds in its files that contains both a student's name or other 43128  
personally identifiable information and the student's data 43129  
verification code shall not be a public record under section 43130  
149.43 of the Revised Code. 43131

**Sec. 3310.14.** Notwithstanding division (K) of section 43132  
3301.0711 of the Revised Code, each chartered nonpublic school 43133  
that enrolls students awarded scholarships under sections 3310.01 43134  
to 3310.17 of the Revised Code annually shall administer the ~~tests~~ 43135  
assessments prescribed by section 3301.0710 or 3301.0712 of the 43136

Revised Code to each scholarship student enrolled in the school in 43137  
accordance with section 3301.0711 of the Revised Code. Each 43138  
chartered nonpublic school shall report to the department of 43139  
education the results of each ~~test~~ assessment administered to each 43140  
scholarship student under this section. 43141

Nothing in this section requires a chartered nonpublic school 43142  
to administer any achievement ~~test~~ assessment, except for an Ohio 43143  
graduation test prescribed by division (B)(1) of section 3301.0710 43144  
of the Revised Code, as required by section 3313.612 of the 43145  
Revised Code, to any student enrolled in the school who is not a 43146  
scholarship student. 43147

Sec. 3310.15. (A) The department of education annually shall 43148  
compile the scores attained by scholarship students to whom an 43149  
assessment is administered under section 3310.14 of the Revised 43150  
Code. The scores shall be aggregated as follows: 43151

(1) By state, which shall include all students awarded a 43152  
scholarship under the educational choice scholarship pilot program 43153  
and who were required to take an assessment under section 3310.14 43154  
of the Revised Code; 43155

(2) By school district, which shall include all scholarship 43156  
students who were required to take an assessment under section 43157  
3310.14 of the Revised Code and for whom the district is the 43158  
student's resident district; 43159

(3) By chartered nonpublic school, which shall include all 43160  
scholarship students enrolled in that school who were required to 43161  
take an assessment under section 3310.14 of the Revised Code. 43162

(B) The department shall disaggregate the student performance 43163  
data described in division (A) of this section according to the 43164  
following categories: 43165

(1) Age; 43166

<u>(2) Race and ethnicity;</u>	43167
<u>(3) Gender;</u>	43168
<u>(4) Students who have participated in the scholarship program for three or more years;</u>	43169 43170
<u>(5) Students who have participated in the scholarship program for more than one year and less than three years;</u>	43171 43172
<u>(6) Students who have participated in the scholarship program for one year or less;</u>	43173 43174
<u>(7) Economically disadvantaged students.</u>	43175
<u>(C) The department shall post the student performance data required under divisions (A) and (B) of this section on its web site and, by the first day of February each year, shall distribute that data to the parent of each eligible student. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.</u>	43176 43177 43178 43179 43180 43181 43182 43183 43184
<u>(D) The department shall provide the parent of each scholarship student with information comparing the student's performance on the assessments administered under section 3310.14 of the Revised Code with the average performance of similar students enrolled in the building operated by the student's resident district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.</u>	43185 43186 43187 43188 43189 43190 43191 43192 43193
<b>Sec. 3310.41.</b> (A) As used in this section:	43194
(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the	43195 43196

provider's special education program to implement the child's 43197  
individualized education program and to which the child's parent 43198  
owes fees for the services provided to the child: 43199

(a) A school district that is not the school district in 43200  
which the child is entitled to attend school; 43201

(b) A public entity other than a school district. 43202

(2) "Entitled to attend school" means entitled to attend 43203  
school in a school district under section 3313.64 or 3313.65 of 43204  
the Revised Code. 43205

(3) "Formula ADM" and "category six special education ADM" 43206  
have the same meanings as in section 3317.02 of the Revised Code. 43207

(4) "Preschool child with a disability" and "individualized 43208  
education program" have the same meanings as in section 3323.01 of 43209  
the Revised Code. 43210

(5) "Parent" has the same meaning as in section 3313.64 of 43211  
the Revised Code, except that "parent" does not mean a parent 43212  
whose custodial rights have been terminated. 43213

(6) "Preschool scholarship ADM" means the number of preschool 43214  
children with disabilities reported under division (B)(3)(h) of 43215  
section 3317.03 of the Revised Code. 43216

(7) "Qualified special education child" is a child for whom 43217  
all of the following conditions apply: 43218

(a) The school district in which the child is entitled to 43219  
attend school has identified the child as autistic. A child who 43220  
has been identified as having a "pervasive developmental disorder 43221  
- not otherwise specified (PPD-NOS)" shall be considered to be an 43222  
autistic child for purposes of this section. 43223

(b) The school district in which the child is entitled to 43224  
attend school has developed an individualized education program 43225  
under Chapter 3323. of the Revised Code for the child. 43226

(c) The child either: 43227

(i) Was enrolled in the school district in which the child is 43228  
entitled to attend school in any grade from preschool through 43229  
twelve in the school year prior to the year in which a scholarship 43230  
under this section is first sought for the child; or 43231

(ii) Is eligible to enter school in any grade preschool 43232  
through twelve in the school district in which the child is 43233  
entitled to attend school in the school year in which a 43234  
scholarship under this section is first sought for the child. 43235

(8) "Registered private provider" means a nonpublic school or 43236  
other nonpublic entity that has been approved by the department of 43237  
education to participate in the program established under this 43238  
section. 43239

(9) "Special education program" means a school or facility 43240  
that provides special education and related services to children 43241  
with disabilities. 43242

(B) There is hereby established the autism scholarship 43243  
program. Under the program, the department of education shall pay 43244  
a scholarship to the parent of each qualified special education 43245  
child upon application of that parent pursuant to procedures and 43246  
deadlines established by rule of the state board of education. 43247  
Each scholarship shall be used only to pay tuition for the child 43248  
on whose behalf the scholarship is awarded to attend a special 43249  
education program that implements the child's individualized 43250  
education program and that is operated by an alternative public 43251  
provider or by a registered private provider. Each scholarship 43252  
shall be in an amount not to exceed the lesser of the tuition 43253  
charged for the child by the special education program or twenty 43254  
thousand dollars. The purpose of the scholarship is to permit the 43255  
parent of a qualified special education child the choice to send 43256  
the child to a special education program, instead of the one 43257

operated by or for the school district in which the child is 43258  
entitled to attend school, to receive the services prescribed in 43259  
the child's individualized education program once the 43260  
individualized education program is finalized. A scholarship under 43261  
this section shall not be awarded to the parent of a child while 43262  
the child's individualized education program is being developed by 43263  
the school district in which the child is entitled to attend 43264  
school, or while any administrative or judicial mediation or 43265  
proceedings with respect to the content of the child's 43266  
individualized education program are pending. A scholarship under 43267  
this section shall not be used for a child to attend a public 43268  
special education program that operates under a contract, compact, 43269  
or other bilateral agreement between the school district in which 43270  
the child is entitled to attend school and another school district 43271  
or other public provider, or for a child to attend a community 43272  
school established under Chapter 3314. of the Revised Code. 43273  
However, nothing in this section or in any rule adopted by the 43274  
state board shall prohibit a parent whose child attends a public 43275  
special education program under a contract, compact, or other 43276  
bilateral agreement, or a parent whose child attends a community 43277  
school, from applying for and accepting a scholarship under this 43278  
section so that the parent may withdraw the child from that 43279  
program or community school and use the scholarship for the child 43280  
to attend a special education program for which the parent is 43281  
required to pay for services for the child. A child attending a 43282  
special education program with a scholarship under this section 43283  
shall continue to be entitled to transportation to and from that 43284  
program in the manner prescribed by law. 43285

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 43286  
(B)(10) of section 3317.03 of the Revised Code, a child who is not 43287  
a preschool child with a disability for whom a scholarship is 43288  
awarded under this section shall be counted in the formula ADM and 43289  
the category six special education ADM of the district in which 43290



the child is entitled to attend school and not in the formula ADM 43291  
and the category six special education ADM of any other school 43292  
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 43293  
section 3317.03 of the Revised Code, a child who is a preschool 43294  
child with a disability for whom a scholarship is awarded under 43295  
this section shall be counted in the preschool scholarship ADM and 43296  
category six special education ADM of the school district in which 43297  
the child is entitled to attend school and not in the preschool 43298  
scholarship ADM or category six special education ADM of any other 43299  
school district. 43300

(2) In each fiscal year, the department shall deduct from the 43301  
amounts paid to each school district under ~~Chapter~~ Chapters 3306. 43302  
and 3317. of the Revised Code, and, if necessary, sections 321.24 43303  
and 323.156 of the Revised Code, the aggregate amount of 43304  
scholarships awarded under this section for qualified special 43305  
education children included in the formula ADM, or preschool 43306  
scholarship ADM, and in the category six special education ADM of 43307  
that school district as provided in division (C)(1) of this 43308  
section. ~~The~~ When computing the school district's instructional 43309  
services support under section 3306.05 of the Revised Code, the 43310  
department shall add the district's preschool scholarship ADM to 43311  
the district's formula ADM. 43312

The scholarships deducted shall be considered as an approved 43313  
special education and related services expense ~~for the purpose~~ of 43314  
the school ~~district's compliance with division (C)(5) of section~~ 43315  
~~3317.022 of the Revised Code~~ district. 43316

(3) From time to time, the department shall make a payment to 43317  
the parent of each qualified special education child for whom a 43318  
scholarship has been awarded under this section. The scholarship 43319  
amount shall be proportionately reduced in the case of any such 43320  
child who is not enrolled in the special education program for 43321  
which a scholarship was awarded under this section for the entire 43322

school year. The department shall make no payments to the parent 43323  
of a child while any administrative or judicial mediation or 43324  
proceedings with respect to the content of the child's 43325  
individualized education program are pending. 43326

(D) A scholarship shall not be paid to a parent for payment 43327  
of tuition owed to a nonpublic entity unless that entity is a 43328  
registered private provider. The department shall approve entities 43329  
that meet the standards established by rule of the state board for 43330  
the program established under this section. 43331

(E) The state board shall adopt rules under Chapter 119. of 43332  
the Revised Code prescribing procedures necessary to implement 43333  
this section, including, but not limited to, procedures and 43334  
deadlines for parents to apply for scholarships, standards for 43335  
registered private providers, and procedures for approval of 43336  
entities as registered private providers. 43337

**Sec. 3311.0510.** (A) If all of the local school districts that 43338  
make up the territory of an educational service center have 43339  
severed from the territory of that service center pursuant to 43340  
section 3311.059 of the Revised Code, upon the effective date of 43341  
the severance of the last remaining local school district to make 43342  
up the territory of the service center, the governing board of 43343  
that service center shall be abolished and such service center 43344  
shall be dissolved by order of the superintendent of public 43345  
instruction. The superintendent's order shall provide for the 43346  
equitable division and disposition of the assets, property, debts, 43347  
and obligations of the service center among the local school 43348  
districts, of which the territory of the service center is or 43349  
previously was made up, and shall provide that the tax duplicate 43350  
of each of those local school districts shall be bound for and 43351  
assume the district's equitable share of the outstanding 43352  
indebtedness of the service center. The superintendent's order is 43353

final and is not appealable. 43354

Immediately upon the abolishment of the service center 43355  
governing board pursuant to this section, the superintendent shall 43356  
appoint a qualified individual to administer the dissolution of 43357  
the service center and to implement the terms of the 43358  
superintendent's dissolution order. Prior to distributing assets 43359  
to any local school district, but after paying in full other debts 43360  
and obligations of the service center, the superintendent of 43361  
public instruction may assess against the remaining assets of the 43362  
service center the amount of the costs incurred by the department 43363  
of education in performing the superintendent's duties under this 43364  
division, including the fees, if any, owed to the individual 43365  
appointed to administer the superintendent's dissolution order. 43366  
Any excess cost incurred by the department under this division 43367  
shall be divided equitably among the local school districts, of 43368  
which the territory of the service center is or previously was 43369  
made up, and each district's share of that excess cost shall be 43370  
bound against the tax duplicate of that district. 43371

43372

(B) A final audit of the former service center shall be 43373  
performed in accordance with procedures established by the auditor 43374  
of state. 43375

(C) The public records of an educational service center that 43376  
is dissolved under this section shall be transferred in accordance 43377  
with this division. Public records maintained by the service 43378  
center in connection with services provided by the service center 43379  
to local school districts shall be transferred to each of the 43380  
respective local school districts. Public records maintained by 43381  
the service center in connection with services provided under an 43382  
agreement with a city or exempted village school district pursuant 43383  
to section 3313.843 of the Revised Code shall be transferred to 43384

each of the respective city or exempted village school districts. 43385  
All other public records maintained by the service center at the 43386  
time the service center ceases operations shall be transferred to 43387  
the Ohio historical society for analysis and disposition by the 43388  
society in its capacity as archives administrator for the state 43389  
and its political subdivisions pursuant to division (C) of section 43390  
149.30 and section 149.31 of the Revised Code. 43391

**Sec. 3311.06.** (A) As used in this section: 43392

(1) "Annexation" and "annexed" mean annexation for municipal 43393  
purposes under sections 709.02 to 709.37 of the Revised Code. 43394

(2) "Annexed territory" means territory that has been annexed 43395  
for municipal purposes to a city served by an urban school 43396  
district, but on September 24, 1986, has not been transferred to 43397  
the urban school district. 43398

(3) "Urban school district" means a city school district with 43399  
an average daily membership for the 1985-1986 school year in 43400  
excess of twenty thousand that is the school district of a city 43401  
that contains annexed territory. 43402

(4) "Annexation agreement" means an agreement entered into 43403  
under division (F) of this section that has been approved by the 43404  
state board of education or an agreement entered into prior to 43405  
September 24, 1986, that meets the requirements of division (F) of 43406  
this section and has been filed with the state board. 43407

(B) The territory included within the boundaries of a city, 43408  
local, exempted village, or joint vocational school district shall 43409  
be contiguous except where a natural island forms an integral part 43410  
of the district, where the state board of education authorizes a 43411  
noncontiguous school district, as provided in division (E)(1) of 43412  
this section, or where a local school district is created pursuant 43413  
to section 3311.26 of the Revised Code from one or more local 43414

school districts, one of which has entered into an agreement under 43415  
section 3313.42 of the Revised Code. 43416

(C)(1) When all of the territory of a school district is 43417  
annexed to a city or village, such territory thereby becomes a 43418  
part of the city school district or the school district of which 43419  
the village is a part, and the legal title to school property in 43420  
such territory for school purposes shall be vested in the board of 43421  
education of the city school district or the school district of 43422  
which the village is a part. 43423

(2) When the territory so annexed to a city or village 43424  
comprises part but not all of the territory of a school district, 43425  
the said territory becomes part of the city school district or the 43426  
school district of which the village is a part only upon approval 43427  
by the state board of education, unless the district in which the 43428  
territory is located is a party to an annexation agreement with 43429  
the city school district. 43430

Any urban school district that has not entered into an 43431  
annexation agreement with any other school district whose 43432  
territory would be affected by any transfer under this division 43433  
and that desires to negotiate the terms of transfer with any such 43434  
district shall conduct any negotiations under division (F) of this 43435  
section as part of entering into an annexation agreement with such 43436  
a district. 43437

Any school district, except an urban school district, 43438  
desiring state board approval of a transfer under this division 43439  
shall make a good faith effort to negotiate the terms of transfer 43440  
with any other school district whose territory would be affected 43441  
by the transfer. Before the state board may approve any transfer 43442  
of territory to a school district, except an urban school 43443  
district, under this section, it must receive the following: 43444

(a) A resolution requesting approval of the transfer, passed 43445

by at least one of the school districts whose territory would be 43446  
affected by the transfer; 43447

(b) Evidence determined to be sufficient by the state board 43448  
to show that good faith negotiations have taken place or that the 43449  
district requesting the transfer has made a good faith effort to 43450  
hold such negotiations; 43451

(c) If any negotiations took place, a statement signed by all 43452  
boards that participated in the negotiations, listing the terms 43453  
agreed on and the points on which no agreement could be reached. 43454

(D) The state board of education shall adopt rules governing 43455  
negotiations held by any school district except an urban school 43456  
district pursuant to division (C)(2) of this section. The rules 43457  
shall encourage the realization of the following goals: 43458

(1) A discussion by the negotiating districts of the present 43459  
and future educational needs of the pupils in each district; 43460

(2) The educational, financial, and territorial stability of 43461  
each district affected by the transfer; 43462

(3) The assurance of appropriate educational programs, 43463  
services, and opportunities for all the pupils in each 43464  
participating district, and adequate planning for the facilities 43465  
needed to provide these programs, services, and opportunities. 43466

Districts involved in negotiations under such rules may agree 43467  
to share revenues from the property included in the territory to 43468  
be transferred, establish cooperative programs between the 43469  
participating districts, and establish mechanisms for the 43470  
settlement of any future boundary disputes. 43471

(E)(1) If territory annexed after September 24, 1986, is part 43472  
of a school district that is a party to an annexation agreement 43473  
with the urban school district serving the annexing city, the 43474  
transfer of such territory shall be governed by the agreement. If 43475

the agreement does not specify how the territory is to be dealt 43476  
with, the boards of education of the district in which the 43477  
territory is located and the urban school district shall negotiate 43478  
with regard to the transfer of the territory which shall be 43479  
transferred to the urban school district unless, not later than 43480  
ninety days after the effective date of municipal annexation, the 43481  
boards of education of both districts, by resolution adopted by a 43482  
majority of the members of each board, agree that the territory 43483  
will not be transferred and so inform the state board of 43484  
education. 43485

If territory is transferred under this division the transfer 43486  
shall take effect on the first day of July occurring not sooner 43487  
than ninety-one days after the effective date of the municipal 43488  
annexation. Territory transferred under this division need not be 43489  
contiguous to the district to which it is transferred. 43490

(2) Territory annexed prior to September 24, 1986, by a city 43491  
served by an urban school district shall not be subject to 43492  
transfer under this section if the district in which the territory 43493  
is located is a party to an annexation agreement or becomes a 43494  
party to such an agreement not later than ninety days after 43495  
September 24, 1986. If the district does not become a party to an 43496  
annexation agreement within the ninety-day period, transfer of 43497  
territory shall be governed by division (C)(2) of this section. If 43498  
the district subsequently becomes a party to an agreement, 43499  
territory annexed prior to September 24, 1986, other than 43500  
territory annexed under division (C)(2) of this section prior to 43501  
the effective date of the agreement, shall not be subject to 43502  
transfer under this section. 43503

(F) An urban school district may enter into a comprehensive 43504  
agreement with one or more school districts under which transfers 43505  
of territory annexed by the city served by the urban school 43506  
district after September 24, 1986, shall be governed by the 43507

agreement. Such agreement must provide for the establishment of a 43508  
cooperative education program under section 3313.842 of the 43509  
Revised Code in which all the parties to the agreement are 43510  
participants and must be approved by resolution of the majority of 43511  
the members of each of the boards of education of the school 43512  
districts that are parties to it. An agreement may provide for 43513  
interdistrict payments based on local revenue growth resulting 43514  
from development in any territory annexed by the city served by 43515  
the urban school district. 43516

An agreement entered into under this division may be altered, 43517  
modified, or terminated only by agreement, by resolution approved 43518  
by the majority of the members of each board of education, of all 43519  
school districts that are parties to the agreement, except that 43520  
with regard to any provision that affects only the urban school 43521  
district and one of the other districts that is a party, that 43522  
district and the urban district may modify or alter the agreement 43523  
by resolution approved by the majority of the members of the board 43524  
of that district and the urban district. Alterations, 43525  
modifications, terminations, and extensions of an agreement 43526  
entered into under this division do not require approval of the 43527  
state board of education, but shall be filed with the board after 43528  
approval and execution by the parties. 43529

If an agreement provides for interdistrict payments, each 43530  
party to the agreement, except any school district specifically 43531  
exempted by the agreement, shall agree to make an annual payment 43532  
to the urban school district with respect to any of its territory 43533  
that is annexed territory in an amount not to exceed the amount 43534  
certified for that year under former section 3317.029 of the 43535  
Revised Code as that section existed prior to July 1, 1998; except 43536  
that such limitation of annual payments to amounts certified under 43537  
former section 3317.029 of the Revised Code does not apply to 43538  
agreements or extensions of agreements entered into on or after 43539



June 1, 1992, unless such limitation is expressly agreed to by the parties. The agreement may provide that all or any part of the payment shall be waived if the urban school district receives its payment with respect to such annexed territory under former section 3317.029 of the Revised Code and that all or any part of such payment may be waived if the urban school district does not receive its payment with respect to such annexed territory under such section.

With respect to territory that is transferred to the urban school district after September 24, 1986, the agreement may provide for annual payments by the urban school district to the school district whose territory is transferred to the urban school district subsequent to annexation by the city served by the urban school district.

(G) In the event territory is transferred from one school district to another under this section, an equitable division of the funds and indebtedness between the districts involved shall be made under the supervision of the state board of education and that board's decision shall be final. Such division shall not include funds payable to or received by a school district under Chapter 3306. or 3317. of the Revised Code or payable to or received by a school district from the United States or any department or agency thereof. In the event such transferred territory includes real property owned by a school district, the state board of education, as part of such division of funds and indebtedness, shall determine the true value in money of such real property and all buildings or other improvements thereon. The board of education of the school district receiving such territory shall forthwith pay to the board of education of the school district losing such territory such true value in money of such real property, buildings, and improvements less such percentage of the true value in money of each school building located on such

real property as is represented by the ratio of the total 43572  
enrollment in day classes of the pupils residing in the territory 43573  
transferred enrolled at such school building in the school year in 43574  
which such annexation proceedings were commenced to the total 43575  
enrollment in day classes of all pupils residing in the school 43576  
district losing such territory enrolled at such school building in 43577  
such school year. The school district receiving such payment shall 43578  
place the proceeds thereof in its sinking fund or bond retirement 43579  
fund. 43580

(H) The state board of education, before approving such 43581  
transfer of territory, shall determine that such payment has been 43582  
made and shall apportion to the acquiring school district such 43583  
percentage of the indebtedness of the school district losing the 43584  
territory as is represented by the ratio that the assessed 43585  
valuation of the territory transferred bears to the total assessed 43586  
valuation of the entire school district losing the territory as of 43587  
the effective date of the transfer, provided that in ascertaining 43588  
the indebtedness of the school district losing the territory the 43589  
state board of education shall disregard such percentage of the 43590  
par value of the outstanding and unpaid bonds and notes of said 43591  
school district issued for construction or improvement of the 43592  
school building or buildings for which payment was made by the 43593  
acquiring district as is equal to the percentage by which the true 43594  
value in money of such building or buildings was reduced in fixing 43595  
the amount of said payment. 43596

(I) No transfer of school district territory or division of 43597  
funds and indebtedness incident thereto, pursuant to the 43598  
annexation of territory to a city or village shall be completed in 43599  
any other manner than that prescribed by this section regardless 43600  
of the date of the commencement of such annexation proceedings, 43601  
and this section applies to all proceedings for such transfers and 43602  
divisions of funds and indebtedness pending or commenced on or 43603

after October 2, 1959. 43604

**Sec. 3311.19.** (A) The management and control of a joint 43605  
vocational school district shall be vested in the joint vocational 43606  
school district board of education. Where a joint vocational 43607  
school district is composed only of two or more local school 43608  
districts located in one county, or when all the participating 43609  
districts are in one county and the boards of such participating 43610  
districts so choose, the educational service center governing 43611  
board of the county in which the joint vocational school district 43612  
is located shall serve as the joint vocational school district 43613  
board of education. Where a joint vocational school district is 43614  
composed of local school districts of more than one county, or of 43615  
any combination of city, local, or exempted village school 43616  
districts or educational service centers, unless administration by 43617  
the educational service center governing board has been chosen by 43618  
all the participating districts in one county pursuant to this 43619  
section, the board of education of the joint vocational school 43620  
district shall be composed of one or more persons who are members 43621  
of the boards of education from each of the city or exempted 43622  
village school districts or members of the educational service 43623  
centers' governing boards affected to be appointed by the boards 43624  
of education or governing boards of such school districts and 43625  
educational service centers. In such joint vocational school 43626  
districts the number and terms of members of the joint vocational 43627  
school district board of education and the allocation of a given 43628  
number of members to each of the city and exempted village 43629  
districts and educational service centers shall be determined in 43630  
the plan for such district, provided that each such joint 43631  
vocational school district board of education shall be composed of 43632  
an odd number of members. 43633

(B) Notwithstanding division (A) of this section, a governing 43634  
board of an educational service center that has members of its 43635

governing board serving on a joint vocational school district 43636  
board of education may make a request to the joint vocational 43637  
district board that the joint vocational school district plan be 43638  
revised to provide for one or more members of boards of education 43639  
of local school districts that are within the territory of the 43640  
educational service district and within the joint vocational 43641  
school district to serve in the place of or in addition to its 43642  
educational service center governing board members. If agreement 43643  
is obtained among a majority of the boards of education and 43644  
governing boards that have a member serving on the joint 43645  
vocational school district board of education and among a majority 43646  
of the local school district boards of education included in the 43647  
district and located within the territory of the educational 43648  
service center whose board requests the substitution or addition, 43649  
the state board of education may revise the joint vocational 43650  
school district plan to conform with such agreement. 43651

(C) If the board of education of any school district or 43652  
educational service center governing board included within a joint 43653  
vocational district that has had its board or governing board 43654  
membership revised under division (B) of this section requests the 43655  
joint vocational school district board to submit to the state 43656  
board of education a revised plan under which one or more joint 43657  
vocational board members chosen in accordance with a plan revised 43658  
under such division would again be chosen in the manner prescribed 43659  
by division (A) of this section, the joint vocational board shall 43660  
submit the revised plan to the state board of education, provided 43661  
the plan is agreed to by a majority of the boards of education 43662  
represented on the joint vocational board, a majority of the local 43663  
school district boards included within the joint vocational 43664  
district, and each educational service center governing board 43665  
affected by such plan. The state board of education may revise the 43666  
joint vocational school district plan to conform with the revised 43667  
plan. 43668

(D) The vocational schools in such joint vocational school district shall be available to all youth of school age within the joint vocational school district subject to the rules adopted by the joint vocational school district board of education in regard to the standards requisite to admission. A joint vocational school district board of education shall have the same powers, duties, and authority for the management and operation of such joint vocational school district as is granted by law, except by this chapter and Chapters 124., 3306., 3317., 3323., and 3331. of the Revised Code, to a board of education of a city school district, and shall be subject to all the provisions of law that apply to a city school district, except such provisions in this chapter and Chapters 124., 3306., 3317., 3323., and 3331. of the Revised Code.

(E) Where a governing board of an educational service center has been designated to serve as the joint vocational school district board of education, the educational service center superintendent shall be the executive officer for the joint vocational school district, and the governing board may provide for additional compensation to be paid to the educational service center superintendent by the joint vocational school district, but the educational service center superintendent shall have no continuing tenure other than that of educational service center superintendent. The superintendent of schools of a joint vocational school district shall exercise the duties and authority vested by law in a superintendent of schools pertaining to the operation of a school district and the employment and supervision of its personnel. The joint vocational school district board of education shall appoint a treasurer of the joint vocational school district who shall be the fiscal officer for such district and who shall have all the powers, duties, and authority vested by law in a treasurer of a board of education. Where a governing board of an educational service center has been designated to serve as the joint vocational school district board of education, such board

may appoint the educational service center superintendent as the 43702  
treasurer of the joint vocational school district. 43703

(F) Each member of a joint vocational school district board 43704  
of education may be paid such compensation as the board provides 43705  
by resolution, but it shall not exceed one hundred twenty-five 43706  
dollars per member for each meeting attended plus mileage, at the 43707  
rate per mile provided by resolution of the board, to and from 43708  
meetings of the board. 43709

The board may provide by resolution for the deduction of 43710  
amounts payable for benefits under section 3313.202 of the Revised 43711  
Code. 43712

Each member of a joint vocational school district board may 43713  
be paid such compensation as the board provides by resolution for 43714  
attendance at an approved training program, provided that such 43715  
compensation shall not exceed sixty dollars per day for attendance 43716  
at a training program three hours or fewer in length and one 43717  
hundred twenty-five dollars a day for attendance at a training 43718  
program longer than three hours in length. However, no board 43719  
member shall be compensated for the same training program under 43720  
this section and section 3313.12 of the Revised Code. 43721

**Sec. 3311.21.** (A) In addition to the resolutions authorized 43722  
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 43723  
the Revised Code, the board of education of a joint vocational or 43724  
cooperative education school district by a vote of two-thirds of 43725  
its full membership may at any time adopt a resolution declaring 43726  
the necessity to levy a tax in excess of the ten-mill limitation 43727  
for a period not to exceed ten years to provide funds for any one 43728  
or more of the following purposes, which may be stated in the 43729  
following manner in such resolution, the ballot, and the notice of 43730  
election: purchasing a site or enlargement thereof and for the 43731  
erection and equipment of buildings; for the purpose of enlarging, 43732

improving, or rebuilding thereof; for the purpose of providing for 43733  
the current expenses of the joint vocational or cooperative school 43734  
district; or for a continuing period for the purpose of providing 43735  
for the current expenses of the joint vocational or cooperative 43736  
education school district. The resolution shall specify the amount 43737  
of the proposed rate and, if a renewal, whether the levy is to 43738  
renew all, or a portion of, the existing levy, and shall specify 43739  
the first year in which the levy will be imposed. If the levy 43740  
provides for but is not limited to current expenses, the 43741  
resolution shall apportion the annual rate of the levy between 43742  
current expenses and the other purpose or purposes. Such 43743  
apportionment may but need not be the same for each year of the 43744  
levy, but the respective portions of the rate actually levied each 43745  
year for current expenses and the other purpose or purposes shall 43746  
be limited by such apportionment. The portion of any such rate 43747  
actually levied for current expenses of a joint vocational or 43748  
cooperative education school district shall be used in applying 43749  
division (A)(1) of section 3306.01 and division (A) of section 43750  
3317.01 of the Revised Code. The portion of any such rate not 43751  
apportioned to the current expenses of a joint vocational or 43752  
cooperative education school district shall be used in applying 43753  
division (B) of this section. On the adoption of such resolution, 43754  
the joint vocational or cooperative education school district 43755  
board of education shall certify the resolution to the board of 43756  
elections of the county containing the most populous portion of 43757  
the district, which board shall receive resolutions for filing and 43758  
send them to the boards of elections of each county in which 43759  
territory of the district is located, furnish all ballots for the 43760  
election as provided in section 3505.071 of the Revised Code, and 43761  
prepare the election notice; and the board of elections of each 43762  
county in which the territory of such district is located shall 43763  
make the other necessary arrangements for the submission of the 43764  
question to the electors of the joint vocational or cooperative 43765

education school district at the next primary or general election 43766  
occurring not less than seventy-five days after the resolution was 43767  
received from the joint vocational or cooperative education school 43768  
district board of education, or at a special election to be held 43769  
at a time designated by the district board of education consistent 43770  
with the requirements of section 3501.01 of the Revised Code, 43771  
which date shall not be earlier than seventy-five days after the 43772  
adoption and certification of the resolution. 43773

The board of elections of the county or counties in which 43774  
territory of the joint vocational or cooperative education school 43775  
district is located shall cause to be published in one or more 43776  
newspapers of general circulation in that district an 43777  
advertisement of the proposed tax levy question together with a 43778  
statement of the amount of the proposed levy once a week for two 43779  
consecutive weeks, prior to the election at which the question is 43780  
to appear on the ballot, and, if the board of elections operates 43781  
and maintains a web site, the board also shall post a similar 43782  
advertisement on its web site for thirty days prior to that 43783  
election. 43784

If a majority of the electors voting on the question of 43785  
levying such tax vote in favor of the levy, the joint vocational 43786  
or cooperative education school district board of education shall 43787  
annually make the levy within the district at the rate specified 43788  
in the resolution and ballot or at any lesser rate, and the county 43789  
auditor of each affected county shall annually place the levy on 43790  
the tax list and duplicate of each school district in the county 43791  
having territory in the joint vocational or cooperative education 43792  
school district. The taxes realized from the levy shall be 43793  
collected at the same time and in the same manner as other taxes 43794  
on the duplicate, and the taxes, when collected, shall be paid to 43795  
the treasurer of the joint vocational or cooperative education 43796  
school district and deposited to a special fund, which shall be 43797



established by the joint vocational or cooperative education 43798  
school district board of education for all revenue derived from 43799  
any tax levied pursuant to this section and for the proceeds of 43800  
anticipation notes which shall be deposited in such fund. After 43801  
the approval of the levy, the joint vocational or cooperative 43802  
education school district board of education may anticipate a 43803  
fraction of the proceeds of the levy and from time to time, during 43804  
the life of the levy, but in any year prior to the time when the 43805  
tax collection from the levy so anticipated can be made for that 43806  
year, issue anticipation notes in an amount not exceeding fifty 43807  
per cent of the estimated proceeds of the levy to be collected in 43808  
each year up to a period of five years after the date of the 43809  
issuance of the notes, less an amount equal to the proceeds of the 43810  
levy obligated for each year by the issuance of anticipation 43811  
notes, provided that the total amount maturing in any one year 43812  
shall not exceed fifty per cent of the anticipated proceeds of the 43813  
levy for that year. Each issue of notes shall be sold as provided 43814  
in Chapter 133. of the Revised Code, and shall, except for such 43815  
limitation that the total amount of such notes maturing in any one 43816  
year shall not exceed fifty per cent of the anticipated proceeds 43817  
of the levy for that year, mature serially in substantially equal 43818  
installments, during each year over a period not to exceed five 43819  
years after their issuance. 43820

(B) Prior to the application of section 319.301 of the 43821  
Revised Code, the rate of a levy that is limited to, or to the 43822  
extent that it is apportioned to, purposes other than current 43823  
expenses shall be reduced in the same proportion in which the 43824  
district's total valuation increases during the life of the levy 43825  
because of additions to such valuation that have resulted from 43826  
improvements added to the tax list and duplicate. 43827

(C) The form of ballot cast at an election under division (A) 43828  
of this section shall be as prescribed by section 5705.25 of the 43829

Revised Code. 43830

**Sec. 3311.29.** (A) Except as provided under division (B) or 43831  
(C) of this section, no school district shall be created and no 43832  
school district shall exist which does not maintain within such 43833  
district public schools consisting of grades kindergarten through 43834  
twelve and any such existing school district not maintaining such 43835  
schools shall be dissolved and its territory joined with another 43836  
school district or districts by order of the state board of 43837  
education if no agreement is made among the surrounding districts 43838  
voluntarily, which order shall provide an equitable division of 43839  
the funds, property, and indebtedness of the dissolved school 43840  
district among the districts receiving its territory. The state 43841  
board of education may authorize exceptions to school districts 43842  
where topography, sparsity of population, and other factors make 43843  
compliance impracticable. 43844

The superintendent of public instruction is without authority 43845  
to distribute funds under ~~sections 3317.022 to 3317.025~~ Chapter 43846  
3306. or 3317. of the Revised Code to any school district that 43847  
does not maintain schools with grades kindergarten through twelve 43848  
and to which no exception has been granted by the state board of 43849  
education. 43850

(B) Division (A) of this section does not apply to any joint 43851  
vocational school district or any cooperative education school 43852  
district established pursuant to divisions (A) to (C) of section 43853  
3311.52 of the Revised Code. 43854

(C)(1)(a) Except as provided in division (C)(3) of this 43855  
section, division (A) of this section does not apply to any 43856  
cooperative education school district established pursuant to 43857  
section 3311.521 of the Revised Code nor to the city, exempted 43858  
village, or local school districts that have territory within such 43859  
a cooperative education district. 43860

(b) The cooperative district and each city, exempted village, 43861  
or local district with territory within the cooperative district 43862  
shall maintain the grades that the resolution adopted or amended 43863  
pursuant to section 3311.521 of the Revised Code specifies. 43864

(2) Any cooperative education school district described under 43865  
division (C)(1) of this section that fails to maintain the grades 43866  
it is specified to operate shall be dissolved by order of the 43867  
state board of education unless prior to such an order the 43868  
cooperative district is dissolved pursuant to section 3311.54 of 43869  
the Revised Code. Any such order shall provide for the equitable 43870  
adjustment, division, and disposition of the assets, property, 43871  
debts, and obligations of the district among each city, local, and 43872  
exempted village school district whose territory is in the 43873  
cooperative district and shall provide that the tax duplicate of 43874  
each city, local, and exempted village school district whose 43875  
territory is in the cooperative district shall be bound for and 43876  
assume its share of the outstanding indebtedness of the 43877  
cooperative district. 43878

(3) If any city, exempted village, or local school district 43879  
described under division (C)(1) of this section fails to maintain 43880  
the grades it is specified to operate the cooperative district 43881  
within which it has territory shall be dissolved in accordance 43882  
with division (C)(2) of this section and upon that dissolution any 43883  
city, exempted village, or local district failing to maintain 43884  
grades kindergarten through twelve shall be subject to the 43885  
provisions for dissolution in division (A) of this section. 43886

**Sec. 3311.52.** A cooperative education school district may be 43887  
established pursuant to divisions (A) to (C) of this section or 43888  
pursuant to section 3311.521 of the Revised Code. 43889

(A) A cooperative education school district may be 43890  
established upon the adoption of identical resolutions within a 43891

sixty-day period by a majority of the members of the board of 43892  
education of each city, local, and exempted village school 43893  
district that is within the territory of a county school financing 43894  
district. 43895

A copy of each resolution shall be filed with the governing 43896  
board ~~of education~~ of the educational service center which created 43897  
the county school financing district. Upon the filing of the last 43898  
such resolution, the educational service center governing board 43899  
shall immediately notify each board of education filing such a 43900  
resolution of the date on which the last resolution was filed. 43901

Ten days after the date on which the last resolution is filed 43902  
with the educational service center governing board or ten days 43903  
after the last of any notices required under division (C) of this 43904  
section is received by the educational service center governing 43905  
board, whichever is later, the county school financing district 43906  
shall be dissolved and the new cooperative education school 43907  
district and the board of education of the cooperative education 43908  
school district shall be established. 43909

On the date that any county school financing district is 43910  
dissolved and a cooperative education school district is 43911  
established under this section, each of the following shall apply: 43912

(1) The territory of the dissolved district becomes the 43913  
territory of the new district. 43914

(2) Any outstanding tax levy in force in the dissolved 43915  
district shall be spread over the territory of the new district 43916  
and shall remain in force in the new district until the levy 43917  
expires or is renewed. 43918

(3) Any funds of the dissolved district shall be paid over in 43919  
full to the new district. 43920

(4) Any net indebtedness of the dissolved district shall be 43921  
assumed in full by the new district. As used in division (A)(4) of 43922

this section, "net indebtedness" means the difference between the 43923  
par value of the outstanding and unpaid bonds and notes of the 43924  
dissolved district and the amount held in the sinking fund and 43925  
other indebtedness retirement funds for their redemption. 43926

When a county school financing district is dissolved and a 43927  
cooperative education school district is established under this 43928  
section, the governing board of the educational service center 43929  
that created the dissolved district shall give written notice of 43930  
this fact to the county auditor and the board of elections of each 43931  
county having any territory in the new district. 43932

(B) The resolutions adopted under division (A) of this 43933  
section shall include all of the following provisions: 43934

(1) Provision that the governing board of the educational 43935  
service center which created the county school financing district 43936  
shall be the board of education of the cooperative education 43937  
school district, except that provision may be made for the 43938  
composition, selection, and terms of office of an alternative 43939  
board of education of the cooperative district, which board shall 43940  
include at least one member selected from or by the members of the 43941  
board of education of each city, local, and exempted village 43942  
school district and at least one member selected from or by the 43943  
members of the educational service center governing board within 43944  
the territory of the cooperative district; 43945

(2) Provision that the treasurer and superintendent of the 43946  
educational service center which created the county school 43947  
financing district shall be the treasurer and superintendent of 43948  
the cooperative education school district, except that provision 43949  
may be made for the selection of a treasurer or superintendent of 43950  
the cooperative district other than the treasurer or 43951  
superintendent of the educational service center, which provision 43952  
shall require one of the following: 43953

(a) The selection of one person as both the treasurer and 43954  
superintendent of the cooperative district, which provision may 43955  
require such person to be the treasurer or superintendent of any 43956  
city, local, or exempted village school district or educational 43957  
service center within the territory of the cooperative district; 43958

(b) The selection of one person as the treasurer and another 43959  
person as the superintendent of the cooperative district, which 43960  
provision may require either one or both such persons to be 43961  
treasurers or superintendents of any city, local, or exempted 43962  
village school districts or educational service center within the 43963  
territory of the cooperative district. 43964

(3) A statement of the educational program the board of 43965  
education of the cooperative education school district will 43966  
conduct, including but not necessarily limited to the type of 43967  
educational program, the grade levels proposed for inclusion in 43968  
the program, the timetable for commencing operation of the 43969  
program, and the facilities proposed to be used or constructed to 43970  
be used by the program; 43971

(4) A statement of the annual amount, or the method for 43972  
determining that amount, of funds or services or facilities that 43973  
each city, local, and exempted village school district within the 43974  
territory of the cooperative district is required to pay to or 43975  
provide for the use of the board of education of the cooperative 43976  
education school district; 43977

(5) Provision for adopting amendments to the provisions of 43978  
divisions (B)(2) to (4) of this section. 43979

(C) If the resolutions adopted under division (A) of this 43980  
section provide for a board of education of the cooperative 43981  
education school district that is not the governing board of the 43982  
educational service center that created the county school 43983  
financing district, each board of education of each city, local, 43984

or exempted village school district and the governing board of the 43985  
educational service center within the territory of the cooperative 43986  
district shall, within thirty days after the date on which the 43987  
last resolution is filed with the educational service center 43988  
governing board under division (A) of this section, select one or 43989  
more members of the board of education of the cooperative district 43990  
as provided in the resolutions filed with the educational service 43991  
center governing board. Each such board shall immediately notify 43992  
the educational ~~services~~ service center governing board of each 43993  
such selection. 43994

(D) Except for the powers and duties in this chapter and 43995  
Chapters 124., 3306., 3317., 3318., 3323., and 3331. of the 43996  
Revised Code, a cooperative education school district established 43997  
pursuant to divisions (A) to (C) of this section or pursuant to 43998  
section 3311.521 of the Revised Code has all the powers of a city 43999  
school district and its board of education has all the powers and 44000  
duties of a board of education of a city school district with 44001  
respect to the educational program specified in the resolutions 44002  
adopted under division (A) of this section. All laws applicable to 44003  
a city school district or the board of education or the members of 44004  
the board of education of a city school district, except such laws 44005  
in this chapter and Chapters 124., 3306., 3317., 3318., 3323., and 44006  
3331. of the Revised Code, are applicable to a cooperative 44007  
education school district and its board. 44008

The treasurer and superintendent of a cooperative education 44009  
school district shall have the same respective duties and powers 44010  
as a treasurer and superintendent of a city school district, 44011  
except for any powers and duties in this chapter and Chapters 44012  
124., 3306., 3317., 3318., 3323., and 3331. of the Revised Code. 44013

(E) For purposes of this title, any student included in the 44014  
formula ADM certified for any city, exempted village, or local 44015  
school district under section 3317.03 of the Revised Code by 44016

virtue of being counted, in whole or in part, in the average daily membership of a cooperative education school district under division (A)(2)~~(f)~~(d) of that section shall be construed to be enrolled both in that city, exempted village, or ~~village~~ local school district and in that cooperative education school district. This division shall not be construed to mean that any such individual student may be counted more than once for purposes of determining the average daily membership of any one school district.

**Sec. 3311.76.** (A) Notwithstanding Chapters 3302., 3306., and 3317. of the Revised Code, upon written request of the district chief executive officer the state superintendent of public instruction may exempt a municipal school district from any rules adopted under Title XXXIII of the Revised Code except for any rule adopted under Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code, and may authorize a municipal school district to apply funds allocated to the district under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code, except those specifically allocated to purposes other than current expenses, to the payment of debt charges on the district's public obligations. The request must specify the provisions from which the district is seeking exemption or the application requested and the reasons for the request. The state superintendent shall approve the request if the superintendent finds the requested exemption or application is in the best interest of the district's students. The superintendent shall approve or disapprove the request within thirty days and shall notify the district board and the district chief executive officer of approval or reasons for disapproving the request.

(B) In addition to the rights, authority, and duties conferred upon a municipal school district and its board of education in sections 3311.71 to 3311.76 of the Revised Code, a



municipal school district and its board shall have all of the 44049  
rights, authority, and duties conferred upon a city school 44050  
district and its board by law that are not inconsistent with 44051  
sections 3311.71 to 3311.76 of the Revised Code. 44052

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 44053  
and (F), ~~and (G)~~ of this section, when a board of education 44054  
decides to dispose of real or personal property that it owns in 44055  
its corporate capacity and that exceeds in value ten thousand 44056  
dollars, it shall sell the property at public auction, after 44057  
giving at least thirty days' notice of the auction by publication 44058  
in a newspaper of general circulation or by posting notices in 44059  
five of the most public places in the school district in which the 44060  
property, if it is real property, is situated, or, if it is 44061  
personal property, in the school district of the board of 44062  
education that owns the property. The board may offer real 44063  
property for sale as an entire tract or in parcels. 44064

(B) When the board of education has offered real or personal 44065  
property for sale at public auction at least once pursuant to 44066  
division (A) of this section, and the property has not been sold, 44067  
the board may sell it at a private sale. Regardless of how it was 44068  
offered at public auction, at a private sale, the board shall, as 44069  
it considers best, sell real property as an entire tract or in 44070  
parcels, and personal property in a single lot or in several lots. 44071

(C) If a board of education decides to dispose of real or 44072  
personal property that it owns in its corporate capacity and that 44073  
exceeds in value ten thousand dollars, it may sell the property to 44074  
the adjutant general; to any subdivision or taxing authority as 44075  
respectively defined in divisions (A) and (C) of section 5705.01 44076  
of the Revised Code, township park district, board of park 44077  
commissioners established under Chapter 755. of the Revised Code, 44078  
or park district established under Chapter 1545. of the Revised 44079

Code; to a wholly or partially tax-supported university, 44080  
university branch, or college; or to the board of trustees of a 44081  
school district library, upon such terms as are agreed upon. The 44082  
sale of real or personal property to the board of trustees of a 44083  
school district library is limited, in the case of real property, 44084  
to a school district library within whose boundaries the real 44085  
property is situated, or, in the case of personal property, to a 44086  
school district library whose boundaries lie in whole or in part 44087  
within the school district of the selling board of education. 44088

(D) When a board of education decides to trade as a part or 44089  
an entire consideration, an item of personal property on the 44090  
purchase price of an item of similar personal property, it may 44091  
trade the same upon such terms as are agreed upon by the parties 44092  
to the trade. 44093

(E) The president and the treasurer of the board of education 44094  
shall execute and deliver deeds or other necessary instruments of 44095  
conveyance to complete any sale or trade under this section. 44096

(F) When a board of education has identified a parcel of real 44097  
property that it determines is needed for school purposes, the 44098  
board may, upon a majority vote of the members of the board, 44099  
acquire that property by exchanging real property that the board 44100  
owns in its corporate capacity for the identified real property or 44101  
by using real property that the board owns in its corporate 44102  
capacity as part or an entire consideration for the purchase price 44103  
of the identified real property. Any exchange or acquisition made 44104  
pursuant to this division shall be made by a conveyance executed 44105  
by the president and the treasurer of the board. 44106

~~(G)(1) When a school district board of education decides to 44107  
dispose of real property suitable for use as classroom space, 44108  
prior to disposing of that property under divisions (A) to (F) of 44109  
this section, it shall first offer that property for sale to the 44110  
governing authorities of the start-up community schools 44111~~

~~established under Chapter 3314. of the Revised Code located within 44112  
the territory of the school district, at a price that is not 44113  
higher than the appraised fair market value of that property. If 44114  
more than one community school governing authority accepts the 44115  
offer made by the school district board, the board shall sell the 44116  
property to the governing authority that accepted the offer first 44117  
in time. If no community school governing authority accepts the 44118  
offer within sixty days after the offer is made by the school 44119  
district board, the board may dispose of the property in the 44120  
applicable manner prescribed under divisions (A) to (F) of this 44121  
section. 44122~~

~~(2) When a school district board of education has not used 44123  
real property suitable for classroom space for academic 44124  
instruction, administration, storage, or any other educational 44125  
purpose for one full school year and has not adopted a resolution 44126  
outlining a plan for using that property for any of those purposes 44127  
within the next three school years, it shall offer that property 44128  
for sale to the governing authorities of the start up community 44129  
schools established under Chapter 3314. of the Revised Code 44130  
located within the territory of the school district, at a price 44131  
that is not higher than the appraised fair market value of that 44132  
property. If more than one community school governing authority 44133  
accepts the offer made by the school district board, the board 44134  
shall sell the property to the governing authority that accepted 44135  
the offer first in time. 44136~~

~~(H) When a school district board of education has property 44137  
that the board, by resolution, finds is not needed for school 44138  
district use, is obsolete, or is unfit for the use for which it 44139  
was acquired, the board may donate that property in accordance 44140  
with this division if the fair market value of the property is, in 44141  
the opinion of the board, two thousand five hundred dollars or 44142  
less. 44143~~

The property may be donated to an eligible nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating any property under this division, the board shall adopt a resolution expressing its intent to make unneeded, obsolete, or unfit-for-use school district property available to these organizations. The resolution shall include guidelines and procedures the board considers to be necessary to implement the donation program and shall indicate whether the school district will conduct the donation program or the board will contract with a representative to conduct it. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

The resolution shall include within its procedures a requirement that any nonprofit organization desiring to obtain donated property under this division shall submit a written notice to the board or its representative. The written notice shall include evidence that the organization is a nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of the organization's primary purpose; a description of the type or types of property the organization needs; and the name, address, and telephone number of a person designated by the organization's governing board to receive donated property and to serve as its agent.

After adoption of the resolution, the board shall publish, in a newspaper of general circulation in the school district, notice of its intent to donate unneeded, obsolete, or unfit-for-use school district property to eligible nonprofit organizations. The notice shall include a summary of the information provided in the resolution and shall be published at least twice. The second and

any subsequent notice shall be published not less than ten nor 44176  
more than twenty days after the previous notice. A similar notice 44177  
also shall be posted continually in the board's office, and, if 44178  
the school district maintains a web site on the internet, the 44179  
notice shall be posted continually at that web site. 44180

The board or its representatives shall maintain a list of all 44181  
nonprofit organizations that notify the board or its 44182  
representative of their desire to obtain donated property under 44183  
this division and that the board or its representative determines 44184  
to be eligible, in accordance with the requirements set forth in 44185  
this section and in the donation program's guidelines and 44186  
procedures, to receive donated property. 44187

The board or its representative also shall maintain a list of 44188  
all school district property the board finds to be unneeded, 44189  
obsolete, or unfit for use and to be available for donation under 44190  
this division. The list shall be posted continually in a 44191  
conspicuous location in the board's office, and, if the school 44192  
district maintains a web site on the internet, the list shall be 44193  
posted continually at that web site. An item of property on the 44194  
list shall be donated to the eligible nonprofit organization that 44195  
first declares to the board or its representative its desire to 44196  
obtain the item unless the board previously has established, by 44197  
resolution, a list of eligible nonprofit organizations that shall 44198  
be given priority with respect to the item's donation. Priority 44199  
may be given on the basis that the purposes of a nonprofit 44200  
organization have a direct relationship to specific school 44201  
district purposes of programs provided or administered by the 44202  
board. A resolution giving priority to certain nonprofit 44203  
organizations with respect to the donation of an item of property 44204  
shall specify the reasons why the organizations are given that 44205  
priority. 44206

Members of the board shall consult with the Ohio ethics 44207

commission, and comply with Chapters 102. and 2921. of the Revised 44208  
Code, with respect to any donation under this division to a 44209  
nonprofit organization of which a board member, any member of a 44210  
board member's family, or any business associate of a board member 44211  
is a trustee, officer, board member, or employee. 44212

**Sec. 3313.48.** (A) The board of education of each city, 44213  
exempted village, local, and joint vocational school district 44214  
shall provide for the free education of the youth of school age 44215  
within the district under its jurisdiction, at such places as will 44216  
be most convenient for the attendance of the largest number 44217  
thereof. Except as provided in section 3313.481 of the Revised 44218  
Code, each school so provided shall be open for instruction with 44219  
pupils in attendance ~~for~~ as prescribed by division (B) of this 44220  
section. 44221

(B) Each school shall be open for instruction as follows: 44222

(1) In each learning year prior to the learning year that 44223  
begins July 1, 2011, not less than one hundred eighty-two days in 44224  
each school year, which; 44225

(2) In each of the learning years beginning on July 1, 2011, 44226  
and July 1, 2012, respectively, not less than one hundred 44227  
eighty-six days; 44228

(3) In each of the learning years beginning on July 1, 2013, 44229  
and July 1, 2014, respectively, not less than one hundred ninety 44230  
days; 44231

(4) In each of the learning years beginning on July 1, 2015, 44232  
and July 1, 2016, respectively, not less than one hundred 44233  
ninety-four days; 44234

(5) In the learning year that begins on July 1, 2017, and in 44235  
each learning year thereafter, not less than one hundred 44236  
ninety-eight days. 44237

(C) The minimum learning year prescribed by division (B) of this section may include all of the following: 44238  
44239

~~(A)(1)~~ Up to four ~~school~~ days per year in which classes are 44240  
dismissed one-half day early or the equivalent amount of time 44241  
during a different number of days for the purpose of 44242  
individualized parent-teacher conferences and reporting periods; 44243

~~(B)(2)~~ Up to two days for professional meetings of teachers 44244  
when such days occur during a regular school week and schools are 44245  
not in session; 44246

~~(C)(3)~~ The number of days the school is closed as a result of 44247  
public calamity, as provided in ~~section~~ sections 3306.01 and 44248  
3317.01 of the Revised Code. 44249

(D) The state board of education shall adopt standards for 44250  
defining "~~school~~ the minimum number of hours for a "learning day" 44251  
as used in this section and sections ~~3313.48~~ 3306.01 and 3317.01 44252  
of the Revised Code. 44253

Except as otherwise provided in this section, each learning 44254  
day for grades seven through twelve shall consist of not less than 44255  
five clock hours with pupils in attendance, except in such 44256  
emergency situations, including lack of classroom space, as are 44257  
approved by the state board of education. Except as otherwise 44258  
provided in this section, each learning day for grades one through 44259  
six shall consist of not less than five clock hours with pupils in 44260  
attendance which may include fifteen minute morning and afternoon 44261  
recess periods, except in such emergency situations, including 44262  
lack of classroom space, as are approved by the state board of 44263  
education. 44264

**Sec. 3313.481.** (A) With the approval of the department of 44265  
education, a board of education of a city, exempted village, 44266  
local, or joint vocational school district may operate any of its 44267

schools on a schedule other than that required by section 3313.48 44268  
of the Revised Code in order to do any of the following: 44269

(1) To provide a flexible school day during which may be held 44270  
parent-teacher conferences and reporting periods involving time in 44271  
excess of that permitted to be credited toward fulfillment of the 44272  
minimum school year under section 3313.48 of the Revised Code; 44273

(2) To establish and maintain a calendar of quarters, 44274  
trimesters, or pentamesters; 44275

(3) To provide staggered attendance schedules if it receives 44276  
approval to do so from the department of education. 44277

(B) A school district operating a school under this section 44278  
shall have such school open for instruction for each pupil 44279  
enrolled in that school for at least the following: 44280

(1) For each learning year prior to the learning year that 44281  
begins on July 1, 2011, nine hundred ten hours ~~during the school~~ 44282  
year. 44283

(2) In each of the learning years beginning on July 1, 2011, 44284  
and July 1, 2012, respectively, nine hundred thirty hours; 44285

(3) In each of the learning years beginning on July 1, 2013, 44286  
and July 1, 2014, respectively, nine hundred fifty hours; 44287

(4) In each of the learning years beginning on July 1, 2015, 44288  
and July 1, 2016, respectively, nine hundred seventy hours; 44289

(5) In the learning year that begins on July 1, 2017, and in 44290  
each learning year thereafter, nine hundred ninety hours. 44291

(C) For purposes of determining whether a school that is on a 44292  
staggered attendance schedule is in compliance with this section 44293  
in any ~~school~~ learning year, the department of education may 44294  
include days the school was open for instruction with pupils in 44295  
attendance for not more than the first seventy days of the ensuing 44296  
~~school~~ learning year provided such days are not considered as days 44297



the school was open for instruction during such ensuing ~~school~~ 44298  
learning year. The following shall be considered as time during 44299  
which the schools are open for instruction for a pupil enrolled in 44300  
such a school, or for a pupil enrolled in a school that is not on 44301  
a staggered attendance schedule but that operates under this 44302  
section: 44303

(1) Morning and afternoon recess periods of not more than 44304  
fifteen minutes duration per period for a pupil in grades one 44305  
through six; 44306

(2) Ten hours during which the pupil would otherwise be in 44307  
attendance but ~~when he~~ is not required to attend school in order 44308  
to provide time for individualized parent-teacher conferences and 44309  
reporting periods; 44310

(3) Ten hours during which the pupil would otherwise be in 44311  
attendance but is not required to attend school in order to 44312  
provide time for teachers to attend professional meetings; 44313

(4) The number of hours pupils would otherwise be in 44314  
attendance but are not required to attend because school is closed 44315  
as a result of a public calamity as provided in ~~section~~ sections 44316  
3306.01 and 3317.01 of the Revised Code. 44317

~~(C)~~(D) No board of education shall discriminate on the basis 44318  
of sex, race, religion, or national origin when assigning pupils 44319  
to attendance schedules pursuant to this section. 44320

**Sec. 3313.482.** (A) Annually, prior to the first day of 44321  
September, the board of education of each city, local, and 44322  
exempted village school district shall adopt a resolution 44323  
specifying a contingency plan under which the district's students 44324  
will make up days on which it was necessary to close schools ~~for~~ 44325  
~~any of the reasons specified in division (B) of section 3317.01 of~~ 44326  
~~the Revised Code~~ because of disease epidemic, hazardous weather 44327

conditions, inoperability of school buses or other equipment 44328  
necessary to the school's operation, damage to a school building, 44329  
or other temporary circumstances due to utility failure rendering 44330  
the school building unfit for school use, if any such days must be 44331  
made up in order to comply with the requirements of ~~that section~~ 44332  
~~and~~ sections 3306.01, 3313.48 and, 3313.481, and 3317.01 of the 44333  
Revised Code. The resolution shall provide in the plan for making 44334  
up at least five full ~~school~~ learning days. If, after the first 44335  
day of September, the board determines that the district is unable 44336  
to implement the contingency plan as originally adopted, the board 44337  
may adopt a resolution to amend the plan, but in no case shall the 44338  
amended plan provide for making up less than five full learning 44339  
days. No resolution adopted pursuant to this division shall 44340  
conflict with any collective bargaining agreement into which a 44341  
board has entered pursuant to Chapter 4117. of the Revised Code 44342  
and that is in effect in the district. 44343

(B) Notwithstanding the content of the contingency plan it 44344  
adopts under division (A) of this section, if a school district 44345  
closes or evacuates any school building as a result of a bomb 44346  
threat or any other report of an alleged or impending explosion, 44347  
and if, as a result of the closing or evacuation, the school 44348  
district would be unable to meet the requirements of sections 44349  
3306.01, 3313.48, 3313.481, and 3317.01 of the Revised Code 44350  
regarding the number of days schools must be open for instruction 44351  
or the requirements of the state minimum standards for the ~~school~~ 44352  
learning day that are established by the department of education 44353  
regarding the number of hours there must be in the ~~school~~ learning 44354  
day, the school district may increase the length of one or more 44355  
other ~~school~~ learning days for the school that was closed or 44356  
evacuated, in increments of one-half hour, to make up the number 44357  
of hours or days that the school building in question was so 44358  
closed or evacuated for the purpose of satisfying the requirements 44359  
of those sections regarding the number of days schools must be 44360

open for instruction or the requirements of those standards 44361  
regarding the number of hours there must be in the ~~school~~ learning 44362  
day. 44363

(C) If a school district closes or evacuates any school 44364  
building for any of the reasons specified in division ~~(B)~~(A) of 44365  
this section ~~3317.01 of the Revised Code~~, and if for that school 44366  
the total number of full ~~school~~ learning days specified in the 44367  
district's contingency plan adopted under that division ~~(A)~~ of 44368  
~~this section~~ is insufficient to enable the school district to meet 44369  
the requirements of sections 3306.01, 3313.48, 3313.481, and 44370  
3317.01 of the Revised Code regarding the number of days schools 44371  
must be open for instruction or the requirements of the state 44372  
minimum standards for the ~~school~~ learning day that are established 44373  
by the department of education regarding the number of hours there 44374  
must be in the ~~school~~ learning day, the school district may 44375  
increase the length of one or more other ~~school~~ learning days for 44376  
the school that was closed or evacuated, in increments of one-half 44377  
hour, to make up the number of hours or days that the school 44378  
building in question was so closed or evacuated for the purpose of 44379  
satisfying the requirements of those sections regarding the number 44380  
of days schools must be open for instruction or the requirements 44381  
of those standards regarding the number of hours there must be in 44382  
the ~~school~~ learning day. The district shall not be required to 44383  
actually make up any of the days specified in the district's 44384  
contingency plan prior to increasing the length of one or more 44385  
~~school~~ learning days to make up the shortage of hours or days 44386  
caused by the school's closure or evacuation, but in no case shall 44387  
the district fail to make up the total number of full ~~school~~ 44388  
learning days specified in the contingency plan in accordance with 44389  
that plan. 44390

(D) If a school district closes or evacuates a school 44391  
building as a result of a bomb threat or any other report of an 44392

alleged or impending explosion and also closes or evacuates that 44393  
school building on a different day for any of the reasons 44394  
specified in division ~~(B)(A)~~ of this section ~~3317.01~~ of the 44395  
~~Revised Code~~, division (B) of this section applies regarding the 44396  
closing or evacuation of the school building as a result of the 44397  
bomb threat or report of an alleged or impending explosion and 44398  
division (C) of this section applies regarding the closing or 44399  
evacuation of the school building for the reason specified in 44400  
division ~~(B)(A)~~ of this section ~~3317.01~~ of the ~~Revised Code~~. 44401

Notwithstanding the provisions of sections 3306.01, 3313.48, 44402  
3313.481, and 3317.01 of the Revised Code and the requirements of 44403  
the state minimum standards for the ~~school~~ learning day that are 44404  
established by the department of education and notwithstanding the 44405  
content of the contingency plan it adopts under division (A) of 44406  
this section regarding the closing or evacuation of a school 44407  
building as a result of a bomb threat or any other report of an 44408  
alleged or impending explosion, a school district that makes up, 44409  
as described in division (B) or (C) of this section, all of the 44410  
hours or days that its school buildings were closed or evacuated 44411  
for any of the reasons identified in division (B) or (C) of this 44412  
section shall be deemed to have complied with the requirements of 44413  
those sections regarding the number of days schools must be open 44414  
for instruction and the requirements of those minimum standards 44415  
regarding the number of hours there must be in the ~~school~~ learning 44416  
day. 44417

**Sec. 3313.483.** (A) A board of education, upon the adoption of 44418  
a resolution stating that it may be financially unable to open on 44419  
the day or to remain open for instruction on all days set forth in 44420  
its adopted school calendar and pay all obligated expenses, or the 44421  
superintendent of public instruction upon the issuance of written 44422  
notification under division (B) of section 3313.489 of the Revised 44423  
Code, shall request the auditor of state to determine whether such 44424

situation exists. The auditor shall deliver a copy of each request 44425  
from a board of education to the superintendent of public 44426  
instruction. In the case of a school district not under a fiscal 44427  
emergency pursuant to Chapter 3316. of the Revised Code the 44428  
auditor shall not issue a finding under this section until written 44429  
notification is received from the superintendent pursuant to 44430  
section 3313.487 of the Revised Code. 44431

(B) If the auditor of state finds that the board of education 44432  
has attempted to avail itself to the fullest extent authorized by 44433  
law of all lawful revenue sources available to it except those 44434  
authorized by section 5705.21 of the Revised Code, the auditor 44435  
shall certify that finding to the superintendent of public 44436  
instruction and the state board of education and shall certify the 44437  
operating deficit the district will have at the end of the fiscal 44438  
year if it commences or continues operating its instructional 44439  
program in accordance with its adopted school calendar and pays 44440  
all obligated expenses. 44441

(C) No board of education may delay the opening of its 44442  
schools or close its schools for financial reasons. Upon the 44443  
request of the superintendent of public instruction, the attorney 44444  
general shall seek injunctive relief and any other relief required 44445  
to enforce this prohibition in the court of common pleas of 44446  
Franklin county. The court of common pleas of Franklin county has 44447  
exclusive original jurisdiction over all such actions. 44448

(D) Upon the receipt of any certification of an operating 44449  
deficit from the auditor of state, a board of education shall make 44450  
application to a commercial bank, underwriter, or other 44451  
prospective lender or purchaser of its obligations for a loan in 44452  
an amount sufficient to enable the district to open or remain open 44453  
for instruction on all days set forth in its adopted school 44454  
calendar but not to exceed the amount of the deficit certified. 44455

(E)(1) Any board of education that has applied for and been 44456

denied a loan from a commercial bank, underwriter, or other 44457  
prospective lender or purchaser of its obligations pursuant to 44458  
division (D) of this section shall submit to the superintendent of 44459  
public instruction a plan for implementing reductions in the 44460  
school district's budget; apply for a loan from a commercial bank, 44461  
underwriter, or other prospective lender or purchaser of its 44462  
obligations in an amount not to exceed its certified deficit; and 44463  
provide the superintendent such information as the superintendent 44464  
requires concerning its application for such a loan. The board of 44465  
education of a school district declared to be under a fiscal watch 44466  
pursuant to division (A) of section 3316.03 of the Revised Code 44467  
may, upon approval of the superintendent, utilize the financial 44468  
plan required by section 3316.04 of the Revised Code, or 44469  
applicable parts thereof, as the plan required under this 44470  
division. The board of education of a school district declared to 44471  
be under a fiscal emergency pursuant to division (B) of section 44472  
3316.03 of the Revised Code may utilize the financial recovery 44473  
plan for the district, or applicable parts thereof, as the plan 44474  
required under this division. Except for the plan of a school 44475  
district under a fiscal emergency, the superintendent shall 44476  
evaluate, make recommendations concerning, and approve or 44477  
disapprove each plan. When a plan is submitted, the superintendent 44478  
shall immediately notify the members of the general assembly whose 44479  
legislative districts include any or all of the territory of the 44480  
school district submitting the plan. 44481

(2) The superintendent shall submit to the controlling board 44482  
a copy of each plan the superintendent approves, or each plan 44483  
submitted by a district under a fiscal emergency pursuant to 44484  
division (B) of section 3316.03 of the Revised Code, and the 44485  
general terms of each proposed loan, and shall make 44486  
recommendations regarding the plan and whether a proposed loan to 44487  
the board of education should be approved for payment as provided 44488  
in division (E)(3) of this section. The controlling board shall 44489

approve or disapprove the plan and the proposed loan presented to 44490  
it by the superintendent. In the case of a district not under a 44491  
fiscal emergency pursuant to division (B) of section 3316.03 of 44492  
the Revised Code, the controlling board may require a board of 44493  
education to implement the superintendent's recommendations for 44494  
expenditure reductions or impose other requirements. Loan 44495  
repayments shall be in accordance with a schedule approved by the 44496  
superintendent, except that the principal amount of the loan shall 44497  
be payable in monthly, semiannual, or annual installments of 44498  
principal and interest that are substantially equal principal and 44499  
interest installments. Except as otherwise provided in division 44500  
(E)(2) of this section, repayment shall be made no later than the 44501  
fifteenth day of June of the second fiscal year following the 44502  
approval of the loan. A school district with a certified deficit 44503  
in excess of either twenty-five million dollars or fifteen per 44504  
cent of the general fund expenditures of the district during the 44505  
fiscal year shall repay the loan no later than the fifteenth day 44506  
of June of the tenth fiscal year following the approval of the 44507  
loan. In deciding whether to approve or disapprove a proposed 44508  
loan, the controlling board shall consider the deficit certified 44509  
by the auditor of state pursuant to this section. A board of 44510  
education that has an outstanding loan approved pursuant to this 44511  
section with a repayment date of more than two fiscal years after 44512  
the date of approval of such loan may not apply for another loan 44513  
with such a repayment date until the outstanding loan has been 44514  
repaid. 44515

(3) If a board of education has submitted and received 44516  
controlling board approval of a plan and proposed loan in 44517  
accordance with this section, the superintendent of public 44518  
instruction shall report to the controlling board the actual 44519  
amounts loaned to the board of education. Such board of education 44520  
shall request the superintendent to pay any funds the board of 44521  
education would otherwise receive pursuant to ~~sections 3317.022 to~~ 44522

~~3317.025~~ Chapter 3306. of the Revised Code first directly to the 44523  
holders of the board of education's notes, or an agent thereof, 44524  
such amounts as are specified under the terms of the loan. Such 44525  
payments shall be made only from and to the extent of money 44526  
appropriated by the general assembly for purposes of such 44527  
sections. No note or other obligation of the board of education 44528  
under the loan constitutes an obligation nor a debt or a pledge of 44529  
the faith, credit, or taxing power of the state, and the holder or 44530  
owner of such note or obligation has no right to have taxes levied 44531  
by the general assembly for the payment of such note or 44532  
obligation, and such note or obligation shall contain a statement 44533  
to that effect. 44534

(4) Pursuant to the terms of such a loan, a board of 44535  
education may issue its notes in anticipation of the collection of 44536  
its voted levies for current expenses or its receipt of such state 44537  
funds or both. Such notes shall be issued in accordance with 44538  
division (E) of section 133.10 of the Revised Code and constitute 44539  
Chapter 133. securities to the extent such division and the 44540  
otherwise applicable provisions of Chapter 133. of the Revised 44541  
Code are not inconsistent with this section, provided that in any 44542  
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 44543  
(E)(2) of section 133.10 of the Revised Code do not apply to such 44544  
notes. 44545

(5) Notwithstanding section 133.36 or 3313.17, any other 44546  
section of the Revised Code, or any other provision of law, a 44547  
board of education that has received a loan under this section may 44548  
not declare bankruptcy, so long as any portion of such loan 44549  
remains unpaid. 44550

(F) Under this section and sections 3313.4810 and 3313.4811, 44551  
"board of education" or "district board" includes the financial 44552  
planning and supervision commission of a school district under a 44553  
fiscal emergency pursuant to Chapter 3316. of the Revised Code 44554



where such commission chooses to exercise the powers and duties 44555  
otherwise required of the district board of education under this 44556  
section and sections 3313.4810 and 3313.4811 of the Revised Code. 44557

Sec. 3313.485. Notwithstanding any provision to the contrary 44558  
in sections 3313.48 and 3313.481 or in Chapter 4117. of the 44559  
Revised Code, the requirements of divisions (B)(2) to (5) of 44560  
section 3313.48 and divisions (B)(2) to (5) of section 3313.481 of 44561  
the Revised Code do not prevail over conflicting provisions in a 44562  
valid collective bargaining agreement entered into prior to the 44563  
effective date of this section. However, any collective bargaining 44564  
agreement entered into, renewed, or amended on or after the 44565  
effective date of this section shall comply with the requirements 44566  
of divisions (B)(2) to (5) of section 3313.48, as applicable, or 44567  
divisions (B)(2) to (5) of section 3313.481 of the Revised Code, 44568  
as applicable. 44569

**Sec. 3313.53.** (A) As used in this section: 44570

(1) "Licensed individual" means an individual who holds a 44571  
valid educator license, certificate, or permit issued by the state 44572  
board of education under section 3319.22, 3319.26, or 3319.27~~;~~ 44573  
~~3319.302, or 3319.304~~ of the Revised Code. 44574

(2) "Nonlicensed individual" means an individual who does not 44575  
hold a valid educator license, certificate, or permit issued by 44576  
the state board of education under section 3319.22, 3319.26, or 44577  
~~3319.27, 3319.302, or 3319.304~~ of the Revised Code. 44578

(B) The board of education of any city, exempted village, or 44579  
local school district may establish and maintain in connection 44580  
with the public school systems: 44581

(1) Manual training, industrial arts, domestic science, and 44582  
commercial departments; 44583

(2) Agricultural, industrial, vocational, and trades schools. 44584

Such board may pay from the public school funds, as other 44585  
school expenses are paid, the expenses of establishing and 44586  
maintaining such departments and schools and of directing, 44587  
supervising, and coaching the pupil-activity programs in music, 44588  
language, arts, speech, government, athletics, and any others 44589  
directly related to the curriculum. 44590

(C) The board of education of any city, exempted village, or 44591  
local school district may employ a nonlicensed individual to 44592  
direct, supervise, or coach a pupil-activity program as long as 44593  
that individual holds a valid pupil-activity program permit issued 44594  
by the state board of education under division (A) of section 44595  
3319.303 of the Revised Code. 44596

(D)(1) Except as provided in division (D)(2) of this section, 44597  
a nonlicensed individual who holds a valid pupil-activity program 44598  
permit may be employed under division (C) of this section only 44599  
after the school district's board of education adopts a resolution 44600  
stating that it has offered such position to those employees of 44601  
the district who are licensed individuals and no such employee 44602  
qualified to fill the position has accepted it, and has then 44603  
advertised the position as available to any licensed individual 44604  
who is qualified to fill it and who is not employed by the board, 44605  
and no such person has applied for and accepted the position. 44606

(2) A board of education may renew the contract of any 44607  
nonlicensed individual, currently employed by the board under 44608  
division (C) of this section for one or more years, without first 44609  
offering the position held by that individual to employees of the 44610  
district who are licensed individuals or advertising the position 44611  
as available to any qualified licensed individuals who are not 44612  
currently employed by the board as otherwise required under 44613  
division (D)(1) of this section. 44614

(E) A nonlicensed individual employed under this section is a 44615  
nonteaching employee and is not an educational assistant as 44616

defined in section 3319.088 of the Revised Code. A nonlicensed 44617  
individual may direct, supervise, or coach a pupil-activity 44618  
program under this section as long as that pupil-activity program 44619  
does not include any class or course required or offered for 44620  
credit toward a pupil's promotion to the next grade or for 44621  
graduation, or any activity conducted as a part of or required for 44622  
such a class or course. A nonlicensed individual employed under 44623  
this section may perform only the duties of the director, 44624  
supervisor, or coach of the pupil-activity program for which the 44625  
nonlicensed individual is employed. 44626

(F) The board shall fix the compensation of each nonlicensed 44627  
individual employed under this section, which shall be the same 44628  
amount as the position was or would be offered to the district's 44629  
licensed employees, and execute a written contract with the 44630  
nonlicensed individual for a term not to exceed one year. The 44631  
contract shall specify the compensation, duration, and other terms 44632  
of employment, and the compensation shall not be reduced unless 44633  
such reduction is a part of a uniform plan affecting the entire 44634  
district. 44635

If the state board suspends, revokes, or limits the 44636  
pupil-activity program permit of a nonlicensed individual, the 44637  
school district board may terminate or suspend the employment 44638  
contract of that individual. Otherwise, no contract issued under 44639  
this section shall be terminated or suspended except pursuant to 44640  
the procedure established by division (C) of section 3319.081 of 44641  
the Revised Code. 44642

**Sec. 3313.532.** (A) Any person twenty-two or more years of age 44643  
and enrolled in an adult high school continuation program 44644  
established pursuant to section 3313.531 of the Revised Code may 44645  
request the board of education operating the program to conduct an 44646  
evaluation in accordance with division (C) of this section. 44647

(B) Any applicant to a board of education for a diploma of adult education under division (B) of section 3313.611 of the Revised Code may request the board to conduct an evaluation in accordance with division (C) of this section.

(C) Upon the request of any person pursuant to division (A) or (B) of this section, the board of education to which the request is made shall evaluate the person to determine whether the person is disabled, in accordance with rules adopted by the state board of education. If the evaluation indicates that the person is disabled, the board shall determine whether to excuse the person from taking any of the ~~tests~~ assessments required by division (B) of section 3301.0710 of the Revised Code as a requirement for receiving a diploma under section 3313.611 of the Revised Code. The board may require the person to take an alternate assessment in place of any test from which the person is so excused.

**Sec. 3313.533.** (A) The board of education of a city, exempted village, or local school district may adopt a resolution to establish and maintain an alternative school in accordance with this section. The resolution shall specify, but not necessarily be limited to, all of the following:

(1) The purpose of the school, which purpose shall be to serve students who are on suspension, who are having truancy problems, who are experiencing academic failure, who have a history of class disruption, who are exhibiting other academic or behavioral problems specified in the resolution, or who have been discharged or released from the custody of the department of youth services under section 5139.51 of the Revised Code;

(2) The grades served by the school, which may include any of grades kindergarten through twelve;

(3) A requirement that the school be operated in accordance with this section. The board of education adopting the resolution

under division (A) of this section shall be the governing board of 44679  
the alternative school. The board shall develop and implement a 44680  
plan for the school in accordance with the resolution establishing 44681  
the school and in accordance with this section. Each plan shall 44682  
include, but not necessarily be limited to, all of the following: 44683

(a) Specification of the reasons for which students will be 44684  
accepted for assignment to the school and any criteria for 44685  
admission that are to be used by the board to approve or 44686  
disapprove the assignment of students to the school; 44687

(b) Specification of the criteria and procedures that will be 44688  
used for returning students who have been assigned to the school 44689  
back to the regular education program of the district; 44690

(c) An evaluation plan for assessing the effectiveness of the 44691  
school and its educational program and reporting the results of 44692  
the evaluation to the public. 44693

(B) Notwithstanding any provision of Title XXXIII of the 44694  
Revised Code to the contrary, the alternative school plan may 44695  
include any of the following: 44696

(1) A requirement that on each ~~school~~ learning day students 44697  
must attend school or participate in other programs specified in 44698  
the plan or by the chief administrative officer of the school for 44699  
a period equal to the minimum ~~school~~ learning day set by the state 44700  
board of education under section 3313.48 of the Revised Code plus 44701  
any additional time required in the plan or by the chief 44702  
administrative officer; 44703

(2) Restrictions on student participation in extracurricular 44704  
or interscholastic activities; 44705

(3) A requirement that students wear uniforms prescribed by 44706  
the district board of education. 44707

(C) In accordance with the alternative school plan, the 44708

district board of education may employ teachers and nonteaching 44709  
employees necessary to carry out its duties and fulfill its 44710  
responsibilities or may contract with a nonprofit or for profit 44711  
entity to operate the alternative school, including the provision 44712  
of personnel, supplies, equipment, or facilities. 44713

(D) An alternative school may be established in all or part 44714  
of a school building. 44715

(E) If a district board of education elects under this 44716  
section, or is required by section 3313.534 of the Revised Code, 44717  
to establish an alternative school, the district board may join 44718  
with the board of education of one or more other districts to form 44719  
a joint alternative school by forming a cooperative education 44720  
school district under section 3311.52 or 3311.521 of the Revised 44721  
Code, or a joint educational program under section 3313.842 of the 44722  
Revised Code. The authority to employ personnel or to contract 44723  
with a nonprofit or for profit entity under division (C) of this 44724  
section applies to any alternative school program established 44725  
under this division. 44726

(F) Any individual employed as a teacher at an alternative 44727  
school operated by a nonprofit or for profit entity under this 44728  
section shall be licensed and shall be subject to background 44729  
checks, as described in section 3319.39 of the Revised Code, in 44730  
the same manner as an individual employed by a school district. 44731

(G) Division (G) of this section applies only to any 44732  
alternative school that is operated by a nonprofit or for profit 44733  
entity under contract with the school district. 44734

(1) In addition to the specifications authorized under 44735  
division (B) of this section, any plan adopted under that division 44736  
for an alternative school to which division (G) of this section 44737  
also applies shall include the following: 44738

(a) A description of the educational program provided at the 44739

alternative school, which shall include: 44740

(i) Provisions for the school to be configured in clusters or 44741  
small learning communities; 44742

(ii) Provisions for the incorporation of education technology 44743  
into the curriculum; 44744

(iii) Provisions for accelerated learning programs in reading 44745  
and mathematics. 44746

(b) A method to determine the reading and mathematics level 44747  
of each student assigned to the alternative school and a method to 44748  
continuously monitor each student's progress in those areas. The 44749  
methods employed under this division shall be aligned with the 44750  
curriculum adopted by the school district board of education under 44751  
section 3313.60 of the Revised Code. 44752

(c) A plan for social services to be provided at the 44753  
alternative school, such as, but not limited to, counseling 44754  
services, psychological support services, and enrichment programs; 44755

(d) A plan for a student's transition from the alternative 44756  
school back to a school operated by the school district; 44757

(e) A requirement that the alternative school maintain 44758  
financial records in a manner that is compatible with the form 44759  
prescribed for school districts by the auditor of state to enable 44760  
the district to comply with any rules adopted by the auditor of 44761  
state. 44762

(2) Notwithstanding division (A)(2) of this section, any 44763  
alternative school to which division (G) of this section applies 44764  
shall include only grades six through twelve. 44765

(3) Notwithstanding anything in division (A)(3)(a) of this 44766  
section to the contrary, the characteristics of students who may 44767  
be assigned to an alternative school to which division (G) of this 44768  
section applies shall include only disruptive and low-performing 44769

students. 44770

(H) When any district board of education determines to 44771  
contract with a nonprofit or for profit entity to operate an 44772  
alternative school under this section, the board shall use the 44773  
procedure set forth in this division. 44774

(1) The board shall publish notice of a request for proposals 44775  
in a newspaper of general circulation in the district once each 44776  
week for a period of at least two consecutive weeks prior to the 44777  
date specified by the board for receiving proposals. Notices of 44778  
requests for proposals shall contain a general description of the 44779  
subject of the proposed contract and the location where the 44780  
request for proposals may be obtained. The request for proposals 44781  
shall include all of the following information: 44782

(a) Instructions and information to respondents concerning 44783  
the submission of proposals, including the name and address of the 44784  
office where proposals are to be submitted; 44785

(b) Instructions regarding communications, including at least 44786  
the names, titles, and telephone numbers of persons to whom 44787  
questions concerning a proposal may be directed; 44788

(c) A description of the performance criteria that will be 44789  
used to evaluate whether a respondent to which a contract is 44790  
awarded is meeting the district's educational standards or the 44791  
method by which such performance criteria will be determined; 44792

(d) Factors and criteria to be considered in evaluating 44793  
proposals, the relative importance of each factor or criterion, 44794  
and a description of the evaluation procedures to be followed; 44795

(e) Any terms or conditions of the proposed contract, 44796  
including any requirement for a bond and the amount of such bond; 44797

(f) Documents that may be incorporated by reference into the 44798  
request for proposals, provided that the request for proposals 44799



specifies where such documents may be obtained and that such 44800  
documents are readily available to all interested parties. 44801

(2) After the date specified for receiving proposals, the 44802  
board shall evaluate the submitted proposals and may hold 44803  
discussions with any respondent to ensure a complete understanding 44804  
of the proposal and the qualifications of such respondent to 44805  
execute the proposed contract. Such qualifications shall include, 44806  
but are not limited to, all of the following: 44807

(a) Demonstrated competence in performance of the required 44808  
services as indicated by effective implementation of educational 44809  
programs in reading and mathematics and at least three years of 44810  
experience successfully serving a student population similar to 44811  
the student population assigned to the alternative school; 44812

(b) Demonstrated performance in the areas of cost 44813  
containment, the provision of educational services of a high 44814  
quality, and any other areas determined by the board; 44815

(c) Whether the respondent has the resources to undertake the 44816  
operation of the alternative school and to provide qualified 44817  
personnel to staff the school; 44818

(d) Financial responsibility. 44819

(3) The board shall select for further review at least three 44820  
proposals from respondents the board considers qualified to 44821  
operate the alternative school in the best interests of the 44822  
students and the district. If fewer than three proposals are 44823  
submitted, the board shall select each proposal submitted. The 44824  
board may cancel a request for proposals or reject all proposals 44825  
at any time prior to the execution of a contract. 44826

The board may hold discussions with any of the three selected 44827  
respondents to clarify or revise the provisions of a proposal or 44828  
the proposed contract to ensure complete understanding between the 44829  
board and the respondent of the terms under which a contract will 44830

be entered. Respondents shall be accorded fair and equal treatment 44831  
with respect to any opportunity for discussion regarding 44832  
clarifications or revisions. The board may terminate or 44833  
discontinue any further discussion with a respondent upon written 44834  
notice. 44835

(4) Upon further review of the three proposals selected by 44836  
the board, the board shall award a contract to the respondent the 44837  
board considers to have the most merit, taking into consideration 44838  
the scope, complexity, and nature of the services to be performed 44839  
by the respondent under the contract. 44840

(5) Except as provided in division (H)(6) of this section, 44841  
the request for proposals, submitted proposals, and related 44842  
documents shall become public records under section 149.43 of the 44843  
Revised Code after the award of the contract. 44844

(6) Any respondent may request in writing that the board not 44845  
disclose confidential or proprietary information or trade secrets 44846  
contained in the proposal submitted by the respondent to the 44847  
board. Any such request shall be accompanied by an offer of 44848  
indemnification from the respondent to the board. The board shall 44849  
determine whether to agree to the request and shall inform the 44850  
respondent in writing of its decision. If the board agrees to 44851  
nondisclosure of specified information in a proposal, such 44852  
information shall not become a public record under section 149.43 44853  
of the Revised Code. If the respondent withdraws its proposal at 44854  
any time prior to the execution of a contract, the proposal shall 44855  
not be a public record under section 149.43 of the Revised Code. 44856

(I) Upon a recommendation from the department and in 44857  
accordance with section 3301.16 of the Revised Code, the state 44858  
board of education may revoke the charter of any alternative 44859  
school operated by a school district that violates this section. 44860

**Sec. 3313.536.** (A) The board of education of each city, 44861

exempted village, and local school district and the governing authority of each chartered nonpublic school shall adopt a comprehensive school safety plan for each school building under the board's or governing authority's control. The board or governing authority shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the board or governing authority shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The board or governing authority shall consider incorporating remediation strategies into the plan for any building where documented safety problems have occurred.

The board or governing authority shall incorporate into the plan both of the following:

(1) A protocol for addressing serious threats to the safety of school property, students, employees, or administrators;

(2) A protocol for responding to any emergency events that do occur and that compromise the safety of school property, students, employees, or administrators.

Each protocol shall include procedures deemed appropriate by the board or governing authority for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. Prior to the opening day of each school year, the board or governing authority shall inform each student enrolled in the school and the student's parent of the parental notification procedures included in the protocol.

(B) The board or governing authority shall update the safety plan at least once every three years and whenever a major modification to the building requires changes in the procedures outlined in the plan.

(C) The board or governing authority shall file a copy of the current safety plan and building blueprint with each law enforcement agency that has jurisdiction over the school building and, upon request, the fire department that serves the political subdivision in which the school building is located. The board or governing authority also shall file a copy of the current safety plan and a floor plan of the building, but not a building blueprint, with the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.

Copies of safety plans, building blueprints, and floor plans shall be filed as described in this division not later than the ninety-first day after ~~the effective date of this amendment~~ March 30, 2007. If a board or governing authority revises a safety plan, building blueprint, or floor plan after the initial filing, the board or governing authority shall file copies of the revised safety plan, building blueprint, or floor plan in the manner described in this division not later than the ninety-first day after the revision is adopted.

Copies of the safety plan and building blueprint are not a public record pursuant to section 149.433 of the Revised Code.

Notwithstanding section 149.433 of the Revised Code, a building floor plan filed with the attorney general pursuant to this division is not a public record to the extent it is a record kept by the attorney general. This paragraph does not affect the status of a floor plan kept as a record by another public office.

The board or governing authority, each law enforcement agency and fire department to which copies of the safety plan and

building blueprint are provided, and the attorney general shall 44924  
keep the copies in a secure place. 44925

(D) The board or governing authority shall grant access to 44926  
each school building under its control to law enforcement 44927  
personnel to enable the personnel to hold training sessions for 44928  
responding to threats and emergency events affecting the building, 44929  
provided that the access occurs outside of student instructional 44930  
hours and an employee of the board or governing authority is 44931  
present in the building during the training sessions. 44932

**Sec. 3313.55.** The board of education of any school district 44933  
in which is located a state, district, county, or municipal 44934  
hospital for children with epilepsy or any public institution, 44935  
except state institutions for the care and treatment of 44936  
delinquent, unstable, or socially maladjusted children, shall make 44937  
provision for the education of all educable children therein; 44938  
except that in the event another school district within the same 44939  
county or an adjoining county is the source of sixty per cent or 44940  
more of the children in said hospital or institution, the board of 44941  
that school district shall make provision for the education of all 44942  
the children therein. In any case in which a board provides 44943  
educational facilities under this section, the board that provides 44944  
the facilities shall be entitled to all moneys authorized for the 44945  
attendance of pupils as provided in Chapter 3306. or 3317. of the 44946  
Revised Code, tuition as provided in section 3317.08 of the 44947  
Revised Code, and such additional compensation as is provided for 44948  
crippled children in sections 3323.01 to 3323.12 of the Revised 44949  
Code. Any board that provides the educational facilities for 44950  
children in county or municipal institutions established for the 44951  
care and treatment of children who are delinquent, unstable, or 44952  
socially maladjusted shall not be entitled to any moneys provided 44953  
for crippled children in sections 3323.01 to 3323.12 of the 44954  
Revised Code. 44955

**Sec. 3313.60.** Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city and exempted village school district, the governing board of each educational service center, and the board of each cooperative education school district established pursuant to section 3311.521 of the Revised Code shall prescribe a curriculum for all schools under their control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation;

(9) In grade seven or eight, life and career-ready skills, including financial literacy, entrepreneurship, career planning and awareness, and any other skills identified by the superintendent of public instruction. The state superintendent shall issue program guidance and guidelines to assist with the implementation of division (A)(9) of this section.

(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. A board may waive this requirement for academically accelerated students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.

(C) Except as provided in division (E) of this section, every high school shall include in the requirements for graduation from

any curriculum one unit of American history and government, 45017  
including a study of the constitutions of the United States and of 45018  
Ohio. 45019

(D) Except as provided in division (E) of this section, basic 45020  
instruction in geography, United States history, the government of 45021  
the United States, the government of the state of Ohio, local 45022  
government in Ohio, the Declaration of Independence, the United 45023  
States Constitution, and the Constitution of the state of Ohio 45024  
shall be required before pupils may participate in courses 45025  
involving the study of social problems, economics, foreign 45026  
affairs, United Nations, world government, socialism and 45027  
communism. 45028

(E) For each cooperative education school district 45029  
established pursuant to section 3311.521 of the Revised Code and 45030  
each city, exempted village, and local school district that has 45031  
territory within such a cooperative district, the curriculum 45032  
adopted pursuant to divisions (A) to (D) of this section shall 45033  
only include the study of the subjects that apply to the grades 45034  
operated by each such school district. The curriculums for such 45035  
schools, when combined, shall provide to each student of these 45036  
districts all of the subjects required under divisions (A) to (D) 45037  
of this section. 45038

(F) The board of education of any cooperative education 45039  
school district established pursuant to divisions (A) to (C) of 45040  
section 3311.52 of the Revised Code shall prescribe a curriculum 45041  
for the subject areas and grade levels offered in any school under 45042  
its control. 45043

(G) Upon the request of any parent or legal guardian of a 45044  
student, the board of education of any school district shall 45045  
permit the parent or guardian to promptly examine, with respect to 45046  
the parent's or guardian's own child: 45047



(1) Any survey or questionnaire, prior to its administration to the child;	45048 45049
(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;	45050 45051 45052
(3) Any completed and graded test taken or survey or questionnaire filled out by the child;	45053 45054
(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.	45055 45056 45057 45058
<b>Sec. 3313.603.</b> (A) As used in this section:	45059
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	45060 45061 45062 45063
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	45064 45065 45066 45067
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	45068 45069 45070 45071 45072
(1) English language arts, four units;	45073
(2) Health, one-half unit;	45074
(3) Mathematics, three units;	45075
(4) Physical education, one-half unit;	45076

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	45077 45078 45079
(a) Biological sciences, one unit;	45080
(b) Physical sciences, one unit.	45081
(6) Social studies, three units, which shall include both of the following:	45082 45083
(a) American history, one-half unit;	45084
(b) American government, one-half unit.	45085
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	45086 45087
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	45088 45089 45090
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	45091 45092 45093 45094 45095 45096 45097
(1) English language arts, four units;	45098
(2) Health, one-half unit;	45099
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	45100 45101
(4) Physical education, one-half unit;	45102
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall	45103 45104 45105

include the following, or their equivalent:	45106
(a) Physical sciences, one unit;	45107
(b) Life sciences, one unit;	45108
(c) Advanced study in one or more of the following sciences, one unit:	45109 45110
(i) Chemistry, physics, or other physical science;	45111
(ii) Advanced biology or other life science;	45112
(iii) Astronomy, physical geology, or other earth or space science.	45113 45114
(6) Social studies, three units, which shall include both of the following:	45115 45116
(a) American history, one-half unit;	45117
(b) American government, one-half unit.	45118
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under <u>division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section,</u> into one or more existing social studies credits required under division (C)(6) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	45119 45120 45121 45122 45123 45124 45125 45126 45127 45128 45129 45130 45131 45132
(7) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education,	45133 45134 45135

or English language arts, mathematics, science, or social studies 45136  
courses not otherwise required under division (C) of this section. 45137

Ohioans must be prepared to apply increased knowledge and 45138  
skills in the workplace and to adapt their knowledge and skills 45139  
quickly to meet the rapidly changing conditions of the 45140  
twenty-first century. National studies indicate that all high 45141  
school graduates need the same academic foundation, regardless of 45142  
the opportunities they pursue after graduation. The goal of Ohio's 45143  
system of elementary and secondary education is to prepare all 45144  
students for and seamlessly connect all students to success in 45145  
life beyond high school graduation, regardless of whether the next 45146  
step is entering the workforce, beginning an apprenticeship, 45147  
engaging in post-secondary training, serving in the military, or 45148  
pursuing a college degree. 45149

The Ohio core curriculum is the standard expectation for all 45150  
students entering ninth grade for the first time at a public or 45151  
chartered nonpublic high school on or after July 1, 2010. A 45152  
student may satisfy this expectation through a variety of methods, 45153  
including, but not limited to, integrated, applied, 45154  
career-technical, and traditional coursework. 45155

Whereas teacher quality is essential for student success in 45156  
completing the Ohio core curriculum, the general assembly shall 45157  
appropriate funds for strategic initiatives designed to strengthen 45158  
schools' capacities to hire and retain highly qualified teachers 45159  
in the subject areas required by the curriculum. Such initiatives 45160  
are expected to require an investment of \$120,000,000 over five 45161  
years. 45162

Stronger coordination between high schools and institutions 45163  
of higher education is necessary to prepare students for more 45164  
challenging academic endeavors and to lessen the need for academic 45165  
remediation in college, thereby reducing the costs of higher 45166  
education for Ohio's students, families, and the state. The state 45167

board of education, the Ohio board of regents, and the partnership 45168  
for continued learning shall develop policies to ensure that only 45169  
in rare instances will students who complete the Ohio core 45170  
curriculum require academic remediation after high school. 45171

School districts, community schools, and chartered nonpublic 45172  
schools shall integrate technology into learning experiences 45173  
whenever practicable across the curriculum in order to maximize 45174  
efficiency, enhance learning, and prepare students for success in 45175  
the technology-driven twenty-first century. Districts and schools 45176  
may use distance and web-based course delivery as a method of 45177  
providing or augmenting all instruction required under this 45178  
division, including laboratory experience in science. Districts 45179  
and schools shall whenever practicable utilize technology access 45180  
and electronic learning opportunities provided by the eTech Ohio 45181  
commission, the Ohio learning network, education technology 45182  
centers, public television stations, and other public and private 45183  
providers. 45184

(D) Except as provided in division (E) of this section, a 45185  
student who enters ninth grade on or after July 1, 2010, and 45186  
before July 1, 2014, may qualify for graduation from a public or 45187  
chartered nonpublic high school even though the student has not 45188  
completed the Ohio core curriculum prescribed in division (C) of 45189  
this section if all of the following conditions are satisfied: 45190

(1) After the student has attended high school for two years, 45191  
as determined by the school, the student and the student's parent, 45192  
guardian, or custodian sign and file with the school a written 45193  
statement asserting the parent's, guardian's, or custodian's 45194  
consent to the student's graduating without completing the Ohio 45195  
core curriculum and acknowledging that one consequence of not 45196  
completing the Ohio core curriculum is ineligibility to enroll in 45197  
most state universities in Ohio without further coursework. 45198

(2) The student and parent, guardian, or custodian fulfill 45199

any procedural requirements the school stipulates to ensure the 45200  
student's and parent's, guardian's, or custodian's informed 45201  
consent and to facilitate orderly filing of statements under 45202  
division (D)(1) of this section. 45203

(3) The student and the student's parent, guardian, or 45204  
custodian and a representative of the student's high school 45205  
jointly develop an individual career plan for the student that 45206  
specifies the student matriculating to a two-year degree program, 45207  
acquiring a business and industry credential, or entering an 45208  
apprenticeship. 45209

(4) The student's high school provides counseling and support 45210  
for the student related to the plan developed under division 45211  
(D)(3) of this section during the remainder of the student's high 45212  
school experience. 45213

(5) The student successfully completes, at a minimum, the 45214  
curriculum prescribed in division (B) of this section. 45215

The partnership for continued learning, in collaboration with 45216  
the department of education and the Ohio board of regents, shall 45217  
analyze student performance data to determine if there are 45218  
mitigating factors that warrant extending the exception permitted 45219  
by division (D) of this section to high school classes beyond 45220  
those entering ninth grade before July 1, 2014. The partnership 45221  
shall submit its findings and any recommendations not later than 45222  
August 1, 2014, to the speaker and minority leader of the house of 45223  
representatives, the president and minority leader of the senate, 45224  
the chairpersons and ranking minority members of the standing 45225  
committees of the house of representatives and the senate that 45226  
consider education legislation, the state board of education, and 45227  
the superintendent of public instruction. 45228

(E) Each school district and chartered nonpublic school 45229  
retains the authority to require an even more rigorous minimum 45230

curriculum for high school graduation than specified in division 45231  
(B) or (C) of this section. A school district board of education, 45232  
through the adoption of a resolution, or the governing authority 45233  
of a chartered nonpublic school may stipulate any of the 45234  
following: 45235

(1) A minimum high school curriculum that requires more than 45236  
twenty units of academic credit to graduate; 45237

(2) An exception to the district's or school's minimum high 45238  
school curriculum that is comparable to the exception provided in 45239  
division (D) of this section but with additional requirements, 45240  
which may include a requirement that the student successfully 45241  
complete more than the minimum curriculum prescribed in division 45242  
(B) of this section; 45243

(3) That no exception comparable to that provided in division 45244  
(D) of this section is available. 45245

(F) A student enrolled in a dropout prevention and recovery 45246  
program, which program has received a waiver from the department 45247  
of education, may qualify for graduation from high school by 45248  
successfully completing a competency-based instructional program 45249  
administered by the dropout prevention and recovery program in 45250  
lieu of completing the Ohio core curriculum prescribed in division 45251  
(C) of this section. The department shall grant a waiver to a 45252  
dropout prevention and recovery program, within sixty days after 45253  
the program applies for the waiver, if the program meets all of 45254  
the following conditions: 45255

(1) The program serves only students not younger than sixteen 45256  
years of age and not older than twenty-one years of age. 45257

(2) The program enrolls students who, at the time of their 45258  
initial enrollment, either, or both, are at least one grade level 45259  
behind their cohort age groups or experience crises that 45260  
significantly interfere with their academic progress such that 45261

they are prevented from continuing their traditional programs. 45262

(3) The program requires students to attain at least the 45263  
applicable score designated for each of the ~~tests~~ assessments 45264  
prescribed under division (B)(1) of section 3301.0710 of the 45265  
Revised Code or, to the extent prescribed by rule of the state 45266  
board of education under division (E)(6) of section 3301.0712 of 45267  
the Revised Code, division (B)(2) of that section. 45268

(4) The program develops an individual career plan for the 45269  
student that specifies the student's matriculating to a two-year 45270  
degree program, acquiring a business and industry credential, or 45271  
entering an apprenticeship. 45272

(5) The program provides counseling and support for the 45273  
student related to the plan developed under division (F)(4) of 45274  
this section during the remainder of the student's high school 45275  
experience. 45276

(6) The program requires the student and the student's 45277  
parent, guardian, or custodian to sign and file, in accordance 45278  
with procedural requirements stipulated by the program, a written 45279  
statement asserting the parent's, guardian's, or custodian's 45280  
consent to the student's graduating without completing the Ohio 45281  
core curriculum and acknowledging that one consequence of not 45282  
completing the Ohio core curriculum is ineligibility to enroll in 45283  
most state universities in Ohio without further coursework. 45284

(7) Prior to receiving the waiver, the program has submitted 45285  
to the department an instructional plan that demonstrates how the 45286  
academic content standards adopted by the state board of education 45287  
under section 3301.079 of the Revised Code will be taught and 45288  
assessed. 45289

If the department does not act either to grant the waiver or 45290  
to reject the program application for the waiver within sixty days 45291  
as required under this section, the waiver shall be considered to 45292



be granted. 45293

(G) Every high school may permit students below the ninth 45294  
grade to take advanced work ~~for~~. If a high school so permits, it 45295  
shall award high school credit. ~~A high school for successful~~ 45296  
completion of the advanced work and shall count such advanced work 45297  
toward the graduation requirements of division (B) or (C) of this 45298  
section if the advanced work was both: 45299

(1) Taught by a person who possesses a license or certificate 45300  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 45301  
Code that is valid for teaching high school; 45302

(2) Designated by the board of education of the city, local, 45303  
or exempted village school district, the board of the cooperative 45304  
education school district, or the governing authority of the 45305  
chartered nonpublic school as meeting the high school curriculum 45306  
requirements. 45307

Each high school shall record on the student's high school 45308  
transcript all high school credit awarded under division (G) of 45309  
this section. In addition, if the student completed a seventh- or 45310  
eighth-grade fine arts course described in division (K) of this 45311  
section and the course qualified for high school credit under that 45312  
division, the high school shall record that course on the 45313  
student's high school transcript. 45314

(H) The department shall make its individual academic career 45315  
plan available through its Ohio career information system web site 45316  
for districts and schools to use as a tool for communicating with 45317  
and providing guidance to students and families in selecting high 45318  
school courses. 45319

(I) Units earned in English language arts, mathematics, 45320  
science, and social studies that are delivered through integrated 45321  
academic and career-technical instruction are eligible to meet the 45322  
graduation requirements of division (B) or (C) of this section. 45323

(J) The state board of education, in consultation with the Ohio board of regents and the partnership for continued learning, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district, community school, and chartered nonpublic school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year.

(K) This division does not apply to students who qualify for graduation from high school under division (D) or (F) of this section, or to students pursuing a career-technical instructional track as determined by the school district board of education or the chartered nonpublic school's governing authority. Nevertheless, the general assembly encourages such students to consider enrolling in a fine arts course as an elective.

Beginning with students who enter ninth grade for the first time on or after July 1, 2010, each student enrolled in a public or chartered nonpublic high school shall complete two semesters or the equivalent of fine arts to graduate from high school. The coursework may be completed in any of grades seven to twelve. Each student who completes a fine arts course in grade seven or eight may elect to count that course toward the five units of electives required for graduation under division (C)(7) of this section, if the course satisfied the requirements of division (G) of this

section. In that case, the high school shall award the student 45356  
high school credit for the course and count the course toward the 45357  
five units required under division (C)(7) of this section. If the 45358  
course in grade seven or eight did not satisfy the requirements of 45359  
division (G) of this section, the high school shall not award the 45360  
student high school credit for the course but shall count the 45361  
course toward the two semesters or the equivalent of fine arts 45362  
required by this division. 45363

(L) Notwithstanding anything to the contrary in this section, 45364  
the board of education of each school district and the governing 45365  
authority of each chartered nonpublic school may adopt a policy to 45366  
excuse from the high school physical education requirement each 45367  
student who, during high school, has participated in 45368  
interscholastic athletics, marching band, or cheerleading for at 45369  
least two full seasons. If the board or authority adopts such a 45370  
policy, the board or authority shall not require the student to 45371  
complete any physical education course as a condition to graduate. 45372  
However, the student shall be required to complete one-half unit, 45373  
consisting of at least sixty hours of instruction, in another 45374  
course of study. 45375

**Sec. 3313.605.** (A) As used in this section: 45376

(1) "Civic responsibility" means the patriotic and ethical 45377  
duties of all citizens to take an active role in society and to 45378  
consider the interests and concerns of other individuals in the 45379  
community. 45380

(2) "Volunteerism" means nonprofit activity in the United 45381  
States, the benefits and limitations of nonprofit activities, and 45382  
the presence and function of nonprofit civic and charitable 45383  
organizations in the United States. 45384

(3) "Community service" means a service performed through 45385  
educational institutions, government agencies, nonprofit 45386

organizations, social service agencies, and philanthropies and 45387  
generally designed to provide direct experience with people or 45388  
project planning, with the goal of improving the quality of life 45389  
for the community. Such activities may include but are not limited 45390  
to tutoring, literacy training, neighborhood improvement, 45391  
encouraging interracial and multicultural understanding, promoting 45392  
ideals of patriotism, increasing environmental safety, assisting 45393  
the elderly or disabled, and providing mental health care, 45394  
housing, drug abuse prevention programs, and other philanthropic 45395  
programs, particularly for disadvantaged or low-income persons. 45396

(B) ~~Any~~ The board of education of each city, local, exempted 45397  
village, or and joint vocational school district board of 45398  
education may, the governing authority of each community school 45399  
established under Chapter 3314. of the Revised Code, and the 45400  
governing body of each STEM school established under Chapter 3326. 45401  
of the Revised Code shall include community service education in 45402  
the its educational program of the district by adopting a 45403  
resolution to that effect. A governing board of an educational 45404  
service center, upon the request of a local school district board 45405  
of education, may provide a community service education program 45406  
for the local district pursuant to this section. ~~Any board~~ In 45407  
implementing community service education, each board, governing 45408  
authority, or governing body shall do both of the following: 45409

(1) Establish a community service advisory committee. The 45410  
committee shall provide recommendations to the board, governing 45411  
authority, or governing body regarding a community service plan 45412  
for students ~~in all grades of the schools under control of the~~ 45413  
~~board~~ and shall oversee and assist in the implementation of the 45414  
plan adopted by the board, governing authority, or governing body 45415  
under division (B)(2) of this section. Each board, governing 45416  
authority, or governing body shall determine the membership and 45417  
organization of its advisory committee and may designate an 45418

existing committee established for another purpose to serve as the 45419  
community service advisory committee; however, each such committee 45420  
shall include two or more students and shall include or consult 45421  
with at least one person employed in the field of volunteer 45422  
management who devotes at least fifty per cent of employment hours 45423  
to coordinating volunteerism among community organizations. The 45424  
committee members may include representatives of parents, 45425  
teachers, administrators, other educational institutions, 45426  
business, government, nonprofit organizations, veterans 45427  
organizations, social service agencies, religious organizations, 45428  
and philanthropies. 45429

(2) Develop and implement a community service plan ~~for~~ 45430  
~~students in all grades of the schools under control of the board.~~ 45431  
To assist in establishing its plan, the board, governing 45432  
authority, or governing body shall consult with and may contract 45433  
with one or more local or regional organizations with experience 45434  
in volunteer program development and management. Each community 45435  
service plan adopted under this division shall be based upon the 45436  
recommendations of the advisory committee and shall provide for 45437  
all of the following: 45438

(a) Education of students in the value of community service 45439  
and its contributions to the history of this state and this 45440  
nation; 45441

(b) Identification of opportunities for students to provide 45442  
community service; 45443

(c) Encouragement of students to provide community service; 45444

(d) Integration of community service opportunities into the 45445  
curriculum; 45446

(e) Guidelines for the community service learning project 45447  
prescribed by division (B)(2) of section 3301.0710 and section 45448  
3301.0712 of the Revised Code, consistent with the scoring rubric 45449

developed for such project under section 3301.0712 of the Revised Code; 45450  
45451

(f) A community service instructional program for teachers, 45452  
including strategies for the teaching of community service 45453  
education, for the discovery of community service opportunities, 45454  
and for the motivation of students to become involved in community 45455  
service. 45456

Plans shall be reviewed periodically by the advisory 45457  
committee and, if necessary, revised by the board, governing 45458  
authority, or governing body at least once every five years. 45459

~~Plans shall emphasize community service opportunities that~~ 45460  
~~can most effectively use the skills of students, such as tutoring~~ 45461  
~~or literacy programs.~~ Plans shall provide for students to perform 45462  
services under the plan that will not supplant the hiring of, 45463  
result in the displacement of, or impair any existing employment 45464  
contract of any particular employee of any private or governmental 45465  
entity for which the services are performed. The plan shall 45466  
provide for any entity utilizing a student to perform community 45467  
service under the plan to verify to the board that the student 45468  
does not supplant the hiring of, displace, or impair the 45469  
employment contract of any particular employee of the entity. 45470

Upon adoption, a board, governing authority, or governing 45471  
body shall submit a copy of its plan to the department of 45472  
education. Each city and exempted village board of education and 45473  
each governing board of a service center shall include a copy of 45474  
its plan in any course of study adopted under section 3313.60 of 45475  
the Revised Code that is required to be submitted for approval to 45476  
the state board for review. A joint vocational school district 45477  
board of education shall submit a copy of its plan to the state 45478  
board for review when required to do so by the state board. A 45479  
local board shall forward its plan to the educational service 45480  
center governing board for inclusion in the governing board's 45481

course of study. ~~By December 1, 1992, and periodically thereafter,~~ 45482  
~~the~~ The department of ~~education~~ periodically shall review all 45483  
plans and publish those plans that could serve as models for other 45484  
school districts ~~or~~, educational service centers, community 45485  
schools, or STEM schools. 45486

(C) ~~A~~ Under this section, a board integrating community 45487  
~~service education into the curriculum, governing authority, or~~ 45488  
governing body may only grant high school credit for a community 45489  
service education course if approximately half of the course is 45490  
devoted to classroom study of such matters as civic 45491  
responsibility, the history of volunteerism, and community service 45492  
training and approximately half of the course is devoted to 45493  
community service. 45494

Each board, governing authority, or governing body shall 45495  
determine which specific activities will serve to fulfill the 45496  
required hours of community service. 45497

(D) Each board, governing authority, or governing body shall 45498  
use the rubric developed under section 3301.0712 of the Revised 45499  
Code to determine whether the community service project required 45500  
as a part of the high school assessment system meets the criteria 45501  
for high school graduation. 45502

**Sec. 3313.607.** (A) The board of education of ~~any~~ each school 45503  
district ~~may provide assistance to any student to,~~ the governing 45504  
authority of each community school operating under Chapter 3314. 45505  
of the Revised Code, and the governing body of each STEM school 45506  
operating under Chapter 3326. of the Revised Code shall require 45507  
all students to develop a written career and college plan as part 45508  
of the course required by division (A)(9) of section 3313.60 of 45509  
the Revised Code. If a school district receives any state money 45510  
appropriated for the purposes of this section, career Career and 45511  
college plans developed utilizing these funds shall be completed 45512

prior to the end of the eighth grade year, shall identify career 45513  
goals and indicate educational goals to prepare for those career 45514  
goals, and shall be updated periodically as students successfully 45515  
complete high school coursework, ~~and shall.~~ Career and college 45516  
plans may culminate in a career passport described by division (B) 45517  
of this section. 45518

(B) The board of education of any school district, the 45519  
governing authority of a community school, or the governing body 45520  
of a STEM school may provide an individual career passport to any 45521  
student upon the successful completion of the coursework of any 45522  
high school. If a school district, governing authority, or 45523  
governing body receives any state money for the purposes of this 45524  
section, a career passport shall be provided to each such student. 45525  
Each such passport shall document the knowledge and skills of the 45526  
student, including documentation of the student's coursework and 45527  
any employment, community, or leadership experiences. Each such 45528  
passport shall also list the competency levels the student 45529  
achieved, disclose the student's attendance record, and identify 45530  
the career credentials the student gained. 45531

**Sec. 3313.608.** (A) Beginning with students who enter third 45532  
grade in the school year that starts July 1, ~~2003~~ 2009, for any 45533  
student who attains a score in the range designated under division 45534  
(A)(2)(~~e~~)(c) of section 3301.0710 of the Revised Code on the ~~test~~ 45535  
assessment prescribed under that section to measure skill in 45536  
~~reading~~ English language arts expected at the end of third grade, 45537  
each school district, in accordance with the policy adopted under 45538  
section 3313.609 of the Revised Code, shall do one of the 45539  
following: 45540

(1) Promote the student to fourth grade if the student's 45541  
principal and reading teacher agree that other evaluations of the 45542  
student's skill in reading demonstrate that the student is 45543



academically prepared to be promoted to fourth grade; 45544

(2) Promote the student to fourth grade but provide the 45545  
student with intensive intervention services in fourth grade; 45546

(3) Retain the student in third grade. 45547

(B)(1) To assist students in meeting this third grade 45548  
guarantee established by this section, each school district shall 45549  
adopt policies and procedures with which it shall annually assess 45550  
the reading skills of each student at the end of first and second 45551  
grade and identify students who are reading below their grade 45552  
level. If the diagnostic assessment to measure ~~reading~~ English 45553  
language arts ability for the appropriate grade level has been 45554  
developed in accordance with division (D)(1) of section 3301.079 45555  
of the Revised Code, each school district shall use such 45556  
diagnostic assessment to identify such students, except that any 45557  
district to which division (E) of section 3301.0715 of the Revised 45558  
Code applies may use another assessment to identify such students. 45559  
The policies and procedures shall require the students' classroom 45560  
teachers to be involved in the assessment and the identification 45561  
of students reading below grade level. The district shall notify 45562  
the parent or guardian of each student whose reading skills are 45563  
below grade level and, in accordance with division (C) of this 45564  
section, provide intervention services to each student reading 45565  
below grade level. Such intervention services shall include 45566  
instruction in intensive, systematic phonetics pursuant to rules 45567  
adopted by the state board of education. 45568  
45569

(2) For each student entering third grade after July 1, ~~2003~~ 45570  
2009, who does not attain by the end of the third grade at least a 45571  
score in the range designated under division (A)(2)~~(e)~~(b) of 45572  
section 3301.0710 of the Revised Code on the ~~test~~ assessment 45573  
prescribed under that section to measure skill in ~~reading~~ English 45574  
language arts expected at the end of third grade, the district 45575

also shall offer intense remediation services during the summer 45576  
following third grade. 45577

(C) For each student required to be offered intervention 45578  
services under this section, the district shall involve the 45579  
student's parent or guardian and classroom teacher in developing 45580  
the intervention strategy, and shall offer to the parent or 45581  
guardian the opportunity to be involved in the intervention 45582  
services. 45583

(D) Any summer remediation services funded in whole or in 45584  
part by the state and offered by school districts to students 45585  
under this section shall meet the following conditions: 45586

(1) The remediation methods are based on reliable educational 45587  
research. 45588

(2) The school districts conduct ~~testing~~ assessment before 45589  
and after students participate in the program to facilitate 45590  
monitoring results of the remediation services. 45591

(3) The parents of participating students are involved in 45592  
programming decisions. 45593

(4) The services are conducted in a school building or 45594  
community center and not on an at-home basis. 45595

(E) This section does not create a new cause of action or a 45596  
substantive legal right for any person. 45597

**Sec. 3313.61.** (A) A diploma shall be granted by the board of 45598  
education of any city, exempted village, or local school district 45599  
that operates a high school to any person to whom all of the 45600  
following apply: 45601

(1) The person has successfully completed the curriculum in 45602  
any high school or the individualized education program developed 45603  
for the person by any high school pursuant to section 3323.08 of 45604  
the Revised Code, or has qualified under division (D) or (F) of 45605

section 3313.603 of the Revised Code, provided that no school 45606  
district shall require a student to remain in school for any 45607  
specific number of semesters or other terms if the student 45608  
completes the required curriculum early; 45609

(2) Subject to section 3313.614 of the Revised Code, the 45610  
person has met the assessment requirements of division (A)(2)(a) 45611  
or (b) of this section, as applicable. 45612

(a) If the person entered the ninth grade prior to the date 45613  
prescribed by rule of the state board of education under division 45614  
(E)(2) of section 3301.0712 of the Revised Code, the person 45615  
either: 45616

~~(a)(i)~~ Has attained at least the applicable scores designated 45617  
under division (B)(1) of section 3301.0710 of the Revised Code on 45618  
all the ~~tests~~ assessments required by that division unless the 45619  
person was excused from taking any such ~~test~~ assessment pursuant 45620  
to section 3313.532 of the Revised Code or unless division (H) or 45621  
(L) of this section applies to the person; 45622

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 45623  
in section 3313.615 of the Revised Code. 45624

(b) If the person entered the ninth grade on or after the 45625  
date prescribed by rule of the state board under division (E)(2) 45626  
of section 3301.0712 of the Revised Code, the person has attained 45627  
on the entire assessment system prescribed under division (B)(2) 45628  
of section 3301.0710 of the Revised Code at least the required 45629  
passing composite score, designated under division (C)(1) of 45630  
section 3301.0712 of the Revised Code, except to the extent that 45631  
the person is excused from some portion of that assessment system 45632  
pursuant to section 3313.532 of the Revised Code or division (H) 45633  
or (L) of this section. 45634

(3) The person is not eligible to receive an honors diploma 45635  
granted pursuant to division (B) of this section. 45636

Except as provided in divisions (C), (E), (J), and (L) of 45637  
this section, no diploma shall be granted under this division to 45638  
anyone except as provided under this division. 45639

(B) In lieu of a diploma granted under division (A) of this 45640  
section, an honors diploma shall be granted, in accordance with 45641  
rules of the state board ~~of education~~, by any such district board 45642  
to anyone who accomplishes all of the following: 45643

(1) Successfully completes the curriculum in any high school 45644  
or the individualized education program developed for the person 45645  
by any high school pursuant to section 3323.08 of the Revised 45646  
Code; 45647

(2) Subject to section 3313.614 of the Revised Code, has met 45648  
the assessment requirements of division (B)(2)(a) or (b) of this 45649  
section, as applicable. 45650

(a) If the person entered the ninth grade prior to the date 45651  
prescribed by rule of the state board of education under division 45652  
(E)(2) of section 3301.0712 of the Revised Code, the person 45653  
either: 45654

~~(a)(i)~~ Has attained at least the applicable scores designated 45655  
under division (B)(1) of section 3301.0710 of the Revised Code on 45656  
all the ~~tests~~ assessments required by that division; 45657

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 45658  
in section 3313.615 of the Revised Code. 45659

(b) If the person entered the ninth grade on or after the 45660  
date prescribed by rule of the state board under division (E)(2) 45661  
of section 3301.0712 of the Revised Code, the person has attained 45662  
on the entire assessment system prescribed under division (B)(2) 45663  
of section 3301.0710 of the Revised Code at least the required 45664  
passing composite score, designated under division (C)(1) of 45665  
section 3301.0712 of the Revised Code. 45666

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular criteria shall be required of all persons who are to be granted that type of diploma.

(C) Any ~~such~~ district board administering any of the ~~tests~~ assessments required by section 3301.0710 ~~or 3301.0712~~ of the Revised Code to any person requesting to take such ~~test~~ assessment pursuant to division (B)(8)(b) of section 3301.0711 of the Revised Code shall award a diploma to such person if the person attains at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ assessments

administered and if the person has previously attained the 45699  
applicable scores on all the other ~~tests~~ assessments required by 45700  
division (B)(1) of that section or has been exempted or excused 45701  
from attaining the applicable score on any such test pursuant to 45702  
division (H) or (L) of this section or from taking any such test 45703  
pursuant to section 3313.532 of the Revised Code. 45704

(D) Each diploma awarded under this section shall be signed 45705  
by the president and treasurer of the issuing board, the 45706  
superintendent of schools, and the principal of the high school. 45707  
Each diploma shall bear the date of its issue, be in such form as 45708  
the district board prescribes, and be paid for out of the 45709  
district's general fund. 45710

(E) A person who is a resident of Ohio and is eligible under 45711  
state board of education minimum standards to receive a high 45712  
school diploma based in whole or in part on credits earned while 45713  
an inmate of a correctional institution operated by the state or 45714  
any political subdivision thereof, shall be granted such diploma 45715  
by the correctional institution operating the programs in which 45716  
such credits were earned, and by the board of education of the 45717  
school district in which the inmate resided immediately prior to 45718  
the inmate's placement in the institution. The diploma granted by 45719  
the correctional institution shall be signed by the director of 45720  
the institution, and by the person serving as principal of the 45721  
institution's high school and shall bear the date of issue. 45722

(F) Persons who are not residents of Ohio but who are inmates 45723  
of correctional institutions operated by the state or any 45724  
political subdivision thereof, and who are eligible under state 45725  
board of education minimum standards to receive a high school 45726  
diploma based in whole or in part on credits earned while an 45727  
inmate of the correctional institution, shall be granted a diploma 45728  
by the correctional institution offering the program in which the 45729  
credits were earned. The diploma granted by the correctional 45730

institution shall be signed by the director of the institution and 45731  
by the person serving as principal of the institution's high 45732  
school and shall bear the date of issue. 45733

(G) The state board of education shall provide by rule for 45734  
the administration of the ~~tests~~ assessments required by section 45735  
3301.0710 of the Revised Code to inmates of correctional 45736  
institutions. 45737

(H) Any person to whom all of the following apply shall be 45738  
exempted from attaining the applicable score on the ~~test~~ 45739  
assessment in social studies designated under division (B)(1) of 45740  
section 3301.0710 of the Revised Code, any social studies 45741  
end-of-course examination required under division (B)(2) of that 45742  
section if such an exemption is prescribed by rule of the state 45743  
board under division (E)(4) of section 3301.0712 of the Revised 45744  
Code, or the test in citizenship designated under former division 45745  
(B) of section 3301.0710 of the Revised Code as it existed prior 45746  
to September 11, 2001: 45747

(1) The person is not a citizen of the United States; 45748

(2) The person is not a permanent resident of the United 45749  
States; 45750

(3) The person indicates no intention to reside in the United 45751  
States after the completion of high school. 45752

(I) Notwithstanding division (D) of section 3311.19 and 45753  
division (D) of section 3311.52 of the Revised Code, this section 45754  
and section 3311.611 of the Revised Code do not apply to the board 45755  
of education of any joint vocational school district or any 45756  
cooperative education school district established pursuant to 45757  
divisions (A) to (C) of section 3311.52 of the Revised Code. 45758

(J) Upon receipt of a notice under division (D) of section 45759  
3325.08 of the Revised Code that a student has received a diploma 45760  
under that section, the board of education receiving the notice 45761

may grant a high school diploma under this section to the student, 45762  
except that such board shall grant the student a diploma if the 45763  
student meets the graduation requirements that the student would 45764  
otherwise have had to meet to receive a diploma from the district. 45765  
The diploma granted under this section shall be of the same type 45766  
the notice indicates the student received under section 3325.08 of 45767  
the Revised Code. 45768

(K) As used in this division, "limited English proficient 45769  
student" has the same meaning as in division (C)(3) of section 45770  
3301.0711 of the Revised Code. 45771

Notwithstanding division (C)(3) of section 3301.0711 of the 45772  
Revised Code, no limited English proficient student who has not 45773  
either attained the applicable scores designated under division 45774  
(B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 45775  
assessments required by that division, or attained the composite 45776  
score designated for the assessments required by division (B)(2) 45777  
of that section, shall be awarded a diploma under this section. 45778

(L) Any student described by division (A)(1) of this section 45779  
may be awarded a diploma without attaining the applicable scores 45780  
designated on the ~~tests~~ assessments prescribed under division (B) 45781  
of section 3301.0710 of the Revised Code provided an 45782  
individualized education program specifically exempts the student 45783  
from attaining such scores. This division does not negate the 45784  
requirement for such a student to take all such ~~tests~~ assessments 45785  
or alternate assessments required by division (C)(1) of section 45786  
3301.0711 of the Revised Code for the purpose of assessing student 45787  
progress as required by federal law. 45788

**Sec. 3313.611.** (A) The state board of education shall adopt, 45789  
by rule, standards for awarding high school credit equivalent to 45790  
credit for completion of high school academic and vocational 45791  
education courses to applicants for diplomas under this section. 45792



The standards may permit high school credit to be granted to an applicant for any of the following:

(1) Work experiences or experiences as a volunteer;

(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;

(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;

(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.

(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:

(1) The applicant is a resident of the district;

(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;

(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B)(3)(a) or (b) of this section, as applicable.

(a) Prior to the date prescribed by rule of the state board under division (E)(3) of section 3301.0712 of the Revised Code, the applicant either:

~~(a)~~(i) Has attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all of the ~~tests~~ assessments required by that division or was excused or exempted from any such ~~test~~ assessment pursuant to section

3313.532 or was exempted from attaining the applicable score on 45823  
any such ~~test~~ assessment pursuant to division (H) or (L) of 45824  
section 3313.61 of the Revised Code; 45825

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 45826  
in section 3313.615 of the Revised Code. 45827

(b) On or after the date prescribed by rule of the state 45828  
board under division (E)(3) of section 3301.0712 of the Revised 45829  
Code, has attained on the entire assessment system prescribed 45830  
under division (B)(2) of section 3301.0710 of the Revised Code at 45831  
least the required passing composite score, designated under 45832  
division (C)(1) of section 3301.0712 of the Revised Code, except 45833  
and only to the extent that the applicant is excused from some 45834  
portion of that assessment system pursuant to section 3313.532 of 45835  
the Revised Code or division (H) or (L) of section 3313.61 of the 45836  
Revised Code. 45837

(4) The district board determines, in accordance with the 45838  
standards adopted under division (A) of this section, that the 45839  
applicant has attained sufficient high school credits, including 45840  
equivalent credits awarded under such standards, to qualify as 45841  
having successfully completed the curriculum required by the 45842  
district for graduation. 45843

(C) If a district board determines that an applicant is not 45844  
eligible for a diploma under division (B) of this section, it 45845  
shall inform the applicant of the reason the applicant is 45846  
ineligible and shall provide a list of any courses required for 45847  
the diploma for which the applicant has not received credit. An 45848  
applicant may reapply for a diploma under this section at any 45849  
time. 45850

(D) If a district board awards an adult education diploma 45851  
under this section, the president and treasurer of the board and 45852  
the superintendent of schools shall sign it. Each diploma shall 45853

bear the date of its issuance, be in such form as the district board prescribes, and be paid for from the district's general fund, except that the state board may by rule prescribe standard language to be included on each diploma.

(E) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ assessments required by that division, or attained the composite score designated for the assessments required by division (B)(2) of that section, shall be awarded a diploma under this section.

**Sec. 3313.612.** (A) No nonpublic school chartered by the state board of education shall grant ~~any~~ a high school diploma to any person unless, subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(1) or (2) of this section, as applicable.

(1) If the person entered the ninth grade prior to the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the person has attained, ~~subject to section 3313.614 of the Revised Code~~ at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the person has attained on the entire assessment system prescribed under division (B)(2)

of section 3301.0710 of the Revised Code at least the required 45885  
passing composite score, designated under division (C)(1) of 45886  
section 3301.0712 of the Revised Code. 45887

(B) This section does not apply to either of the following: 45888

(1) Any person with regard to any ~~test~~ assessment from which 45889  
the person was excused pursuant to division (C)(1)(c) of section 45890  
3301.0711 of the Revised Code; 45891

(2) Any person with regard to the social studies ~~test~~ 45892  
assessment under division (B)(1) of section 3301.0710 of the 45893  
Revised Code, any social studies end-of-course examination 45894  
required under division (B)(2) of that section if such an 45895  
exemption is prescribed by rule of the state board of education 45896  
under division (E)(4) of section 3301.0712 of the Revised Code, or 45897  
the citizenship test under former division (B) of section 45898  
3301.0710 of the Revised Code as it existed prior to September 11, 45899  
2001, if all of the following apply: 45900

(a) The person is not a citizen of the United States; 45901

(b) The person is not a permanent resident of the United 45902  
States; 45903

(c) The person indicates no intention to reside in the United 45904  
States after completion of high school. 45905

(C) As used in this division, "limited English proficient 45906  
student" has the same meaning as in division (C)(3) of section 45907  
3301.0711 of the Revised Code. 45908

Notwithstanding division (C)(3) of section 3301.0711 of the 45909  
Revised Code, no limited English proficient student who has not 45910  
either attained the applicable scores designated under division 45911  
(B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 45912  
assessments required by that division, or attained the composite 45913  
score designated for the assessments required by division (B)(2) 45914

of that section, shall be awarded a diploma under this section. 45915

**Sec. 3313.614.** (A) As used in this section, a person 45916  
"fulfills the curriculum requirement for a diploma" at the time 45917  
one of the following conditions is satisfied: 45918

(1) The person successfully completes the high school 45919  
curriculum of a school district, a community school, a chartered 45920  
nonpublic school, or a correctional institution. 45921

(2) The person successfully completes the individualized 45922  
education program developed for the person under section 3323.08 45923  
of the Revised Code. 45924

(3) A board of education issues its determination under 45925  
section 3313.611 of the Revised Code that the person qualifies as 45926  
having successfully completed the curriculum required by the 45927  
district. 45928

(B) This division specifies the ~~testing~~ assessment 45929  
requirements that must be fulfilled as a condition toward granting 45930  
high school diplomas under sections 3313.61, 3313.611, 3313.612, 45931  
and 3325.08 of the Revised Code. 45932

(1) A person who fulfills the curriculum requirement for a 45933  
diploma before September 15, 2000, is not required to pass any 45934  
proficiency test or achievement test in science as a condition to 45935  
receiving a diploma. 45936

(2) A person who began ninth grade prior to July 1, 2003, is 45937  
not required to pass the Ohio graduation test prescribed under 45938  
division (B)(1) of section 3301.0710 or any assessment prescribed 45939  
under division (B)(2) of that section in any subject as a 45940  
condition to receiving a diploma once the person has passed the 45941  
ninth grade proficiency test in the same subject, so long as the 45942  
person passed the ninth grade proficiency test prior to September 45943  
15, 2008. However, any such person who passes the Ohio graduation 45944

test in any subject prior to passing the ninth grade proficiency 45945  
test in the same subject shall be deemed to have passed the ninth 45946  
grade proficiency test in that subject as a condition to receiving 45947  
a diploma. For this purpose, the ninth grade proficiency test in 45948  
citizenship substitutes for the Ohio graduation test in social 45949  
studies. If a person began ninth grade prior to July 1, 2003, but 45950  
does not pass a ninth grade proficiency test or the Ohio 45951  
graduation test in a particular subject before September 15, 2008, 45952  
and passage of a test in that subject is a condition for the 45953  
person to receive a diploma, the person must pass the Ohio 45954  
graduation test instead of the ninth grade proficiency test in 45955  
that subject to receive a diploma. 45956

(3) A person who begins ninth grade on or after July 1, 2003, 45957  
in a school district, community school, or chartered nonpublic 45958  
school is not eligible to receive a diploma based on passage of 45959  
ninth grade proficiency tests. Each such person who begins ninth 45960  
grade prior to the date prescribed by the state board of education 45961  
under division (E)(5) of section 3301.0712 of the Revised Code 45962  
must pass Ohio graduation tests to meet the testing requirements 45963  
applicable to that person as a condition to receiving a diploma. 45964

(4) A person who begins ninth grade on or after the date 45965  
prescribed by the state board of education under division (E)(5) 45966  
of section 3301.0712 of the Revised Code is not eligible to 45967  
receive a diploma based on passage of the Ohio graduation tests. 45968  
Each such person must attain on the entire assessment system 45969  
prescribed under division (B)(2) of section 3301.0710 of the 45970  
Revised Code at least the required passing composite score, 45971  
designated under division (C)(1) of section 3301.0712 of the 45972  
Revised Code. 45973

(C) This division specifies the curriculum requirement that 45974  
shall be completed as a condition toward granting high school 45975  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 45976

of the Revised Code. 45977

(1) A person who is under twenty-two years of age when the 45978  
person fulfills the curriculum requirement for a diploma shall 45979  
complete the curriculum required by the school district or school 45980  
issuing the diploma for the first year that the person originally 45981  
enrolled in high school, except for a person who qualifies for 45982  
graduation from high school under either division (D) or (F) of 45983  
section 3313.603 of the Revised Code. 45984

(2) Once a person fulfills the curriculum requirement for a 45985  
diploma, the person is never required, as a condition of receiving 45986  
a diploma, to meet any different curriculum requirements that take 45987  
effect pending the person's passage of proficiency tests or 45988  
achievement tests or assessments, including changes mandated by 45989  
section 3313.603 of the Revised Code, the state board, a school 45990  
district board of education, or a governing authority of a 45991  
community school or chartered nonpublic school. 45992

**Sec. 3313.615.** This section shall apply to diplomas awarded 45993  
after September 15, 2006, to students who are required to take the 45994  
five Ohio graduation tests prescribed by division (B)(1) of 45995  
section 3301.0710 of the Revised Code. 45996

(A) As an alternative to the requirement that a person attain 45997  
the scores designated under division (B)(1) of section 3301.0710 45998  
of the Revised Code on all the ~~tests~~ assessments required under 45999  
that division in order to be eligible for a high school diploma or 46000  
an honors diploma under sections 3313.61, 3313.612, or 3325.08 of 46001  
the Revised Code or for a diploma of adult education under section 46002  
3313.611 of the Revised Code, a person who has attained at least 46003  
the applicable scores designated under division (B)(1) of section 46004  
3301.0710 of the Revised Code on all but one of the ~~tests~~ 46005  
assessments required by that division and from which the person 46006  
was not excused or exempted, pursuant to division (L) of section 46007

3313.61, division (B)(1) of section 3313.612, or section 3313.532 46008  
of the Revised Code, may be awarded a diploma or honors diploma if 46009  
the person has satisfied all of the following conditions: 46010

(1) On the one ~~test~~ assessment required under division (B)(1) 46011  
of section 3301.0710 of the Revised Code for which the person 46012  
failed to attain the designated score, the person missed that 46013  
score by ten points or less; 46014

(2) Has a ninety-seven per cent school attendance rate in 46015  
each of the last four school years, excluding any excused 46016  
absences; 46017

(3) Has not been expelled from school under section 3313.66 46018  
of the Revised Code in any of the last four school years; 46019

(4) Has a grade point average of at least 2.5 out of 4.0, or 46020  
its equivalent as designated in rules adopted by the state board 46021  
of education, in the subject area of the ~~test~~ assessment required 46022  
under division (B)(1) of section 3301.0710 of the Revised Code for 46023  
which the person failed to attain the designated score; 46024

(5) Has completed the high school curriculum requirements 46025  
prescribed in section 3313.603 of the Revised Code or has 46026  
qualified under division (D) or (F) of that section; 46027

(6) Has taken advantage of any intervention programs provided 46028  
by the school district or school in the subject area described in 46029  
division (A)(4) of this section and has a ninety-seven per cent 46030  
attendance rate, excluding any excused absences, in any of those 46031  
programs that are provided at times beyond the normal school day, 46032  
school week, or school year or has received comparable 46033  
intervention services from a source other than the school district 46034  
or school; 46035

(7) Holds a letter recommending graduation from each of the 46036  
person's high school teachers in the subject area described in 46037  
division (A)(4) of this section and from the person's high school 46038



principal. 46039

(B) The state board of education shall establish rules 46040  
designating grade point averages equivalent to the average 46041  
specified in division (A)(4) of this section for use by school 46042  
districts and schools with different grading systems. 46043

(C) Any student who is exempt from attaining the applicable 46044  
score designated under division (B)(1) of section 3301.0710 of the 46045  
Revised Code on the Ohio graduation test in social studies 46046  
pursuant to division (H) of section 3313.61 or division (B)(2) of 46047  
section 3313.612 of the Revised Code shall not qualify for a high 46048  
school diploma under this section, unless, notwithstanding the 46049  
exemption, the student attains the applicable score on that ~~test~~ 46050  
assessment. If the student attains the applicable score on that 46051  
~~test~~ assessment, the student may qualify for a diploma under this 46052  
section in the same manner as any other student who is required to 46053  
take the five Ohio graduation tests prescribed by division (B)(1) 46054  
of section 3301.0710 of the Revised Code. 46055

**Sec. 3313.62.** (A) The school year shall begin on the first 46056  
day of July of each calendar year and close on the thirtieth day 46057  
of June of the succeeding calendar year. A school week shall 46058  
consist of five days, and a school month of four school weeks. 46059

(B) "Learning year" means a school year as defined in 46060  
division (A) of this section. 46061

(C) "Learning day" or "school day" is a day a school is 46062  
scheduled to be open for instruction. 46063

**Sec. 3313.64.** (A) As used in this section and in section 46064  
3313.65 of the Revised Code: 46065

(1)(a) Except as provided in division (A)(1)(b) of this 46066  
section, "parent" means either parent, unless the parents are 46067  
separated or divorced or their marriage has been dissolved or 46068

annulled, in which case "parent" means the parent who is the 46069  
residential parent and legal custodian of the child. When a child 46070  
is in the legal custody of a government agency or a person other 46071  
than the child's natural or adoptive parent, "parent" means the 46072  
parent with residual parental rights, privileges, and 46073  
responsibilities. When a child is in the permanent custody of a 46074  
government agency or a person other than the child's natural or 46075  
adoptive parent, "parent" means the parent who was divested of 46076  
parental rights and responsibilities for the care of the child and 46077  
the right to have the child live with the parent and be the legal 46078  
custodian of the child and all residual parental rights, 46079  
privileges, and responsibilities. 46080

(b) When a child is the subject of a power of attorney 46081  
executed under sections 3109.51 to 3109.62 of the Revised Code, 46082  
"parent" means the grandparent designated as attorney in fact 46083  
under the power of attorney. When a child is the subject of a 46084  
caretaker authorization affidavit executed under sections 3109.64 46085  
to 3109.73 of the Revised Code, "parent" means the grandparent 46086  
that executed the affidavit. 46087

(2) "Legal custody," "permanent custody," and "residual 46088  
parental rights, privileges, and responsibilities" have the same 46089  
meanings as in section 2151.011 of the Revised Code. 46090

(3) "School district" or "district" means a city, local, or 46091  
exempted village school district and excludes any school operated 46092  
in an institution maintained by the department of youth services. 46093

(4) Except as used in division (C)(2) of this section, "home" 46094  
means a home, institution, foster home, group home, or other 46095  
residential facility in this state that receives and cares for 46096  
children, to which any of the following applies: 46097

(a) The home is licensed, certified, or approved for such 46098  
purpose by the state or is maintained by the department of youth 46099

services. 46100

(b) The home is operated by a person who is licensed, 46101  
certified, or approved by the state to operate the home for such 46102  
purpose. 46103

(c) The home accepted the child through a placement by a 46104  
person licensed, certified, or approved to place a child in such a 46105  
home by the state. 46106

(d) The home is a children's home created under section 46107  
5153.21 or 5153.36 of the Revised Code. 46108

(5) "Agency" means all of the following: 46109

(a) A public children services agency; 46110

(b) An organization that holds a certificate issued by the 46111  
Ohio department of job and family services in accordance with the 46112  
requirements of section 5103.03 of the Revised Code and assumes 46113  
temporary or permanent custody of children through commitment, 46114  
agreement, or surrender, and places children in family homes for 46115  
the purpose of adoption; 46116

(c) Comparable agencies of other states or countries that 46117  
have complied with applicable requirements of section 2151.39 of 46118  
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 46119  
5103.23 to 5103.237 of the Revised Code. 46120

(6) A child is placed for adoption if either of the following 46121  
occurs: 46122

(a) An agency to which the child has been permanently 46123  
committed or surrendered enters into an agreement with a person 46124  
pursuant to section 5103.16 of the Revised Code for the care and 46125  
adoption of the child. 46126

(b) The child's natural parent places the child pursuant to 46127  
section 5103.16 of the Revised Code with a person who will care 46128  
for and adopt the child. 46129

- (7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code. 46130  
46131
- (8) "Child," unless otherwise indicated, includes preschool children with disabilities. 46132  
46133
- (9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 46134  
46135  
46136  
46137
- (B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division. 46138  
46139  
46140  
46141  
46142
- (1) A child shall be admitted to the schools of the school district in which the child's parent resides. 46143  
46144
- (2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 46145  
46146  
46147  
46148
- (a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 46149  
46150  
46151
- (b) The child resides in a home. 46152
- (c) The child requires special education. 46153
- (3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 46154  
46155  
46156  
46157  
46158  
46159

(a) The placement for adoption has been terminated. 46160

(b) Another school district is required to admit the child 46161  
under division (B)(1) of this section. 46162

Division (B) of this section does not prohibit the board of 46163  
education of a school district from placing a child with a 46164  
disability who resides in the district in a special education 46165  
program outside of the district or its schools in compliance with 46166  
Chapter 3323. of the Revised Code. 46167

(C) A district shall not charge tuition for children admitted 46168  
under division (B)(1) or (3) of this section. If the district 46169  
admits a child under division (B)(2) of this section, tuition 46170  
shall be paid to the district that admits the child as follows: 46171

(1) If the child receives special education in accordance 46172  
with Chapter 3323. of the Revised Code, the school district of 46173  
residence, as defined in section 3323.01 of the Revised Code, 46174  
shall pay tuition for the child in accordance with section 46175  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 46176  
regardless of who has custody of the child or whether the child 46177  
resides in a home. 46178

(2) For a child that does not receive special education in 46179  
accordance with Chapter 3323. of the Revised Code, except as 46180  
otherwise provided in division (C)(2)(d) of this section, if the 46181  
child is in the permanent or legal custody of a government agency 46182  
or person other than the child's parent, tuition shall be paid by: 46183

(a) The district in which the child's parent resided at the 46184  
time the court removed the child from home or at the time the 46185  
court vested legal or permanent custody of the child in the person 46186  
or government agency, whichever occurred first; 46187

(b) If the parent's residence at the time the court removed 46188  
the child from home or placed the child in the legal or permanent 46189  
custody of the person or government agency is unknown, tuition 46190

shall be paid by the district in which the child resided at the 46191  
time the child was removed from home or placed in legal or 46192  
permanent custody, whichever occurred first; 46193

(c) If a school district cannot be established under division 46194  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 46195  
district determined as required by section 2151.362 of the Revised 46196  
Code by the court at the time it vests custody of the child in the 46197  
person or government agency; 46198

(d) If at the time the court removed the child from home or 46199  
vested legal or permanent custody of the child in the person or 46200  
government agency, whichever occurred first, one parent was in a 46201  
residential or correctional facility or a juvenile residential 46202  
placement and the other parent, if living and not in such a 46203  
facility or placement, was not known to reside in this state, 46204  
tuition shall be paid by the district determined under division 46205  
(D) of section 3313.65 of the Revised Code as the district 46206  
required to pay any tuition while the parent was in such facility 46207  
or placement; 46208

(e) If the department of education has determined, pursuant 46209  
to division (A)(2) of section 2151.362 of the Revised Code, that a 46210  
school district other than the one named in the court's initial 46211  
order, or in a prior determination of the department, is 46212  
responsible to bear the cost of educating the child, the district 46213  
so determined shall be responsible for that cost. 46214

(3) If the child is not in the permanent or legal custody of 46215  
a government agency or person other than the child's parent and 46216  
the child resides in a home, tuition shall be paid by one of the 46217  
following: 46218

(a) The school district in which the child's parent resides; 46219

(b) If the child's parent is not a resident of this state, 46220  
the home in which the child resides. 46221

(D) Tuition required to be paid under divisions (C)(2) and 46222  
(3)(a) of this section shall be computed in accordance with 46223  
section 3317.08 of the Revised Code. Tuition required to be paid 46224  
under division (C)(3)(b) of this section shall be computed in 46225  
accordance with section 3317.081 of the Revised Code. If a home 46226  
fails to pay the tuition required by division (C)(3)(b) of this 46227  
section, the board of education providing the education may 46228  
recover in a civil action the tuition and the expenses incurred in 46229  
prosecuting the action, including court costs and reasonable 46230  
attorney's fees. If the prosecuting attorney or city director of 46231  
law represents the board in such action, costs and reasonable 46232  
attorney's fees awarded by the court, based upon the prosecuting 46233  
attorney's, director's, or one of their designee's time spent 46234  
preparing and presenting the case, shall be deposited in the 46235  
county or city general fund. 46236

(E) A board of education may enroll a child free of any 46237  
tuition obligation for a period not to exceed sixty days, on the 46238  
sworn statement of an adult resident of the district that the 46239  
resident has initiated legal proceedings for custody of the child. 46240

(F) In the case of any individual entitled to attend school 46241  
under this division, no tuition shall be charged by the school 46242  
district of attendance and no other school district shall be 46243  
required to pay tuition for the individual's attendance. 46244  
Notwithstanding division (B), (C), or (E) of this section: 46245

(1) All persons at least eighteen but under twenty-two years 46246  
of age who live apart from their parents, support themselves by 46247  
their own labor, and have not successfully completed the high 46248  
school curriculum or the individualized education program 46249  
developed for the person by the high school pursuant to section 46250  
3323.08 of the Revised Code, are entitled to attend school in the 46251  
district in which they reside. 46252

(2) Any child under eighteen years of age who is married is 46253

entitled to attend school in the child's district of residence. 46254

(3) A child is entitled to attend school in the district in 46255  
which either of the child's parents is employed if the child has a 46256  
medical condition that may require emergency medical attention. 46257  
The parent of a child entitled to attend school under division 46258  
(F)(3) of this section shall submit to the board of education of 46259  
the district in which the parent is employed a statement from the 46260  
child's physician certifying that the child's medical condition 46261  
may require emergency medical attention. The statement shall be 46262  
supported by such other evidence as the board may require. 46263

(4) Any child residing with a person other than the child's 46264  
parent is entitled, for a period not to exceed twelve months, to 46265  
attend school in the district in which that person resides if the 46266  
child's parent files an affidavit with the superintendent of the 46267  
district in which the person with whom the child is living resides 46268  
stating all of the following: 46269

(a) That the parent is serving outside of the state in the 46270  
armed services of the United States; 46271

(b) That the parent intends to reside in the district upon 46272  
returning to this state; 46273

(c) The name and address of the person with whom the child is 46274  
living while the parent is outside the state. 46275

(5) Any child under the age of twenty-two years who, after 46276  
the death of a parent, resides in a school district other than the 46277  
district in which the child attended school at the time of the 46278  
parent's death is entitled to continue to attend school in the 46279  
district in which the child attended school at the time of the 46280  
parent's death for the remainder of the school year, subject to 46281  
approval of that district board. 46282

(6) A child under the age of twenty-two years who resides 46283  
with a parent who is having a new house built in a school district 46284



outside the district where the parent is residing is entitled to 46285  
attend school for a period of time in the district where the new 46286  
house is being built. In order to be entitled to such attendance, 46287  
the parent shall provide the district superintendent with the 46288  
following: 46289

(a) A sworn statement explaining the situation, revealing the 46290  
location of the house being built, and stating the parent's 46291  
intention to reside there upon its completion; 46292

(b) A statement from the builder confirming that a new house 46293  
is being built for the parent and that the house is at the 46294  
location indicated in the parent's statement. 46295

(7) A child under the age of twenty-two years residing with a 46296  
parent who has a contract to purchase a house in a school district 46297  
outside the district where the parent is residing and who is 46298  
waiting upon the date of closing of the mortgage loan for the 46299  
purchase of such house is entitled to attend school for a period 46300  
of time in the district where the house is being purchased. In 46301  
order to be entitled to such attendance, the parent shall provide 46302  
the district superintendent with the following: 46303

(a) A sworn statement explaining the situation, revealing the 46304  
location of the house being purchased, and stating the parent's 46305  
intent to reside there; 46306

(b) A statement from a real estate broker or bank officer 46307  
confirming that the parent has a contract to purchase the house, 46308  
that the parent is waiting upon the date of closing of the 46309  
mortgage loan, and that the house is at the location indicated in 46310  
the parent's statement. 46311

The district superintendent shall establish a period of time 46312  
not to exceed ninety days during which the child entitled to 46313  
attend school under division (F)(6) or (7) of this section may 46314  
attend without tuition obligation. A student attending a school 46315

under division (F)(6) or (7) of this section shall be eligible to 46316  
participate in interscholastic athletics under the auspices of 46317  
that school, provided the board of education of the school 46318  
district where the student's parent resides, by a formal action, 46319  
releases the student to participate in interscholastic athletics 46320  
at the school where the student is attending, and provided the 46321  
student receives any authorization required by a public agency or 46322  
private organization of which the school district is a member 46323  
exercising authority over interscholastic sports. 46324

(8) A child whose parent is a full-time employee of a city, 46325  
local, or exempted village school district, or of an educational 46326  
service center, may be admitted to the schools of the district 46327  
where the child's parent is employed, or in the case of a child 46328  
whose parent is employed by an educational service center, in the 46329  
district that serves the location where the parent's job is 46330  
primarily located, provided the district board of education 46331  
establishes such an admission policy by resolution adopted by a 46332  
majority of its members. Any such policy shall take effect on the 46333  
first day of the school year and the effective date of any 46334  
amendment or repeal may not be prior to the first day of the 46335  
subsequent school year. The policy shall be uniformly applied to 46336  
all such children and shall provide for the admission of any such 46337  
child upon request of the parent. No child may be admitted under 46338  
this policy after the first day of classes of any school year. 46339

(9) A child who is with the child's parent under the care of 46340  
a shelter for victims of domestic violence, as defined in section 46341  
3113.33 of the Revised Code, is entitled to attend school free in 46342  
the district in which the child is with the child's parent, and no 46343  
other school district shall be required to pay tuition for the 46344  
child's attendance in that school district. 46345

The enrollment of a child in a school district under this 46346  
division shall not be denied due to a delay in the school 46347

district's receipt of any records required under section 3313.672 46348  
of the Revised Code or any other records required for enrollment. 46349  
Any days of attendance and any credits earned by a child while 46350  
enrolled in a school district under this division shall be 46351  
transferred to and accepted by any school district in which the 46352  
child subsequently enrolls. The state board of education shall 46353  
adopt rules to ensure compliance with this division. 46354

(10) Any child under the age of twenty-two years whose parent 46355  
has moved out of the school district after the commencement of 46356  
classes in the child's senior year of high school is entitled, 46357  
subject to the approval of that district board, to attend school 46358  
in the district in which the child attended school at the time of 46359  
the parental move for the remainder of the school year and for one 46360  
additional semester or equivalent term. A district board may also 46361  
adopt a policy specifying extenuating circumstances under which a 46362  
student may continue to attend school under division (F)(10) of 46363  
this section for an additional period of time in order to 46364  
successfully complete the high school curriculum for the 46365  
individualized education program developed for the student by the 46366  
high school pursuant to section 3323.08 of the Revised Code. 46367

(11) As used in this division, "grandparent" means a parent 46368  
of a parent of a child. A child under the age of twenty-two years 46369  
who is in the custody of the child's parent, resides with a 46370  
grandparent, and does not require special education is entitled to 46371  
attend the schools of the district in which the child's 46372  
grandparent resides, provided that, prior to such attendance in 46373  
any school year, the board of education of the school district in 46374  
which the child's grandparent resides and the board of education 46375  
of the school district in which the child's parent resides enter 46376  
into a written agreement specifying that good cause exists for 46377  
such attendance, describing the nature of this good cause, and 46378  
consenting to such attendance. 46379

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a 46412  
student who is not receiving special education under Chapter 3323. 46413  
of the Revised Code and notwithstanding Chapter 3327. of the 46414  
Revised Code, the board of education of neither school district 46415  
involved in the agreement is required to provide transportation 46416  
for the student to and from the school where the student attends. 46417

A student attending a school of a district pursuant to this 46418  
division shall be allowed to participate in all student 46419  
activities, including interscholastic athletics, at the school 46420  
where the student is attending on the same basis as any student 46421  
who has always attended the schools of that district while of 46422  
compulsory school age. 46423

(13) All school districts shall comply with the 46424  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 46425  
seq., for the education of homeless children. Each city, local, 46426  
and exempted village school district shall comply with the 46427  
requirements of that act governing the provision of a free, 46428  
appropriate public education, including public preschool, to each 46429  
homeless child. 46430

When a child loses permanent housing and becomes a homeless 46431  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 46432  
such a homeless person changes temporary living arrangements, the 46433  
child's parent or guardian shall have the option of enrolling the 46434  
child in either of the following: 46435

(a) The child's school of origin, as defined in 42 U.S.C.A. 46436  
11432(g)(3)(C); 46437

(b) The school that is operated by the school district in 46438  
which the shelter where the child currently resides is located and 46439  
that serves the geographic area in which the shelter is located. 46440

(14) A child under the age of twenty-two years who resides 46441  
with a person other than the child's parent is entitled to attend 46442

school in the school district in which that person resides if both 46443  
of the following apply: 46444

(a) That person has been appointed, through a military power 46445  
of attorney executed under section 574(a) of the "National Defense 46446  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 46447  
U.S.C. 1044b, or through a comparable document necessary to 46448  
complete a family care plan, as the parent's agent for the care, 46449  
custody, and control of the child while the parent is on active 46450  
duty as a member of the national guard or a reserve unit of the 46451  
armed forces of the United States or because the parent is a 46452  
member of the armed forces of the United States and is on a duty 46453  
assignment away from the parent's residence. 46454

(b) The military power of attorney or comparable document 46455  
includes at least the authority to enroll the child in school. 46456

The entitlement to attend school in the district in which the 46457  
parent's agent under the military power of attorney or comparable 46458  
document resides applies until the end of the school year in which 46459  
the military power of attorney or comparable document expires. 46460

(G) A board of education, after approving admission, may 46461  
waive tuition for students who will temporarily reside in the 46462  
district and who are either of the following: 46463

(1) Residents or domiciliaries of a foreign nation who 46464  
request admission as foreign exchange students; 46465

(2) Residents or domiciliaries of the United States but not 46466  
of Ohio who request admission as participants in an exchange 46467  
program operated by a student exchange organization. 46468

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 46469  
3327.04, and 3327.06 of the Revised Code, a child may attend 46470  
school or participate in a special education program in a school 46471  
district other than in the district where the child is entitled to 46472  
attend school under division (B) of this section. 46473

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall

continue to owe such tuition to the district for the child's 46506  
attendance under division (I)(1) of this section for the lesser of 46507  
the balance of the school year or the balance of the time that the 46508  
child attends school in the district under division (I)(1) of this 46509  
section. 46510

(4) A pupil who may attend school in the district under 46511  
division (I)(1) of this section shall be entitled to 46512  
transportation services pursuant to an agreement between the 46513  
district and the district in which the child or child's parent has 46514  
relocated unless the districts have not entered into such 46515  
agreement, in which case the child shall be entitled to 46516  
transportation services in the same manner as a pupil attending 46517  
school in the district under interdistrict open enrollment as 46518  
described in division ~~(H)~~(D) of section 3313.981 of the Revised 46519  
Code, regardless of whether the district has adopted an open 46520  
enrollment policy as described in division (B)(1)(b) or (c) of 46521  
section 3313.98 of the Revised Code. 46522

(J) This division does not apply to a child receiving special 46523  
education. 46524

A school district required to pay tuition pursuant to 46525  
division (C)(2) or (3) of this section or section 3313.65 of the 46526  
Revised Code shall have an amount deducted under division (F) of 46527  
section 3317.023 of the Revised Code equal to its own tuition rate 46528  
for the same period of attendance. A school district entitled to 46529  
receive tuition pursuant to division (C)(2) or (3) of this section 46530  
or section 3313.65 of the Revised Code shall have an amount 46531  
credited under division (F) of section 3317.023 of the Revised 46532  
Code equal to its own tuition rate for the same period of 46533  
attendance. If the tuition rate credited to the district of 46534  
attendance exceeds the rate deducted from the district required to 46535  
pay tuition, the department of education shall pay the district of 46536  
attendance the difference from amounts deducted from all 46537



districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school

in the district in which the child's parent lived before being 46570  
called to active duty or ordered to a temporary duty assignment 46571  
outside of the district, as long as the child's parent continues 46572  
to be a resident of that district, and regardless of where the 46573  
child lives as a result of the parent's active duty status or 46574  
temporary duty assignment. However, the district is not 46575  
responsible for providing transportation for the child if the 46576  
child lives outside of the district as a result of the parent's 46577  
active duty status or temporary duty assignment. 46578

**Sec. 3313.642.** (A) Except as provided in division (B) of this 46579  
section and notwithstanding the provisions of sections 3313.48 and 46580  
3313.64 of the Revised Code, the board of education of a city, 46581  
exempted village, or local school district shall not be required 46582  
to furnish, free of charge, to the pupils attending the public 46583  
schools any materials used in a course of instruction with the 46584  
exception of the necessary textbooks or electronic textbooks 46585  
required to be furnished without charge pursuant to section 46586  
3329.06 of the Revised Code. The board may, however, make 46587  
provision by appropriations transferred from the general fund of 46588  
the district or otherwise for furnishing free of charge any 46589  
materials used in a course of instruction to such pupils as it 46590  
determines are in serious financial need of such materials. 46591

(B) No board of education of a school district ~~that receives~~ 46592  
~~funds under section 3317.029 of the Revised Code~~ shall charge a 46593  
fee to a ~~recipient of aid under Chapter 5107. or 5115. of the~~ 46594  
~~Revised Code~~ pupil who is eligible for a free lunch under the 46595  
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 46596  
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 46597  
42 U.S.C. 1771, as amended, for any materials needed to enable the 46598  
~~recipient~~ pupil to participate fully in a course of instruction. 46599  
The prohibition in this division against charging a fee does not 46600  
apply to any fee charged for any materials needed to enable a 46601

~~recipient~~ pupil to participate fully in extracurricular activities 46602  
or in any pupil enrichment program that is not a course of 46603  
instruction. 46604

(C) Boards of education may adopt rules and regulations 46605  
prescribing a schedule of fees for materials used in a course of 46606  
instruction and prescribing a schedule of charges which may be 46607  
imposed upon pupils for the loss, damage, or destruction of school 46608  
apparatus, equipment, musical instruments, library material, 46609  
textbooks, or electronic textbooks required to be furnished 46610  
without charge, and for damage to school buildings, and may 46611  
enforce the payment of such fees and charges by withholding the 46612  
grades and credits of the pupils concerned. 46613

**Sec. 3313.6410.** This section applies to any school that is 46614  
operated by a school district and in which the enrolled students 46615  
work primarily on assignments in nonclassroom-based learning 46616  
opportunities provided via an internet- or other computer-based 46617  
instructional method. 46618

(A) Any school to which this section applies shall withdraw 46619  
from the school any student who, for two consecutive school years, 46620  
has failed to participate in the spring administration of any ~~test~~ 46621  
assessment prescribed under section 3301.0710 or 3301.0712 of the 46622  
Revised Code for the student's grade level and was not excused 46623  
from the ~~test~~ assessment pursuant to division (C)(1) or (3) of 46624  
section 3301.0711 of the Revised Code, regardless of whether a 46625  
waiver was granted for the student under division (E) of section 46626  
3317.03 of the Revised Code. The school shall report any such 46627  
student's data verification code, as assigned pursuant to section 46628  
3301.0714 of the Revised Code, to the department of education to 46629  
be added to the list maintained by the department under section 46630  
3314.26 of the Revised Code. 46631

(B) No school to which this section applies shall receive any 46632

state funds under Chapter 3306. or 3317. of the Revised Code for 46633  
any enrolled student whose data verification code appears on the 46634  
list maintained by the department under section 3314.26 of the 46635  
Revised Code. Notwithstanding any provision of the Revised Code to 46636  
the contrary, the parent of any such student shall pay tuition to 46637  
the school district that operates the school in an amount equal to 46638  
the state funds the district otherwise would receive for that 46639  
student, as determined by the department. A school to which this 46640  
section applies may withdraw any student for whom the parent does 46641  
not pay tuition as required by this division. 46642

**Sec. 3313.65.** (A) As used in this section and section 3313.64 46643  
of the Revised Code: 46644

(1) A person is "in a residential facility" if the person is 46645  
a resident or a resident patient of an institution, home, or other 46646  
residential facility that is: 46647

(a) Licensed as a nursing home, residential care facility, or 46648  
home for the aging by the director of health under section 3721.02 46649  
of the Revised Code ~~or licensed as a community alternative home by~~ 46650  
~~the director of health under section 3724.03 of the Revised Code;~~ 46651

(b) Licensed as an adult care facility by the director of 46652  
health under Chapter 3722. of the Revised Code; 46653

(c) Maintained as a county home or district home by the board 46654  
of county commissioners or a joint board of county commissioners 46655  
under Chapter 5155. of the Revised Code; 46656

(d) Operated or administered by a board of alcohol, drug 46657  
addiction, and mental health services under section 340.03 or 46658  
340.06 of the Revised Code, or provides residential care pursuant 46659  
to contracts made under section 340.03 or 340.033 of the Revised 46660  
Code; 46661

(e) Maintained as a state institution for the mentally ill 46662

under Chapter 5119. of the Revised Code; 46663

(f) Licensed by the department of mental health under section 46664  
5119.20 or 5119.22 of the Revised Code; 46665

(g) Licensed as a residential facility by the department of 46666  
mental retardation and developmental disabilities under section 46667  
5123.19 of the Revised Code; 46668

(h) Operated by the veteran's administration or another 46669  
agency of the United States government; 46670

(i) The Ohio soldiers' and sailors' home. 46671

(2) A person is "in a correctional facility" if any of the 46672  
following apply: 46673

(a) The person is an Ohio resident and is: 46674

(i) Imprisoned, as defined in section 1.05 of the Revised 46675  
Code; 46676

(ii) Serving a term in a community-based correctional 46677  
facility or a district community-based correctional facility; 46678

(iii) Required, as a condition of parole, a post-release 46679  
control sanction, a community control sanction, transitional 46680  
control, or early release from imprisonment, as a condition of 46681  
shock parole or shock probation granted under the law in effect 46682  
prior to July 1, 1996, or as a condition of a furlough granted 46683  
under the version of section 2967.26 of the Revised Code in effect 46684  
prior to March 17, 1998, to reside in a halfway house or other 46685  
community residential center licensed under section 2967.14 of the 46686  
Revised Code or a similar facility designated by the court of 46687  
common pleas that established the condition or by the adult parole 46688  
authority. 46689

(b) The person is imprisoned in a state correctional 46690  
institution of another state or a federal correctional institution 46691  
but was an Ohio resident at the time the sentence was imposed for 46692

the crime for which the person is imprisoned. 46693

(3) A person is "in a juvenile residential placement" if the 46694  
person is an Ohio resident who is under twenty-one years of age 46695  
and has been removed, by the order of a juvenile court, from the 46696  
place the person resided at the time the person became subject to 46697  
the court's jurisdiction in the matter that resulted in the 46698  
person's removal. 46699

(4) "Community control sanction" has the same meaning as in 46700  
section 2929.01 of the Revised Code. 46701

(5) "Post-release control sanction" has the same meaning as 46702  
in section 2967.01 of the Revised Code. 46703

(B) If the circumstances described in division (C) of this 46704  
section apply, the determination of what school district must 46705  
admit a child to its schools and what district, if any, is liable 46706  
for tuition shall be made in accordance with this section, rather 46707  
than section 3313.64 of the Revised Code. 46708

(C) A child who does not reside in the school district in 46709  
which the child's parent resides and for whom a tuition obligation 46710  
previously has not been established under division (C)(2) of 46711  
section 3313.64 of the Revised Code shall be admitted to the 46712  
schools of the district in which the child resides if at least one 46713  
of the child's parents is in a residential or correctional 46714  
facility or a juvenile residential placement and the other parent, 46715  
if living and not in such a facility or placement, is not known to 46716  
reside in this state. 46717

(D) Regardless of who has custody or care of the child, 46718  
whether the child resides in a home, or whether the child receives 46719  
special education, if a district admits a child under division (C) 46720  
of this section, tuition shall be paid to that district as 46721  
follows: 46722

(1) If the child's parent is in a juvenile residential 46723

placement, by the district in which the child's parent resided at 46724  
the time the parent became subject to the jurisdiction of the 46725  
juvenile court; 46726

(2) If the child's parent is in a correctional facility, by 46727  
the district in which the child's parent resided at the time the 46728  
sentence was imposed; 46729

(3) If the child's parent is in a residential facility, by 46730  
the district in which the parent resided at the time the parent 46731  
was admitted to the residential facility, except that if the 46732  
parent was transferred from another residential facility, tuition 46733  
shall be paid by the district in which the parent resided at the 46734  
time the parent was admitted to the facility from which the parent 46735  
first was transferred; 46736

(4) In the event of a disagreement as to which school 46737  
district is liable for tuition under division (C)(1), (2), or (3) 46738  
of this section, the superintendent of public instruction shall 46739  
determine which district shall pay tuition. 46740

(E) If a child covered by division (D) of this section 46741  
receives special education in accordance with Chapter 3323. of the 46742  
Revised Code, the tuition shall be paid in accordance with section 46743  
3323.13 or 3323.14 of the Revised Code. Tuition for children who 46744  
do not receive special education shall be paid in accordance with 46745  
division (J) of section 3313.64 of the Revised Code. 46746

**Sec. 3313.671.** (A)(1) Except as otherwise provided in 46747  
division (B) of this section, no pupil, at the time of initial 46748  
entry or at the beginning of each school year, to an elementary or 46749  
high school for which the state board of education prescribes 46750  
minimum standards pursuant to division (D) of section 3301.07 of 46751  
the Revised Code, shall be permitted to remain in school for more 46752  
than fourteen days unless the pupil presents written evidence 46753  
satisfactory to the person in charge of admission, that the pupil 46754

has been immunized by a method of immunization approved by the 46755  
department of health pursuant to section 3701.13 of the Revised 46756  
Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, 46757  
rubeola, and rubella or is in the process of being immunized. 46758

(2) Except as provided in division (B) of this section, no 46759  
pupil who begins kindergarten at an elementary school subject to 46760  
the state board of education's minimum standards shall be 46761  
permitted to remain in school for more than fourteen days unless 46762  
the pupil presents written evidence satisfactory to the person in 46763  
charge of admission that the pupil has been immunized by a 46764  
department of health-approved method of immunization or is in the 46765  
process of being immunized against both of the following: 46766

(a) During or after the school year beginning in 1999, 46767  
hepatitis B; 46768

(b) During or after the school year beginning in 2006, 46769  
chicken pox. 46770

(3) As used in divisions (A)(1) and (2) of this section, "in 46771  
the process of being immunized" means the pupil has been immunized 46772  
against mumps, rubeola, rubella, and chicken pox, and if the pupil 46773  
has not been immunized against poliomyelitis, diphtheria, 46774  
pertussis, tetanus, and hepatitis B, the pupil has received at 46775  
least the first dose of the immunization sequence, and presents 46776  
written evidence to the pupil's building principal or chief 46777  
administrative officer of each subsequent dose required to obtain 46778  
immunization at the intervals prescribed by the director of 46779  
health. Any student previously admitted under the "in process of 46780  
being immunized" provision and who has not complied with the 46781  
immunization intervals prescribed by the director of health shall 46782  
be excluded from school on the fifteenth day of the following 46783  
school year. Any student so excluded shall be readmitted upon 46784  
showing evidence to the student's building principal or chief 46785  
administrative officer of progress on the director of health's 46786



interval schedule. 46787

(4) Beginning in the 2010-2011 school year, except as 46788  
provided in division (B) of this section, no pupil who begins 46789  
seventh grade at a school subject to the state board of 46790  
education's minimum standards shall be permitted to remain in 46791  
school for more than fourteen days unless the pupil presents 46792  
written evidence satisfactory to the person in charge of admission 46793  
that the pupil has received a department of health-approved 46794  
tetanus, diphtheria, and acellular pertussis booster vaccination. 46795

(B)(1) A pupil who has had natural rubeola, and presents a 46796  
signed statement from the pupil's parent, guardian, or physician 46797  
to that effect, is not required to be immunized against rubeola. 46798

(2) A pupil who has had natural mumps, and presents a signed 46799  
statement from the pupil's parent, guardian, or physician to that 46800  
effect, is not required to be immunized against mumps. 46801

(3) A pupil who has had natural chicken pox, and presents a 46802  
signed statement from the pupil's parent, guardian, or physician 46803  
to that effect, is not required to be immunized against chicken 46804  
pox. 46805

(4) A pupil who presents a written statement of the pupil's 46806  
parent or guardian in which the parent or guardian declines to 46807  
have the pupil immunized for reasons of conscience, including 46808  
religious convictions, is not required to be immunized. 46809

(5) A child whose physician certifies in writing that such 46810  
immunization against any disease is medically contraindicated is 46811  
not required to be immunized against that disease. 46812

(C) As used in this division, "chicken pox epidemic" means 46813  
the occurrence of cases of chicken pox in numbers greater than 46814  
expected in the school's population or for a particular period of 46815  
time. 46816

Notwithstanding division (B) of this section, a school may deny admission to a pupil otherwise exempted from the chicken pox immunization requirement if the director of the state department of health notifies the school's principal or chief administrative officer that a chicken pox epidemic exists in the school's population. The denial of admission shall cease when the director notifies the principal or officer that the epidemic no longer exists.

The board of education or governing body of each school subject to this section shall adopt a policy that prescribes methods whereby the academic standing of a pupil who is denied admission during a chicken pox epidemic may be preserved.

(D) Boards of health, legislative authorities of municipal corporations, and boards of township trustees on application of the board of education of the district or proper authority of any school affected by this section, shall provide at the public expense, without delay, the means of immunization against mumps, poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, and hepatitis B, and the booster vaccination required by division (A)(4) of this section, to pupils who are not so provided by their parents or guardians.

**Sec. 3313.673.** (A) Except as provided in division (B) of this section, prior to the first day of November of the school year in which a pupil is enrolled for the first time in either kindergarten or first grade, the pupil shall be screened for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders. If the results of any screening reveal the possibility of special learning needs, the board of education of the school district shall conduct further assessment in accordance with Chapter 3323. of the Revised Code. The board may provide any of the elements of the screening

program itself, contract with any person or governmental entity to 46848  
provide any such elements, or request the parent to obtain any 46849  
such elements from a provider selected by the parent. If the board 46850  
conducts hearing and vision screening itself or contracts for 46851  
hearing and vision screening, such screening shall be conducted 46852  
pursuant to sections 3313.50, 3313.69, and 3313.73 of the Revised 46853  
Code. 46854

(B) Prior to the first day of August of the school year in 46855  
which a pupil is required to be screened under this section, the 46856  
board shall provide parents with information about the district's 46857  
screening program. If the board chooses to request parents to 46858  
obtain any screening services, it shall provide lists of providers 46859  
to parents together with information about such screening services 46860  
available in the community to parents who cannot afford them. Any 46861  
parent requested to obtain any screening services under this 46862  
division may sign a written statement to the effect that ~~he~~ the 46863  
parent does not wish to have ~~his~~ the parent's child receive such 46864  
screening. 46865

(C) Each district shall report the aggregate results of the 46866  
screenings required under this section in the manner prescribed by 46867  
guidelines established for that purpose by the state board of 46868  
education under division (B)(1)(o) of section 3301.0714 of the 46869  
Revised Code. 46870

**Sec. 3313.68.** The board of education of each city, exempted 46871  
village, or local school district may appoint one or more school 46872  
physicians and one or more school dentists. Two or more school 46873  
districts may unite and employ one such physician and at least one 46874  
such dentist whose duties shall be such as are prescribed by law. 46875  
Said school physician shall hold a license to practice medicine in 46876  
Ohio, and each school dentist shall be licensed to practice in 46877  
this state. School physicians and dentists may be discharged at 46878

any time by the board of education. School physicians and dentists 46879  
shall serve one year and until their successors are appointed and 46880  
shall receive such compensation as the board of education 46881  
determines. The board of education may also employ registered 46882  
nurses, as defined by section 4723.01 and licensed as school 46883  
nurses under ~~section 3319.22~~ Chapter 3319. of the Revised Code, to 46884  
aid in such inspection in such ways as are prescribed by it, and 46885  
to aid in the conduct and coordination of the school health 46886  
service program. The school dentists shall make such examinations 46887  
and diagnoses and render such remedial or corrective treatment for 46888  
the school children as is prescribed by the board of education; 46889  
provided that all such remedial or corrective treatment shall be 46890  
limited to the children whose parents cannot otherwise provide for 46891  
same, and then only with the written consent of the parents or 46892  
guardians of such children. School dentists may also conduct such 46893  
oral hygiene educational work as is authorized by the board of 46894  
education. 46895

The board of education may delegate the duties and powers 46896  
provided for in this section to the board of health or officer 46897  
performing the functions of a board of health within the school 46898  
district, if such board or officer is willing to assume the same. 46899  
Boards of education shall co-operate with boards of health in the 46900  
prevention and control of epidemics. 46901

**Sec. 3313.713.** (A) As used in this section: 46902

(1) "Drug" means a drug, as defined in section 4729.01 of the 46903  
Revised Code, that is to be administered pursuant to the 46904  
instructions of the prescriber, whether or not required by law to 46905  
be sold only upon a prescription. 46906

(2) "Federal law" means the "Individuals with Disabilities 46907  
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 46908

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 46909  
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(B) The board of education of each city, local, exempted village, and joint vocational school district shall, not later than one hundred twenty days after September 20, 1984, adopt a policy on the authority of its employees, when acting in situations other than those governed by sections 2305.23, 2305.231, and 3313.712 of the Revised Code, to administer drugs prescribed to students enrolled in the schools of the district. The policy shall provide either that: 46911  
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(1) Except as otherwise required by federal law, no person employed by the board shall, in the course of such employment, administer any drug prescribed to any student enrolled in the schools of the district. 46919  
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(2) Designated persons employed by the board are authorized to administer to a student a drug prescribed for the student. Effective July 1, 2011, only employees of the board who hold a valid school nurse license or school nurse wellness coordinator license issued under section 3319.221 of the Revised Code or who have completed a drug administration training program conducted by a registered nurse may administer to a student a drug prescribed for the student. Except as otherwise provided by federal law, the board's policy may provide that certain drugs or types of drugs shall not be administered or that no employee, ~~or no employee without appropriate training,~~ shall use certain procedures, such as injection, to administer a drug to a student. 46923  
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(C) No drug prescribed for a student shall be administered pursuant to federal law or a policy adopted under division (B) of this section until the following occur: 46935  
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(1) The board, or a person designated by the board, receives a written request, signed by the parent, guardian, or other person 46938  
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having care or charge of the student, that the drug be 46940  
administered to the student. 46941

(2) The board, or a person designated by the board, receives 46942  
a statement, signed by the prescriber, that includes all of the 46943  
following information: 46944

(a) The name and address of the student; 46945

(b) The school and class in which the student is enrolled; 46946

(c) The name of the drug and the dosage to be administered; 46947

(d) The times or intervals at which each dosage of the drug 46948  
is to be administered; 46949

(e) The date the administration of the drug is to begin; 46950

(f) The date the administration of the drug is to cease; 46951

(g) Any severe adverse reactions that should be reported to 46952  
the prescriber and one or more phone numbers at which the 46953  
prescriber can be reached in an emergency; 46954

(h) Special instructions for administration of the drug, 46955  
including sterile conditions and storage. 46956

(3) The parent, guardian, or other person having care or 46957  
charge of the student agrees to submit a revised statement signed 46958  
by the prescriber to the board or a person designated by the board 46959  
if any of the information provided by the prescriber pursuant to 46960  
division (C)(2) of this section changes. 46961

(4) The person authorized by the board to administer the drug 46962  
receives a copy of the statement required by division (C)(2) or 46963  
(3) of this section. 46964

(5) The drug is received by the person authorized to 46965  
administer the drug to the student for whom the drug is prescribed 46966  
in the container in which it was dispensed by the prescriber or a 46967  
licensed pharmacist. 46968

(6) Any other procedures required by the board are followed. 46969

(D) If a drug is administered to a student, the board of 46970  
education shall acquire and retain copies of the written requests 46971  
required by division (C)(1) and the statements required by 46972  
divisions (C)(2) and (3) of this section and shall ensure that by 46973  
the next school day following the receipt of any such statement a 46974  
copy is given to the person authorized to administer drugs to the 46975  
student for whom the statement has been received. The board, or a 46976  
person designated by the board, shall establish a location in each 46977  
school building for the storage of drugs to be administered under 46978  
this section and federal law. All such drugs shall be stored in 46979  
that location in a locked storage place, except that drugs that 46980  
require refrigeration may be kept in a refrigerator in a place not 46981  
commonly used by students. 46982

(E) No person who has been authorized by a board of education 46983  
to administer a drug and has a copy of the most recent statement 46984  
required by division (C)(2) or (3) of this section given to the 46985  
person in accordance with division (D) of this section prior to 46986  
administering the drug is liable in civil damages for 46987  
administering or failing to administer the drug, unless such 46988  
person acts in a manner that constitutes gross negligence or 46989  
wanton or reckless misconduct. 46990

(F) A board of education may designate a person or persons to 46991  
perform any function or functions in connection with a drug policy 46992  
adopted under this section either by name or by position, 46993  
training, qualifications, or similar distinguishing factors. 46994

Nothing in this section shall be construed to require a 46995  
person employed by a board of education to administer a drug to a 46996  
student unless the board's policy adopted in compliance with this 46997  
section establishes such a requirement. A board shall not require 46998  
an employee to administer a drug to a student if the employee 46999  
objects, on the basis of religious convictions, to administering 47000

the drug. 47001

A policy adopted by a board of education pursuant to this 47002  
section may be changed, modified, or revised by action of the 47003  
board. 47004

Nothing in this section affects the application of section 47005  
2305.23, 2305.231, or 3313.712 of the Revised Code to the 47006  
administration of emergency care or treatment to a student. 47007

**Sec. ~~3313.174~~ 3313.82.** The board of education of each city 47008  
~~and exempted village~~ school district ~~and,~~ the governing board of 47009  
each educational service center, the governing authority of each 47010  
community school established under Chapter 3314. of the Revised 47011  
Code, and the governing body of each STEM school established under 47012  
Chapter 3326. of the Revised Code shall appoint a business 47013  
advisory council. The council shall advise and provide 47014  
recommendations to the board, governing authority, or governing 47015  
body on matters specified by the board, governing authority, or 47016  
governing body including, but not necessarily limited to, the 47017  
delineation of employment skills and the development of curriculum 47018  
to instill these skills; changes in the economy and in the job 47019  
market, and the types of employment in which future jobs are most 47020  
likely to be available; coordination with the Ohio skills bank and 47021  
university system of Ohio institutions; development of the 47022  
response to and implementation of recommendations from a 47023  
performance review conducted under section 3306.32 of the Revised 47024  
Code or a performance audit conducted under section 3316.042 of 47025  
the Revised Code; and suggestions for developing a working 47026  
relationship among businesses, labor organizations, and 47027  
educational personnel in the district or in the territory ~~of~~ 47028  
served by the educational service center, community school, or 47029  
STEM school. Each board, governing authority, or governing body 47030  
shall determine the membership and organization of its council, 47031



and annually shall report to the department of education the names 47032  
of the council members. Notwithstanding ~~division (D) of section~~ 47033  
~~3311.19 and~~ division (D) of section 3311.52 of the Revised Code, 47034  
this section shall not apply to the board of education of ~~any~~ 47035  
~~joint vocational school district or~~ any cooperative education 47036  
school district created pursuant to divisions (A) to (C) of 47037  
section 3311.52 of the Revised Code. 47038

Sec. 3313.821. (A) The board of education of each school 47039  
district, the governing authority of each community school 47040  
established under Chapter 3314. of the Revised Code, and the 47041  
governing body of each STEM school established under Chapter 3326. 47042  
of the Revised Code shall appoint a family and community 47043  
engagement team. Each team shall do the following: 47044

(1) Work with local county family and children first councils 47045  
established under section 121.37 of the Revised Code to recommend 47046  
to the board, governing authority, or governing body 47047  
qualifications and responsibilities to be included in the job 47048  
descriptions for school family and community engagement 47049  
coordinators; 47050

(2) Develop five-year family and community engagement plans; 47051

(3) Provide annual progress reports on the development and 47052  
implementation of the plan. The board, governing authority, or 47053  
governing body shall submit the plan and annual progress reports 47054  
to the county family and children first council. 47055

(4) Advise and provide recommendations to the board, 47056  
governing authority, or governing body on matters specified by the 47057  
board, governing authority, or governing body. 47058

(B) Each board, governing authority, and governing body shall 47059  
determine the membership and organization of its family and 47060  
community engagement team, provided that it shall include parents, 47061

community representatives, health and human service 47062  
representatives, business representatives, and any other 47063  
representatives identified by the board, governing authority, or 47064  
governing body. 47065

(C) Notwithstanding section 3311.055, this section does not 47066  
apply to the governing board of an educational service center. 47067

**Sec. 3313.822.** As an alternative to appointing both a 47068  
business advisory council and a family and community engagement 47069  
team, the board of education of a school district, the governing 47070  
authority of a community school, and the governing body of a STEM 47071  
school may appoint one committee that functions as both. A 47072  
committee appointed under this section shall perform all functions 47073  
required of a business advisory council under section 3313.82 of 47074  
the Revised Code and of a family and community engagement team 47075  
under section 3313.821 of the Revised Code. Each board, governing 47076  
authority, and governing body shall determine the membership and 47077  
organization of its committee, provided the membership shall 47078  
comply with the requirements of division (B) of section 3313.821 47079  
of the Revised Code. 47080

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 47081  
3311.52 of the Revised Code, this section does not apply to either 47082  
of the following: 47083

(1) Any cooperative education school district; 47084

(2) Any city or exempted village school district with a total 47085  
student count of thirteen thousand or more determined pursuant to 47086  
section 3317.03 of the Revised Code that has not entered into one 47087  
or more agreements pursuant to this section prior to July 1, 1993, 47088  
unless the district's total student count did not exceed thirteen 47089  
thousand at the time it entered into an initial agreement under 47090  
this section. 47091

(B) The board of education of a city or exempted village school district and the governing board of an educational service center may enter into an agreement, through adoption of identical resolutions, under which the educational service center governing board will provide services to the city or exempted village school district.

Services provided under the agreement shall be specified in the agreement, and may include any one or a combination of the following: supervisory teachers; in-service and continuing education programs for city or exempted village school district personnel; curriculum services as provided to the local school districts under the supervision of the service center governing board; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; and assistance in the provision of special accommodations and classes for students with disabilities. Services included in the agreement shall be provided to the city or exempted village district in the same manner they are provided to local school districts under the governing board's supervision, unless otherwise specified in the agreement. The city or exempted village board of education shall reimburse the educational service center governing board pursuant to section 3317.11 of the Revised Code.

(C) If an educational service center received funding under division (B) of former section 3317.11 or division (F) of section 3317.11 of the Revised Code for an agreement under this section involving a city school district whose total student count was less than thirteen thousand, the service center may continue to receive funding under that division for such an agreement in any subsequent year if the city district's total student count exceeds thirteen thousand. However, only the first thirteen thousand pupils in the formula ADM of such district shall be included in

determining the amount of the per pupil subsidy the service center shall receive under division (F) of section 3317.11 of the Revised Code. 47124  
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(D) ~~Any~~ If an educational service center that has received funding under division (F) of section 3317.11 of the Revised Code, or under division (B) of former section 3317.11 of the Revised Code as it existed prior to September 26, 2003, for services provided to a city or exempted village school district pursuant to an agreement entered into under this section is dissolved or is scheduled to be dissolved under section 3311.0510 of the Revised Code, the city or exempted village school district that entered into that agreement with the service center may enter into a new agreement under this section with another service center for the same or similar services. In that case, the other service center shall receive funding under division (F) of section 3317.11 of the Revised Code for services to that district for any subsequent year that the new agreement is in force. An agreement entered into under this division shall be effective on the first day of July following the date both the service center governing board and the city or exempted village school district board approved the agreement, unless the agreement is so approved after the initial service center is dissolved, in which case the agreement shall be effective on the date that both boards have approved the agreement. 47127  
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(E) Except for an agreement under division (D) of this section that is approved by the boards of the district and the new service center after the initial service center is dissolved, any agreement entered into pursuant to this section shall be valid only if a copy is filed with the department of education by the first day of the school year for which the agreement is in effect. An agreement under division (D) of this section that is approved by the boards of the district and the new service center after the 47148  
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initial service center is dissolved shall be valid only if a copy 47156  
is filed with the department within ten days after both boards 47157  
have approved the agreement. 47158

**Sec. 3313.976.** (A) No private school may receive scholarship 47159  
payments from parents pursuant to section 3313.979 of the Revised 47160  
Code until the chief administrator of the private school registers 47161  
the school with the superintendent of public instruction. The 47162  
state superintendent shall register any school that meets the 47163  
following requirements: 47164

(1) The school is located within the boundaries of the pilot 47165  
project school district; 47166

(2) The school indicates in writing its commitment to follow 47167  
all requirements for a state-sponsored scholarship program 47168  
specified under sections 3313.974 to 3313.979 of the Revised Code, 47169  
including, but not limited to, the requirements for admitting 47170  
students pursuant to section 3313.977 of the Revised Code; 47171

(3) The school meets all state minimum standards for 47172  
chartered nonpublic schools in effect on July 1, 1992, except that 47173  
the state superintendent at the superintendent's discretion may 47174  
register nonchartered nonpublic schools meeting the other 47175  
requirements of this division; 47176

(4) The school does not discriminate on the basis of race, 47177  
religion, or ethnic background; 47178

(5) The school enrolls a minimum of ten students per class or 47179  
a sum of at least twenty-five students in all the classes offered; 47180

(6) The school does not advocate or foster unlawful behavior 47181  
or teach hatred of any person or group on the basis of race, 47182  
ethnicity, national origin, or religion; 47183

(7) The school does not provide false or misleading 47184  
information about the school to parents, students, or the general 47185

public; 47186

(8) For students in grades kindergarten through eight, the 47187  
school agrees not to charge any tuition to low-income families 47188  
receiving ninety per cent of the scholarship amount through the 47189  
scholarship program, pursuant to division (A) of section 3313.978 47190  
of the Revised Code, in excess of ten per cent of the scholarship 47191  
amount established pursuant to division (C)(1) of section 3313.978 47192  
of the Revised Code, excluding any increase described in division 47193  
(C)(2) of that section. The school shall permit any such tuition, 47194  
at the discretion of the parent, to be satisfied by the low-income 47195  
family's provision of in-kind contributions or services. 47196

(9) For students in grades kindergarten through eight, the 47197  
school agrees not to charge any tuition to low-income families 47198  
receiving a seventy-five per cent scholarship amount through the 47199  
scholarship program, pursuant to division (A) of section 3313.978 47200  
of the Revised Code, in excess of the difference between the 47201  
actual tuition charge of the school and seventy-five per cent of 47202  
the scholarship amount established pursuant to division (C)(1) of 47203  
section 3313.978 of the Revised Code, excluding any increase 47204  
described in division (C)(2) of that section. The school shall 47205  
permit such tuition, at the discretion of the parent, to be 47206  
satisfied by the low-income family's provision of in-kind 47207  
contributions or services. 47208

(10) The school agrees not to charge any tuition to families 47209  
of students in grades nine through twelve receiving a scholarship 47210  
in excess of the actual tuition charge of the school less 47211  
seventy-five or ninety per cent of the scholarship amount 47212  
established pursuant to division (C)(1) of section 3313.978 of the 47213  
Revised Code, as applicable, excluding any increase described in 47214  
division (C)(2) of that section. 47215

(11) Notwithstanding division (K) of section 3301.0711 of the 47216  
Revised Code, the school annually administers the assessments 47217

prescribed by section 3301.0710 of the Revised Code to each 47218  
scholarship student enrolled in the school in accordance with 47219  
section 3301.0711 of the Revised Code and reports to the 47220  
department of education the results of each such assessment 47221  
administered to each scholarship student. 47222

(B) The state superintendent shall revoke the registration of 47223  
any school if, after a hearing, the superintendent determines that 47224  
the school is in violation of any of the provisions of division 47225  
(A) of this section. 47226

(C) Any public school located in a school district adjacent 47227  
to the pilot project district may receive scholarship payments on 47228  
behalf of parents pursuant to section 3313.979 of the Revised Code 47229  
if the superintendent of the district in which such public school 47230  
is located notifies the state superintendent prior to the first 47231  
day of March that the district intends to admit students from the 47232  
pilot project district for the ensuing school year pursuant to 47233  
section 3327.06 of the Revised Code. 47234

(D) Any parent wishing to purchase tutorial assistance from 47235  
any person or governmental entity pursuant to the pilot project 47236  
program under sections 3313.974 to 3313.979 of the Revised Code 47237  
shall apply to the state superintendent. The state superintendent 47238  
shall approve providers who appear to possess the capability of 47239  
furnishing the instructional services they are offering to 47240  
provide. 47241

**Sec. 3313.978.** (A) Annually by the first day of November, the 47242  
superintendent of public instruction shall notify the pilot 47243  
project school district of the number of initial scholarships that 47244  
the state superintendent will be awarding in each of grades 47245  
kindergarten through eight. 47246

The state superintendent shall provide information about the 47247  
scholarship program to all students residing in the district, 47248

shall accept applications from any such students until such date 47249  
as shall be established by the state superintendent as a deadline 47250  
for applications, and shall establish criteria for the selection 47251  
of students to receive scholarships from among all those applying 47252  
prior to the deadline, which criteria shall give preference to 47253  
students from low-income families. For each student selected, the 47254  
state superintendent shall also determine whether the student 47255  
qualifies for seventy-five or ninety per cent of the scholarship 47256  
amount. Students whose family income is at or above two hundred 47257  
per cent of the maximum income level established by the state 47258  
superintendent for low-income families shall qualify for 47259  
seventy-five per cent of the scholarship amount and students whose 47260  
family income is below two hundred per cent of that maximum income 47261  
level shall qualify for ninety per cent of the scholarship amount. 47262  
The state superintendent shall notify students of their selection 47263  
prior to the fifteenth day of January and whether they qualify for 47264  
seventy-five or ninety per cent of the scholarship amount. 47265

(1) A student receiving a pilot project scholarship may 47266  
utilize it at an alternative public school by notifying the 47267  
district superintendent, at any time before the beginning of the 47268  
school year, of the name of the public school in an adjacent 47269  
school district to which the student has been accepted pursuant to 47270  
section 3327.06 of the Revised Code. 47271

(2) A student may decide to utilize a pilot project 47272  
scholarship at a registered private school in the district if all 47273  
of the following conditions are met: 47274

(a) By the fifteenth day of February of the preceding school 47275  
year, or at any time prior to the start of the school year, the 47276  
parent makes an application on behalf of the student to a 47277  
registered private school. 47278

(b) The registered private school notifies the parent and the 47279  
state superintendent as follows that the student has been 47280



admitted: 47281

(i) By the fifteenth day of March of the preceding school 47282  
year if the student filed an application by the fifteenth day of 47283  
February and was admitted by the school pursuant to division (A) 47284  
of section 3313.977 of the Revised Code; 47285

(ii) Within one week of the decision to admit the student if 47286  
the student is admitted pursuant to division (C) of section 47287  
3313.977 of the Revised Code. 47288

(c) The student actually enrolls in the registered private 47289  
school to which the student was first admitted or in another 47290  
registered private school in the district or in a public school in 47291  
an adjacent school district. 47292

(B) The state superintendent shall also award in any school 47293  
year tutorial assistance grants to a number of students equal to 47294  
the number of students who receive scholarships under division (A) 47295  
of this section. Tutorial assistance grants shall be awarded 47296  
solely to students who are enrolled in the public schools of the 47297  
district in a grade level covered by the pilot project. Tutorial 47298  
assistance grants may be used solely to obtain tutorial assistance 47299  
from a provider approved pursuant to division (D) of section 47300  
3313.976 of the Revised Code. 47301

All students wishing to obtain tutorial assistance grants 47302  
shall make application to the state superintendent by the first 47303  
day of the school year in which the assistance will be used. The 47304  
state superintendent shall award assistance grants in accordance 47305  
with criteria the superintendent shall establish. For each student 47306  
awarded a grant, the state superintendent shall also determine 47307  
whether the student qualifies for seventy-five or ninety per cent 47308  
of the grant amount and so notify the student. Students whose 47309  
family income is at or above two hundred per cent of the maximum 47310  
income level established by the state superintendent for 47311

low-income families shall qualify for seventy-five per cent of the 47312  
grant amount and students whose family income is below two hundred 47313  
per cent of that maximum income level shall qualify for ninety per 47314  
cent of the grant amount. 47315

(C)(1) In the case of basic scholarships for students in 47316  
grades kindergarten through eight, the scholarship amount shall 47317  
not exceed the lesser of the tuition charges of the alternative 47318  
school the scholarship recipient attends or three thousand dollars 47319  
before fiscal year 2007 and three thousand four hundred fifty 47320  
dollars in fiscal year 2007 and thereafter. 47321

In the case of basic scholarships for students in grades nine 47322  
through twelve, the scholarship amount shall not exceed the lesser 47323  
of the tuition charges of the alternative school the scholarship 47324  
recipient attends or two thousand seven hundred dollars before 47325  
fiscal year 2007 and three thousand four hundred fifty dollars in 47326  
fiscal year 2007 and thereafter. 47327

(2) The state superintendent shall provide for an increase in 47328  
the basic scholarship amount in the case of any student who is a 47329  
mainstreamed student with a disability and shall further increase 47330  
such amount in the case of any separately educated student with a 47331  
disability. Such increases shall take into account the 47332  
instruction, related services, and transportation costs of 47333  
educating such students. 47334

(3) In the case of tutorial assistance grants, the grant 47335  
amount shall not exceed the lesser of the provider's actual 47336  
charges for such assistance or: 47337

(a) Before fiscal year 2007, a percentage established by the 47338  
state superintendent, not to exceed twenty per cent, of the amount 47339  
of the pilot project school district's average basic scholarship 47340  
amount; 47341

(b) In fiscal year 2007 and thereafter, four hundred dollars. 47342

(4) No scholarship or tutorial assistance grant shall be 47343  
awarded unless the state superintendent determines that 47344  
twenty-five or ten per cent, as applicable, of the amount 47345  
specified for such scholarship or grant pursuant to division 47346  
(C)(1), (2), or (3) of this section will be furnished by a 47347  
political subdivision, a private nonprofit or for profit entity, 47348  
or another person. Only seventy-five or ninety per cent of such 47349  
amounts, as applicable, shall be paid from state funds pursuant to 47350  
section 3313.979 of the Revised Code. 47351

(D)(1) Annually by the first day of November, the state 47352  
superintendent shall estimate the maximum per-pupil scholarship 47353  
amounts for the ensuing school year. The state superintendent 47354  
shall make this estimate available to the general public at the 47355  
offices of the district board of education together with the forms 47356  
required by division (D)(2) of this section. 47357

(2) Annually by the fifteenth day of January, the chief 47358  
administrator of each registered private school located in the 47359  
pilot project district and the principal of each public school in 47360  
such district shall complete a parental information form and 47361  
forward it to the president of the board of education. The 47362  
parental information form shall be prescribed by the department of 47363  
education and shall provide information about the grade levels 47364  
offered, the numbers of students, tuition amounts, achievement 47365  
test results, and any sectarian or other organizational 47366  
affiliations. 47367

(E)(1) Only for the purpose of administering the pilot 47368  
project scholarship program, the department may request from any 47369  
of the following entities the data verification code assigned 47370  
under division (D)(2) of section 3301.0714 of the Revised Code to 47371  
any student who is seeking a scholarship under the program: 47372

(a) The school district in which the student is entitled to 47373  
attend school under section 3313.64 or 3313.65 of the Revised 47374

Code; 47375

(b) If applicable, the community school in which the student 47376  
is enrolled; 47377

(c) The independent contractor engaged to create and maintain 47378  
data verification codes. 47379

(2) Upon a request by the department under division (E)(1) of 47380  
this section for the data verification code of a student seeking a 47381  
scholarship or a request by the student's parent for that code, 47382  
the school district or community school shall submit that code to 47383  
the department or parent in the manner specified by the 47384  
department. If the student has not been assigned a code, because 47385  
the student will be entering kindergarten during the school year 47386  
for which the scholarship is sought, the district shall assign a 47387  
code to that student and submit the code to the department or 47388  
parent by a date specified by the department. If the district does 47389  
not assign a code to the student by the specified date, the 47390  
department shall assign a code to the student. 47391

The department annually shall submit to each school district 47392  
the name and data verification code of each student residing in 47393  
the district who is entering kindergarten, who has been awarded a 47394  
scholarship under the program, and for whom the department has 47395  
assigned a code under this division. 47396

(3) The department shall not release any data verification 47397  
code that it receives under division (E) of this section to any 47398  
person except as provided by law. 47399

(F) Any document relative to the pilot project scholarship 47400  
program that the department holds in its files that contains both 47401  
a student's name or other personally identifiable information and 47402  
the student's data verification code shall not be a public record 47403  
under section 149.43 of the Revised Code. 47404

(G)(1) The department annually shall compile the scores 47405

attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.

(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:

(a) Age;

(b) Race and ethnicity;

(c) Gender;

(d) Students who have participated in the scholarship program for three or more years;

(e) Students who have participated in the scholarship program for more than one year and less than three years;

(f) Students who have participated in the scholarship program for one year or less;

(g) Economically disadvantaged students.

(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of

this section. In reporting student performance data under this 47436  
division, the department shall not include any data that is 47437  
statistically unreliable or that could result in the 47438  
identification of individual students. For this purpose, the 47439  
department shall not report performance data for any group that 47440  
contains less than ten students. 47441

(4) The department shall provide the parent of each 47442  
scholarship student enrolled in a registered private school with 47443  
information comparing the student's performance on the assessments 47444  
administered pursuant to division (A)(11) of section 3313.976 of 47445  
the Revised Code with the average performance of similar students 47446  
enrolled in the building operated by the pilot project school 47447  
district that the scholarship student would otherwise attend. In 47448  
calculating the performance of similar students, the department 47449  
shall consider age, grade, race and ethnicity, gender, and 47450  
socioeconomic status. 47451

**Sec. 3313.98.** Notwithstanding division (D) of section 3311.19 47452  
and division (D) of section 3311.52 of the Revised Code, the 47453  
provisions of this section and sections 3313.981 to 3313.983 of 47454  
the Revised Code that apply to a city school district do not apply 47455  
to a joint vocational or cooperative education school district 47456  
unless expressly specified. 47457

(A) As used in this section and sections 3313.981 to 3313.983 47458  
of the Revised Code: 47459

(1) "Parent" means either of the natural or adoptive parents 47460  
of a student, except under the following conditions: 47461

(a) When the marriage of the natural or adoptive parents of 47462  
the student has been terminated by a divorce, dissolution of 47463  
marriage, or annulment or the natural or adoptive parents of the 47464  
student are living separate and apart under a legal separation 47465  
decree and the court has issued an order allocating the parental 47466

rights and responsibilities with respect to the student, "parent" 47467  
means the residential parent as designated by the court except 47468  
that "parent" means either parent when the court issues a shared 47469  
parenting decree. 47470

(b) When a court has granted temporary or permanent custody 47471  
of the student to an individual or agency other than either of the 47472  
natural or adoptive parents of the student, "parent" means the 47473  
legal custodian of the child. 47474

(c) When a court has appointed a guardian for the student, 47475  
"parent" means the guardian of the student. 47476

(2) "Native student" means a student entitled under section 47477  
3313.64 or 3313.65 of the Revised Code to attend school in a 47478  
district adopting a resolution under this section. 47479

(3) "Adjacent district" means a city, exempted village, or 47480  
local school district having territory that abuts the territory of 47481  
a district adopting a resolution under this section. 47482

(4) "Adjacent district student" means a student entitled 47483  
under section 3313.64 or 3313.65 of the Revised Code to attend 47484  
school in an adjacent district. 47485

(5) "Adjacent district joint vocational student" means an 47486  
adjacent district student who enrolls in a city, exempted village, 47487  
or local school district pursuant to this section and who also 47488  
enrolls in a joint vocational school district that does not 47489  
contain the territory of the district for which that student is a 47490  
native student and does contain the territory of the city, 47491  
exempted village, or local district in which the student enrolls. 47492

(6) ~~"Formula amount" has the same meaning as in section 47493  
3317.02 of the Revised Code.~~ 47494

~~(7) "Adjusted formula amount" means the sum of the formula 47495  
amount plus the per pupil amount of the base funding supplements 47496~~

~~specified in divisions (C)(1) to (4) of section 3317.012~~ "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code. 47497  
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~~(8)~~(7) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the director of the office of community services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 47500  
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~~(9)~~(8) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 47505  
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~~(10)~~(9) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section. 47507  
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~~(11)~~(10) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district. 47510  
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~~(12)~~(11) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code. 47513  
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(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies: 47519  
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(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code; 47523  
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(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:

(i) The establishment of district capacity limits by grade level, school building, and education program;

(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) Limitations on admitting applicants because of

disability, except that a board may refuse to admit a student 47557  
receiving services under Chapter 3323. of the Revised Code, if the 47558  
services described in the student's IEP are not available in the 47559  
district's schools; 47560

(3) A requirement that the student be proficient in the 47561  
English language; 47562

(4) Rejection of any applicant because the student has been 47563  
subject to disciplinary proceedings, except that if an applicant 47564  
has been suspended or expelled by the student's district for ten 47565  
consecutive days or more in the term for which admission is sought 47566  
or in the term immediately preceding the term for which admission 47567  
is sought, the procedures may include a provision denying 47568  
admission of such applicant. 47569

(D)(1) Each school board permitting only enrollment of 47570  
adjacent district students shall provide information about the 47571  
policy adopted under this section, including the application 47572  
procedures and deadlines, to the superintendent and the board of 47573  
education of each adjacent district and, upon request, to the 47574  
parent of any adjacent district student. 47575

(2) Each school board permitting enrollment of other district 47576  
students shall provide information about the policy adopted under 47577  
this section, including the application procedures and deadlines, 47578  
upon request, to the board of education of any other school 47579  
district or to the parent of any student anywhere in the state. 47580

(E) Any school board shall accept all credits toward 47581  
graduation earned in adjacent or other district schools by an 47582  
adjacent or other district student or a native student. 47583

(F)(1) No board of education may adopt a policy discouraging 47584  
or prohibiting its native students from applying to enroll in the 47585  
schools of an adjacent or any other district that has adopted a 47586  
policy permitting such enrollment, except that: 47587

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. ~~An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.~~

(G) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies. The board may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the state board adopts such rules, no school board shall adopt a policy that conflicts with those rules.

(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education adopting the

resolution and the board of education of any adjacent or other 47620  
district or prohibit these boards of education from entering into 47621  
any such agreement or contract. 47622

(I) Nothing in this section shall be construed to permit or 47623  
require the board of education of a city, exempted village, or 47624  
local school district to exclude any native student of the 47625  
district from enrolling in the district. 47626

**Sec. 3313.981.** (A) The state board of education shall adopt 47627  
rules requiring all of the following: 47628

(1) The board of education of each city, exempted village, 47629  
and local school district to annually report to the department of 47630  
education all of the following: 47631

(a) The number of adjacent district or other district 47632  
students, as applicable, and adjacent district or other district 47633  
joint vocational students, as applicable, enrolled in the district 47634  
and the number of native students enrolled in adjacent or other 47635  
districts, in accordance with a policy adopted under division (B) 47636  
of section 3313.98 of the Revised Code; 47637

(b) Each adjacent district or other district student's or 47638  
adjacent district or other district joint vocational student's 47639  
date of enrollment in the district; 47640

(c) The full-time equivalent number of adjacent district or 47641  
other district students enrolled in vocational education programs 47642  
or classes described in division (A) of section 3317.014 of the 47643  
Revised Code and the full-time equivalent number of such students 47644  
enrolled in vocational education programs or classes described in 47645  
division (B) of that section; 47646

(d) Each native student's date of enrollment in an adjacent 47647  
or other district. 47648

(2) The board of education of each joint vocational school 47649

district to annually report to the department all of the 47650  
following: 47651

(a) The number of adjacent district or other district joint 47652  
vocational students, as applicable, enrolled in the district; 47653

(b) The full-time equivalent number of adjacent district or 47654  
other district joint vocational students enrolled in vocational 47655  
education programs or classes described in division (A) of section 47656  
3317.014 of the Revised Code and the full-time equivalent number 47657  
of such students enrolled in vocational education programs or 47658  
classes described in division (B) of that section; 47659

(c) For each adjacent district or other district joint 47660  
vocational student, the city, exempted village, or local school 47661  
district in which the student is also enrolled. 47662

(3) Prior to the first full school week in October each year, 47663  
the superintendent of each city, local, or exempted village school 47664  
district that admits adjacent district or other district students 47665  
or adjacent district or other district joint vocational students 47666  
in accordance with a policy adopted under division (B) of section 47667  
3313.98 of the Revised Code to notify each adjacent or other 47668  
district where those students are entitled to attend school under 47669  
section 3313.64 or 3313.65 of the Revised Code of the number of 47670  
the adjacent or other district's native students who are enrolled 47671  
in the superintendent's district under the policy. 47672

The rules shall provide for the method of counting students 47673  
who are enrolled for part of a school year in an adjacent or other 47674  
district or as an adjacent district or other district joint 47675  
vocational student. 47676

~~(B) From the payments made to a city, exempted village, or 47677  
local school district under Chapter 3317. of the Revised Code, the 47678  
department of education shall annually subtract both of the 47679  
following: 47680~~

~~(1) An amount equal to the number of the district's native students reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the adjusted formula amount for the district;~~ 47681  
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~~(2) The excess costs computed in accordance with division (E) of this section for any such native students receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;~~ 47687  
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~~(3) For the full-time equivalent number of the district's native students reported under division (A)(1)(c) or (2)(b) of this section as enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section.~~ 47692  
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~~(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following:~~ 47698  
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~~(1) An amount equal to the adjusted formula amount for the district multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students enrolled in the district, as reported under division (A)(1) of this section;~~ 47701  
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~~(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students, except for any adjacent or other district joint vocational students, receiving special education and related services in the district;~~ 47707  
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~~(3) For the full time equivalent number of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)(c) of this section as enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section;~~ 47712  
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~~(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to twenty per cent of the adjusted formula amount for the district.~~ 47719  
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~~(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:~~ 47723  
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~~(1) An amount equal to the adjusted formula amount of the city, exempted village, or local school district in which the student is also enrolled;~~ 47728  
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~~(2) An amount equal to the full time equivalent number of students reported pursuant to division (A)(2)(b) of this section times the formula amount times the applicable multiple prescribed by section 3317.014 of the Revised Code~~ 47731  
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Each student enrolled in a school of an adjacent or other district under an open enrollment policy adopted under section 3313.98 of the Revised Code shall be counted in the formula ADM of the district in which the student is enrolled and not in the formula ADM of the district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. Accordingly, the district in which the student is enrolled shall be credited with state funds for the student under Chapters 3306. and 3317. of the Revised Code.

~~(E)(C)~~(1) A city, exempted village, or local school district 47743  
board providing special education and related services to an 47744  
adjacent or other district student in accordance with an IEP 47745  
shall, pursuant to rules of the state board, compute the excess 47746  
costs to educate such student ~~as follows:~~ 47747

~~(a) Subtract the adjusted formula amount for the district by~~ 47748  
subtracting from the actual costs to educate the student: 47749

~~(b) From the amount computed under division (E)(1)(a) of this~~ 47750  
~~section subtract~~ the amount of any funds received by the district 47751  
under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code to 47752  
provide special education and related services to the student. 47753

(2) The board shall report the excess costs computed under 47754  
this division to the department of education. 47755

(3) If any student for whom excess costs are computed under 47756  
division ~~(E)(C)~~(1) of this section is an adjacent or other 47757  
district joint vocational student, the department of education 47758  
shall add the amount of such excess costs to the payments made 47759  
under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code to the 47760  
joint vocational school district enrolling the student. 47761

~~(F) As provided in division (D)(1)(b) of section 3317.03 of~~ 47762  
~~the Revised Code, no joint vocational school district shall count~~ 47763  
~~any adjacent or other district joint vocational student enrolled~~ 47764  
~~in the district in its formula ADM certified under section 3317.03~~ 47765  
~~of the Revised Code.~~ 47766

~~(G) No city, exempted village, or local school district shall~~ 47767  
~~receive a payment under division (C) of this section for a~~ 47768  
~~student, and no joint vocational school district shall receive a~~ 47769  
~~payment under division (D) of this section for a student, if for~~ 47770  
~~the same school year that student is counted in the district's~~ 47771  
~~formula ADM certified under section 3317.03 of the Revised Code.~~ 47772

~~(H)(D)~~ Upon request of a parent, and provided the board 47773



offers transportation to native students of the same grade level 47774  
and distance from school under section 3327.01 of the Revised 47775  
Code, a city, exempted village, or local school board enrolling an 47776  
adjacent or other district student shall provide transportation 47777  
for the student within the boundaries of the board's district, 47778  
except that the board shall be required to pick up and drop off a 47779  
nonhandicapped student only at a regular school bus stop 47780  
designated in accordance with the board's transportation policy. 47781  
Pursuant to rules of the state board of education, such board may 47782  
reimburse the parent from funds received under ~~division (D) of~~ 47783  
section ~~3317.022~~ 3306.12 of the Revised Code for the reasonable 47784  
cost of transportation from the student's home to the designated 47785  
school bus stop if the student's family has an income below the 47786  
federal poverty line. 47787

**Sec. 3314.012.** (A) Within ninety days of September 28, 1999, 47788  
the superintendent of public instruction shall appoint 47789  
representatives of the department of education, including 47790  
employees who work with the education management information 47791  
system and employees of the office of community schools 47792  
established by section 3314.11 of the Revised Code, to a committee 47793  
to develop report card models for community schools. The director 47794  
of the legislative office of education oversight shall also 47795  
appoint representatives to the committee. The committee shall 47796  
design model report cards appropriate for the various types of 47797  
community schools approved to operate in the state. Sufficient 47798  
models shall be developed to reflect the variety of grade levels 47799  
served and the missions of the state's community schools. All 47800  
models shall include both financial and academic data. The initial 47801  
models shall be developed by March 31, 2000. 47802

(B) The department of education shall issue an annual report 47803  
card for each community school, regardless of how long the school 47804  
has been in operation. The report card shall report the academic 47805

and financial performance of the school utilizing one of the 47806  
models developed under division (A) of this section. The report 47807  
card shall include all information applicable to school buildings 47808  
under division (A) of section 3302.03 of the Revised Code ~~and~~ 47809  
~~section 3302.032 of the Revised Code.~~ 47810

(C) Upon receipt of a copy of a contract between a sponsor 47811  
and a community school entered into under this chapter, the 47812  
department of education shall notify the community school of the 47813  
specific model report card that will be used for that school. 47814

(D) Report cards shall be distributed to the parents of all 47815  
students in the community school, to the members of the board of 47816  
education of the school district in which the community school is 47817  
located, and to any person who requests one from the department. 47818

~~(E) No report card shall be issued for any community school 47819  
under this section until the school has been open for instruction 47820  
for two full school years.~~ 47821

**Sec. 3314.015.** (A) The department of education shall be 47822  
responsible for the oversight of any and all sponsors of the 47823  
community schools established under this chapter and shall provide 47824  
technical assistance to schools and sponsors in their compliance 47825  
with applicable laws and the terms of the contracts entered into 47826  
under section 3314.03 of the Revised Code and in the development 47827  
and start-up activities of those schools. In carrying out its 47828  
duties under this section, the department shall do all of the 47829  
following: 47830

(1) In providing technical assistance to proposing parties, 47831  
governing authorities, and sponsors, conduct training sessions and 47832  
distribute informational materials; 47833

(2) Approve entities to be sponsors of community schools ~~and~~ 47834  
~~monitor;~~ 47835

(3) Monitor the effectiveness of ~~those~~ any and all sponsors 47836  
in their oversight of the schools with which they have contracted; 47837

~~(3)~~(4) By December thirty-first of each year, issue a report 47838  
to the governor, the speaker of the house of representatives, the 47839  
president of the senate, and the chairpersons of the house and 47840  
senate committees principally responsible for education matters 47841  
regarding the effectiveness of academic programs, operations, and 47842  
legal compliance and of the financial condition of all community 47843  
schools established under this chapter and on the performance of 47844  
community school sponsors; 47845

~~(4)~~(5) From time to time, make legislative recommendations to 47846  
the general assembly designed to enhance the operation and 47847  
performance of community schools. 47848

(B)(1) ~~No~~ Except as provided in sections 3314.021 and 47849  
3314.027 of the Revised Code, no entity listed in division (C)(1) 47850  
of section 3314.02 of the Revised Code shall enter into a 47851  
preliminary agreement under division (C)(2) of section 3314.02 of 47852  
the Revised Code until it has received approval from the 47853  
department of education to sponsor community schools under this 47854  
chapter and has entered into a written agreement with the 47855  
department regarding the manner in which the entity will conduct 47856  
such sponsorship. The department shall adopt in accordance with 47857  
Chapter 119. of the Revised Code rules containing criteria, 47858  
procedures, and deadlines for processing applications for such 47859  
approval, for oversight of sponsors, for revocation of the 47860  
approval of sponsors, and for entering into written agreements 47861  
with sponsors. The rules shall require an entity to submit 47862  
evidence of the entity's ability and willingness to comply with 47863  
the provisions of division (D) of section 3314.03 of the Revised 47864  
Code. The rules also shall require entities approved as sponsors 47865  
on and after June 30, 2005, to demonstrate a record of financial 47866  
responsibility and successful implementation of educational 47867

programs. If an entity seeking approval on or after June 30, 2005, 47868  
to sponsor community schools in this state sponsors or operates 47869  
schools in another state, at least one of the schools sponsored or 47870  
operated by the entity must be comparable to or better than the 47871  
performance of Ohio schools in need of continuous improvement 47872  
under section 3302.03 of the Revised Code, as determined by the 47873  
department. 47874

(2) An entity that sponsors community schools may enter into 47875  
preliminary agreements and sponsor schools as follows, provided 47876  
each school and the contract for sponsorship meets the 47877  
requirements of this chapter: 47878

(a) An entity that sponsored fifty or fewer schools that were 47879  
open for operation as of May 1, 2005, may sponsor not more than 47880  
fifty schools. 47881

(b) An entity that sponsored more than fifty but not more 47882  
than seventy-five schools that were open for operation as of May 47883  
1, 2005, may sponsor not more than the number of schools the 47884  
entity sponsored that were open for operation as of May 1, 2005. 47885

(c) Until June 30, 2006, an entity that sponsored more than 47886  
seventy-five schools that were open for operation as of May 1, 47887  
2005, may sponsor not more than the number of schools the entity 47888  
sponsored that were open for operation as of May 1, 2005. After 47889  
June 30, 2006, such an entity may sponsor not more than 47890  
seventy-five schools. 47891

~~Upon approval of an entity to be a sponsor under this~~ 47892  
~~division, the~~ The department shall notify ~~the~~ each entity of the 47893  
number of schools the entity may sponsor. 47894

Notwithstanding the limits imposed by division (B)(2) of this 47895  
section, no entity shall initially enter into a contract with a 47896  
school under section 3314.03 of the Revised Code if more than 47897  
thirty-three per cent of the Ohio schools currently sponsored by 47898

the entity have a performance rating of academic watch or academic emergency under section 3302.03 of the Revised Code. 47899  
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The limit imposed on an entity ~~to which~~ by division (B)~~(1)~~(2) of this section ~~applies~~ shall be decreased by one for each school sponsored by the entity that permanently closes. 47901  
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If at any time an entity exceeds the number of schools it may sponsor under this division, the department shall assist the schools in excess of the entity's limit in securing new sponsors. If a school is unable to secure a new sponsor, the department shall assume sponsorship of the school in accordance with division (C) of this section. Those schools for which another sponsor or the department assumes sponsorship shall be the schools that most recently entered into contracts with the entity under section 3314.03 of the Revised Code. 47904  
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~~(2)~~(3) The department of education shall determine, pursuant to criteria adopted by rule of the department, whether the mission proposed to be specified in the contract of a community school to be sponsored by a state university board of trustees or the board's designee under division (C)(1)(e) of section 3314.02 of the Revised Code complies with the requirements of that division. Such determination of the department is final. 47913  
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~~(3)~~(4) The department of education shall determine, pursuant to criteria adopted by rule of the department, if any tax-exempt entity under section 501(c)(3) of the Internal Revenue Code that is proposed to be a sponsor of a community school is an education-oriented entity for purpose of satisfying the condition prescribed in division (C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such determination of the department is final. 47920  
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(C) If at any time the state board of education finds that a sponsor is not in compliance or is no longer willing to comply with its contract with any community school or with the 47927  
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department's rules for sponsorship, the state board or designee 47930  
shall conduct a hearing in accordance with Chapter 119. of the 47931  
Revised Code on that matter. If after the hearing, the state board 47932  
or designee has confirmed the original finding, the department of 47933  
education may revoke the sponsor's ~~approval~~ authority to sponsor 47934  
community schools and may assume the sponsorship of any schools 47935  
with which the sponsor has contracted until the earlier of the 47936  
expiration of two school years or until a new sponsor as described 47937  
in division (C)(1) of section 3314.02 of the Revised Code is 47938  
secured by the school's governing authority. The department may 47939  
extend the term of the contract in the case of a school for which 47940  
it has assumed sponsorship under this division as necessary to 47941  
accommodate the term of the department's authorization to sponsor 47942  
the school specified in this division. 47943

(D)(1) The department may declare any sponsor, including any 47944  
sponsor that is exempt pursuant to section 3314.021 or 3314.027 of 47945  
the Revised Code from obtaining the department's initial approval 47946  
to sponsor, to be in a probationary status if at any time the 47947  
sponsor has failed to take any of the following actions, which 47948  
actions the department determines are warranted: 47949

(a) Take steps to intervene in a school's operation to 47950  
correct problems in the school's performance, including the 47951  
monitoring and enforcement of the implementation of a school's 47952  
corrective action plan required by the department; 47953

(b) Declare a school to be in a probationary status pursuant 47954  
to section 3314.073 of the Revised Code; 47955

(c) Suspend the operation of a school pursuant to section 47956  
3314.072 of the Revised Code; 47957

(d) Terminate a school's contract pursuant to section 3314.07 47958  
of the Revised Code. 47959

(2) If the department declares a sponsor to be in a 47960

probationary status, the department shall send a written 47961  
notification stating the department's declaration, the length of 47962  
the probationary status, the reasons for the declaration, and a 47963  
requirement that the sponsor submit to the department an offer of 47964  
reasonable remedies within ten business days after the date of the 47965  
department's notice to the sponsor. If the department finds the 47966  
remedies offered by the sponsor satisfactory, the sponsor shall 47967  
take the actions necessary to implement them. The department shall 47968  
monitor the sponsor's actions to implement the remedies. 47969

(3) If the department finds that the remedies offered by the 47970  
sponsor under division (D)(2) of this section are not 47971  
satisfactory, or if the department finds that the sponsor is not 47972  
taking the actions necessary to implement those remedies, the 47973  
department may suspend the sponsor's authority to sponsor schools 47974  
or may partially restrict the sponsor's authority to sponsor 47975  
schools by limiting the geographic territory within which the 47976  
sponsor may sponsor schools, reducing the number of schools the 47977  
sponsor may sponsor, or restricting the types of schools the 47978  
sponsor may sponsor. The department also may require the sponsor 47979  
to submit additional reports above and beyond those otherwise 47980  
required by law. 47981

(4) If the department suspends or restricts a sponsor's 47982  
authority to sponsor schools under division (D)(3) of this 47983  
section, the department shall assign another sponsor that is 47984  
approved by the department and that agrees to do so to sponsor any 47985  
school affected by the suspension or restriction until the 47986  
department rescinds the suspension or restriction, another 47987  
permanent sponsor is secured, or the school's contract under 47988  
section 3314.03 of the Revised Code expires, whichever occurs 47989  
first. 47990

(E) The decision of the department to disapprove an entity 47991  
for sponsorship of a community school ~~or~~, to revoke ~~approval~~ 47992

authority for such sponsorship, ~~as provided in~~ under division (C) 47993  
of this section, or to suspend or restrict an entity's authority 47994  
to sponsor schools under division (D) of this section, may be 47995  
appealed by the entity in accordance with section 119.12 of the 47996  
Revised Code. 47997

~~(E)~~(F) The department shall adopt procedures for use by a 47998  
community school governing authority and sponsor when the school 47999  
permanently closes and ceases operation, which shall include at 48000  
least procedures for data reporting to the department, handling of 48001  
student records, distribution of assets in accordance with section 48002  
3314.074 of the Revised Code, and other matters related to ceasing 48003  
operation of the school. 48004

~~(F)~~(G) In carrying out its duties under this chapter, the 48005  
department shall not impose requirements on community schools or 48006  
their sponsors that are not permitted by law or duly adopted 48007  
rules. 48008

**Sec. 3314.016.** (A) After June 30, 2007, a new start-up school 48009  
may be established under this chapter only if the school's 48010  
governing authority enters into a contract with an operator that 48011  
manages other schools in the United States that perform at a level 48012  
higher than academic watch. The governing authority of the 48013  
community school may sign a contract with an operator only if the 48014  
operator has fewer contracts with the governing authorities of new 48015  
start-up schools established under this chapter after June 30, 48016  
2007, than the number of schools managed by the operator in the 48017  
United States that perform at a level higher than academic watch, 48018  
as determined by the department of education. However, the 48019  
governing authority shall not contract with an operator that 48020  
currently manages any community schools in Ohio for which the 48021  
department issues annual report cards under section 3314.012 of 48022  
the Revised Code, unless the latest report card issued for at 48023



least one of those schools designates a performance rating under 48024  
section 3302.03 of the Revised Code of in need of continuous 48025  
improvement or higher. 48026

(B) Notwithstanding division (A) of this section, the 48027  
governing authority of a start-up school sponsored by an entity 48028  
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 48029  
Revised Code may establish one additional school serving the same 48030  
grade levels and providing the same educational program as the 48031  
current start-up school and may open that additional school in the 48032  
2007-2008 school year, if both of the following conditions are 48033  
met: 48034

(1) The governing authority entered into another contract 48035  
with the same sponsor or a different sponsor described in 48036  
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 48037  
and filed a copy of that contract with the superintendent of 48038  
public instruction prior to March 15, 2006. 48039

(2) The governing authority's current school satisfies all of 48040  
the following conditions: 48041

(a) The school currently is rated as excellent or effective 48042  
pursuant to section 3302.03 of the Revised Code. 48043

(b) The school made adequate yearly progress, as defined in 48044  
section 3302.01 of the Revised Code, for the previous school year. 48045

(c) The school has been in operation for at least four school 48046  
years. 48047

(d) The school is not managed by an operator. 48048

(C) Notwithstanding division (A) of this section, the 48049  
governing authority of a start-up school sponsored by the big 48050  
eight school district in which the school is located may establish 48051  
one additional start-up school that is located in the same school 48052  
district and that provides a general educational program to 48053

students in any or all of grades kindergarten through five to 48054  
facilitate their transition to the current start-up school, and 48055  
may open the additional start-up school in the 2009-2010 school 48056  
year, if both of the following conditions are met: 48057

(1) The governing authority enters into another contract with 48058  
the same sponsor and files a copy of the contract with the 48059  
superintendent of public instruction prior to March 15, 2009. 48060

(2) The governing authority's current school satisfies all of 48061  
the following conditions: 48062

(a) The school provided instruction to students for eleven 48063  
months in the previous school year. 48064

(b) The school has been in operation for at least two school 48065  
years. 48066

(c) The school qualified to be rated in need of continuous 48067  
improvement or higher pursuant to section 3302.03 of the Revised 48068  
Code for its first school year of operation, even though the 48069  
department of education did not issue a report card for the school 48070  
for that school year. 48071

**Sec. 3314.02.** (A) As used in this chapter: 48072

(1) "Sponsor" means an entity listed in division (C)(1) of 48073  
this section, which has been approved by the department of 48074  
education to sponsor community schools and with which the 48075  
governing authority of the proposed community school enters into a 48076  
contract pursuant to this section. 48077

(2) "Pilot project area" means the school districts included 48078  
in the territory of the former community school pilot project 48079  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 48080  
the 122nd general assembly. 48081

(3) "Challenged school district" means any of the following: 48082

- (a) A school district that is part of the pilot project area; 48083
- (b) A school district that is either in a state of academic 48084  
emergency or in a state of academic watch under section 3302.03 of 48085  
the Revised Code; 48086
- (c) A big eight school district. 48087
- (4) "Big eight school district" means a school district that 48088  
for fiscal year 1997 had both of the following: 48089
- (a) A percentage of children residing in the district and 48090  
participating in the predecessor of Ohio works first greater than 48091  
thirty per cent, as reported pursuant to former section 3317.10 of 48092  
the Revised Code; 48093
- (b) An average daily membership greater than twelve thousand, 48094  
as reported pursuant to former division (A) of section 3317.03 of 48095  
the Revised Code. 48096
- (5) "New start-up school" means a community school other than 48097  
one created by converting all or part of an existing public school 48098  
or educational service center building, as designated in the 48099  
school's contract pursuant to division (A)(17) of section 3314.03 48100  
of the Revised Code. 48101
- (6) "Urban school district" means one of the state's 48102  
twenty-one urban school districts as defined in division (O) of 48103  
section 3317.02 of the Revised Code as that section existed prior 48104  
to July 1, 1998. 48105
- (7) "Internet- or computer-based community school" means a 48106  
community school established under this chapter in which the 48107  
enrolled students work primarily from their residences on 48108  
assignments in nonclassroom-based learning opportunities provided 48109  
via an internet- or other computer-based instructional method that 48110  
does not rely on regular classroom instruction or via 48111  
comprehensive instructional methods that include internet-based, 48112

other computer-based, and noncomputer-based learning 48113  
opportunities. 48114

(B) Any person or group of individuals may initially propose 48115  
under this division the conversion of all or a portion of a public 48116  
school or a building operated by an educational service center to 48117  
a community school. The proposal shall be made to the board of 48118  
education of the city, local, or exempted village school district 48119  
in which the public school is proposed to be converted or, in the 48120  
case of the conversion of a building operated by an educational 48121  
service center, to the governing board of the service center. Upon 48122  
receipt of a proposal, a board may enter into a preliminary 48123  
agreement with the person or group proposing the conversion of the 48124  
public school or service center building, indicating the intention 48125  
of the board to support the conversion to a community school. A 48126  
proposing person or group that has a preliminary agreement under 48127  
this division may proceed to finalize plans for the school, 48128  
establish a governing authority for the school, and negotiate a 48129  
contract with the board. Provided the proposing person or group 48130  
adheres to the preliminary agreement and all provisions of this 48131  
chapter, the board shall negotiate in good faith to enter into a 48132  
contract in accordance with section 3314.03 of the Revised Code 48133  
and division (C) of this section. 48134

(C)(1) Any person or group of individuals may propose under 48135  
this division the establishment of a new start-up school to be 48136  
located in a challenged school district. The proposal may be made 48137  
to any of the following entities: 48138

(a) The board of education of the district in which the 48139  
school is proposed to be located; 48140

(b) The board of education of any joint vocational school 48141  
district with territory in the county in which is located the 48142  
majority of the territory of the district in which the school is 48143  
proposed to be located; 48144

(c) The board of education of any other city, local, or 48145  
exempted village school district having territory in the same 48146  
county where the district in which the school is proposed to be 48147  
located has the major portion of its territory; 48148

(d) The governing board of any educational service center, as 48149  
long as the proposed school will be located in a county within the 48150  
territory of the service center or in a county contiguous to such 48151  
county; 48152

(e) A sponsoring authority designated by the board of 48153  
trustees of any of the thirteen state universities listed in 48154  
section 3345.011 of the Revised Code or the board of trustees 48155  
itself as long as a mission of the proposed school to be specified 48156  
in the contract under division (A)(2) of section 3314.03 of the 48157  
Revised Code and as approved by the department of education under 48158  
division (B)~~(2)~~(3) of section 3314.015 of the Revised Code will be 48159  
the practical demonstration of teaching methods, educational 48160  
technology, or other teaching practices that are included in the 48161  
curriculum of the university's teacher preparation program 48162  
approved by the state board of education; 48163

(f) Any qualified tax-exempt entity under section 501(c)(3) 48164  
of the Internal Revenue Code as long as all of the following 48165  
conditions are satisfied: 48166

(i) The entity has been in operation for at least five years 48167  
prior to applying to be a community school sponsor. 48168

(ii) The entity has assets of at least five hundred thousand 48169  
dollars and a demonstrated record of financial responsibility. 48170

(iii) The department of education has determined that the 48171  
entity is an education-oriented entity under division (B)~~(3)~~(4) of 48172  
section 3314.015 of the Revised Code and the entity has a 48173  
demonstrated record of successful implementation of educational 48174  
programs. 48175

(iv) The entity is not a community school. 48176

Any entity described in division (C)(1) of this section may 48177  
enter into a preliminary agreement pursuant to division (C)(2) of 48178  
this section with the proposing person or group. 48179

(2) A preliminary agreement indicates the intention of an 48180  
entity described in division (C)(1) of this section to sponsor the 48181  
community school. A proposing person or group that has such a 48182  
preliminary agreement may proceed to finalize plans for the 48183  
school, establish a governing authority as described in division 48184  
(E) of this section for the school, and negotiate a contract with 48185  
the entity. Provided the proposing person or group adheres to the 48186  
preliminary agreement and all provisions of this chapter, the 48187  
entity shall negotiate in good faith to enter into a contract in 48188  
accordance with section 3314.03 of the Revised Code. 48189

(3) A new start-up school that is established in a school 48190  
district while that district is either in a state of academic 48191  
emergency or in a state of academic watch under section 3302.03 of 48192  
the Revised Code may continue in existence once the school 48193  
district is no longer in a state of academic emergency or academic 48194  
watch, provided there is a valid contract between the school and a 48195  
sponsor. 48196

(4) A copy of every preliminary agreement entered into under 48197  
this division shall be filed with the superintendent of public 48198  
instruction. 48199

(D) A majority vote of the board of a sponsoring entity and a 48200  
majority vote of the members of the governing authority of a 48201  
community school shall be required to adopt a contract and convert 48202  
the public school or educational service center building to a 48203  
community school or establish the new start-up school. Beginning 48204  
September 29, 2005, adoption of the contract shall occur not later 48205  
than the fifteenth day of March, and signing of the contract shall 48206

occur not later than the fifteenth day of May, prior to the school 48207  
year in which the school will open. The governing authority shall 48208  
notify the department of education when the contract has been 48209  
signed. Subject to sections 3314.013, 3314.014, 3314.016, and 48210  
3314.017 of the Revised Code, an unlimited number of community 48211  
schools may be established in any school district provided that a 48212  
contract is entered into for each community school pursuant to 48213  
this chapter. 48214

(E)(1) As used in this division, "immediate relatives" are 48215  
limited to spouses, children, parents, grandparents, siblings, and 48216  
in-laws. 48217

Each new start-up community school established under this 48218  
chapter shall be under the direction of a governing authority 48219  
which shall consist of a board of not less than five individuals. 48220

No person shall serve on the governing authority or operate 48221  
the community school under contract with the governing authority 48222  
so long as the person owes the state any money or is in a dispute 48223  
over whether the person owes the state any money concerning the 48224  
operation of a community school that has closed. 48225

(2) No person shall serve on the governing authorities of 48226  
more than two start-up community schools at the same time. 48227

(3) No present or former member, or immediate relative of a 48228  
present or former member, of the governing authority of any 48229  
community school established under this chapter shall be an owner, 48230  
employee, or consultant of any nonprofit or for-profit operator of 48231  
a community school, unless at least one year has elapsed since the 48232  
conclusion of the person's membership. 48233

(F)(1) A new start-up school that is established prior to 48234  
August 15, 2003, in an urban school district that is not also a 48235  
big-eight school district may continue to operate after that date 48236  
and the contract between the school's governing authority and the 48237

school's sponsor may be renewed, as provided under this chapter, 48238  
after that date, but no additional new start-up schools may be 48239  
established in such a district unless the district is a challenged 48240  
school district as defined in this section as it exists on and 48241  
after that date. 48242

(2) A community school that was established prior to June 29, 48243  
1999, and is located in a county contiguous to the pilot project 48244  
area and in a school district that is not a challenged school 48245  
district may continue to operate after that date, provided the 48246  
school complies with all provisions of this chapter. The contract 48247  
between the school's governing authority and the school's sponsor 48248  
may be renewed, but no additional start-up community school may be 48249  
established in that district unless the district is a challenged 48250  
school district. 48251

(3) Any educational service center that, on June 30, 2007, 48252  
sponsors a community school that is not located in a county within 48253  
the territory of the service center or in a county contiguous to 48254  
such county may continue to sponsor that community school on and 48255  
after June 30, 2007, and may renew its contract with the school. 48256  
However, the educational service center shall not enter into a 48257  
contract with any additional community school unless the school is 48258  
located in a county within the territory of the service center or 48259  
in a county contiguous to such county. 48260

**Sec. 3314.021.** (A) This section applies to any entity that is 48261  
exempt from taxation under section 501(c)(3) of the Internal 48262  
Revenue Code and that satisfies the conditions specified in 48263  
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 48264  
Revised Code but does not satisfy the condition specified in 48265  
division (C)(1)(f)(i) of that section. 48266

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 48267  
of the Revised Code, an entity described in division (A) of this 48268



section may do both of the following without obtaining the 48269  
department of education's initial approval of its sponsorship 48270  
under ~~division~~ divisions (A)(2) and (B)(1) of section 3314.015 of 48271  
the Revised Code: 48272

(1) Succeed the board of trustees of a state university 48273  
located in the pilot project area or that board's designee as the 48274  
sponsor of a community school established under this chapter; 48275

(2) Continue to sponsor that school in conformance with the 48276  
terms of the contract between the board of trustees or its 48277  
designee and the governing authority of the community school and 48278  
renew that contract as provided in division (E) of section 3314.03 48279  
of the Revised Code. 48280

(C) The entity that succeeds the board of trustees or the 48281  
board's designee as sponsor of a community school under division 48282  
(B) of this section also may enter into contracts to sponsor other 48283  
community schools located in any challenged school district, 48284  
without obtaining the department's initial approval of its 48285  
sponsorship of those schools under ~~division~~ divisions (A)(2) and 48286  
(B)(1) of section 3314.015 of the Revised Code, and not subject to 48287  
the restriction of division (A)(7) of section 3314.013 of the 48288  
Revised Code, as long as the contracts conform with and the entity 48289  
complies with all other requirements of this chapter. 48290

(D) Regardless of the entity's authority to sponsor community 48291  
schools without the initial approval of the department, the entity 48292  
is under the continuing oversight of the department in accordance 48293  
with rules adopted under section 3314.015 of the Revised Code. The 48294  
department, in accordance with divisions (C), (D), and (E) of 48295  
section 3314.015 of the Revised Code, may revoke, suspend, or 48296  
restrict the entity's authority to sponsor any school, or may 48297  
declare the sponsor to be in a probationary status, in the same 48298  
manner as if that authority were initially subject to approval of 48299  
the department under that section. 48300

**Sec. 3314.024.** ~~A management company~~ (A) No governing 48301  
authority of a community school shall enter into a new contract, 48302  
or renew an existing contract, with an operator, unless the 48303  
contract was selected through a competitive bidding process 48304  
established by the department of education. 48305

(B) An operator that provides services to a community school 48306  
that amounts to more than twenty per cent of the annual gross 48307  
revenues of the school shall provide a detailed accounting 48308  
including the nature and costs of the services it provides to the 48309  
community school. This information shall be included in the 48310  
footnotes of the financial statements of the school and be subject 48311  
to audit during the course of the regular financial audit of the 48312  
community school. 48313

**Sec. 6 3314.027.** ~~The State Board of Education shall continue~~ 48314  
~~to sponsor any community school for which it has entered into a~~ 48315  
~~contract at the time of the effective date of this section until~~ 48316  
~~the earlier of the expiration of two school years or until a new~~ 48317  
~~sponsor, as described in division (C)(1) of section 3314.02 of the~~ 48318  
~~Revised Code, as amended by this act, is secured by the school's~~ 48319  
~~governing authority. The State Board shall not thereafter sponsor~~ 48320  
~~any community school except as provided in division (C) of section~~ 48321  
~~3314.015 of the Revised Code. The State Board may extend the term~~ 48322  
~~of any existing contract with a community school governing~~ 48323  
~~authority only as necessary to accommodate the term of the Board's~~ 48324  
~~authorization to sponsor the school as specified in this section.~~ 48325

Notwithstanding the requirement for initial approval of 48326  
sponsorship by the ~~Department~~ department of ~~Education~~ education 48327  
prescribed in ~~division~~ divisions (A)(2) and (B)(1) of section 48328  
3314.015 of the Revised Code, ~~as enacted by this act,~~ and any 48329  
geographical restriction or mission requirement prescribed in 48330  
division (C)(1) of section 3314.02 of the Revised Code, ~~as amended~~ 48331

~~by this act, an entity other than the State Board of Education~~ 48332  
~~that has entered into a contract to sponsor a community school on~~ 48333  
~~the effective date of this section April 8, 2003,~~ may continue to 48334  
sponsor the school in conformance with the terms of that contract 48335  
as long as the entity complies with all other sponsorship 48336  
provisions of ~~Chapter 3314. of the Revised Code as amended by this~~ 48337  
~~act~~ this chapter. Such an entity also may enter into new contracts 48338  
to sponsor community schools after ~~the effective date of this~~ 48339  
~~section April 8, 2003,~~ and need not be approved by the ~~Department~~ 48340  
~~of Education~~ department for such sponsorship, as otherwise 48341  
required under ~~division~~ divisions (A)(2) and (B)(1) of section 48342  
3314.015 of the Revised Code, ~~as enacted by this act,~~ as long as 48343  
the contracts conform to and the entity complies with all other 48344  
provisions of ~~Chapter 3314. of the Revised Code as amended by this~~ 48345  
~~act~~ this chapter. 48346

Regardless of the entity's authority to sponsor community 48347  
schools without the initial approval of the department, each 48348  
entity described in this section is under the continuing oversight 48349  
of the department in accordance with rules adopted under section 48350  
3314.015 of the Revised Code. The department, in accordance with 48351  
divisions (C), (D), and (E) of section 3314.015 of the Revised 48352  
Code, may revoke, suspend, or restrict the entity's authority to 48353  
sponsor any school, or may declare the entity to be in a 48354  
probationary status, in the same manner as if that authority were 48355  
initially subject to approval of the department under that 48356  
section. 48357

**Sec. 3314.028.** Notwithstanding any provision of this chapter 48358  
to the contrary, beginning in the 2009-2010 school year, a 48359  
community school that meets the following conditions may operate 48360  
from the facility in which the school was located in the 2008-2009 48361  
school year and shall not be required to locate to another school 48362  
district: 48363

(A) The school was located in the facility for at least the three school years prior to the 2009-2010 school year. 48364  
48365

(B) The school's sponsor is a school district that is adjacent to the school district in which the school is located. 48366  
48367

(C) The school's education program emphasizes serving students identified as gifted under Chapter 3324. of the Revised Code. 48368  
48369  
48370

(D) The school has been rated in need of continuous improvement or higher under section 3302.03 of the Revised Code for the previous three school years. 48371  
48372  
48373

**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. 48374  
48375  
48376

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 48377  
48378  
48379

(1) That the school shall be established as either of the following: 48380  
48381

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 48382  
48383

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003; 48384  
48385

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 48386  
48387  
48388  
48389

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests 48390  
48391  
48392

<u>assessments;</u>	48393
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	48394 48395
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	48396 48397
(6)(a) Dismissal procedures;	48398
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	48399 48400 48401 48402 48403 48404
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	48405 48406
(8) Requirements for financial audits by the auditor of state. The contract shall require <u>the governing authority of the school, and any operator with which the governing authority contracts, to comply with the financial reporting standards adopted by the state board of education under division (B)(2) of section 3301.07 of the Revised Code, and that</u> financial records of the school <del>to</del> be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, <del>and the audits.</del> <u>Audits</u> shall be conducted in accordance with section 117.10 of the Revised Code.	48407 48408 48409 48410 48411 48412 48413 48414 48415 48416
(9) The facilities to be used and their locations;	48417
(10) Qualifications of teachers, <del>including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 in compliance</del>	48418 48419 48420 48421 48422

with section 3314.102 of the Revised Code; 48423

(11) That the school will comply with the following 48424  
requirements: 48425

(a) The school will provide learning opportunities to a 48426  
minimum of twenty-five students for ~~a minimum of nine hundred~~ 48427  
~~twenty~~ at least the applicable number of hours per school year 48428  
prescribed by section 3314.031 of the Revised Code. 48429

(b) The governing authority will purchase liability 48430  
insurance, or otherwise provide for the potential liability of the 48431  
school. 48432

(c) The school will be nonsectarian in its programs, 48433  
admission policies, employment practices, and all other 48434  
operations, and will not be operated by a sectarian school or 48435  
religious institution. 48436

(d) The school will comply with division (A)(9) of section 48437  
3313.60 of the Revised Code and sections 9.90, 9.91, 109.65, 48438  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 48439  
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.605, 48440  
3313.607, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.643, 48441  
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 48442  
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 48443  
3313.718, 3313.80, 3313.82, 3313.821, 3313.822, 3313.96, 3319.073, 48444  
3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 48445  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 48446  
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 48447  
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 48448  
were a school district and will comply with section 3301.0714 of 48449  
the Revised Code in the manner specified in section 3314.17 of the 48450  
Revised Code. 48451

(e) The school shall comply with Chapter 102. and section 48452  
2921.42 of the Revised Code. 48453

(f) The school will comply with sections 3313.61, 3313.611, 48454  
and 3313.614 of the Revised Code, except that for students who 48455  
enter ninth grade for the first time before July 1, 2010, the 48456  
requirement in sections 3313.61 and 3313.611 of the Revised Code 48457  
that a person must successfully complete the curriculum in any 48458  
high school prior to receiving a high school diploma may be met by 48459  
completing the curriculum adopted by the governing authority of 48460  
the community school rather than the curriculum specified in Title 48461  
XXXIII of the Revised Code or any rules of the state board of 48462  
education. Beginning with students who enter ninth grade for the 48463  
first time on or after July 1, 2010, the requirement in sections 48464  
3313.61 and 3313.611 of the Revised Code that a person must 48465  
successfully complete the curriculum of a high school prior to 48466  
receiving a high school diploma shall be met by completing the 48467  
Ohio core curriculum prescribed in division (C) of section 48468  
3313.603 of the Revised Code, unless the person qualifies under 48469  
division (D) or (F) of that section. Each school shall comply with 48470  
the plan for awarding high school credit based on demonstration of 48471  
subject area competency, adopted by the state board of education 48472  
under division (J) of section 3313.603 of the Revised Code. 48473

(g) The school governing authority will submit within four 48474  
months after the end of each school year a report of its 48475  
activities and progress in meeting the goals and standards of 48476  
divisions (A)(3) and (4) of this section and its financial status 48477  
to the sponsor ~~and~~, the parents of all students enrolled in the 48478  
school, and the legislative office of education oversight. The 48479  
school shall collect and provide any data that the legislative 48480  
office of education oversight requests in furtherance of any study 48481  
or research that the general assembly requires the office to 48482  
conduct. 48483

(h) The school, unless it is an internet- or computer-based 48484  
community school, will comply with section 3313.801 of the Revised 48485

Code as if it were a school district. 48486

(12) Arrangements for providing health and other benefits to 48487  
employees; 48488

(13) The length of the contract, which shall begin at the 48489  
beginning of an academic year. No contract shall exceed five years 48490  
unless such contract has been renewed pursuant to division (E) of 48491  
this section. 48492

(14) The governing authority of the school, which shall be 48493  
responsible for carrying out the provisions of the contract; 48494

(15) A financial plan detailing an estimated school budget 48495  
for each year of the period of the contract and specifying the 48496  
total estimated per pupil expenditure amount for each such year. 48497  
~~The plan shall specify for each year the base formula amount that 48498~~  
~~will be used for purposes of funding calculations under section 48499~~  
~~3314.08 of the Revised Code. This base formula amount for any year 48500~~  
~~shall not exceed the formula amount defined under section 3317.02 48501~~  
~~of the Revised Code. The plan may also specify for any year a 48502~~  
~~percentage figure to be used for reducing the per pupil amount of 48503~~  
~~the subsidy calculated pursuant to section 3317.029 of the Revised 48504~~  
~~Code the school is to receive that year under section 3314.08 of 48505~~  
~~the Revised Code. 48506~~

(16) Requirements and procedures regarding the disposition of 48507  
employees of the school in the event the contract is terminated or 48508  
not renewed pursuant to section 3314.07 of the Revised Code; 48509

(17) Whether the school is to be created by converting all or 48510  
part of an existing public school or educational service center 48511  
building or is to be a new start-up school, and if it is a 48512  
converted public school or service center building, specification 48513  
of any duties or responsibilities of an employer that the board of 48514  
education or service center governing board that operated the 48515  
school or building before conversion is delegating to the 48516



governing authority of the community school with respect to all or 48517  
any specified group of employees provided the delegation is not 48518  
prohibited by a collective bargaining agreement applicable to such 48519  
employees; 48520

(18) Provisions establishing procedures for resolving 48521  
disputes or differences of opinion between the sponsor and the 48522  
governing authority of the community school; 48523

(19) A provision requiring the governing authority to adopt a 48524  
policy regarding the admission of students who reside outside the 48525  
district in which the school is located. That policy shall comply 48526  
with the admissions procedures specified in sections 3314.06 and 48527  
3314.061 of the Revised Code and, at the sole discretion of the 48528  
authority, shall do one of the following: 48529

(a) Prohibit the enrollment of students who reside outside 48530  
the district in which the school is located; 48531

(b) Permit the enrollment of students who reside in districts 48532  
adjacent to the district in which the school is located; 48533

(c) Permit the enrollment of students who reside in any other 48534  
district in the state. 48535

(20) A provision recognizing the authority of the department 48536  
of education to take over the sponsorship of the school in 48537  
accordance with the provisions of division (C) of section 3314.015 48538  
of the Revised Code; 48539

(21) A provision recognizing the sponsor's authority to 48540  
assume the operation of a school under the conditions specified in 48541  
division (B) of section 3314.073 of the Revised Code; 48542

(22) A provision recognizing both of the following: 48543

(a) The authority of public health and safety officials to 48544  
inspect the facilities of the school and to order the facilities 48545  
closed if those officials find that the facilities are not in 48546

compliance with health and safety laws and regulations; 48547

(b) The authority of the department of education as the 48548  
community school oversight body to suspend the operation of the 48549  
school under section 3314.072 of the Revised Code if the 48550  
department has evidence of conditions or violations of law at the 48551  
school that pose an imminent danger to the health and safety of 48552  
the school's students and employees and the sponsor refuses to 48553  
take such action; 48554

(23) A description of the learning opportunities that will be 48555  
offered to students including both classroom-based and 48556  
non-classroom-based learning opportunities that is in compliance 48557  
with criteria for student participation established by the 48558  
department under division ~~(I)~~(J)(2) of section 3314.08 of the 48559  
Revised Code; 48560

(24) The school will comply with sections 3302.04 and 48561  
3302.041 of the Revised Code, except that any action required to 48562  
be taken by a school district pursuant to those sections shall be 48563  
taken by the sponsor of the school. However, the sponsor shall not 48564  
be required to take any action described in division (F) of 48565  
section 3302.04 of the Revised Code. 48566

(25) Beginning in the 2006-2007 school year, the school will 48567  
open for operation not later than the thirtieth day of September 48568  
each school year, ~~unless the mission of the school as specified~~ 48569  
~~under division (A)(2) of this section is solely to serve dropouts.~~ 48570  
In its initial year of operation, if the school fails to open by 48571  
the thirtieth day of September, ~~or within one year after the~~ 48572  
~~adoption of the contract pursuant to division (D) of section~~ 48573  
~~3314.02 of the Revised Code if the mission of the school is solely~~ 48574  
~~to serve dropouts,~~ the contract shall be void. 48575

(B) The community school shall also submit to the sponsor a 48576  
comprehensive plan for the school. The plan shall specify the 48577

following:	48578
(1) The process by which the governing authority of the school will be selected in the future;	48579 48580
(2) The management and administration of the school;	48581
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	48582 48583 48584 48585 48586
(4) The instructional program and educational philosophy of the school;	48587 48588
(5) Internal financial controls.	48589
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	48590 48591 48592 48593 48594 48595 48596 48597 48598
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	48599 48600 48601 48602 48603
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	48604 48605
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at	48606 48607

least an annual basis; 48608

(3) Report on an annual basis the results of the evaluation 48609  
conducted under division (D)(2) of this section to the department 48610  
of education and to the parents of students enrolled in the 48611  
community school; 48612

(4) Provide technical assistance to the community school in 48613  
complying with laws applicable to the school and terms of the 48614  
contract; 48615

(5) Take steps to intervene in the school's operation to 48616  
correct problems in the school's overall performance, declare the 48617  
school to be on probationary status pursuant to section 3314.073 48618  
of the Revised Code, suspend the operation of the school pursuant 48619  
to section 3314.072 of the Revised Code, or terminate the contract 48620  
of the school pursuant to section 3314.07 of the Revised Code as 48621  
determined necessary by the sponsor; 48622

(6) Have in place a plan of action to be undertaken in the 48623  
event the community school experiences financial difficulties or 48624  
closes prior to the end of a school year. 48625

(E) Upon the expiration of a contract entered into under this 48626  
section, the sponsor of a community school may, with the approval 48627  
of the governing authority of the school, renew that contract for 48628  
a period of time determined by the sponsor, but not ending earlier 48629  
than the end of any school year, if the sponsor finds that the 48630  
school's compliance with applicable laws and terms of the contract 48631  
and the school's progress in meeting the academic goals prescribed 48632  
in the contract have been satisfactory. Any contract that is 48633  
renewed under this division remains subject to the provisions of 48634  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 48635

(F) If a community school fails to open for operation within 48636  
one year after the contract entered into under this section is 48637  
adopted pursuant to division (D) of section 3314.02 of the Revised 48638

Code or permanently closes prior to the expiration of the 48639  
contract, the contract shall be void and the school shall not 48640  
enter into a contract with any other sponsor. A school shall not 48641  
be considered permanently closed because the operations of the 48642  
school have been suspended pursuant to section 3314.072 of the 48643  
Revised Code. Any contract that becomes void under this division 48644  
shall not count toward any statewide limit on the number of such 48645  
contracts prescribed by section 3314.013 of the Revised Code. 48646

Sec. 3314.031. Each community school established under this 48647  
chapter shall provide at least the following number of hours of 48648  
learning opportunities to each student enrolled in the school for 48649  
a full school year: 48650

(A) For each school year prior to the school year that begins 48651  
on July 1, 2011, nine hundred twenty hours; 48652

(B) In each of the school years beginning on July 1, 2011, 48653  
and July 1, 2012, respectively, nine hundred thirty hours; 48654

(C) In each of the school years beginning on July 1, 2013, 48655  
and July 1, 2014, respectively, nine hundred fifty hours; 48656

(D) In each of the school years beginning on July 1, 2015, 48657  
and July 1, 2016, respectively, nine hundred seventy hours; 48658

(E) In the school year that begins on July 1, 2017, and in 48659  
each school year thereafter, nine hundred ninety hours. 48660

**Sec. 3314.051.** (A) When the governing authority of a 48661  
community school that acquired real property from a school 48662  
district pursuant to division (G)(2) of section 3313.41 of the 48663  
Revised Code, as it existed prior to the effective date of this 48664  
amendment, decides to dispose of that property, it first shall 48665  
offer that property for sale to the school district board of 48666  
education from which it acquired the property, at a price that is 48667  
not higher than the appraised fair market value of that property. 48668

If the district board does not accept the offer within sixty days 48669  
after the offer is made, the community school may dispose of the 48670  
property in another lawful manner. 48671

(B) When a community school that acquired real property from 48672  
a school district pursuant to division (G)(2) of section 3313.41 48673  
of the Revised Code, as it existed prior to the effective date of 48674  
this amendment, permanently closes, in distributing the school's 48675  
assets under section 3314.074 of the Revised Code, that property 48676  
first shall be offered for sale to the school district board of 48677  
education from which the community school acquired the property, 48678  
at a price that is not higher than the appraised fair market value 48679  
of that property. If the district board does not accept the offer 48680  
within sixty days after the offer is made, the property may be 48681  
disposed in another lawful manner. 48682

Sec. 3314.052. (A) This section does not apply to internet- 48683  
or computer-based community schools. 48684

(B) As used in this section, "classroom facilities" has the 48685  
same meaning as in section 3318.01 of the Revised Code. 48686

(C) On and after the effective date of this section each 48687  
classroom facility owned or leased by the governing authority or 48688  
operator of a community school shall comply with the design 48689  
guidelines adopted by the Ohio school facilities commission for 48690  
classroom facilities projects under Chapter 3318. of the Revised 48691  
Code applicable to the grade levels and function of the facility 48692  
as it is used by the community school. However, the 48693  
three-hundred-fifty-student minimum service capacity for an entire 48694  
classroom facility specified in those guidelines, as prescribed 48695  
for school districts by section 3318.03 of the Revised Code, shall 48696  
not apply to community schools. 48697

Sec. 3314.075. Notwithstanding any provision to the contrary 48698

in this chapter, two or more community schools, which are not 48699  
internet- or computer-based community schools, are located in the 48700  
same building, have at least one common member on their respective 48701  
governing authorities, and have the same chief administrative 48702  
officer, may consolidate into one community school, and the assets 48703  
and liabilities of each of the schools may be consolidated into 48704  
the single school that results from the consolidation, with the 48705  
approval of each school's sponsor and so long as consolidation of 48706  
those assets and liabilities is not otherwise prohibited by any 48707  
other provision of law or the provisions of a contract. Such 48708  
consolidation shall be effective not later than the thirtieth day 48709  
of September of the school year in which the consolidated single 48710  
school is to begin operating. 48711

**Sec. 3314.08.** (A) As used in this section: 48712

~~(1) "Base formula amount" means the amount specified as such~~ 48713  
~~in a community school's financial plan for a school year pursuant~~ 48714  
~~to division (A)(15) of section 3314.03 of the Revised Code.~~ 48715

~~(2) "IEP" has the same meaning as in section 3323.01 of the~~ 48716  
~~Revised Code.~~ 48717

~~(3) "Applicable special education weight" means the multiple~~ 48718  
~~specified in section 3317.013 of the Revised Code for a disability~~ 48719  
~~described in that section.~~ 48720

~~(4) "Applicable vocational education weight" means:~~ 48721

~~(a) For a student enrolled in vocational education programs~~ 48722  
~~or classes described in division (A) of section 3317.014 of the~~ 48723  
~~Revised Code, the multiple specified in that division;~~ 48724

~~(b) For a student enrolled in vocational education programs~~ 48725  
~~or classes described in division (B) of section 3317.014 of the~~ 48726  
~~Revised Code, the multiple specified in that division.~~ 48727

~~(5)(2) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.~~

~~(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.~~

~~(7) "Poverty based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.~~

~~(8) "All day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.~~

~~(9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.~~

(B) The state board of education shall adopt rules requiring both of the following:

~~(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all day kindergarten in their community school, and for each child, the community school in which the child is enrolled.~~

~~(2) The the governing authority of each community school established under this chapter to annually report all of the~~



following: 48759

~~(a)~~(1) The number of students enrolled in each of grades ~~one~~ 48760  
kindergarten through twelve ~~and the number of students enrolled in~~ 48761  
~~kindergarten~~ in the school who are not receiving special education 48762  
and related services pursuant to an IEP; 48763

~~(b)~~(2) The number of enrolled students in each of grades ~~one~~ 48764  
kindergarten through twelve ~~and the number of enrolled students in~~ 48765  
~~kindergarten~~, who are receiving special education and related 48766  
services pursuant to an IEP; 48767

~~(c)~~(3) The number of students reported under division 48768  
(B)(2)~~(b)~~ of this section receiving special education and related 48769  
services pursuant to an IEP for a disability described in each of 48770  
divisions ~~(A) to (F)~~(D)(1) to (6) of section ~~3317.013~~ 3306.02 of 48771  
the Revised Code; 48772

~~(d)~~(4) The full-time equivalent number of students reported 48773  
under divisions (B)(1) and (2)~~(a) and (b)~~ of this section who are 48774  
enrolled in vocational education programs or classes described in 48775  
each of divisions (A) and (B) of section 3317.014 of the Revised 48776  
Code that are provided by the community school; 48777

~~(e)~~(5) Twenty per cent of the number of students reported 48778  
under divisions (B)(1) and (2)~~(a) and (b)~~ of this section who are 48779  
not reported under division (B)~~(2)~~(d)(4) of this section but who 48780  
are enrolled in vocational education programs or classes described 48781  
in each of divisions (A) and (B) of section 3317.014 of the 48782  
Revised Code at a joint vocational school district under a 48783  
contract between the community school and the joint vocational 48784  
school district and are entitled to attend school in a city, 48785  
local, or exempted village school district whose territory is part 48786  
of the territory of the joint vocational district; 48787

~~(f)~~(6) The number of enrolled preschool children with 48788  
disabilities receiving special education services in a 48789

state-funded unit; 48790

~~(g) The community school's base formula amount;~~ 48791

~~(h)(7) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;~~ 48792  
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~~(i) Any poverty based assistance reduction factor that applies to a school year.~~ 48794  
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~~(C) From the state education aid calculated for a city, exempted village, or local school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract the sum of the amounts described in divisions (C)(1) to (9) of this section. However, when deducting payments on behalf of students enrolled in internet or computer based community schools, the department shall deduct only those amounts described in divisions (C)(1) and (2) of this section. Furthermore, the aggregate amount deducted under this division shall not exceed the sum of the district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code.~~ 48796  
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~~(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a), (b), and (c) of this section who are enrolled in grades one through twelve, and one half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the sum of the base formula amount of that community school plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~ 48809  
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~~(2) The sum of the amounts calculated under divisions (C)(2)(a) and (b) of this section;~~ 48819  
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~~(a) For each of the district's students reported under  
division (B)(2)(c) of this section as enrolled in a community  
school in grades one through twelve and receiving special  
education and related services pursuant to an IEP for a disability  
described in section 3317.013 of the Revised Code, the product of  
the applicable special education weight times the community  
school's base formula amount;~~ 48821  
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~~(b) For each of the district's students reported under  
division (B)(2)(c) of this section as enrolled in kindergarten in  
a community school and receiving special education and related  
services pursuant to an IEP for a disability described in section  
3317.013 of the Revised Code, one half of the amount calculated as  
prescribed in division (C)(2)(a) of this section.~~ 48828  
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~~(3) For each of the district's students reported under  
division (B)(2)(d) of this section for whom payment is made under  
division (D)(4) of this section, the amount of that payment;~~ 48834  
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~~(4) An amount equal to the sum of the amounts obtained when,  
for each community school where the district's students are  
enrolled, the number of the district's students enrolled in that  
community school who are included in the district's poverty  
student count is multiplied by the per pupil amount of  
poverty based assistance the school district receives that year  
pursuant to division (C) of section 3317.029 of the Revised Code,  
as adjusted by any poverty based assistance reduction factor of  
that community school. The per pupil amount of that aid for the  
district shall be calculated by the department.~~ 48837  
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~~(5) An amount equal to the sum of the amounts obtained when,  
for each community school where the district's students are  
enrolled, the district's per pupil amount of aid received under  
division (E) of section 3317.029 of the Revised Code, as adjusted  
by any poverty based assistance reduction factor of the community  
school, is multiplied by the sum of the following:~~ 48847  
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~~(a) The number of the district's students reported under  
division (B)(2)(a) of this section who are enrolled in grades one  
to three in that community school and who are not receiving  
special education and related services pursuant to an IEP;~~

~~(b) One half of the district's students who are enrolled in  
all day or any other kindergarten class in that community school  
and who are not receiving special education and related services  
pursuant to an IEP;~~

~~(c) One half of the district's students who are enrolled in  
all day kindergarten in that community school and who are not  
receiving special education and related services pursuant to an  
IEP.~~

~~The district's per pupil amount of aid under division (E) of  
section 3317.029 of the Revised Code is the quotient of the amount  
the district received under that division divided by the  
district's kindergarten through third grade ADM, as defined in  
that section.~~

~~(6) An amount equal to the sum of the amounts obtained when,  
for each community school where the district's students are  
enrolled, the district's per pupil amount received under division  
(F) of section 3317.029 of the Revised Code, as adjusted by any  
poverty based assistance reduction factor of that community  
school, is multiplied by the number of the district's students  
enrolled in the community school who are identified as  
limited English proficient.~~

~~(7) An amount equal to the sum of the amounts obtained when,  
for each community school where the district's students are  
enrolled, the district's per pupil amount received under division  
(G) of section 3317.029 of the Revised Code, as adjusted by any  
poverty based assistance reduction factor of that community  
school, is multiplied by the sum of the following:~~

<del>(a) The number of the district's students enrolled in grades one through twelve in that community school;</del>	48884
<del>(b) One half of the number of the district's students enrolled in kindergarten in that community school.</del>	48885
<del>The district's per pupil amount under division (G) of section 3317.029 of the Revised Code is the district's amount per teacher calculated under division (G)(1) or (2) of that section divided by 17.</del>	48886
<del>(8) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the sum of the following:</del>	48887
<del>(a) The number of the district's students enrolled in grades one through twelve in that community school;</del>	48888
<del>(b) One half of the number of the district's students enrolled in kindergarten in that community school.</del>	48889
<del>The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.</del>	48890
<del>(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.</del>	48891
<del>(a) The number of the district's students enrolled in grades one through twelve in that community school;</del>	48892
<del>(b) One half of the number of the district's students enrolled in kindergarten in that community school.</del>	48893
<del>The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.</del>	48894
<del>(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.</del>	48895
<del>(a) The number of the district's students enrolled in grades one through twelve in that community school;</del>	48896
<del>(b) One half of the number of the district's students enrolled in kindergarten in that community school.</del>	48897
<del>The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.</del>	48898
<del>(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.</del>	48899
<del>(a) The number of the district's students enrolled in grades one through twelve in that community school;</del>	48900
<del>(b) One half of the number of the district's students enrolled in kindergarten in that community school.</del>	48901
<del>The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.</del>	48902
<del>(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.</del>	48903
<del>(a) The number of the district's students enrolled in grades one through twelve in that community school;</del>	48904
<del>(b) One half of the number of the district's students enrolled in kindergarten in that community school.</del>	48905
<del>The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.</del>	48906
<del>(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.</del>	48907
<del>(a) The number of the district's students enrolled in grades one through twelve in that community school;</del>	48908
<del>(b) One half of the number of the district's students enrolled in kindergarten in that community school.</del>	48909
<del>The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.</del>	48910
<del>(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.</del>	48911
<del>(a) The number of the district's students enrolled in grades one through twelve in that community school;</del>	48912
<del>(b) One half of the number of the district's students enrolled in kindergarten in that community school.</del>	48913

~~(D) The department of education shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to (10) of this section. However, the department shall calculate and pay to each internet or computer based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to (10) of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under those divisions for the students entitled to attend school in that district.~~

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~~(1) Subject to section 3314.085 of the Revised Code, an amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus one half of the kindergarten students in the school, reported under divisions (B)(2)(a), (b), and (c) of this section who are not receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code is multiplied by the sum of the community school's base formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~

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~~(2) Prior to fiscal year 2007, the greater of the amount calculated under division (D)(2)(a) or (b) of this section, and in~~

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~~fiscal year 2007 and thereafter, the amount calculated under 48946  
division (D)(2)(b) of this section: 48947~~

~~(a) The aggregate amount that the department paid to the 48948  
community school in fiscal year 1999 for students receiving 48949  
special education and related services pursuant to IEPs, excluding 48950  
federal funds and state disadvantaged pupil impact aid funds; 48951~~

~~(b) The sum of the amounts calculated under divisions 48952  
(D)(2)(b)(i) and (ii) of this section: 48953~~

~~(i) For each student reported under division (B)(2)(c) of 48954  
this section as enrolled in the school in grades one through 48955  
twelve and receiving special education and related services 48956  
pursuant to an IEP for a disability described in section 3317.013 48957  
of the Revised Code, the following amount: 48958~~

~~(the school's base formula amount plus 48959  
the per pupil amount of the base funding supplements specified in 48960  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 48961  
+ (the applicable special education weight X the 48962  
community school's base formula amount); 48963~~

~~(ii) For each student reported under division (B)(2)(c) of 48964  
this section as enrolled in kindergarten and receiving special 48965  
education and related services pursuant to an IEP for a disability 48966  
described in section 3317.013 of the Revised Code, one half of the 48967  
amount calculated under the formula prescribed in division 48968  
(D)(2)(b)(i) of this section. 48969~~

~~(3) An amount received from federal funds to provide special 48970  
education and related services to students in the community 48971  
school, as determined by the superintendent of public instruction. 48972~~

~~(4) For each student reported under division (B)(2)(d) of 48973  
this section as enrolled in vocational education programs or 48974  
classes that are described in section 3317.014 of the Revised 48975  
Code, are provided by the community school, and are comparable as 48976~~

determined by the superintendent of public instruction to school 48977  
district vocational education programs and classes eligible for 48978  
state weighted funding under section 3317.014 of the Revised Code, 48979  
an amount equal to the applicable vocational education weight 48980  
times the community school's base formula amount times the 48981  
percentage of time the student spends in the vocational education 48982  
programs or classes. 48983

(5) An amount equal to the sum of the amounts obtained when, 48984  
for each school district where the community school's students are 48985  
entitled to attend school, the number of that district's students 48986  
enrolled in the community school who are included in the 48987  
district's poverty student count is multiplied by the per pupil 48988  
amount of poverty based assistance that school district receives 48989  
that year pursuant to division (C) of section 3317.029 of the 48990  
Revised Code, as adjusted by any poverty based assistance 48991  
reduction factor of the community school. The per pupil amount of 48992  
aid shall be determined as described in division (C)(4) of this 48993  
section. 48994

(6) An amount equal to the sum of the amounts obtained when, 48995  
for each school district where the community school's students are 48996  
entitled to attend school, the district's per pupil amount of aid 48997  
received under division (E) of section 3317.029 of the Revised 48998  
Code, as adjusted by any poverty based assistance reduction factor 48999  
of the community school, is multiplied by the sum of the 49000  
following: 49001

(a) The number of the district's students reported under 49002  
division (B)(2)(a) of this section who are enrolled in grades one 49003  
to three in that community school and who are not receiving 49004  
special education and related services pursuant to an IEP; 49005

(b) One half of the district's students who are enrolled in 49006  
all day or any other kindergarten class in that community school 49007  
and who are not receiving special education and related services 49008



~~pursuant to an IEP;~~ 49009

~~(c) One half of the district's students who are enrolled in 49010  
all day kindergarten in that community school and who are not 49011  
receiving special education and related services pursuant to an 49012  
IEP. 49013~~

~~The district's per pupil amount of aid under division (E) of 49014  
section 3317.029 of the Revised Code shall be determined as 49015  
described in division (C)(5) of this section. 49016~~

~~(7) An amount equal to the sum of the amounts obtained when, 49017  
for each school district where the community school's students are 49018  
entitled to attend school, the number of that district's students 49019  
enrolled in the community school who are identified as 49020  
limited English proficient is multiplied by the district's per 49021  
pupil amount received under division (F) of section 3317.029 of 49022  
the Revised Code, as adjusted by any poverty based assistance 49023  
reduction factor of the community school. 49024~~

~~(8) An amount equal to the sum of the amounts obtained when, 49025  
for each school district where the community school's students are 49026  
entitled to attend school, the district's per pupil amount 49027  
received under division (G) of section 3317.029 of the Revised 49028  
Code, as adjusted by any poverty based assistance reduction factor 49029  
of the community school, is multiplied by the sum of the 49030  
following: 49031~~

~~(a) The number of the district's students enrolled in grades 49032  
one through twelve in that community school; 49033~~

~~(b) One half of the number of the district's students 49034  
enrolled in kindergarten in that community school. 49035~~

~~The district's per pupil amount under division (G) of section 49036  
3317.029 of the Revised Code shall be determined as described in 49037  
division (C)(7) of this section. 49038~~

~~(9) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.~~

~~(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in grades one through twelve, and one half of the number of that district's students enrolled in kindergarten, in the community school as reported under division (B)(2)(a) and (b) of this section amount calculated for the school under section 3306.16 of the Revised Code.~~

~~(E)(D)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F)(D)(2) to (6) of section 3317.013 3306.02 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised~~

Code, the school may submit to the superintendent of public 49070  
instruction documentation, as prescribed by the superintendent, of 49071  
all its costs for that student. Upon submission of documentation 49072  
for a student of the type and in the manner prescribed, the 49073  
department shall pay to the community school an amount equal to 49074  
the school's costs for the student in excess of the threshold 49075  
catastrophic costs. 49076

(2) The community school shall only report under division 49077  
~~(E)~~(D)(1) of this section, and the department shall only pay for, 49078  
the costs of educational expenses and the related services 49079  
provided to the student in accordance with the student's 49080  
~~individualized education program~~ IEP. Any legal fees, court costs, 49081  
or other costs associated with any cause of action relating to the 49082  
student may not be included in the amount. 49083

~~(F)~~(E) A community school may apply to the department of 49084  
education for preschool children with disabilities ~~or gifted~~ unit 49085  
funding the school would receive if it were a school district. 49086  
Upon request of its governing authority, a community school that 49087  
received such preschool unit funding as a school district-operated 49088  
school before it became a community school shall retain any units 49089  
awarded to it as a school district-operated school provided the 49090  
school continues to meet eligibility standards for the unit. 49091

A community school shall be considered a school district and 49092  
its governing authority shall be considered a board of education 49093  
for the purpose of applying to any state or federal agency for 49094  
grants that a school district may receive under federal or state 49095  
law or any appropriations act of the general assembly. The 49096  
governing authority of a community school may apply to any private 49097  
entity for additional funds. 49098

~~(G)~~(F) A board of education sponsoring a community school may 49099  
utilize local funds to make enhancement grants to the school or 49100  
may agree, either as part of the contract or separately, to 49101

provide any specific services to the community school at no cost 49102  
to the school. 49103

~~(H)~~(G) A community school may not levy taxes or issue bonds 49104  
secured by tax revenues. 49105

~~(I)~~(H) No community school shall charge tuition for the 49106  
enrollment of any student. 49107

~~(J)~~(I)(1)(a) A community school may borrow money to pay any 49108  
necessary and actual expenses of the school in anticipation of the 49109  
receipt of any portion of the payments to be received by the 49110  
school pursuant to division ~~(D)~~(C) of this section. The school may 49111  
issue notes to evidence such borrowing. The proceeds of the notes 49112  
shall be used only for the purposes for which the anticipated 49113  
receipts may be lawfully expended by the school. 49114

(b) A school may also borrow money for a term not to exceed 49115  
fifteen years for the purpose of acquiring facilities. 49116

(2) Except for any amount guaranteed under section 3318.50 of 49117  
the Revised Code, the state is not liable for debt incurred by the 49118  
governing authority of a community school. 49119

~~(K) For purposes of determining the number of students for 49120  
which divisions (D)(5) and (6) of this section applies in any 49121  
school year, a community school may submit to the department of 49122  
job and family services, no later than the first day of March, a 49123  
list of the students enrolled in the school. For each student on 49124  
the list, the community school shall indicate the student's name, 49125  
address, and date of birth and the school district where the 49126  
student is entitled to attend school. Upon receipt of a list under 49127  
this division, the department of job and family services shall 49128  
determine, for each school district where one or more students on 49129  
the list is entitled to attend school, the number of students 49130  
residing in that school district who were included in the 49131  
department's report under section 3317.10 of the Revised Code. The 49132~~

~~department shall make this determination on the basis of 49133  
information readily available to it. Upon making this 49134  
determination and no later than ninety days after submission of 49135  
the list by the community school, the department shall report to 49136  
the state department of education the number of students on the 49137  
list who reside in each school district who were included in the 49138  
department's report under section 3317.10 of the Revised Code. In 49139  
complying with this division, the department of job and family 49140  
services shall not report to the state department of education any 49141  
personally identifiable information on any student. 49142~~

~~(L)(J) The department of education shall adjust the amounts 49143  
subtracted and amount paid under divisions division (C) and (D) of 49144  
this section to reflect any enrollment of students in community 49145  
schools for less than the equivalent of a full school year. The 49146  
state board of education ~~within ninety days after April 8, 2003,~~ 49147  
shall adopt in accordance with Chapter 119. of the Revised Code 49148  
rules governing the payments to community schools under this 49149  
section and ~~section 3314.13 of the Revised Code~~ including initial 49150  
payments in a school year and adjustments and reductions made in 49151  
subsequent periodic payments to community schools ~~and~~ 49152  
~~corresponding deductions from school district accounts as provided~~ 49153  
~~under divisions (C) and (D) of this section and section 3314.13 of~~ 49154  
~~the Revised Code. For purposes of this section and section 3314.13~~ 49155  
~~of the Revised Code:~~ 49156~~

(1) A student shall be considered enrolled in the community 49157  
school for any portion of the school year the student is 49158  
participating at a college under Chapter 3365. of the Revised 49159  
Code. 49160

(2) A student shall be considered to be enrolled in a 49161  
community school during a school year for the period of time 49162  
beginning on the later of the date on which the school both has 49163  
received documentation of the student's enrollment from a parent 49164

and the student has commenced participation in learning 49165  
opportunities as defined in the contract with the sponsor, or 49166  
thirty days prior to the date on which the student is entered into 49167  
the education management information system established under 49168  
section 3301.0714 of the Revised Code. For purposes of applying 49169  
this division and division ~~(I)~~(J)(3) of this section to a 49170  
community school student, "learning opportunities" shall be 49171  
defined in the contract, which shall describe both classroom-based 49172  
and non-classroom-based learning opportunities and shall be in 49173  
compliance with criteria and documentation requirements for 49174  
student participation which shall be established by the 49175  
department. Any student's instruction time in non-classroom-based 49176  
learning opportunities shall be certified by an employee of the 49177  
community school. A student's enrollment shall be considered to 49178  
cease on the date on which any of the following occur: 49179

(a) The community school receives documentation from a parent 49181  
terminating enrollment of the student. 49182

(b) The community school is provided documentation of a 49183  
student's enrollment in another public or private school. 49184

(c) The community school ceases to offer learning 49185  
opportunities to the student pursuant to the terms of the contract 49186  
with the sponsor or the operation of any provision of this 49187  
chapter. 49188

(3) The department shall determine each community school 49189  
student's percentage of full-time equivalency based on the 49190  
percentage of learning opportunities offered by the community 49191  
school to that student, reported either as number of hours or 49192  
number of days, is of the total learning opportunities offered by 49193  
the community school to a student who attends for the school's 49194  
entire school year. However, no, subject to both of the following 49195  
requirements: 49196

(a) No internet- or computer-based community school shall be 49197  
credited for any time a student spends participating in learning 49198  
opportunities beyond ten hours within any period of twenty-four 49199  
consecutive hours. ~~Whether~~ 49200

(b) In the case of a community school and for which the 49201  
mission is to serve primarily dropouts, the department shall count 49202  
each enrolled student in the school's ADM only for the full-time 49203  
equivalent amount of hours the student participates in 49204  
classroom-based learning opportunities and shall not count any 49205  
time a student participates in non-classroom-based learning 49206  
opportunities. 49207

~~Whether~~ it reports hours or days of learning opportunities, 49208  
each community school shall offer not less than ~~nine-hundred~~ 49209  
~~twenty~~ the applicable minimum number of hours of learning 49210  
opportunities during the school year prescribed by section 49211  
3314.031 of the Revised Code. 49212

~~(M)~~(K) The department of education shall reduce the amounts 49213  
paid under division ~~(D)~~(C) of this section to reflect payments 49214  
made to colleges under division (B) of section 3365.07 of the 49215  
Revised Code or through alternative funding agreements entered 49216  
into under rules adopted under section 3365.12 of the Revised 49217  
Code. 49218

~~(N)~~(L)(1) No student shall be considered enrolled in any 49219  
internet- or computer-based community school or, if applicable to 49220  
the student, in any community school that is required to provide 49221  
the student with a computer pursuant to division (C) of section 49222  
3314.22 of the Revised Code, unless both of the following 49223  
conditions are satisfied: 49224

(a) The student possesses or has been provided with all 49225  
required hardware and software materials and all such materials 49226  
are operational so that the student is capable of fully 49227

participating in the learning opportunities specified in the 49228  
contract between the school and the school's sponsor as required 49229  
by division (A)(23) of section 3314.03 of the Revised Code; 49230

(b) The school is in compliance with division (A) of section 49231  
3314.22 of the Revised Code, relative to such student. 49232

(2) In accordance with policies adopted jointly by the 49233  
superintendent of public instruction and the auditor of state, the 49234  
department shall reduce the amounts otherwise payable under 49235  
division ~~(D)~~(C) of this section to any community school that 49236  
includes in its program the provision of computer hardware and 49237  
software materials to any student, if such hardware and software 49238  
materials have not been delivered, installed, and activated for 49239  
each such student in a timely manner or other educational 49240  
materials or services have not been provided according to the 49241  
contract between the individual community school and its sponsor. 49242

The superintendent of public instruction and the auditor of 49243  
state shall jointly establish a method for auditing any community 49244  
school to which this division pertains to ensure compliance with 49245  
this section. 49246

The superintendent, auditor of state, and the governor shall 49247  
jointly make recommendations to the general assembly for 49248  
legislative changes that may be required to assure fiscal and 49249  
academic accountability for such schools. 49250

~~(O)~~(M)(1) If the department determines that a review of a 49251  
community school's enrollment is necessary, such review shall be 49252  
completed and written notice of the findings shall be provided to 49253  
the governing authority of the community school and its sponsor 49254  
within ninety days of the end of the community school's fiscal 49255  
year, unless extended for a period not to exceed thirty additional 49256  
days for one of the following reasons: 49257

(a) The department and the community school mutually agree to 49258



the extension. 49259

(b) Delays in data submission caused by either a community school or its sponsor. 49260  
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(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply: 49262  
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(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee. 49267  
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(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing. 49270  
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(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter. 49274  
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(d) Any decision made by the board under this division is final. 49278  
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(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction. 49280  
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~~(Q)~~(N) The department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division ~~(D)~~(C) of this section any amount for any of the following: 49284  
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(1) Any student who has graduated from the twelfth grade of a 49288

public or nonpublic high school; 49289

(2) Any student who is not a resident of the state; 49290

(3) Any student who was enrolled in the community school 49291  
during the previous school year when ~~tests~~ assessments were 49292  
administered under section 3301.0711 of the Revised Code but did 49293  
not take one or more of the ~~tests~~ assessments required by that 49294  
section and was not excused pursuant to division (C)(1) or (3) of 49295  
that section, unless the superintendent of public instruction 49296  
grants the student a waiver from the requirement to take the ~~test~~ 49297  
assessment and a parent is not paying tuition for the student 49298  
pursuant to section 3314.26 of the Revised Code. The 49299  
superintendent may grant a waiver only for good cause in 49300  
accordance with rules adopted by the state board of education. 49301

(4) Any student who has attained the age of twenty-two years, 49302  
except for veterans of the armed services whose attendance was 49303  
interrupted before completing the recognized twelve-year course of 49304  
the public schools by reason of induction or enlistment in the 49305  
armed forces and who apply for enrollment in a community school 49306  
not later than four years after termination of war or their 49307  
honorable discharge. If, however, any such veteran elects to 49308  
enroll in special courses organized for veterans for whom tuition 49309  
is paid under federal law, or otherwise, the department ~~shall not~~ 49310  
~~subtract from a school district's state aid account under division~~ 49311  
~~(C) of this section and~~ shall not pay to a community school under 49312  
division ~~(D)~~(C) of this section any amount for that veteran. 49313

**Sec. 3314.083.** If the department of education pays a joint 49314  
vocational school district under division (G)(4) of section 49315  
3317.16 of the Revised Code for excess costs of providing special 49316  
education and related services to a student with a disability who 49317  
is enrolled in a community school, as calculated under division 49318  
(G)(2) of that section, the department shall deduct the amount of 49319

that payment from the amount calculated for payment to the 49320  
community school under section ~~3314.08~~ 3306.16 of the Revised 49321  
Code. 49322

**Sec. 3314.084.** (A) As used in this section: 49323

(1) ~~"Formula ADM" has the same meaning as in section 3317.03~~ 49324  
~~of the Revised Code.~~ 49325

~~(2)~~ "Home" has the same meaning as in section 3313.64 of the 49326  
Revised Code. 49327

~~(3)~~(2) "School district of residence" has the same meaning as 49328  
in section 3323.01 of the Revised Code; however, a community 49329  
school established under this chapter is not a "school district of 49330  
residence" for purposes of this section. 49331

(B) Notwithstanding anything to the contrary in section 49332  
3314.08 or 3317.03 of the Revised Code, ~~all of the following apply~~ 49333  
in the case of a child who is enrolled in a community school and 49334  
is also living in a home: 49335

~~(1)~~ For, for purposes of the report required under division 49336  
(B)~~(1)~~ of section 3314.08 of the Revised Code, the child's school 49337  
district of residence, and not the school district in which the 49338  
home that the child is living in is located, shall be considered 49339  
to be the school district in which the child is entitled to attend 49340  
school. ~~That school district of residence, therefore, shall make~~ 49341  
~~the report required under division (B)(1) of section 3314.08 of~~ 49342  
~~the Revised Code with respect to the child.~~ 49343

~~(2)~~ ~~For purposes of the report required under division (B)(2)~~ 49344  
~~of section 3314.08 of the Revised Code, the community school shall~~ 49345  
~~report the name of the child's school district of residence.~~ 49346

~~(3)~~ ~~The child's school district of residence shall count the~~ 49347  
~~child in that district's formula ADM.~~ 49348

~~(4)~~ ~~The school district in which the home that the child is~~ 49349

~~living in is located shall not count the child in that district's  
formula ADM.~~ 49350  
49351

~~(5) The Department of Education shall deduct the applicable  
amounts prescribed under division (C) of section 3314.08 and  
division (D) of section 3314.13 of the Revised Code from the  
child's school district of residence and shall not deduct those  
amounts from the school district in which the home that the child  
is living in is located.~~ 49352  
49353  
49354  
49355  
49356  
49357

~~(6) The Department shall make the payments prescribed in  
divisions (D) and (E) of section 3314.08 and section 3314.13 of  
the Revised Code, as applicable, to the community school.~~ 49358  
49359  
49360

**Sec. 3314.087.** (A) As used in this section: 49361

(1) "Career-technical program" means vocational programs or 49362  
classes described in division (A) or (B) of section 3317.014 of 49363  
the Revised Code in which a student is enrolled. 49364

(2) "Formula ADM," "category one or two vocational education 49365  
ADM," and "FTE basis" have the same meanings as in section 3317.02 49366  
of the Revised Code. 49367

(3) "Resident school district" means the city, exempted 49368  
village, or local school district in which a student is entitled 49369  
to attend school under section 3313.64 or 3313.65 of the Revised 49370  
Code. 49371

(B) Notwithstanding anything to the contrary in this chapter 49372  
or Chapter 3306. or 3317. of the Revised Code, a student enrolled 49373  
in a community school may simultaneously enroll in the 49374  
career-technical program operated by the student's resident school 49375  
district. On an FTE basis, the student's resident school district 49376  
shall count the student in the category one or two vocational 49377  
education ADM for the proportion of the time the student is 49378  
enrolled in the district's career-technical program and, 49379

accordingly, the department of education shall calculate funds 49380  
under Chapter 3317. for the district attributable to the student 49381  
for the proportion of time the student attends the 49382  
career-technical program. The community school shall count the 49383  
student in its enrollment report under section 3314.08 of the 49384  
Revised Code and shall report to the department the proportion of 49385  
time that the student attends classes at the community school. The 49386  
department shall pay the community school ~~and deduct from the~~ 49387  
~~student's resident school district~~ the amount computed for the 49388  
student under section ~~3314.08~~ 3306.16 of the Revised Code in 49389  
proportion to the fraction of the time on an FTE basis that the 49390  
student attends classes at the community school. "Full-time 49391  
equivalency" for a community school student, as defined in 49392  
division ~~(I)~~(J) of section 3314.08 of the Revised Code, does not 49393  
apply to the student. 49394

**Sec. 3314.091.** (A) A school district is not required to 49395  
provide transportation for any native student enrolled in a 49396  
community school if the district board of education has entered 49397  
into an agreement with the community school's governing authority 49398  
that designates the community school as responsible for providing 49399  
or arranging for the transportation of the district's native 49400  
students to and from the community school. For any such agreement 49401  
to be effective, it must be certified by the superintendent of 49402  
public instruction as having met all of the following 49403  
requirements: 49404

(1) It is submitted to the department of education by a 49405  
deadline which shall be established by the department. 49406

(2) In accordance with divisions (C)(1) and (2) of this 49407  
section, it specifies qualifications, such as residing a minimum 49408  
distance from the school, for students to have their 49409  
transportation provided or arranged. 49410

(3) The transportation provided by the community school is 49411  
subject to all provisions of the Revised Code and all rules 49412  
adopted under the Revised Code pertaining to pupil transportation. 49413

(4) The sponsor of the community school also has signed the 49414  
agreement. 49415

(B)(1) For the school year that begins on July 1, 2007, a 49416  
school district is not required to provide transportation for any 49417  
native student enrolled in a community school, if the community 49418  
school during the previous school year transported the students 49419  
enrolled in the school or arranged for the students' 49420  
transportation, even if that arrangement consisted of having 49421  
parents transport their children to and from the school, but did 49422  
not enter into an agreement to transport or arrange for 49423  
transportation for those students under division (A) of this 49424  
section, and if the governing authority of the community school by 49425  
July 15, 2007, submits written notification to the district board 49426  
of education stating that the governing authority is accepting 49427  
responsibility for providing or arranging for the transportation 49428  
of the district's native students to and from the community 49429  
school. 49430

(2) For any school year subsequent to the school year that 49431  
begins on July 1, 2007, a school district is not required to 49432  
provide transportation for any native student enrolled in a 49433  
community school if the governing authority of the community 49434  
school, by the thirty-first day of January of the previous school 49435  
year, submits written notification to the district board of 49436  
education stating that the governing authority is accepting 49437  
responsibility for providing or arranging for the transportation 49438  
of the district's native students to and from the community 49439  
school. If the governing authority of the community school has 49440  
previously accepted responsibility for providing or arranging for 49441  
the transportation of a district's native students to and from the 49442

community school, under division (B)(1) or (2) of this section, 49443  
and has since relinquished that responsibility under division 49444  
(B)(3) of this section, the governing authority shall not accept 49445  
that responsibility again unless the district board consents to 49446  
the governing authority's acceptance of that responsibility. 49447

(3) A governing authority's acceptance of responsibility 49448  
under division (B)(1) or (2) of this section shall cover an entire 49449  
school year, and shall remain in effect for subsequent school 49450  
years unless the governing authority submits written notification 49451  
to the district board that the governing authority is 49452  
relinquishing the responsibility. However, a governing authority 49453  
shall not relinquish responsibility for transportation before the 49454  
end of a school year, and shall submit the notice relinquishing 49455  
responsibility by the thirty-first day of January, in order to 49456  
allow the school district reasonable time to prepare 49457  
transportation for its native students enrolled in the school. 49458

(C)(1) A community school governing authority that enters 49459  
into an agreement under division (A) of this section, or that 49460  
accepts responsibility under division (B) of this section, shall 49461  
provide or arrange transportation free of any charge for each of 49462  
its enrolled students who is required to be transported under 49463  
section 3327.01 of the Revised Code or who would otherwise be 49464  
transported by the school district under the district's 49465  
transportation policy. The governing authority shall report to the 49466  
department of education the number of students transported or for 49467  
whom transportation is arranged under this section in accordance 49468  
with rules adopted by the state board of education. 49469

(2) The governing authority may provide or arrange 49470  
transportation for any other enrolled student who is not eligible 49471  
for transportation in accordance with division (C)(1) of this 49472  
section and may charge a fee for such service up to the actual 49473  
cost of the service. 49474

(3) Notwithstanding anything to the contrary in division 49475  
(C)(1) or (2) of this section, a community school governing 49476  
authority shall provide or arrange transportation free of any 49477  
charge for any disabled student enrolled in the school for whom 49478  
the student's individualized education program developed under 49479  
Chapter 3323. of the Revised Code specifies transportation. 49480

(D)(1) If a school district board and a community school 49481  
governing authority elect to enter into an agreement under 49482  
division (A) of this section, the department of education shall 49483  
make payments to the community school according to the terms of 49484  
the agreement for each student actually transported under division 49485  
(C)(1) of this section. 49486

If a community school governing authority accepts 49487  
transportation responsibility under division (B) of this section, 49488  
the department shall make payments to the community school for 49489  
each student actually transported or for whom transportation is 49490  
arranged by the community school under division (C)(1) of this 49491  
section, calculated as follows: 49492

(a) For any fiscal year which the general assembly has 49493  
specified that transportation payments to school districts be 49494  
based on an across-the-board percentage of the district's payment 49495  
for the previous school year, the per pupil payment to the 49496  
community school shall be the following quotient: 49497

(i) The total amount calculated for the school district in 49498  
which the child is entitled to attend school for student 49499  
transportation other than transportation of children with 49500  
disabilities; divided by 49501

(ii) The number of students included in the district's 49502  
transportation ADM for the current fiscal year, as reported under 49503  
division (B)(13) of section 3317.03 of the Revised Code, plus the 49504  
number of students enrolled in the community school not counted in 49505



the district's transportation ADM who are transported under 49506  
division (B)(1) or (2) of this section. 49507

(b) For any fiscal year which the general assembly has 49508  
specified that the transportation payments to school districts be 49509  
calculated in accordance with ~~division (D) of section 3317.022~~ 49510  
3306.12 of the Revised Code and any rules of the state board of 49511  
education implementing that ~~division section~~, the payment to the 49512  
community school shall be the amount so calculated that otherwise 49513  
would be paid to the school district in which the student is 49514  
entitled to attend school by the method of transportation the 49515  
district would have used. The community school, however, is not 49516  
required to use the same method to transport that student. 49517

As used in this division "entitled to attend school" means 49518  
entitled to attend school under section 3313.64 or 3313.65 of the 49519  
Revised Code. 49520

(2) The department shall deduct the payment under division 49521  
(D)(1) of this section from the state education aid, as defined in 49522  
section ~~3314.08~~ 5751.20 of the Revised Code, and, if necessary, 49523  
the payment under sections 321.14 and 323.156 of the Revised Code, 49524  
that is otherwise paid to the school district in which the student 49525  
enrolled in the community school is entitled to attend school. The 49526  
department shall include the number of the district's native 49527  
students for whom payment is made to a community school under 49528  
division (D)(1) of this section in the calculation of the 49529  
district's transportation payment under ~~division (D) of section~~ 49530  
~~3317.022~~ 3306.12 of the Revised Code and the operating 49531  
appropriations act. 49532

(3) A community school shall be paid under division (D)(1) of 49533  
this section only for students who are eligible as specified in 49534  
section 3327.01 of the Revised Code and division (C)(1) of this 49535  
section, and whose transportation to and from school is actually 49536  
provided, who actually utilized transportation arranged, or for 49537

whom a payment in lieu of transportation is made by the community 49538  
school's governing authority. To qualify for the payments, the 49539  
community school shall report to the department, in the form and 49540  
manner required by the department, data on the number of students 49541  
transported or whose transportation is arranged, the number of 49542  
miles traveled, cost to transport, and any other information 49543  
requested by the department. 49544

(4) A community school shall use payments received under this 49545  
section solely to pay the costs of providing or arranging for the 49546  
transportation of students who are eligible as specified in 49547  
section 3327.01 of the Revised Code and division (C)(1) of this 49548  
section, which may include payments to a parent, guardian, or 49549  
other person in charge of a child in lieu of transportation. 49550

(E) Except when arranged through payment to a parent, 49551  
guardian, or person in charge of a child, transportation provided 49552  
or arranged for by a community school pursuant to an agreement 49553  
under this section is subject to all provisions of the Revised 49554  
Code, and all rules adopted under the Revised Code, pertaining to 49555  
the construction, design, equipment, and operation of school buses 49556  
and other vehicles transporting students to and from school. The 49557  
drivers and mechanics of the vehicles are subject to all 49558  
provisions of the Revised Code, and all rules adopted under the 49559  
Revised Code, pertaining to drivers and mechanics of such 49560  
vehicles. The community school also shall comply with sections 49561  
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 49562  
of section 3327.16 of the Revised Code and, subject to division 49563  
(C)(1) of this section, sections 3327.01 and 3327.02 of the 49564  
Revised Code, as if it were a school district. 49565

**Sec. 3314.10.** (A)(1) The governing authority of any community 49566  
school established under this chapter may employ teachers and 49567  
nonteaching employees necessary to carry out its mission and 49568

fulfill its contract. 49569

(2) Except as provided under division (A)(3) of this section, 49570  
employees hired under this section may organize and collectively 49571  
bargain pursuant to Chapter 4117. of the Revised Code. 49572  
Notwithstanding division (D)(1) of section 4117.06 of the Revised 49573  
Code, a unit containing teaching and nonteaching employees 49574  
employed under this section shall be considered an appropriate 49575  
unit. As applicable, employment under this section is subject to 49576  
either Chapter 3307. or 3309. of the Revised Code. 49577

(3) If a school is created by converting all or part of an 49578  
existing public school rather than by establishment of a new 49579  
start-up school, at the time of conversion, the employees of the 49580  
community school shall remain part of any collective bargaining 49581  
unit in which they were included immediately prior to the 49582  
conversion and shall remain subject to any collective bargaining 49583  
agreement for that unit in effect on the first day of July of the 49584  
year in which the community school initially begins operation and 49585  
shall be subject to any subsequent collective bargaining agreement 49586  
for that unit, unless a petition is certified as sufficient under 49587  
division (A)(6) of this section with regard to those employees. 49588  
Any new employees of the community school shall also be included 49589  
in the unit to which they would have been assigned had not the 49590  
conversion taken place and shall be subject to the collective 49591  
bargaining agreement for that unit unless a petition is certified 49592  
as sufficient under division (A)(6) of this section with regard to 49593  
those employees. 49594

Notwithstanding division (B) of section 4117.01 of the 49595  
Revised Code, the board of education of a school district and not 49596  
the governing authority of a community school shall be regarded, 49597  
for purposes of Chapter 4117. of the Revised Code, as the "public 49598  
employer" of the employees of a conversion community school 49599  
subject to a collective bargaining agreement pursuant to division 49600

(A)(3) of this section unless a petition is certified under 49601  
division (A)(6) of this section with regard to those employees. 49602  
Only on and after the effective date of a petition certified as 49603  
sufficient under division (A)(6) of this section shall division 49604  
(A)(2) of this section apply to those employees of that community 49605  
school and only on and after the effective date of that petition 49606  
shall Chapter 4117. of the Revised Code apply to the governing 49607  
authority of that community school with regard to those employees. 49608

(4) Notwithstanding sections 4117.03 to 4117.18 of the 49609  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 49610  
133 of the 115th general assembly, the employees of a conversion 49611  
community school who are subject to a collective bargaining 49612  
agreement pursuant to division (A)(3) of this section shall cease 49613  
to be subject to that agreement and all subsequent agreements 49614  
pursuant to that division and shall cease to be part of the 49615  
collective bargaining unit that is subject to that and all 49616  
subsequent agreements, if a majority of the employees of that 49617  
community school who are subject to that collective bargaining 49618  
agreement sign and submit to the state employment relations board 49619  
a petition requesting all of the following: 49620

(a) That all the employees of the community school who are 49621  
subject to that agreement be removed from the bargaining unit that 49622  
is subject to that agreement and be designated by the state 49623  
employment relations board as a new and separate bargaining unit 49624  
for purposes of Chapter 4117. of the Revised Code; 49625

(b) That the employee organization certified as the exclusive 49626  
representative of the employees of the bargaining unit from which 49627  
the employees are to be removed be certified as the exclusive 49628  
representative of the new and separate bargaining unit for 49629  
purposes of Chapter 4117. of the Revised Code; 49630

(c) That the governing authority of the community school be 49631  
regarded as the "public employer" of these employees for purposes 49632

of Chapter 4117. of the Revised Code. 49633

(5) Notwithstanding sections 4117.03 to 4117.18 of the 49634  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 49635  
133 of the 115th general assembly, the employees of a conversion 49636  
community school who are subject to a collective bargaining 49637  
agreement pursuant to division (A)(3) of this section shall cease 49638  
to be subject to that agreement and all subsequent agreements 49639  
pursuant to that division, shall cease to be part of the 49640  
collective bargaining unit that is subject to that and all 49641  
subsequent agreements, and shall cease to be represented by any 49642  
exclusive representative of that collective bargaining unit, if a 49643  
majority of the employees of the community school who are subject 49644  
to that collective bargaining agreement sign and submit to the 49645  
state employment relations board a petition requesting all of the 49646  
following: 49647

(a) That all the employees of the community school who are 49648  
subject to that agreement be removed from the bargaining unit that 49649  
is subject to that agreement; 49650

(b) That any employee organization certified as the exclusive 49651  
representative of the employees of that bargaining unit be 49652  
decertified as the exclusive representative of the employees of 49653  
the community school who are subject to that agreement; 49654

(c) That the governing authority of the community school be 49655  
regarded as the "public employer" of these employees for purposes 49656  
of Chapter 4117. of the Revised Code. 49657

(6) Upon receipt of a petition under division (A)(4) or (5) 49658  
of this section, the state employment relations board shall check 49659  
the sufficiency of the signatures on the petition. If the 49660  
signatures are found sufficient, the board shall certify the 49661  
sufficiency of the petition and so notify the parties involved, 49662  
including the board of education, the governing authority of the 49663

community school, and any exclusive representative of the 49664  
bargaining unit. The changes requested in a certified petition 49665  
shall take effect on the first day of the month immediately 49666  
following the date on which the sufficiency of the petition is 49667  
certified under division (A)(6) of this section. 49668

(B)(1) The board of education of each city, local, and 49669  
exempted village school district sponsoring a community school and 49670  
the governing board of each educational service center in which a 49671  
community school is located shall adopt a policy that provides a 49672  
leave of absence of at least three years to each teacher or 49673  
nonteaching employee of the district or service center who is 49674  
employed by a conversion or new start-up community school 49675  
sponsored by the district or located in the district or center for 49676  
the period during which the teacher or employee is continuously 49677  
employed by the community school. The policy shall also provide 49678  
that any teacher or nonteaching employee may return to employment 49679  
by the district or service center if the teacher or employee 49680  
leaves or is discharged from employment with the community school 49681  
for any reason, unless, in the case of a teacher, the board of the 49682  
district or service center determines that the teacher was 49683  
discharged for a reason for which the board would have sought to 49684  
discharge the teacher under section 3319.16 of the Revised Code, 49685  
in which case the board may proceed to discharge the teacher 49686  
utilizing the procedures of that section. Upon termination of such 49687  
a leave of absence, any seniority that is applicable to the person 49688  
shall be calculated to include all of the following: all 49689  
employment by the district or service center prior to the leave of 49690  
absence; all employment by the community school during the leave 49691  
of absence; and all employment by the district or service center 49692  
after the leave of absence. The policy shall also provide that if 49693  
any teacher holding valid certification returns to employment by 49694  
the district or service center upon termination of such a leave of 49695  
absence, the teacher shall be restored to the previous position 49696

and salary or to a position and salary similar thereto. If, as a  
result of teachers returning to employment upon termination of  
such leaves of absence, a school district or educational service  
center reduces the number of teachers it employs, it shall make  
such reductions in accordance with section 3319.17 or, if  
applicable, 3319.171 of the Revised Code.

Unless a collective bargaining agreement providing otherwise  
is in effect for an employee of a conversion community school  
pursuant to division (A)(3) of this section, an employee on a  
leave of absence pursuant to this division shall remain eligible  
for any benefits that are in addition to benefits under Chapter  
3307. or 3309. of the Revised Code provided by the district or  
service center to its employees provided the employee pays the  
entire cost associated with such benefits, except that personal  
leave and vacation leave cannot be accrued for use as an employee  
of a school district or service center while in the employ of a  
community school unless the district or service center board  
adopts a policy expressly permitting this accrual.

(2) While on a leave of absence pursuant to division (B)(1)  
of this section, a conversion community school shall permit a  
teacher to use sick leave accrued while in the employ of the  
school district from which the leave of absence was taken and  
prior to commencing such leave. If a teacher who is on such a  
leave of absence uses sick leave so accrued, the cost of any  
salary paid by the community school to the teacher for that time  
shall be reported to the department of education. The cost of  
employing a substitute teacher for that time shall be paid by the  
community school. The department of education shall add amounts to  
the payments made to a community school under this chapter and  
section 3306.16 of the Revised Code as necessary to cover the cost  
of salary reported by a community school as paid to a teacher  
using sick leave so accrued pursuant to this section. The

department shall subtract the amounts of any payments made to 49729  
community schools under this division from payments made to such 49730  
sponsoring school district under ~~Chapter~~ Chapters 3306. and 3317. 49731  
of the Revised Code. 49732

A school district providing a leave of absence and employee 49733  
benefits to a person pursuant to this division is not liable for 49734  
any action of that person while the person is on such leave and 49735  
employed by a community school. 49736

Sec. 3314.102. Each community school shall do both of the 49737  
following in the same manner as required of a school district: 49738

(A) Comply with the provisions of section 3319.074 of the 49739  
Revised Code, except that the prohibition in division (B) of that 49740  
section shall apply only to teachers hired by the school on or 49741  
after the effective date of this section; 49742

(B) Employ as classroom teachers only persons who are 49743  
licensed under sections 3319.22 to 3319.31 of the Revised Code in 49744  
a manner that is in compliance with any rules of the state board 49745  
of education that either implement those sections or otherwise 49746  
require teachers to teach in the subject areas or grade levels for 49747  
which they are licensed. 49748

A community school may engage persons issued permits under 49749  
section 3319.301 of the Revised Code in the same manner as may 49750  
school districts. 49751

**Sec. 3314.19.** The sponsor of each community school annually 49752  
shall provide the following assurances in writing to the 49753  
department of education not later than ten business days prior to 49754  
the opening of the school: 49755

(A) That the sponsor has filed a current copy of the contract 49756  
between the sponsor and the governing authority of the school 49757  
entered into under section 3314.03 of the Revised Code ~~has been~~ 49758



~~filed~~ with the state office of community schools established under 49759  
section 3314.11 of the Revised Code and that the sponsor will file 49760  
any subsequent modifications to that contract ~~will be filed~~ with 49761  
the office; 49762

(B) That the school has submitted to the sponsor a plan for 49763  
providing special education and related services to students with 49764  
disabilities and has demonstrated the capacity to provide those 49765  
services in accordance with Chapter 3323. of the Revised Code and 49766  
federal law; 49767

(C) That the school has a plan and procedures for 49768  
administering the achievement ~~tests~~ and diagnostic assessments 49769  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 49770  
Revised Code; 49771

(D) That school personnel have the necessary training, 49772  
knowledge, and resources to properly use and submit information to 49773  
all databases maintained by the department for the collection of 49774  
education data, including the education management information 49775  
system established under section 3301.0714 of the Revised Code in 49776  
accordance with methods and timelines established under section 49777  
3314.17 of the Revised Code; 49778

(E) That the school has submitted all required information 49779  
about the school ~~has been submitted~~ to the Ohio education 49780  
directory system or any successor system; 49781

(F) That the school will enroll at least the minimum number 49782  
of students required by division (A)(11)(a) of section 3314.03 of 49783  
the Revised Code in the school year for which the assurances are 49784  
provided; 49785

(G) That all classroom teachers are licensed in accordance 49786  
with ~~sections 3319.22 to 3319.31 of the Revised Code, except for~~ 49787  
~~noncertificated persons engaged to teach up to twelve hours per~~ 49788  
~~week pursuant to section 3319.301~~ 3314.102 of the Revised Code; 49789

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code; 49790  
49791

(I) That the school has complied with sections 3319.39 and 49792  
3319.391 of the Revised Code with respect to all employees, that 49793  
the school has complied with section 3314.41 of the Revised Code 49794  
with respect to persons described in division (B) of that section, 49795  
and that the school has conducted a criminal records check of each 49796  
of its governing authority members; 49797

(J) That the school holds all of the following: 49798

(1) Proof of property ownership or a lease for the facilities 49799  
used by the school; 49800

(2) A certificate of occupancy; 49801

(3) Liability insurance for the school, as required by 49802  
division (A)(11)(b) of section 3314.03 of the Revised Code, that 49803  
the sponsor considers sufficient to indemnify the school's 49804  
facilities, staff, and governing authority against risk; 49805

(4) A satisfactory health and safety inspection; 49806

(5) A satisfactory fire inspection; 49807

(6) A valid food permit, if applicable. 49808

(K) That the sponsor has conducted a pre-opening site visit 49809  
to the school for the school year for which the assurances are 49810  
provided; 49811

(L) That the school has designated a date it will open for 49812  
the school year for which the assurances are provided that is in 49813  
compliance with division (A)(25) of section 3314.03 of the Revised 49814  
Code; 49815

(M) That the school has met all of the sponsor's requirements 49816  
for opening and any other requirements of the sponsor. 49817

Sec. 3314.191. The sponsor of a community school is subject 49818

to this section if the sponsor fails to take an action described 49819  
in division (A) or (K) of section 3314.19 of the Revised Code with 49820  
respect to one or more of the community schools it sponsors, or if 49821  
one or more of the community schools it sponsors fails to meet any 49822  
of the criteria specified in divisions (B) to (J), (L), and (M) of 49823  
that section. 49824

(A) In any year in which a sponsor becomes subject to this 49825  
section, the department of education shall provide the sponsor 49826  
with technical assistance to bring the sponsor or the community 49827  
school into compliance with the criteria specified in section 49828  
3314.19 of the Revised Code, and the sponsor shall take both of 49829  
the following actions: 49830

(1) Develop and submit to the department a three-year 49831  
operations improvement plan containing all of the following: 49832

(a) An analysis of the reasons for the sponsor's failure to 49833  
comply with the criteria and to assure that the community schools 49834  
it sponsors comply with the criteria; 49835

(b) Specific strategies the sponsor will use to address the 49836  
problems in meeting the criteria; 49837

(c) Identification of the resources the sponsor will use to 49838  
meet the criteria and to assure that the schools it sponsors meet 49839  
the criteria; 49840

(d) A description of how the sponsor will measure its 49841  
progress in meeting the criteria and assuring that the schools it 49842  
sponsors meet the criteria. 49843

(2) Notify the parent or guardian of each student enrolled in 49844  
each community school it sponsors with respect to which the 49845  
criteria were not met, either in writing or by electronic means, 49846  
of the criteria the sponsor or the school did not meet, the 49847  
actions the sponsor is taking toward meeting the criteria and 49848

assuring that the school meets the criteria, and any progress the 49849  
sponsor has achieved in the immediately preceding school year 49850  
toward meeting the criteria and assuring that the school meets the 49851  
criteria. 49852

(B) If a sponsor becomes subject to this section in a second 49853  
consecutive year, both of the following apply: 49854

(1) The sponsor shall take the actions required by divisions 49855  
(A)(1) and (2) of this section; 49856

(2) The department shall declare the sponsor to be in 49857  
probationary status, and monitor the sponsor's actions to 49858  
implement remedies, in accordance with division (D) of section 49859  
3314.015 of the Revised Code. The department may suspend or 49860  
restrict the sponsor's authority to sponsor community schools 49861  
under divisions (D)(3) and (4) of that section if the department 49862  
finds that the remedies offered by the sponsor are not 49863  
satisfactory, or if the department finds that the sponsor is not 49864  
taking actions necessary to implement those remedies. 49865

(C) If a sponsor becomes subject to this section in a third 49866  
consecutive year, the department shall revoke the sponsor's 49867  
authority to sponsor community schools in accordance with division 49868  
(C) of section 3314.015 of the Revised Code. 49869

(D) The department's suspension, restriction, or revocation 49870  
of the sponsorship authority of a sponsor that is subject to this 49871  
section is subject to appeal under division (E) of section 49872  
3314.015 of the Revised Code. 49873

(E) This section does not restrict the department's authority 49874  
otherwise to place a sponsor on probationary status, or otherwise 49875  
to suspend, restrict, or revoke a sponsor's authority, under 49876  
section 3314.015 of the Revised Code. 49877

**Sec. 3314.192.** (A) The sponsor of each community school 49878

annually shall report to the department of education, not later 49879  
than ten business days prior to the opening of the school, whether 49880  
the school's governing authority has entered into a contract with 49881  
an operator for that school year. The sponsor shall also report to 49882  
the department any additional information about the operator and 49883  
contract the superintendent of public instruction specifies by 49884  
rule. 49885

(B) The department shall post the information reported under 49886  
division (A) of this section on its web site. 49887

(C) If there is any change in the contract between the 49888  
governing authority of a community school and the school's 49889  
operator during the course of the school year, the governing 49890  
authority shall notify the school's sponsor of the change not 49891  
later than thirty days after the change is made. If the change 49892  
involves any of the information reported under division (A) of 49893  
this section, the sponsor shall report the change to the 49894  
department not later than thirty days after receiving notification 49895  
of the change from the school's governing authority. The 49896  
department shall update its web site to reflect the change not 49897  
later than thirty days after receiving the report of the change 49898  
from the school's sponsor. 49899

**Sec. 3314.21.** (A) As used in this section: 49900

(1) "Harmful to juveniles" has the same meaning as in section 49901  
2907.01 of the Revised Code. 49902

(2) "Obscene" has the same meaning as in division (F) of 49903  
section 2907.01 of the Revised Code as that division has been 49904  
construed by the supreme court of this state. 49905

(3) "Teacher of record" means a teacher who is responsible 49906  
for the overall academic development and achievement of a student 49907  
and not merely the student's instruction in any single subject. 49908

(B)~~(1)~~ (1) It is the intent of the general assembly that 49909  
teachers employed by internet- or computer-based community schools 49910  
conduct visits with their students in person throughout the school 49911  
year. 49912

(2) Each internet- or computer-based community school shall 49913  
retain an affiliation with at least one full-time teacher of 49914  
record licensed in accordance with ~~division (A)(10)~~ of section 49915  
~~3314.03~~ 3314.102 of the Revised Code. 49916

(3) Each student enrolled in an internet- or computer-based 49917  
community school shall be assigned to at least one teacher of 49918  
record. No teacher of record shall be primarily responsible for 49919  
the academic development and achievement of more than one hundred 49920  
twenty-five students enrolled in the internet- or computer-based 49921  
community school that has retained that teacher. 49922

(C) For any internet- or computer-based community school, the 49923  
contract between the sponsor and the governing authority of the 49924  
school described in section 3314.03 of the Revised Code shall 49925  
specify each of the following: 49926

(1) A requirement that the school use a filtering device or 49927  
install filtering software that protects against internet access 49928  
to materials that are obscene or harmful to juveniles on each 49929  
computer provided to students for instructional use. The school 49930  
shall provide such device or software at no cost to any student 49931  
who works primarily from the student's residence on a computer 49932  
obtained from a source other than the school. 49933

(2) A plan for fulfilling the intent of the general assembly 49934  
specified in division (B)(1) of this section. The plan shall 49935  
indicate the number of times teachers will visit each student 49936  
throughout the school year and the manner in which those visits 49937  
will be conducted. 49938

(3) That the school will set up a central base of operation 49939

and the sponsor will maintain a representative within fifty miles 49940  
of that base of operation to provide monitoring and assistance. 49941

**Sec. 3314.25.** Each internet- or computer-based community 49942  
school shall provide its students a location within a fifty-mile 49943  
radius of the student's residence at which to complete the 49944  
statewide achievement ~~tests~~ and diagnostic assessments prescribed 49945  
under sections 3301.079 ~~and~~, 3301.0710, and 3301.0712 of the 49946  
Revised Code. 49947

**Sec. 3314.26.** (A) Each internet- or computer-based community 49948  
school shall withdraw from the school any student who, for two 49949  
consecutive school years, has failed to participate in the spring 49950  
administration of any ~~test~~ assessment prescribed under section 49951  
3301.0710 or 3301.0712 of the Revised Code for the student's grade 49952  
level and was not excused from the ~~test~~ assessment pursuant to 49953  
division (C)(1) or (3) of section 3301.0711 of the Revised Code, 49954  
regardless of whether a waiver was granted for the student under 49955  
division ~~(Q)~~(N)(3) of section 3314.08 of the Revised Code. The 49956  
school shall report any such student's data verification code, as 49957  
assigned pursuant to section 3301.0714 of the Revised Code, to the 49958  
department of education. The department shall maintain a list of 49959  
all data verification codes reported under this division and 49960  
section 3313.6410 of the Revised Code and provide that list to 49961  
each internet- or computer-based community school and to each 49962  
school to which section 3313.6410 of the Revised Code applies. 49963

(B) No internet- or computer-based community school shall 49965  
receive any state funds under this chapter for any enrolled 49966  
student whose data verification code appears on the list 49967  
maintained by the department under division (A) of this section. 49968

Notwithstanding any provision of the Revised Code to the 49969

contrary, the parent of any such student shall pay tuition to the 49970  
internet- or computer-based community school in an amount equal to 49971  
the state funds the school otherwise would receive for that 49972  
student, as determined by the department. An internet- or 49973  
computer-based community school may withdraw any student for whom 49974  
the parent does not pay tuition as required by this division. 49975

**Sec. 3314.35.** (A)(1) Except as provided in division (A)~~(2)~~(3) 49976  
of this section, this section applies to any community school that 49977  
meets one of the following criteria after July 1, 2008, but before 49978  
July 1, 2009: 49979

(a) The school does not offer a grade level higher than three 49980  
and has been declared to be in a state of academic emergency under 49981  
section 3302.03 of the Revised Code for four consecutive school 49982  
years. 49983

(b) The school satisfies all of the following conditions: 49984

(i) The school offers any of grade levels four to eight but 49985  
does not offer a grade level higher than nine. 49986

(ii) The school has been declared to be in a state of 49987  
academic emergency under section 3302.03 of the Revised Code for 49988  
three consecutive school years. 49989

(iii) For two of those school years, the school showed less 49990  
than one standard year of academic growth in either reading or 49991  
mathematics, as determined by the department of education in 49992  
accordance with rules adopted under division (A) of section 49993  
3302.021 of the Revised Code. 49994

(c) The school satisfies all of the following conditions: 49995

(i) The school offers any of grade levels ten to twelve. 49996

(ii) The school has been declared to be in a state of 49997  
academic emergency under section 3302.03 of the Revised Code for 49998  
three consecutive school years. 49999



(iii) For two of those school years, the school showed less than two standard years of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(2) Except as provided in division (A)(3) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

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

(a) Any community school in which a majority of the students

are enrolled in a dropout prevention and recovery program that is 50030  
operated by the school and that has been granted a waiver under 50031  
section 3314.36 of the Revised Code; 50032

(b) Any community school in which a majority of the enrolled 50033  
students are children with disabilities receiving special 50034  
education and related services in accordance with Chapter 3323. of 50035  
the Revised Code. 50036

(B) Any community school to which this section applies shall 50037  
permanently close at the conclusion of the school year in which 50038  
the school first becomes subject to this section. The sponsor and 50039  
governing authority of the school shall comply with all procedures 50040  
for closing a community school adopted by the department under 50041  
division ~~(E)~~(F) of section 3314.015 of the Revised Code. The 50042  
governing authority of the school shall not enter into a contract 50043  
with any other sponsor under section 3314.03 of the Revised Code 50044  
after the school closes. 50045

(C) Not later than July 1, 2008, the department shall 50046  
determine the feasibility of using the value-added progress 50047  
dimension, as defined in section 3302.01 of the Revised Code, as a 50048  
factor in evaluating the academic performance of community schools 50049  
described in division (A)(1)(c)(i) of this section. 50050  
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 50051  
if the department determines that using the value-added progress 50052  
dimension to evaluate community schools described in division 50053  
(A)(1)(c)(i) of this section is not feasible, a community school 50054  
described in that division shall be required to permanently close 50055  
under this section only if it has been declared to be in a state 50056  
of academic emergency under section 3302.03 of the Revised Code 50057  
for four consecutive school years. 50058

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does 50059  
not apply to any community school in which a majority of the 50060

students are enrolled in a dropout prevention and recovery program 50061  
that is operated by the school and that has been granted a waiver 50062  
by the department of education. The department shall grant a 50063  
waiver to a dropout prevention and recovery program, within sixty 50064  
days after the program applies for the waiver, if the program 50065  
meets all of the following conditions: 50066

(1) The program serves only students not younger than sixteen 50067  
years of age and not older than twenty-one years of age. 50068

(2) The program enrolls students who, at the time of their 50069  
initial enrollment, either, or both, are at least one grade level 50070  
behind their cohort age groups or experience crises that 50071  
significantly interfere with their academic progress such that 50072  
they are prevented from continuing their traditional programs. 50073

(3) The program requires students to attain at least the 50074  
applicable score designated for each of the ~~tests~~ assessments 50075  
prescribed under division (B)(1) of section 3301.0710 of the 50076  
Revised Code or, to the extent prescribed by rule of the state 50077  
board of education under division (E)(6) of section 3301.0712 of 50078  
the Revised Code, division (B)(2) of that section. 50079

(4) The program develops an individual career plan for the 50080  
student that specifies the student's matriculating to a two-year 50081  
degree program, acquiring a business and industry credential, or 50082  
entering an apprenticeship. 50083

(5) The program provides counseling and support for the 50084  
student related to the plan developed under division (A)(4) of 50085  
this section during the remainder of the student's high school 50086  
experience. 50087

(6) Prior to receiving the waiver, the program has submitted 50088  
to the department an instructional plan that demonstrates how the 50089  
academic content standards adopted by the state board of education 50090  
under section 3301.079 of the Revised Code will be taught and 50091

assessed. 50092

If the department does not act either to grant the waiver or 50093  
to reject the program application for the waiver within sixty days 50094  
as required under this section, the waiver shall be considered to 50095  
be granted. 50096

(B) Notwithstanding division (A) of this section, the 50097  
department shall not grant a waiver to any community school that 50098  
did not qualify for a waiver under this section when it initially 50099  
began operations, unless the state board of education approves the 50100  
waiver. 50101

**Sec. ~~269.60.60~~ 3314.38. ~~UNAUDITABLE COMMUNITY SCHOOL~~** 50102

(A) If the ~~Auditor~~ auditor of ~~State~~ state or a public 50103  
accountant, pursuant to section 117.41 of the Revised Code, 50104  
declares a community school established under ~~Chapter 3314. of the~~ 50105  
~~Revised Code~~ this chapter to be unauditabile, the ~~Auditor~~ auditor 50106  
of ~~State~~ state shall provide written notification of that 50107  
declaration to the school, the school's sponsor, and the 50108  
~~Department~~ department of ~~Education~~ education. The ~~Auditor~~ auditor 50109  
of ~~State~~ state also shall post the notification on the ~~Auditor~~ 50110  
auditor of ~~State's~~ state's web site. 50111

(B) Notwithstanding any provision to the contrary in ~~Chapter~~ 50112  
~~3314. of the Revised Code~~ this chapter or any other provision of 50113  
law, a sponsor of a community school that is notified by the 50114  
~~Auditor~~ auditor of ~~State~~ state under division (A) of this section 50115  
that a community school it sponsors is unauditabile shall not enter 50116  
into contracts with any additional community schools under section 50117  
3314.03 of the Revised Code until the ~~Auditor~~ auditor of ~~State~~ 50118  
state or a public accountant has completed a financial audit of 50119  
that school. 50120

(C) Not later than forty-five days after receiving 50121

notification by the ~~Auditor~~ auditor of ~~State~~ state under division 50122  
(A) of this section that a community school is unauditabile, the 50123  
sponsor of the school shall provide a written response to the 50124  
~~Auditor~~ auditor of ~~State~~ state. The response shall include the 50125  
following: 50126

(1) An overview of the process the sponsor will use to review 50127  
and understand the circumstances that led to the community school 50128  
becoming unauditabile; 50129

(2) A plan for providing the ~~Auditor~~ auditor of ~~State~~ state 50130  
with the documentation necessary to complete an audit of the 50131  
community school and for ensuring that all financial documents are 50132  
available in the future; 50133

(3) The actions the sponsor will take to ensure that the plan 50134  
described in division (C)(2) of this section is implemented. 50135

(D) If a community school fails to make reasonable efforts 50136  
and continuing progress to bring its accounts, records, files, or 50137  
reports into an auditabile condition within ninety days after being 50138  
declared unauditabile, the ~~Auditor~~ auditor of ~~State~~ state, in 50139  
addition to requesting legal action under sections 117.41 and 50140  
117.42 of the Revised Code, shall notify the ~~Department~~ department 50141  
of the school's failure. If the ~~Auditor~~ auditor of ~~State~~ state or 50142  
a public accountant subsequently is able to complete a financial 50143  
audit of the school, the ~~Auditor~~ auditor of ~~State~~ state shall 50144  
notify the ~~Department~~ department that the audit has been 50145  
completed. 50146

(E) Notwithstanding any provision to the contrary in ~~Chapter~~ 50147  
~~3314. of the Revised Code~~ this chapter or any other provision of 50148  
law, upon notification by the ~~Auditor~~ auditor of ~~State~~ state under 50149  
division (D) of this section that a community school has failed to 50150  
make reasonable efforts and continuing progress to bring its 50151  
accounts, records, files, or reports into an auditabile condition 50152

following a declaration that the school is unaudit-able, the 50153  
~~Department~~ department shall immediately cease all payments to the 50154  
school under ~~Chapter 3314. of the Revised Code~~ this chapter and 50155  
any other provision of law. Upon subsequent notification from the 50156  
~~Auditor~~ auditor of ~~State~~ state under that division that the 50157  
~~Auditor~~ auditor of ~~State~~ state or a public accountant was able to 50158  
complete a financial audit of the community school, the ~~Department~~ 50159  
department shall release all funds withheld from the school under 50160  
this section. 50161

Sec. 3314.39. (A) The department of education shall conduct 50162  
an on-site visit of each community school at least every five 50163  
years to evaluate the school's operations. During each visit, the 50164  
department shall do all of the following: 50165

(1) Determine if the school has complied with the terms of 50166  
the contract with its sponsor; 50167

(2) Determine if the school has complied with all laws 50168  
regarding community school academic and fiscal accountability and 50169  
with all other applicable laws and administrative rules; 50170

(3) Corroborate the information reported to the department by 50171  
the sponsor under division (D)(3) of section 3314.03 of the 50172  
Revised Code; 50173

(4) Review the school's progress in implementing a continuous 50174  
improvement plan developed under division (B) of section 3302.04 50175  
of the Revised Code, if applicable. 50176

(B) Each on-site visit conducted under this section shall 50177  
include school tours, classroom observations, and interviews with 50178  
administrators, teachers, other school staff, parents, or 50179  
students. 50180

(C) Each community school shall provide any data, documents, 50181  
or other materials the department considers necessary to enable it 50182

to conduct a thorough on-site visit. 50183

(D) Upon completion of each on-site visit, the department shall issue a written report summarizing its findings. The department shall provide a copy of the report to the sponsor and governing authority of the community school. The sponsor or the governing authority may submit factual corrections to the department by a deadline established by the department. Upon receipt of any factual corrections, the department shall revise the report and issue a final version. The department shall post the final version of the report on its web site. 50184  
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(E) The sponsor of a community school may consider findings contained in the report issued under division (D) of this section in deciding whether to place the school in probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the school's contract pursuant to section 3314.07 of the Revised Code. If the sponsor fails to take any of these actions that the department determines are warranted based on the findings in the report, the department may revoke the sponsor's approval to sponsor community schools in accordance with division (C) of section 3314.015 of the Revised Code. 50193  
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(F) Any on-site visit required by this section may be conducted in conjunction with a site evaluation required under division (D) of section 3302.04 of the Revised Code. 50204  
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(G) The state board of education shall adopt rules to implement this section. 50207  
50208

**Sec. 3314.42.** (A) The governing authority of each community school established under this chapter shall submit to the school's sponsor a copy of any corrective action plan for the school required by the department of education, including a corrective action plan required under division (L) of section 3301.0714 of 50209  
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the Revised Code. The chief administrative officer of that sponsor 50214  
shall review and sign the corrective action plan and return it to 50215  
the governing authority. The signature of the sponsor's chief 50216  
administrative officer shall signify the sponsor's receipt of 50217  
notice of the content of the corrective action plan. 50218

(B) The sponsor shall monitor and may assist the school's 50219  
implementation of the corrective action plan. 50220

(C) The school's failure to submit any corrective action plan 50221  
required by the department to the chief administrative officer of 50222  
the school's sponsor or to implement all of the provisions of a 50223  
corrective action plan may be considered by the sponsor when 50224  
determining whether to take any action under section 3314.07, 50225  
3314.072, or 3314.073 of the Revised Code. 50226

**Sec. 3314.43.** For purposes of section 3319.321 of the Revised 50227  
Code, the sponsor of a community school established under this 50228  
chapter shall be an "educational institution," to which the 50229  
records of a pupil enrolled in the school may be released for a 50230  
legitimate educational purpose without the consent of the pupil or 50231  
the pupil's parent, guardian, or custodian in accordance with that 50232  
section. The sponsor shall handle any educational records released 50233  
to the sponsor in accordance with the requirements of that section 50234  
and the "Family Educational Rights and Privacy Act of 1974," 20 50235  
U.S.C. 1232g. 50236

**Sec. 3314.44.** (A) If a community school established under 50237  
this chapter closes for any reason, the chief administrative 50238  
officer of the school at the time the school closes shall in good 50239  
faith take all reasonable steps necessary to collect and assemble 50240  
in an orderly manner the educational records of each student who 50241  
is or has been enrolled in the school so that those records may be 50242  
transmitted in accordance with this division. The chief 50243



administrative officer shall transmit the records to the 50244  
department of education, in the manner and by the date prescribed 50245  
by the department. 50246

(B) No person required to collect, assemble, and transmit 50247  
student records under division (A) of this section shall fail to 50248  
comply with that division. 50249

(C) Whoever violates division (B) of this section is guilty 50250  
of a misdemeanor in the third degree. 50251

**Sec. 3315.17.** (A) The board of education of each city, 50252  
exempted village, local, and joint vocational school district 50253  
shall establish a textbook and instructional materials fund. Each 50254  
board annually shall deposit into that fund an amount derived from 50255  
revenues received by the district for operating expenses that is 50256  
equal to three per cent of the formula amount for the preceding 50257  
fiscal year, as defined in section 3317.02 of the Revised Code, or 50258  
another percentage if established by the auditor of state under 50259  
division (C) of this section, multiplied by the district's student 50260  
population for the preceding fiscal year. Money in the fund shall 50261  
be used solely for textbooks, instructional software, and 50262  
instructional materials, supplies, and equipment. Any money in the 50263  
fund that is not used in any fiscal year shall carry forward to 50264  
the next fiscal year. 50265

(B)(1) Notwithstanding division (A) of this section, if in a 50266  
fiscal year a district board deposits in the textbook and 50267  
instructional materials fund an amount of money greater than the 50268  
amount required to be deposited by this section or the rules 50269  
adopted under division (C) of this section, the board may deduct 50270  
the excess amount of money from the amount of money required to be 50271  
deposited in succeeding fiscal years. 50272

(2) Notwithstanding division (A) of this section, in any year 50273

a district is in fiscal emergency status as declared pursuant to 50274  
section 3316.03 of the Revised Code, the district may deposit an 50275  
amount less than required by division (A) of this section, or make 50276  
no deposit, into the district textbook and instructional materials 50277  
fund for that year. 50278

(3) Notwithstanding division (A) of this section, in any 50279  
fiscal year that a school district is either in fiscal watch 50280  
status, as declared pursuant to section 3316.03 of the Revised 50281  
Code, or in fiscal caution status, as declared pursuant to section 50282  
3316.031 of the Revised Code, the district may apply to the 50283  
superintendent of public instruction for a waiver from the 50284  
requirements of division (A) of this section, under which the 50285  
district may be permitted to deposit an amount less than required 50286  
by that division or permitted to make no deposit into the district 50287  
textbook and instructional materials fund for that year. The 50288  
superintendent may grant a waiver under division (B)(3) of this 50289  
section if the district demonstrates to the satisfaction of the 50290  
superintendent that compliance with division (A) of this section 50291  
that year will create an undue financial hardship on the district. 50292

(4) Notwithstanding division (A) of this section, not more 50293  
often than one fiscal year in every three consecutive fiscal 50294  
years, any school district that does not satisfy the conditions 50295  
for the exemption described in division (B)(2) of this section or 50296  
the conditions to apply for the waiver described in division 50297  
(B)(3) of this section may apply to the superintendent of public 50298  
instruction for a waiver from the requirements of division (A) of 50299  
this section, under which the district may be permitted to deposit 50300  
an amount less than required by that division or permitted to make 50301  
no deposit into the district textbook and instructional materials 50302  
fund for that year. The superintendent may grant a waiver under 50303  
division (B)(4) of this section if the district demonstrates to 50304  
the satisfaction of the superintendent that compliance with 50305

division (A) of this section that year will necessitate the 50306  
reduction or elimination of a program currently offered by the 50307  
district that is critical to the academic success of students of 50308  
the district and that no reasonable alternatives exist for 50309  
spending reductions in other areas of operation within the 50310  
district that negate the necessity of the reduction or elimination 50311  
of that program. 50312

(C) The state superintendent of public instruction and the 50313  
auditor of state jointly shall adopt rules in accordance with 50314  
Chapter 119. of the Revised Code defining what constitutes 50315  
textbooks, instructional software, and instructional materials, 50316  
supplies, and equipment for which money in a school district's 50317  
textbook and instructional materials fund may be used. The auditor 50318  
of state also may designate a percentage, other than three per 50319  
cent, of the formula amount multiplied by the district's student 50320  
population that must be deposited into the fund. 50321

(D) Notwithstanding division (A) of this section, a district 50322  
board of education in any fiscal year may appropriate money in the 50323  
district textbook and instructional materials fund for purposes 50324  
other than those permitted by that division if both of the 50325  
following occur during that fiscal year: 50326

(1) All of the following certify to the district board in 50327  
writing that the district has sufficient textbooks, instructional 50328  
software, and instructional materials, supplies, and equipment to 50329  
ensure a thorough and efficient education within the district: 50330

(a) The district superintendent; 50331

(b) ~~In districts required to have a business advisory~~ 50332  
~~council, a~~ A person designated by vote of the district's business 50333  
advisory council; 50334

(c) If the district teachers are represented by an exclusive 50335  
bargaining representative for purposes of Chapter 4117. of the 50336

Revised Code, the president of that organization or the 50337  
president's designee. 50338

(2) The district board adopts, by unanimous vote of all 50339  
members of the board, a resolution stating that the district has 50340  
sufficient textbooks, instructional software, and instructional 50341  
materials, supplies, and equipment to ensure a thorough and 50342  
efficient education within the district. 50343

(E) Notwithstanding any provision to the contrary in Chapter 50344  
4117. of the Revised Code, the requirements of this section 50345  
prevail over any conflicting provisions of agreements between 50346  
employee organizations and public employers entered into on or 50347  
after November 21, 1997. 50348

(F) As used in this section and in section 3315.18 of the 50349  
Revised Code, "student population" means the average, daily, 50350  
full-time-equivalent number of students in kindergarten through 50351  
twelfth grade receiving any educational services from the school 50352  
district during the first full school week in October, excluding 50353  
students enrolled in adult education classes, but including all of 50354  
the following: 50355

(1) Adjacent or other district students enrolled in the 50356  
district under an open enrollment policy pursuant to section 50357  
3313.98 of the Revised Code; 50358

(2) Students receiving services in the district pursuant to a 50359  
compact, cooperative education agreement, or a contract, but who 50360  
are entitled to attend school in another district pursuant to 50361  
section 3313.64 or 3313.65 of the Revised Code; 50362

(3) Students for whom tuition is payable pursuant to sections 50363  
3317.081 and 3323.141 of the Revised Code. 50364

The department of education shall determine a district's 50365  
student population using data reported to it under section 3317.03 50366  
of the Revised Code for the applicable fiscal year. 50367

**Sec. 3315.37.** The board of education of a school district may 50368  
establish a teacher education loan program and may expend school 50369  
funds for the program. The program shall be for the purpose of 50370  
making loans to students who are residents of the school district 50371  
or graduates of schools in the school district, who are enrolled 50372  
in teacher preparation programs at institutions approved by the 50373  
~~state board~~ chancellor of the Ohio board of regents pursuant to 50374  
section ~~3319.23~~ 3333.048 of the Revised Code, and who indicate an 50375  
intent to teach in the school district providing the loan. The 50376  
district board may forgive the obligation to repay any or all of 50377  
the principal and interest on the loan if the borrower teaches in 50378  
that school district. 50379

The district board shall adopt rules establishing eligibility 50380  
criteria, application procedures, procedures for review of 50381  
applications, loan amounts, interest, repayment schedules, 50382  
conditions under which principal and interest obligations incurred 50383  
under the program will be forgiven, and any other matter 50384  
incidental to the operation of the program. 50385

The board may contract with a private, nonprofit foundation, 50386  
one or more institutions of higher education, or other educational 50387  
agencies to administer the program. 50388

The receipt of a loan under this section does not affect a 50389  
student's eligibility for assistance, or the amount of such 50390  
assistance, granted under section 3315.33, 3333.12, 3333.122, 50391  
3333.22, 3333.26, ~~3333.27~~, 5910.04, or 5919.34 of the Revised 50392  
Code, but the board's rules may provide for taking such assistance 50393  
into consideration when determining a student's eligibility for a 50394  
loan under this section. 50395

**Sec. 3316.041.** (A) Notwithstanding any provision of Chapter 50396  
133. or sections 3313.483 to 3313.4811 of the Revised Code, and 50397

subject to the approval of the superintendent of public 50398  
instruction, a school district that is in a state of fiscal watch 50399  
declared under section 3316.03 of the Revised Code may restructure 50400  
or refinance loans obtained or in the process of being obtained 50401  
under section 3313.483 of the Revised Code if all of the following 50402  
requirements are met: 50403

(1) The operating deficit certified for the school district 50404  
for the current or preceding fiscal year under section 3313.483 of 50405  
the Revised Code exceeds fifteen per cent of the district's 50406  
general revenue fund for the fiscal year preceding the year for 50407  
which the certification of the operating deficit is made. 50408

(2) The school district voters have, during the period of the 50409  
fiscal watch, approved the levy of a tax under section 718.09, 50410  
718.10, 5705.194, 5705.21, or 5748.02 of the Revised Code that is 50411  
not a renewal or replacement levy, or a levy under section 50412  
5705.199 of the Revised Code, and that will provide new operating 50413  
revenue. 50414

(3) The board of education of the school district has adopted 50415  
or amended the financial plan required by section 3316.04 of the 50416  
Revised Code to reflect the restructured or refinanced loans, and 50417  
sets forth the means by which the district will bring projected 50418  
operating revenues and expenditures, and projected debt service 50419  
obligations, into balance for the life of any such loan. 50420

(B) Subject to the approval of the superintendent of public 50421  
instruction, the school district may issue securities to evidence 50422  
the restructuring or refinancing authorized by this section. Such 50423  
securities may extend the original period for repayment not to 50424  
exceed ten years, and may alter the frequency and amount of 50425  
repayments, interest or other financing charges, and other terms 50426  
or agreements under which the loans were originally contracted, 50427  
provided the loans received under sections 3313.483 of the Revised 50428  
Code are repaid from funds the district would otherwise receive 50429

under ~~sections 3317.022 to 3317.025~~ Chapter 3306. of the Revised 50430  
Code, as required under division (E)(3) of section 3313.483 of the 50431  
Revised Code. Securities issued for the purpose of restructuring 50432  
or refinancing under this section shall be repaid in equal 50433  
payments and at equal intervals over the term of the debt and are 50434  
not eligible to be included in any subsequent proposal to 50435  
restructure or refinance. 50436

(C) Unless the district is declared to be in a state of 50437  
fiscal emergency under division (D) of section 3316.04 of the 50438  
Revised Code, a school district shall remain in a state of fiscal 50439  
watch for the duration of the repayment period of any loan 50440  
restructured or refinanced under this section. 50441

**Sec. 3316.06.** (A) Within one hundred twenty days after the 50442  
first meeting of a school district financial planning and 50443  
supervision commission, the commission shall adopt a financial 50444  
recovery plan regarding the school district for which the 50445  
commission was created. During the formulation of the plan, the 50446  
commission shall seek appropriate input from the school district 50447  
board and from the community. This plan shall contain the 50448  
following: 50449

(1) Actions to be taken to: 50450

(a) Eliminate all fiscal emergency conditions declared to 50451  
exist pursuant to division (B) of section 3316.03 of the Revised 50452  
Code; 50453

(b) Satisfy any judgments, past-due accounts payable, and all 50454  
past-due and payable payroll and fringe benefits; 50455

(c) Eliminate the deficits in all deficit funds, except that 50456  
any prior year deficits in the textbook and instructional 50457  
materials fund established pursuant to section 3315.17 of the 50458  
Revised Code and the capital and maintenance fund established 50459

pursuant to section 3315.18 of the Revised Code shall be forgiven; 50460

(d) Restore to special funds any moneys from such funds that 50461  
were used for purposes not within the purposes of such funds, or 50462  
borrowed from such funds by the purchase of debt obligations of 50463  
the school district with the moneys of such funds, or missing from 50464  
the special funds and not accounted for, if any; 50465

(e) Balance the budget, avoid future deficits in any funds, 50466  
and maintain on a current basis payments of payroll, fringe 50467  
benefits, and all accounts; 50468

(f) Avoid any fiscal emergency condition in the future; 50469

(g) Restore the ability of the school district to market 50470  
long-term general obligation bonds under provisions of law 50471  
applicable to school districts generally. 50472

(2) The management structure that will enable the school 50473  
district to take the actions enumerated in division (A)(1) of this 50474  
section. The plan shall specify the level of fiscal and management 50475  
control that the commission will exercise within the school 50476  
district during the period of fiscal emergency, and shall 50477  
enumerate respectively, the powers and duties of the commission 50478  
and the powers and duties of the school board during that period. 50479  
The commission may elect to assume any of the powers and duties of 50480  
the school board it considers necessary, including all powers 50481  
related to personnel, curriculum, and legal issues in order to 50482  
successfully implement the actions described in division (A)(1) of 50483  
this section. 50484

(3) The target dates for the commencement, progress upon, and 50485  
completion of the actions enumerated in division (A)(1) of this 50486  
section and a reasonable period of time expected to be required to 50487  
implement the plan. The commission shall prepare a reasonable time 50488  
schedule for progress toward and achievement of the requirements 50489  
for the plan, and the plan shall be consistent with that time 50490



schedule. 50491

(4) The amount and purpose of any issue of debt obligations 50492  
that will be issued, together with assurances that any such debt 50493  
obligations that will be issued will not exceed debt limits 50494  
supported by appropriate certifications by the fiscal officer of 50495  
the school district and the county auditor. Debt obligations 50496  
issued pursuant to section 133.301 of the Revised Code shall 50497  
include assurances that such debt shall be in an amount not to 50498  
exceed the amount certified under division (B) of such section. If 50499  
the commission considers it necessary in order to maintain or 50500  
improve educational opportunities of pupils in the school 50501  
district, the plan may include a proposal to restructure or 50502  
refinance outstanding debt obligations incurred by the board under 50503  
section 3313.483 of the Revised Code contingent upon the approval, 50504  
during the period of the fiscal emergency, by district voters of a 50505  
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 50506  
5748.02, or 5748.08 of the Revised Code that is not a renewal or 50507  
replacement levy, or a levy under section 5705.199 of the Revised 50508  
Code, and that will provide new operating revenue. Notwithstanding 50509  
any provision of Chapter 133. or sections 3313.483 to 3313.4811 of 50510  
the Revised Code, following the required approval of the district 50511  
voters and with the approval of the commission, the school 50512  
district may issue securities to evidence the restructuring or 50513  
refinancing. Those securities may extend the original period for 50514  
repayment, not to exceed ten years, and may alter the frequency 50515  
and amount of repayments, interest or other financing charges, and 50516  
other terms of agreements under which the debt originally was 50517  
contracted, at the discretion of the commission, provided that any 50518  
loans received pursuant to section 3313.483 of the Revised Code 50519  
shall be paid from funds the district would otherwise receive 50520  
under ~~sections 3317.022 to 3317.025~~ Chapter 3306. of the Revised 50521  
Code, as required under division (E)(3) of section 3313.483 of the 50522  
Revised Code. The securities issued for the purpose of 50523

restructuring or refinancing the debt shall be repaid in equal 50524  
payments and at equal intervals over the term of the debt and are 50525  
not eligible to be included in any subsequent proposal for the 50526  
purpose of restructuring or refinancing debt under this section. 50527

(B) Any financial recovery plan may be amended subsequent to 50528  
its adoption. Each financial recovery plan shall be updated 50529  
annually. 50530

(C) Each school district financial planning and supervision 50531  
commission shall submit the financial recovery plan it adopts or 50532  
updates under this section to the state superintendent of public 50533  
instruction for approval immediately following its adoption or 50534  
updating. The state superintendent shall evaluate the plan and 50535  
either approve or disapprove it within thirty calendar days from 50536  
the date of its submission. If the plan is disapproved, the state 50537  
superintendent shall recommend modifications that will render it 50538  
acceptable. No financial planning and supervision commission shall 50539  
implement a financial recovery plan that is adopted or updated on 50540  
or after April 10, 2001, unless the state superintendent has 50541  
approved it. 50542

**Sec. 3316.20.** (A)(1) The school district solvency assistance 50543  
fund is hereby created in the state treasury, to consist of such 50544  
amounts designated for the purposes of the fund by the general 50545  
assembly. The fund shall be used to provide assistance and grants 50546  
to school districts to enable them to remain solvent and to pay 50547  
~~unforseeable~~ unforeseeable expenses of a temporary or emergency 50548  
nature that they are unable to pay from existing resources. 50549

(2) There is hereby created within the fund an account known 50550  
as the school district shared resource account, which shall 50551  
consist of money appropriated to it by the general assembly. The 50552  
money in the account shall be used solely for solvency assistance 50553  
to school districts that have been declared under division (B) of 50554

section 3316.03 of the Revised Code to be in a state of fiscal 50555  
emergency. 50556

(3) There is hereby created within the fund an account known 50557  
as the catastrophic expenditures account, which shall consist of 50558  
money appropriated to the account by the general assembly plus all 50559  
investment earnings of the fund. Money in the account shall be 50560  
used solely for the following: 50561

(a) Solvency assistance to school districts that have been 50562  
declared under division (B) of section 3316.03 of the Revised Code 50563  
to be in a state of fiscal emergency, in the event that all money 50564  
in the shared resource account is utilized for solvency 50565  
assistance; 50566

(b) Grants to school districts under division (C) of this 50567  
section. 50568

(B) Solvency assistance payments under division (A)(2) or 50569  
(3)(a) of this section shall be made from the fund by the 50570  
superintendent of public instruction in accordance with rules 50571  
adopted by the director of budget and management, after consulting 50572  
with the superintendent, specifying approval criteria and 50573  
procedures necessary for administering the fund. 50574

The fund shall be reimbursed for any solvency assistance 50575  
amounts paid under division (A)(2) or (3)(a) of this section not 50576  
later than the end of the second fiscal year following the fiscal 50577  
year in which the solvency assistance payment was made. If not 50578  
made directly by the school district, such reimbursement shall be 50579  
made by the director of budget and management from the amounts the 50580  
school district would otherwise receive pursuant to ~~sections~~ 50581  
~~3317.022 to 3317.025~~ Chapter 3306. of the Revised Code, or from 50582  
any other funds appropriated for the district by the general 50583  
assembly. Reimbursements shall be credited to the respective 50584  
account from which the solvency assistance paid to the district 50585

was deducted. 50586

(C) The superintendent of public instruction may make 50587  
recommendations, and the controlling board may grant money from 50588  
the catastrophic expenditures account to any school district that 50589  
suffers an unforeseen catastrophic event that severely depletes 50590  
the district's financial resources. The superintendent shall make 50591  
recommendations for the grants in accordance with rules adopted by 50592  
the director of budget and management, after consulting with the 50593  
superintendent. A school district shall not be required to repay 50594  
any grant awarded to the district under this division, unless the 50595  
district receives money from this state or a third party, 50596  
including an agency of the government of the United States, 50597  
specifically for the purpose of compensating the district for 50598  
revenue lost or expenses incurred as a result of the unforeseen 50599  
catastrophic event. If a school district receives a grant from the 50600  
catastrophic expenditures account on the basis of the same 50601  
circumstances for which an adjustment or recomputation is 50602  
authorized under section 3317.025, 3317.026, 3317.027, 3317.028, 50603  
3317.0210, or 3317.0211 of the Revised Code, the department of 50604  
education shall reduce the adjustment or recomputation by an 50605  
amount not to exceed the total amount of the grant, and an amount 50606  
equal to the reduction shall be transferred, from the funding 50607  
source from which the adjustment or recomputation would be paid, 50608  
to the catastrophic expenditures account. Any adjustment or 50609  
recomputation under such sections that is in excess of the total 50610  
amount of the grant shall be paid to the school district. 50611

**Sec. 3317.01.** As used in this section and section 3317.011 of 50612  
the Revised Code, "school district," unless otherwise specified, 50613  
means any city, local, exempted village, joint vocational, or 50614  
cooperative education school district and any educational service 50615  
center. 50616

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off increase, as defined in section 5705.211 of the Revised Code. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

~~Annually, the department of education shall calculate and report to each school district the district's total state and local funds for providing an adequate basic education to the district's nondisabled students, utilizing the determination in section 3317.012 of the Revised Code. In addition, the department shall calculate and report separately for each school district the district's total state and local funds for providing an adequate education for its students with disabilities, utilizing the determinations in both sections 3317.012 and 3317.013 of the Revised Code.~~

~~Not later than the thirty first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and (4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate.~~

Moneys distributed pursuant to this chapter shall be 50649  
calculated and paid on a fiscal year basis, beginning with the 50650  
first day of July and extending through the thirtieth day of June. 50651  
The moneys appropriated for each fiscal year shall be distributed 50652  
~~at least monthly~~ periodically to each school district unless 50653  
otherwise provided for. The state board shall submit a yearly 50654  
distribution plan to the controlling board at its first meeting in 50655  
July. The state board shall submit any proposed midyear revision 50656  
of the plan to the controlling board in January. Any year-end 50657  
revision of the plan shall be submitted to the controlling board 50658  
in June. If moneys appropriated for each fiscal year are 50659  
distributed other than monthly, such distribution shall be on the 50660  
same basis for each school district. 50661

~~The total amounts paid each month shall constitute, as nearly 50662  
as possible, one twelfth of the total amount payable for the 50663  
entire year. 50664~~

~~Until fiscal year 2007, payments made during the first six 50665  
months of the fiscal year may be based on an estimate of the 50666  
amounts payable for the entire year. Payments made in the last six 50667  
months shall be based on the final calculation of the amounts 50668  
payable to each school district for that fiscal year. Payments 50669  
made in the last six months may be adjusted, if necessary, to 50670  
correct the amounts distributed in the first six months, and to 50671  
reflect enrollment increases when such are at least three per 50672  
cent. 50673~~

~~Beginning in fiscal year 2007, payments shall be calculated 50674  
to reflect the biannual reporting of average daily membership. In 50675  
fiscal year 2007 and in each fiscal year thereafter, annualized 50676  
periodic payments for each school district shall be based on the 50677  
district's final student counts verified by the superintendent of 50678  
public instruction based on reports under section 3317.03 of the 50679  
Revised Code, as adjusted, if so ordered, under division (K) of 50680~~

~~that section, as follows:~~ 50681  
    ~~the sum of one half of the number of students verified~~ 50682  
        ~~and adjusted for the first full week in October~~ 50683  
            ~~plus one half of the average of the numbers~~ 50684  
                ~~verified and adjusted for the first full week~~ 50685  
                    ~~in October and for the first full week in February~~ 50686

Except as otherwise provided, payments under this chapter 50687  
shall be made only to those school districts in which: 50688

(A) The school district, except for any educational service 50689  
center and any joint vocational or cooperative education school 50690  
district, levies for current operating expenses at least twenty 50691  
mills. Levies for joint vocational or cooperative education school 50692  
districts or county school financing districts, limited to or to 50693  
the extent apportioned to current expenses, shall be included in 50694  
this qualification requirement. School district income tax levies 50695  
under Chapter 5748. of the Revised Code, limited to or to the 50696  
extent apportioned to current operating expenses, shall be 50697  
included in this qualification requirement to the extent 50698  
determined by the tax commissioner under division (D) of section 50699  
3317.021 of the Revised Code. 50700

(B) The ~~school~~ learning year next preceding the fiscal year 50701  
for which such payments are authorized meets the requirement of 50702  
section 3313.48 or 3313.481 of the Revised Code, with regard to 50703  
the minimum number of days or hours school must be open for 50704  
instruction with pupils in attendance, for individualized 50705  
parent-teacher conference and reporting periods, and for 50706  
professional meetings of teachers. ~~This requirement shall be~~ 50707  
~~waived by the~~ The superintendent of public instruction ~~if~~ shall 50708  
waive a number of days on which it had been necessary for a school 50709  
to be closed because of disease epidemic, hazardous weather 50710  
conditions, inoperability of school buses or other equipment 50711  
necessary to the school's operation, damage to a school building, 50712

or other temporary circumstances due to utility failure rendering 50713  
the school building unfit for school use, ~~provided that for those~~ 50714  
~~school districts operating pursuant to section 3313.48 of the~~ 50715  
~~Revised Code the number of days the school was actually open for~~ 50716  
~~instruction with pupils in attendance and for individualized~~ 50717  
~~parent teacher conference and reporting periods is not less than~~ 50718  
~~one hundred seventy five, or for those school districts operating~~ 50719  
~~on a trimester plan the number of days the school was actually~~ 50720  
~~open for instruction with pupils in attendance not less than~~ 50721  
~~seventy nine days in any trimester, for those school districts~~ 50722  
~~operating on a quarterly plan the number of days the school was~~ 50723  
~~actually open for instruction with pupils in attendance not less~~ 50724  
~~than fifty nine days in any quarter, or for those school districts~~ 50725  
~~operating on a pentamester plan the number of days the school was~~ 50726  
~~actually open for instruction with pupils in attendance not less~~ 50727  
~~than forty four days in any pentamester, as follows:~~ 50728

(1) In determining eligibility for payments under this 50729  
chapter for fiscal years prior to fiscal year 2011, up to five 50730  
days for the preceding learning year; 50731

(2) In determining eligibility for payments under this 50732  
chapter for fiscal year 2011, up to three days for the 2009-2010 50733  
learning year; 50734

(3) In determining eligibility for payments under this 50735  
chapter for fiscal year 2012 and thereafter, up to one day for the 50736  
preceding learning year. 50737

The state board shall adopt standards for the superintendent 50738  
to apply in determining the waiver of days or hours for schools 50739  
operating under section 3313.481 of the Revised Code. 50740

A school district shall not be considered to have failed to 50741  
comply with this division or section 3313.481 of the Revised Code 50742  
because schools were open for instruction but either twelfth grade 50743



students were excused from attendance for up to three days or only 50744  
a portion of the kindergarten students were in attendance for up 50745  
to three days in order to allow for the gradual orientation to 50746  
school of such students. 50747

The superintendent of public instruction shall waive the 50748  
requirements of this section with reference to the minimum number 50749  
of days or hours school must be in session with pupils in 50750  
attendance for the ~~school~~ learning year succeeding the ~~school~~ 50751  
learning year in which a board of education initiates a plan of 50752  
operation pursuant to section 3313.481 of the Revised Code. The 50753  
minimum requirements of this section shall again be applicable to 50754  
such a district beginning with the ~~school~~ learning year commencing 50755  
the second July succeeding the initiation of one such plan, and 50756  
for each school year thereafter. 50757

A school district shall not be considered to have failed to 50758  
comply with this division or section 3313.48 or 3313.481 of the 50759  
Revised Code because schools were open for instruction but the 50760  
length of the regularly scheduled ~~school~~ learning day, for any 50761  
number of days during the ~~school~~ learning year, was reduced by not 50762  
more than two hours due to hazardous weather conditions. 50763

(C) The school district has on file, and is paying in 50764  
accordance with, a teachers' salary schedule which complies with 50765  
section 3317.13 of the Revised Code. 50766

A board of education or governing board of an educational 50767  
service center which has not conformed with other law and the 50768  
rules pursuant thereto, shall not participate in the distribution 50769  
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 50770  
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 50771  
and sufficient reason established to the satisfaction of the state 50772  
board of education and the state controlling board. 50773

All funds allocated to school districts under this chapter, 50774

except those specifically allocated for other purposes, shall be 50775  
used to pay current operating expenses only. 50776

**Sec. 3317.011.** On or before the ~~third Wednesday~~ last day of 50777  
each month, the department of education shall certify to the 50778  
director of budget and management for payment, for each county: 50779

(A)(1) That portion of the allocation of money under sections 50780  
3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of 50781  
the Revised Code that is required to be paid in that month to each 50782  
school district located wholly within the county subsequent to the 50783  
deductions described in division (A)(2) of this section; and 50784

(2) The amounts deducted from such allocation under sections 50785  
3307.31 and 3309.51 of the Revised Code for payment directly to 50786  
the school employees and state teachers retirement systems under 50787  
such sections. 50788

(B) If the district is located in more than one county, an 50789  
apportionment of the amounts that would otherwise be certified 50790  
under division (A) of this section. The amounts apportioned to the 50791  
county shall equal the amounts certified under division (A) of 50792  
this section times the percentage of the district's resident 50793  
pupils who reside both in the district and in the county, based on 50794  
the average daily membership reported under division (A) of 50795  
section 3317.03 of the Revised Code in October of the prior fiscal 50796  
year. 50797

**Sec. 3317.018.** (A) The department of education shall make no 50798  
calculations or payments under Chapter 3317. of the Revised Code 50799  
for any fiscal year after fiscal year 2009 except as prescribed in 50800  
this section. 50801

(B) School districts shall report student enrollment data as 50802  
prescribed by section 3317.03 of the Revised Code, which data the 50803  
department shall use to make payments under Chapters 3306. and 50804

3317. of the Revised Code. 50805

(C) The tax commissioner shall report data regarding tax valuation and receipts for school districts as prescribed by sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of section 3317.02 of the Revised Code, which data the department shall use to make payments under Chapters 3306. and 3317. of the Revised Code. 50806  
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(D) Unless otherwise specified by another provision of law, in addition to the payments prescribed by Chapter 3306. of the Revised Code, the department shall continue to make payments to or adjustments for school districts in fiscal years after fiscal year 2009 under the following provisions of Chapter 3317. of the Revised Code: 50813  
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50818

(1) The catastrophic cost reimbursement under division (C)(3) of section 3317.022 of the Revised Code. No other payments shall be made under that section. 50819  
50820  
50821

(2) All payments or adjustments under section 3317.023 of the Revised Code, except no payments or adjustments shall be made under divisions (B), (C), and (D) of that section. 50822  
50823  
50824

(3) All payments or adjustments under section 3317.024 of the Revised Code, except no payments or adjustments shall be made under divisions (F), (L), and (N) of that section. 50825  
50826  
50827

(4) All payments and adjustments under sections 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the Revised Code; 50828  
50829  
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(5) Payments under section 3317.04 of the Revised Code; 50831

(6) Unit payments under sections 3317.05, 3317.051, 3317.052, and 3317.053 of the Revised Code, except that no units for gifted funding are authorized after fiscal year 2009. 50832  
50833  
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<u>(7) Payments under sections 3317.06, 3317.063, and 3317.064 of the Revised Code;</u>	50835
	50836
<u>(8) Payments under section 3317.07 of the Revised Code;</u>	50837
<u>(9) Payments to educational service centers under section 3317.11 of the Revised Code;</u>	50838
	50839
<u>(10) The catastrophic cost reimbursement under division (E) of section 3317.16 of the Revised Code and excess cost reimbursements under division (G) of that section. No other payments shall be made under that section;</u>	50840
	50841
	50842
	50843
<u>(11) Payments under section 3317.17 of the Revised Code;</u>	50844
<u>(12) Adjustments under section 3317.18 of the Revised Code;</u>	50845
<u>(13) Payments to cooperative education school districts under section 3317.19 of the Revised Code;</u>	50846
	50847
<u>(14) Payments to county MR/DD boards under section 3317.20 of the Revised Code;</u>	50848
	50849
<u>(15) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.</u>	50850
	50851
<u>(E) Sections 3317.016 and 3317.017 shall not apply to fiscal years after fiscal year 2009.</u>	50852
	50853
<u>(F) This section does not affect the provisions of sections 3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, 3317.15, 3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised Code.</u>	50854
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	50858
<b>Sec. 3317.02.</b> As used in this chapter:	50859
(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.	50860
	50861
(B) "Formula amount" means <del>the base cost for the fiscal year</del>	50862

~~specified in division (B)(4) of section 3317.012 of the Revised Code \$5,841, for fiscal year 2010, and \$5,952, for fiscal year 2011.~~

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

(D) "Formula ADM" means, for a city, local, or exempted village school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (A) of section 3317.03 of the Revised Code, ~~as adjusted, if so ordered, under division (K) of that section~~ "formula ADM" as defined in section 3306.02 of the Revised Code. "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. ~~Beginning in fiscal year 2007, for payments in which formula ADM is a factor, the formula ADM for each school district for the fiscal year is the sum of one half of the number verified and adjusted for October of that fiscal year plus one half of the average of the numbers verified and adjusted for October and February of that fiscal year. For purposes of the calculation of payments to or adjustments for a city, exempted village, local, or joint vocational school district under this chapter or under Chapter 3306. of the Revised Code, calculations required under Chapter 3318. of the Revised Code, or adjustments required under Chapter 3365. of the Revised Code, the department~~

of education shall use the district's formula ADM as reported and 50895  
verified under section 3317.03 of the Revised Code for the 50896  
previous fiscal year, unless the district's formula ADM as so 50897  
reported and verified for the current fiscal year is at least two 50898  
per cent greater than the formula ADM reported for the previous 50899  
fiscal year, in which case the department shall use the district's 50900  
formula ADM for the current fiscal year. 50901

(E) "Three-year average formula ADM" means the average of 50902  
formula ADMs for the preceding three fiscal years. 50903  
50904

(F)(1) "Category one special education ADM" means the average 50905  
daily membership of children with disabilities receiving special 50906  
education services for the disability specified in division 50907  
~~(A)(D)(1)~~ of section ~~3317.013~~ 3306.02 of the Revised Code and 50908  
reported under division (B)(5) or (D)(2)(b) of section 3317.03 of 50909  
the Revised Code. ~~Beginning in fiscal year 2007, the district's~~ 50910  
~~category one special education ADM for a fiscal year is the sum of~~ 50911  
~~one half of the number reported for October of that fiscal year~~ 50912  
~~plus one half of the average of the numbers reported for October~~ 50913  
~~and February of that fiscal year.~~ 50914

(2) "Category two special education ADM" means the average 50915  
daily membership of children with disabilities receiving special 50916  
education services for those disabilities specified in division 50917  
~~(B)(D)(2)~~ of section ~~3317.013~~ 3306.02 of the Revised Code and 50918  
reported under division (B)(6) or (D)(2)(c) of section 3317.03 of 50919  
the Revised Code. ~~Beginning in fiscal year 2007, the district's~~ 50920  
~~category two special education ADM for a fiscal year is the sum of~~ 50921  
~~one half of the number reported for October of that fiscal year~~ 50922  
~~plus one half of the average of the numbers reported for October~~ 50923  
~~and February of that fiscal year.~~ 50924

(3) "Category three special education ADM" means the average 50925  
daily membership of students receiving special education services 50926

for those disabilities specified in division ~~(C)~~(D)(3) of section 50927  
~~3317.013~~ 3306.02 of the Revised Code, and reported under division 50928  
(B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 50929  
~~Beginning in fiscal year 2007, the district's category three~~ 50930  
~~special education ADM for a fiscal year is the sum of one half of~~ 50931  
~~the number reported for October of that fiscal year plus one half~~ 50932  
~~of the average of the numbers reported for October and February of~~ 50933  
~~that fiscal year.~~ 50934

(4) "Category four special education ADM" means the average 50935  
daily membership of students receiving special education services 50936  
for those disabilities specified in division (D)(4) of section 50937  
~~3317.013~~ 3306.02 of the Revised Code and reported under division 50938  
(B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 50939  
~~Beginning in fiscal year 2007, the district's category four~~ 50940  
~~special education ADM for a fiscal year is the sum of one half of~~ 50941  
~~the number reported for October of that fiscal year plus one half~~ 50942  
~~of the average of the numbers reported for October and February of~~ 50943  
~~that fiscal year.~~ 50944

(5) "Category five special education ADM" means the average 50945  
daily membership of students receiving special education services 50946  
for the disabilities specified in division ~~(E)~~(D)(5) of section 50947  
~~3317.013~~ 3306.02 of the Revised Code and reported under division 50948  
(B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 50949  
~~Beginning in fiscal year 2007, the district's category five~~ 50950  
~~special education ADM for a fiscal year is the sum of one half of~~ 50951  
~~the number reported for October of that fiscal year plus one half~~ 50952  
~~of the average of the numbers reported for October and February of~~ 50953  
~~that fiscal year.~~ 50954

(6) "Category six special education ADM" means the average 50955  
daily membership of students receiving special education services 50956  
for the disabilities specified in division ~~(F)~~(D)(6) of section 50957  
~~3317.013~~ 3306.02 of the Revised Code and reported under division 50958

(B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 50959  
~~Beginning in fiscal year 2007, the district's category six special 50960~~  
~~education ADM for a fiscal year is the sum of one half of the 50961~~  
~~number reported for October of that fiscal year plus one half of 50962~~  
~~the average of the numbers reported for October and February of 50963~~  
~~that fiscal year. 50964~~

(7) "Category one vocational education ADM" means the average 50965  
daily membership of students receiving vocational education 50966  
services described in division (A) of section 3317.014 of the 50967  
Revised Code and reported under division (B)(11) or (D)(2)(h) of 50968  
section 3317.03 of the Revised Code. ~~Beginning in fiscal year 50969~~  
~~2007, the district's category one vocational education ADM for a 50970~~  
~~fiscal year is the sum of one half of the number reported for 50971~~  
~~October of that fiscal year plus one half of the average of the 50972~~  
~~numbers reported for October and February of that fiscal year. 50973~~

(8) "Category two vocational education ADM" means the average 50974  
daily membership of students receiving vocational education 50975  
services described in division (B) of section 3317.014 of the 50976  
Revised Code and reported under division (B)(12) or (D)(2)(i) of 50977  
section 3317.03 of the Revised Code. ~~Beginning in fiscal year 50978~~  
~~2007, the district's category two vocational education ADM for a 50979~~  
~~fiscal year is the sum of one half of the number reported for 50980~~  
~~October of that fiscal year plus one half of the average of the 50981~~  
~~numbers reported for October and February of that fiscal year. 50982~~

(G) "Preschool child with a disability" means a child with a 50983  
disability, as defined in section 3323.01 of the Revised Code, who 50984  
is at least age three but is not of compulsory school age, as 50985  
defined in section 3321.01 of the Revised Code, and who is not 50986  
currently enrolled in kindergarten. 50987

(H) "County MR/DD board" means a county board of mental 50988  
retardation and developmental disabilities. 50989



(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code. 50990  
50991

(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code. 50992  
50993  
50994

(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code. 50995  
50996  
50997  
50998

(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 50999  
51000  
51001  
51002

(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 51003  
51004  
51005  
51006

(N) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code. 51007  
51008  
51009

(O) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district. 51010  
51011  
51012

(P) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education and the office of budget and management for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the 51013  
51014  
51015  
51016  
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51019  
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district. 51021

(Q) "Statewide median income" means the median district 51022  
median income of all city, exempted village, and local school 51023  
districts in the state. 51024

(R) "Income factor" for a city, exempted village, or local 51025  
school district means the quotient obtained by dividing that 51026  
district's median income by the statewide median income. 51027

(S) "Medically fragile child" means a child to whom all of 51028  
the following apply: 51029

(1) The child requires the services of a doctor of medicine 51030  
or osteopathic medicine at least once a week due to the 51031  
instability of the child's medical condition. 51032

(2) The child requires the services of a registered nurse on 51033  
a daily basis. 51034

(3) The child is at risk of institutionalization in a 51035  
hospital, skilled nursing facility, or intermediate care facility 51036  
for the mentally retarded. 51037

(T) A child may be identified as having an "other health 51038  
impairment-major" if the child's condition meets the definition of 51039  
"other health impaired" established in rules adopted by the state 51040  
board of education prior to July 1, 2001, and if either of the 51041  
following apply: 51042

(1) The child is identified as having a medical condition 51043  
that is among those listed by the superintendent of public 51044  
instruction as conditions where a substantial majority of cases 51045  
fall within the definition of "medically fragile child." The 51046  
superintendent of public instruction shall issue an initial list 51047  
no later than September 1, 2001. 51048

(2) The child is determined by the superintendent of public 51049  
instruction to be a medically fragile child. A school district 51050

superintendent may petition the superintendent of public 51051  
instruction for a determination that a child is a medically 51052  
fragile child. 51053

(U) A child may be identified as having an "other health 51054  
impairment-minor" if the child's condition meets the definition of 51055  
"other health impaired" established in rules adopted by the state 51056  
board of education prior to July 1, 2001, but the child's 51057  
condition does not meet either of the conditions specified in 51058  
division (T)(1) or (2) of this section. 51059

(V) "State education aid" has the same meaning as in section 51060  
5751.20 of the Revised Code. 51061

(W) "Property exemption value" means zero in fiscal year 51062  
2006, and in fiscal year 2007 and each fiscal year thereafter, the 51063  
amount certified for a school district under divisions (A)(6) and 51064  
(7) of section 3317.021 of the Revised Code. 51065

(X) "Internet- or computer-based community school" has the 51066  
same meaning as in section 3314.02 of the Revised Code. 51067

(Y) "State share percentage" has the same meaning as in 51068  
section 3306.02 of the Revised Code. 51069

**Sec. 3317.021.** ~~(A)~~ The information certified under this 51070  
section shall be used to calculate payments under this chapter and 51071  
Chapter 3306. of the Revised Code. 51072

(A) On or before the first day of June of each year, the tax 51073  
commissioner shall certify to the department of education and the 51074  
office of budget and management the information described in 51075  
divisions (A)(1) to ~~(8)~~(7) of this section for each city, exempted 51076  
village, and local school district, and the information required 51077  
by divisions (A)(1) and (2) of this section for each joint 51078  
vocational school district, and it shall be used, along with the 51079  
information certified under division (B) of this section, in 51080

making the computations for the district under ~~sections 3317.022,~~ 51081  
~~3317.0216, and 3317.0217 or section 3317.16~~ this chapter and 51082  
Chapter 3306. of the Revised Code. 51083

(1) The taxable value of real and public utility real 51084  
property in the school district subject to taxation in the 51085  
preceding tax year, by class and by county of location. 51086

(2) The taxable value of tangible personal property, 51087  
including public utility personal property, subject to taxation by 51088  
the district for the preceding tax year. 51089

(3)(a) The total property tax rate and total taxes charged 51090  
and payable for the current expenses for the preceding tax year 51091  
and the total property tax rate and the total taxes charged and 51092  
payable to a joint vocational district for the preceding tax year 51093  
that are limited to or to the extent apportioned to current 51094  
expenses. 51095

(b) The portion of the amount of taxes charged and payable 51096  
reported for each city, local, and exempted village school 51097  
district under division (A)(3)(a) of this section attributable to 51098  
a joint vocational school district. 51099

(4) The value of all real and public utility real property in 51100  
the school district exempted from taxation minus both of the 51101  
following: 51102

(a) The value of real and public utility real property in the 51103  
district owned by the United States government and used 51104  
exclusively for a public purpose; 51105

(b) The value of real and public utility real property in the 51106  
district exempted from taxation under Chapter 725. or 1728. or 51107  
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 51108  
5709.73, or 5709.78 of the Revised Code. 51109

(5) The total federal adjusted gross income of the residents 51110

of the school district, based on tax returns filed by the 51111  
residents of the district, for the most recent year for which this 51112  
information is available. 51113

(6) The sum of the school district compensation value as 51114  
indicated on the list of exempted property for the preceding tax 51115  
year under section 5713.08 of the Revised Code as if such property 51116  
had been assessed for taxation that year and the other 51117  
compensation value for the school district, minus the amounts 51118  
described in divisions (A)(6)(c) to (i) of this section. The 51119  
portion of school district compensation value or other 51120  
compensation value attributable to an incentive district exemption 51121  
may be subtracted only once even if that incentive district 51122  
satisfies more than one of the criteria in divisions (A)(6)(c) to 51123  
(i) of this section. 51124

(a) "School district compensation value" means the aggregate 51125  
value of real property in the school district exempted from 51126  
taxation pursuant to an ordinance or resolution adopted under 51127  
division (C) of section 5709.40, division (C) of section 5709.73, 51128  
or division (B) of section 5709.78 of the Revised Code to the 51129  
extent that the exempted value results in the charging of payments 51130  
in lieu of taxes required to be paid to the school district under 51131  
division (D)(1) or (2) of section 5709.40, division (D) of section 51132  
5709.73, or division (C) of section 5709.78 of the Revised Code. 51133

(b) "Other compensation value" means the quotient that 51134  
results from dividing (i) the dollar value of compensation 51135  
received by the school district during the preceding tax year 51136  
pursuant to division (B), (C), or (D) of section 5709.82 of the 51137  
Revised Code and the amounts received pursuant to an agreement as 51138  
specified in division (D)(2) of section 5709.40, division (D) of 51139  
section 5709.73, or division (C) of section 5709.78 of the Revised 51140  
Code to the extent those amounts were not previously reported or 51141  
included in division (A)(6)(a) of this section, and so that any 51142

such amount is reported only once under division (A)(6)(b) of this 51143  
section, in relation to exemptions from taxation granted pursuant 51144  
to an ordinance or resolution adopted under division (C) of 51145  
section 5709.40, division (C) of section 5709.73, or division (B) 51146  
of section 5709.78 of the Revised Code, by (ii) the real property 51147  
tax rate in effect for the preceding tax year for 51148  
nonresidential/agricultural real property after making the 51149  
reductions required by section 319.301 of the Revised Code. 51150

(c) The portion of school district compensation value or 51151  
other compensation value that was exempted from taxation pursuant 51152  
to such an ordinance or resolution for the preceding tax year, if 51153  
the ordinance or resolution is adopted prior to January 1, 2006, 51154  
and the legislative authority or board of township trustees or 51155  
county commissioners, prior to January 1, 2006, executes a 51156  
contract or agreement with a developer, whether for-profit or 51157  
not-for-profit, with respect to the development of a project 51158  
undertaken or to be undertaken and identified in the ordinance or 51159  
resolution, and upon which parcels such project is being, or will 51160  
be, undertaken; 51161

(d) The portion of school district compensation value that 51162  
was exempted from taxation for the preceding tax year and for 51163  
which payments in lieu of taxes for the preceding tax year were 51164  
provided to the school district under division (D)(1) of section 51165  
5709.40 of the Revised Code. 51166

(e) The portion of school district compensation value that 51167  
was exempted from taxation for the preceding tax year pursuant to 51168  
such an ordinance or resolution, if and to the extent that, on or 51169  
before April 1, 2006, the fiscal officer of the municipal 51170  
corporation that adopted the ordinance, or of the township or 51171  
county that adopted the resolution, certifies and provides 51172  
appropriate supporting documentation to the tax commissioner and 51173  
the director of development that, based on hold-harmless 51174

provisions in any agreement between the school district and the 51175  
legislative authority of the municipal corporation, board of 51176  
township trustees, or board of county commissioners that was 51177  
entered into on or before June 1, 2005, the ability or obligation 51178  
of the municipal corporation, township, or county to repay bonds, 51179  
notes, or other financial obligations issued or entered into prior 51180  
to January 1, 2006, will be impaired, including obligations to or 51181  
of any other body corporate and politic with whom the legislative 51182  
authority of the municipal corporation or board of township 51183  
trustees or county commissioners has entered into an agreement 51184  
pertaining to the use of service payments derived from the 51185  
improvements exempted; 51186

(f) The portion of school district compensation value that 51187  
was exempted from taxation for the preceding tax year pursuant to 51188  
such an ordinance or resolution, if the ordinance or resolution is 51189  
adopted prior to January 1, 2006, in a municipal corporation with 51190  
a population that exceeds one hundred thousand, as shown by the 51191  
most recent federal decennial census, that includes a major 51192  
employment center and that is adjacent to historically distressed 51193  
neighborhoods, if the legislative authority of the municipal 51194  
corporation that exempted the property prepares an economic 51195  
analysis that demonstrates that all taxes generated within the 51196  
incentive district accruing to the state by reason of improvements 51197  
constructed within the district during its existence exceed the 51198  
amount the state pays the school district under section 3317.022 51199  
of the Revised Code attributable to such property exemption from 51200  
the school district's recognized valuation. The analysis shall be 51201  
submitted to and approved by the department of development prior 51202  
to January 1, 2006, and the department shall not unreasonably 51203  
withhold approval. 51204

(g) The portion of school district compensation value that 51205  
was exempted from taxation for the preceding tax year under such 51206

an ordinance or resolution, if the ordinance or resolution is 51207  
adopted prior to January 1, 2006, and if service payments have 51208  
been pledged to be used for mixed-use riverfront entertainment 51209  
development in any county with a population that exceeds six 51210  
hundred thousand, as shown by the most recent federal decennial 51211  
census; 51212

(h) The portion of school district compensation value that 51213  
was exempted from taxation for the preceding tax year under such 51214  
an ordinance or resolution, if, prior to January 1, 2006, the 51215  
legislative authority of a municipal corporation, board of 51216  
township trustees, or board of county commissioners has pledged 51217  
service payments for a designated transportation capacity project 51218  
approved by the transportation review advisory council under 51219  
Chapter 5512. of the Revised Code; 51220

(i) The portion of school district compensation value that 51221  
was exempted from taxation for the preceding tax year under such 51222  
an ordinance or resolution if the legislative authority of a 51223  
municipal corporation, board of township trustees, or board of 51224  
county commissioners have, by January 1, 2006, pledged proceeds 51225  
for designated transportation improvement projects that involve 51226  
federal funds for which the proceeds are used to meet a local 51227  
share match requirement for such funding. 51228

As used in division (A)(6) of this section, "project" has the 51229  
same meaning as in section 5709.40 of the Revised Code. 51230

(7) The aggregate value of real property in the school 51231  
district for which an exemption from taxation is granted by an 51232  
ordinance or resolution adopted on or after January 1, 2006, under 51233  
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 51234  
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 51235  
Code, as indicated on the list of exempted property for the 51236  
preceding tax year under section 5713.08 of the Revised Code and 51237  
as if such property had been assessed for taxation that year, 51238



minus the product determined by multiplying (a) the aggregate 51239  
value of the real property in the school district exempted from 51240  
taxation for the preceding tax year under any of the chapters or 51241  
sections specified in this division, by (b) a fraction, the 51242  
numerator of which is the difference between (i) the amount of 51243  
anticipated revenue such school district would have received for 51244  
the preceding tax year if the real property exempted from taxation 51245  
had not been exempted from taxation and (ii) the aggregate amount 51246  
of payments in lieu of taxes on the exempt real property for the 51247  
preceding tax year and other compensation received for the 51248  
preceding tax year by the school district pursuant to any 51249  
agreements entered into on or after January 1, 2006, under section 51250  
5709.82 of the Revised Code between the school district and the 51251  
legislative authority of a political subdivision that acted under 51252  
the authority of a chapter or statute specified in this division, 51253  
that were entered into in relation to such exemption, and the 51254  
denominator of which is the amount of anticipated revenue such 51255  
school district would have received in the preceding fiscal year 51256  
if the real property exempted from taxation had not been exempted. 51257

~~(8) For each school district receiving payments under 51258  
division (B) or (C) of section 3317.0216 of the Revised Code 51259  
during the current fiscal year, as included on the most recent 51260  
list of such districts sent to the tax commissioner under division 51261  
(F) of that section, the following: 51262~~

~~(a) The portion of the total amount of taxes charged and 51263  
payable for current expenses certified under division (A)(3)(a) of 51264  
this section that is attributable to each new levy approved and 51265  
charged in the preceding tax year and the respective tax rate of 51266  
each of those new levies: 51267~~

~~(b) The portion of the total taxes collected for current 51268  
expenses under a school district income tax adopted pursuant to 51269  
section 5748.03 or 5748.08 of the Revised Code, as certified under 51270~~

~~division (A)(2) of section 3317.08 of the Revised Code, that is 51271~~  
~~attributable to each new school district income tax first 51272~~  
~~effective in the current taxable year or in the preceding taxable 51273~~  
~~year. 51274~~

(B) On or before the first day of May each year, the tax 51275  
commissioner shall certify to the department of education and the 51276  
office of budget and management the total taxable real property 51277  
value of railroads and, separately, the total taxable tangible 51278  
personal property value of all public utilities for the preceding 51279  
tax year, by school district and by county of location. 51280

(C) If a public utility has properly and timely filed a 51281  
petition for reassessment under section 5727.47 of the Revised 51282  
Code with respect to an assessment issued under section 5727.23 of 51283  
the Revised Code affecting taxable property apportioned by the tax 51284  
commissioner to a school district, the taxable value of public 51285  
utility tangible personal property included in the certification 51286  
under divisions (A)(2) and (B) of this section for the school 51287  
district shall include only the amount of taxable value on the 51288  
basis of which the public utility paid tax for the preceding year 51289  
as provided in division (B)(1) or (2) of section 5727.47 of the 51290  
Revised Code. 51291

(D) If on the basis of the information certified under 51292  
division (A) of this section, the department determines that any 51293  
district fails in any year to meet the qualification requirement 51294  
specified in division (A)(1) of section 3306.01 and division (A) 51295  
of section 3317.01 of the Revised Code, the department shall 51296  
immediately request the tax commissioner to determine the extent 51297  
to which any school district income tax levied by the district 51298  
under Chapter 5748. of the Revised Code shall be included in 51299  
meeting that requirement. Within five days of receiving such a 51300  
request from the department, the tax commissioner shall make the 51301  
determination required by this division and report the quotient 51302

obtained under division (D)(3) of this section to the department 51303  
and the office of budget and management. This quotient represents 51304  
the number of mills that the department shall include in 51305  
determining whether the district meets the qualification 51306  
requirement of division (A)(1) of section 3306.01 and division (A) 51307  
of section 3317.01 of the Revised Code. 51308

The tax commissioner shall make the determination required by 51309  
this division as follows: 51310

(1) Multiply one mill times the total taxable value of the 51311  
district as determined in divisions (A)(1) and (2) of this 51312  
section; 51313

(2) Estimate the total amount of tax liability for the 51314  
current tax year under taxes levied by Chapter 5748. of the 51315  
Revised Code that are apportioned to current operating expenses of 51316  
the district, excluding any income tax receipts allocated for the 51317  
project cost, debt service, or maintenance set-aside associated 51318  
with a state-assisted classroom facilities project as authorized 51319  
by section 3318.052 of the Revised Code; 51320

(3) Divide the amount estimated under division (D)(2) of this 51321  
section by the product obtained under division (D)(1) of this 51322  
section. 51323

(E)(1) On or before June 1, 2006, and the first day of April 51324  
of each year thereafter, the director of development shall report 51325  
to the department of education, the tax commissioner, and the 51326  
director of budget and management the total amounts of payments 51327  
received by each city, local, exempted village, or joint 51328  
vocational school district for the preceding tax year pursuant to 51329  
division (D) of section 5709.40, division (D) of section 5709.73, 51330  
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 51331  
or (D) of section 5709.82 of the Revised Code in relation to 51332  
exemptions from taxation granted pursuant to an ordinance adopted 51333

by the legislative authority of a municipal corporation under 51334  
division (C) of section 5709.40 of the Revised Code, or a 51335  
resolution adopted by a board of township trustees or board of 51336  
county commissioners under division (C) of section 5709.73 or 51337  
division (B) of section 5709.78 of the Revised Code, respectively. 51338  
On or before April 1, 2006, and the first day of March of each 51339  
year thereafter, the treasurer of each city, local, exempted 51340  
village, or joint vocational school district that has entered into 51341  
such an agreement shall report to the director of development the 51342  
total amounts of such payments the district received for the 51343  
preceding tax year as provided in this section. The state board of 51344  
education, in accordance with sections 3319.31 and 3319.311 of the 51345  
Revised Code, may suspend or revoke the license of a treasurer 51346  
found to have willfully reported erroneous, inaccurate, or 51347  
incomplete data under this division. 51348

(2) On or before April 1, 2007, and the first day of April of 51349  
each year thereafter, the director of development shall report to 51350  
the department of education, the tax commissioner, and the 51351  
director of budget and management the total amounts of payments 51352  
received by each city, local, exempted village, or joint 51353  
vocational school district for the preceding tax year pursuant to 51354  
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 51355  
in relation to exemptions from taxation granted pursuant to 51356  
ordinances or resolutions adopted on or after January 1, 2006, 51357  
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 51358  
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 51359  
Revised Code. On or before March 1, 2007, and the first day of 51360  
March of each year thereafter, the treasurer of each city, local, 51361  
exempted village, or joint vocational school district that has 51362  
entered into such an agreement shall report to the director of 51363  
development the total amounts of such payments the district 51364  
received for the preceding tax year as provided by this section. 51365  
The state board of education, in accordance with sections 3319.31 51366

and 3319.311 of the Revised Code, may suspend or revoke the 51367  
license of a treasurer found to have willfully reported erroneous, 51368  
inaccurate, or incomplete data under this division. 51369

**Sec. 3317.022.** (A)(1) The department of education shall 51370  
compute and distribute state base cost funding to each eligible 51371  
school district for the fiscal year, using the information 51372  
obtained under section 3317.021 of the Revised Code in the 51373  
calendar year in which the fiscal year begins, according to the 51374  
following formula: 51375

{[the formula amount X (formula ADM + 51376  
preschool scholarship ADM)] + 51377  
the sum of the base funding supplements 51378  
prescribed in divisions (C)(1) to (4) 51379  
of section 3317.012 of the Revised Code} - 51380  
[.023 x (the sum of recognized valuation 51381  
and property exemption value)] + 51382  
the amounts calculated for the district under 51383  
sections 3317.029 and 3317.0217 of the Revised Code 51384

If the difference obtained is a negative number, the 51385  
district's computation shall be zero. 51386

(2)(a) For each school district for which the tax exempt 51387  
value of the district equals or exceeds twenty-five per cent of 51388  
the potential value of the district, the department of education 51389  
shall calculate the difference between the district's tax exempt 51390  
value and twenty-five per cent of the district's potential value. 51391

(b) For each school district to which division (A)(2)(a) of 51392  
this section applies, the department shall adjust the recognized 51393  
valuation used in the calculation under division (A)(1) of this 51394  
section by subtracting from it the amount calculated under 51395  
division (A)(2)(a) of this section. 51396

(B) As used in this section: 51397

(1) The "total special education weight" for a district means	51398
the sum of the following amounts:	51399
(a) The district's category one special education ADM	51400
multiplied by the multiple specified in division (A) of section	51401
3317.013 of the Revised Code;	51402
(b) The district's category two special education ADM	51403
multiplied by the multiple specified in division (B) of section	51404
3317.013 of the Revised Code;	51405
(c) The district's category three special education ADM	51406
multiplied by the multiple specified in division (C) of section	51407
3317.013 of the Revised Code;	51408
(d) The district's category four special education ADM	51409
multiplied by the multiple specified in division (D) of section	51410
3317.013 of the Revised Code;	51411
(e) The district's category five special education ADM	51412
multiplied by the multiple specified in division (E) of section	51413
3317.013 of the Revised Code;	51414
(f) The district's category six special education ADM	51415
multiplied by the multiple specified in division (F) of section	51416
3317.013 of the Revised Code.	51417
<del>(2) "State share percentage" means the percentage calculated</del>	51418
<del>for a district as follows:</del>	51419
<del>(a) Calculate the state base cost funding amount for the</del>	51420
<del>district for the fiscal year under division (A) of this section.</del>	51421
<del>If the district would not receive any state base cost funding for</del>	51422
<del>that year under that division, the district's state share</del>	51423
<del>percentage is zero.</del>	51424
<del>(b) If the district would receive state base cost funding</del>	51425
<del>under that division, divide that amount by an amount equal to the</del>	51426
<del>following:</del>	51427

~~(the formula amount X formula ADM) +~~ 51428  
~~the sum of the base funding supplements~~ 51429  
~~prescribed in divisions (C)(1) to (4)~~ 51430  
~~of section 3317.012 of the Revised Code +~~ 51431  
~~the sum of the amounts calculated for the district under~~ 51432  
~~sections 3317.029 and 3317.0217 of the Revised Code~~ 51433  
~~The resultant number is the district's state share~~ 51434  
~~percentage.~~ 51435

~~(3)~~ "Related services" includes: 51436

(a) Child study, special education supervisors and 51437  
coordinators, speech and hearing services, adaptive physical 51438  
development services, occupational or physical therapy, teacher 51439  
assistants for children with disabilities whose disabilities are 51440  
described in division (B) of section 3317.013 or division (F)(3) 51441  
of section 3317.02 of the Revised Code, behavioral intervention, 51442  
interpreter services, work study, nursing services, and 51443  
specialized integrative services as those terms are defined by the 51444  
department; 51445

(b) Speech and language services provided to any student with 51446  
a disability, including any student whose primary or only 51447  
disability is a speech and language disability; 51448

(c) Any related service not specifically covered by other 51449  
state funds but specified in federal law, including but not 51450  
limited to, audiology and school psychological services; 51451

(d) Any service included in units funded under former 51452  
division (O)(1) of section 3317.024 of the Revised Code; 51453

(e) Any other related service needed by children with 51454  
disabilities in accordance with their individualized education 51455  
programs. 51456

~~(4)~~(3) The "total vocational education weight" for a district 51457  
means the sum of the following amounts: 51458

(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;

(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.

~~(5)~~(4) "Preschool scholarship ADM" means the number of preschool children with disabilities reported under division (B)(3)(h) of section 3317.03 of the Revised Code.

(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:

The district's state share percentage X  
the formula amount for the year for which  
the aid is calculated X the district's  
total special education weight

(2) The attributed local share of special education and related services additional weighted costs equals:

(1 - the district's state share percentage) X the district's  
total special education weight X the formula amount

(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department



shall pay to the district an amount equal to the sum of the 51490  
following: 51491

(i) One-half of the district's costs for the student in 51492  
excess of the threshold catastrophic cost; 51493

(ii) The product of one-half of the district's costs for the 51494  
student in excess of the threshold catastrophic cost multiplied by 51495  
the district's state share percentage. 51496

(b) For purposes of division (C)(3)(a) of this section, the 51497  
threshold catastrophic cost for serving a student equals: 51498

(i) For a student in the school district's category two, 51499  
three, four, or five special education ADM, twenty-seven thousand 51500  
three hundred seventy-five dollars ~~in fiscal years 2008 and 2009;~~ 51501

(ii) For a student in the district's category six special 51502  
education ADM, thirty-two thousand eight hundred fifty dollars ~~in~~ 51503  
~~fiscal years 2008 and 2009.~~ 51504

(c) The district shall only report under division (C)(3)(a) 51505  
of this section, and the department shall only pay for, the costs 51506  
of educational expenses and the related services provided to the 51507  
student in accordance with the student's individualized education 51508  
program. Any legal fees, court costs, or other costs associated 51509  
with any cause of action relating to the student may not be 51510  
included in the amount. 51511

(4)(a) As used in this division, the "personnel allowance" 51512  
means thirty thousand dollars in fiscal years 2008 and 2009. 51513

(b) For the provision of speech language pathology services 51514  
to students, including students who do not have individualized 51515  
education programs prepared for them under Chapter 3323. of the 51516  
Revised Code, and for no other purpose, the department of 51517  
education shall pay each school district an amount calculated 51518  
under the following formula: 51519

(formula ADM divided by 2000) X 51520  
the personnel allowance X 51521  
the state share percentage 51522

(5) In any fiscal year, a school district shall spend for 51523  
purposes that the department designates as approved for special 51524  
education and related services expenses at least the amount 51525  
calculated as follows: 51526

(formula amount X the sum of categories 51527  
one through six special education ADM) + 51528  
(total special education weight X formula amount) 51529

The purposes approved by the department for special education 51530  
expenses shall include, but shall not be limited to, 51531  
identification of children with disabilities, compliance with 51532  
state rules governing the education of children with disabilities 51533  
and prescribing the continuum of program options for children with 51534  
disabilities, provision of speech language pathology services, and 51535  
the portion of the school district's overall administrative and 51536  
overhead costs that are attributable to the district's special 51537  
education student population. 51538

The scholarships deducted from the school district's account 51539  
under section 3310.41 of the Revised Code shall be considered to 51540  
be an approved special education and related services expense for 51541  
the purpose of the school district's compliance with division 51542  
(C)(5) of this section. 51543

The department shall require school districts to report data 51544  
annually to allow for monitoring compliance with division (C)(5) 51545  
of this section. The department shall annually report to the 51546  
governor and the general assembly the amount of money spent by 51547  
each school district for special education and related services. 51548

(6) In any fiscal year, a school district shall spend for the 51549  
provision of speech language pathology services not less than the 51550  
sum of the amount calculated under division (C)(1) of this section 51551

for the students in the district's category one special education 51552  
ADM and the amount calculated under division (C)(4) of this 51553  
section. 51554

(D)(1) As used in this division: 51555

(a) "Daily bus miles per student" equals the number of bus 51556  
miles traveled per day, divided by transportation base. 51557

(b) "Transportation base" equals total student count as 51558  
defined in section 3301.011 of the Revised Code, minus the number 51559  
of students enrolled in units for preschool children with 51560  
disabilities, plus the number of nonpublic school students 51561  
included in transportation ADM. 51562

(c) "Transported student percentage" equals transportation 51563  
ADM divided by transportation base. 51564

(d) "Transportation cost per student" equals total operating 51565  
costs for board-owned or contractor-operated school buses divided 51566  
by transportation base. 51567

(2) Analysis of student transportation cost data has resulted 51568  
in a finding that an average efficient transportation use cost per 51569  
student can be calculated by means of a regression formula that 51570  
has as its two independent variables the number of daily bus miles 51571  
per student and the transported student percentage. For fiscal 51572  
year 1998 transportation cost data, the average efficient 51573  
transportation use cost per student is expressed as follows: 51574

51.79027 + (139.62626 X daily bus miles per student) + 51575

(116.25573 X transported student percentage) 51576

The department of education shall annually determine the 51577  
average efficient transportation use cost per student in 51578  
accordance with the principles stated in division (D)(2) of this 51579  
section, updating the intercept and regression coefficients of the 51580  
regression formula modeled in this division, based on an annual 51581  
statewide analysis of each school district's daily bus miles per 51582

student, transported student percentage, and transportation cost 51583  
per student data. The department shall conduct the annual update 51584  
using data, including daily bus miles per student, transported 51585  
student percentage, and transportation cost per student data, from 51586  
the prior fiscal year. The department shall notify the office of 51587  
budget and management of such update by the fifteenth day of 51588  
February of each year. 51589

(3) In addition to funds paid under divisions (A), (C), and 51590  
(E) of this section, each district with a transported student 51591  
percentage greater than zero shall receive a payment equal to a 51592  
percentage of the product of the district's transportation base 51593  
from the prior fiscal year times the annually updated average 51594  
efficient transportation use cost per student, times an inflation 51595  
factor of two and eight\_tenths per cent to account for the 51596  
one-year difference between the data used in updating the formula 51597  
and calculating the payment and the year in which the payment is 51598  
made. The percentage shall be the following percentage of that 51599  
product specified for the corresponding fiscal year: 51600

FISCAL YEAR	PERCENTAGE	
2000	52.5%	51602
2001	55%	51603
2002	57.5%	51604
2003 and thereafter	The greater of 60% or the district's state share percentage	51605

The payments made under division (D)(3) of this section each 51606  
year shall be calculated based on all of the same prior year's 51607  
data used to update the formula. 51608

(4) In addition to funds paid under divisions (D)(2) and (3) 51609  
of this section, a school district shall receive a rough road 51610  
subsidy if both of the following apply: 51611

(a) Its county rough road percentage is higher than the 51612

statewide rough road percentage, as those terms are defined in 51613  
division (D)(5) of this section; 51614

(b) Its district student density is lower than the statewide 51615  
student density, as those terms are defined in that division. 51616

(5) The rough road subsidy paid to each district meeting the 51617  
qualifications of division (D)(4) of this section shall be 51618  
calculated in accordance with the following formula: 51619

(per rough mile subsidy X total rough road miles) 51620  
X density multiplier 51621

where: 51622

(a) "Per rough mile subsidy" equals the amount calculated in 51623  
accordance with the following formula: 51624

$0.75 - \{0.75 \times [(\text{maximum rough road percentage} -$  51625  
 $\text{county rough road percentage}) / (\text{maximum rough road}$  51626  
 $\text{percentage} - \text{statewide rough road percentage})]\}$  51627

(i) "Maximum rough road percentage" means the highest county 51628  
rough road percentage in the state. 51629

(ii) "County rough road percentage" equals the percentage of 51630  
the mileage of state, municipal, county, and township roads that 51631  
is rated by the department of transportation as type A, B, C, E2, 51632  
or F in the county in which the school district is located or, if 51633  
the district is located in more than one county, the county to 51634  
which it is assigned for purposes of determining its 51635  
cost-of-doing-business factor. 51636

(iii) "Statewide rough road percentage" means the percentage 51637  
of the statewide total mileage of state, municipal, county, and 51638  
township roads that is rated as type A, B, C, E2, or F by the 51639  
department of transportation. 51640

(b) "Total rough road miles" means a school district's total 51641  
bus miles traveled in one year times its county rough road 51642

percentage. 51643

(c) "Density multiplier" means a figure calculated in 51644  
accordance with the following formula: 51645

1 - [(minimum student density - district student 51646  
density)/(minimum student density - 51647  
statewide student density)] 51648

(i) "Minimum student density" means the lowest district 51649  
student density in the state. 51650

(ii) "District student density" means a school district's 51651  
transportation base divided by the number of square miles in the 51652  
district. 51653

(iii) "Statewide student density" means the sum of the 51654  
transportation bases for all school districts divided by the sum 51655  
of the square miles in all school districts. 51656

(6) In addition to funds paid under divisions (D)(2) to (5) 51657  
of this section, each district shall receive in accordance with 51658  
rules adopted by the state board of education a payment for 51659  
students transported by means other than board-owned or 51660  
contractor-operated buses and whose transportation is not funded 51661  
under division (G) of section 3317.024 of the Revised Code. The 51662  
rules shall include provisions for school district reporting of 51663  
such students. 51664

(E)(1) The department shall compute and distribute state 51665  
vocational education additional weighted costs funds to each 51666  
school district in accordance with the following formula: 51667

state share percentage X 51668  
the formula amount X 51669  
total vocational education weight 51670

In any fiscal year, a school district receiving funds under 51671  
division (E)(1) of this section shall spend those funds only for 51672  
the purposes that the department designates as approved for 51673

vocational education expenses. Vocational educational expenses 51674  
approved by the department shall include only expenses connected 51675  
to the delivery of career-technical programming to 51676  
career-technical students. The department shall require the school 51677  
district to report data annually so that the department may 51678  
monitor the district's compliance with the requirements regarding 51679  
the manner in which funding received under division (E)(1) of this 51680  
section may be spent. 51681

(2) The department shall compute for each school district 51682  
state funds for vocational education associated services in 51683  
accordance with the following formula: 51684

state share percentage X .05 X the formula amount X 51685  
the sum of categories one and two vocational education ADM 51686

In any fiscal year, a school district receiving funds under 51687  
division (E)(2) of this section, or through a transfer of funds 51688  
pursuant to division (L) of section 3317.023 of the Revised Code, 51689  
shall spend those funds only for the purposes that the department 51690  
designates as approved for vocational education associated 51691  
services expenses, which may include such purposes as 51692  
apprenticeship coordinators, coordinators for other vocational 51693  
education services, vocational evaluation, and other purposes 51694  
designated by the department. The department may deny payment 51695  
under division (E)(2) of this section to any district that the 51696  
department determines is not operating those services or is using 51697  
funds paid under division (E)(2) of this section, or through a 51698  
transfer of funds pursuant to division (L) of section 3317.023 of 51699  
the Revised Code, for other purposes. 51700

(F) The actual local share in any fiscal year for the 51701  
combination of special education and related services additional 51702  
weighted costs funding calculated under division (C)(1) of this 51703  
section, transportation funding calculated under divisions (D)(2) 51704  
and (3) of this section, and vocational education and associated 51705

services additional weighted costs funding calculated under 51706  
divisions (E)(1) and (2) of this section shall not exceed for any 51707  
school district the product of three and three-tenths mills times 51708  
the district's recognized valuation. The department annually shall 51709  
pay each school district as an excess cost supplement any amount 51710  
by which the sum of the district's attributed local shares for 51711  
that funding exceeds that product. For purposes of calculating the 51712  
excess cost supplement: 51713

(1) The attributed local share for special education and 51714  
related services additional weighted costs funding is the amount 51715  
specified in division (C)(2) of this section. 51716

(2) The attributed local share of transportation funding 51717  
equals the difference of the total amount calculated for the 51718  
district using the formula developed under division (D)(2) of this 51719  
section minus the actual amount paid to the district after 51720  
applying the percentage specified in division (D)(3) of this 51721  
section. 51722

(3) The attributed local share of vocational education and 51723  
associated services additional weighted costs funding is the 51724  
amount determined as follows: 51725

(1 - state share percentage) X 51726  
[(total vocational education weight X 51727  
the formula amount) + the payment under 51728  
division (E)(2) of this section] 51729

**Sec. 3317.023.** (A) ~~Notwithstanding section 3317.022 of the~~ 51730  
~~Revised Code, the~~ The amounts required to be paid to a district 51731  
under this chapter and Chapter 3306. of the Revised Code shall be 51732  
adjusted by the amount of the computations made under divisions 51733  
(B) to (N) of this section. The department of education shall not 51734  
make payments or adjustments under divisions (B), (C), and (D) of 51735  
this section for any fiscal year after fiscal year 2009. 51736



As used in this section: 51737

(1) "Classroom teacher" means a licensed employee who 51738  
provides direct instruction to pupils, excluding teachers funded 51739  
from money paid to the district from federal sources; educational 51740  
service personnel; and vocational and special education teachers. 51741

(2) "Educational service personnel" shall not include such 51742  
specialists funded from money paid to the district from federal 51743  
sources or assigned full-time to vocational or special education 51744  
students and classes and may only include those persons employed 51745  
in the eight specialist areas in a pattern approved by the 51746  
department of education under guidelines established by the state 51747  
board of education. 51748

(3) "Annual salary" means the annual base salary stated in 51749  
the state minimum salary schedule for the performance of the 51750  
teacher's regular teaching duties that the teacher earns for 51751  
services rendered for the first full week of October of the fiscal 51752  
year for which the adjustment is made under division (C) of this 51753  
section. It shall not include any salary payments for supplemental 51754  
teachers contracts. 51755

(4) "Regular student population" means the formula ADM plus 51756  
the number of students reported as enrolled in the district 51757  
pursuant to division (A)(1) of section 3313.981 of the Revised 51758  
Code; minus the number of students reported under division (A)(2) 51759  
of section 3317.03 of the Revised Code; minus the FTE of students 51760  
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 51761  
of that section who are enrolled in a vocational education class 51762  
or receiving special education; and minus twenty per cent of the 51763  
students enrolled concurrently in a joint vocational school 51764  
district. 51765

(5) ~~"State share percentage" has the same meaning as in 51766  
section 3317.022 of the Revised Code. 51767~~

~~(6)~~ "VEPD" means a school district or group of school districts designated by the department of education as being responsible for the planning for and provision of vocational education services to students within the district or group.

~~(7)~~(6) "Lead district" means a school district, including a joint vocational school district, designated by the department as a VEPD, or designated to provide primary vocational education leadership within a VEPD composed of a group of districts.

(B) If the district employs less than one full-time equivalent classroom teacher for each twenty-five pupils in the regular student population in any school district, deduct the sum of the amounts obtained from the following computations:

(1) Divide the number of the district's full-time equivalent classroom teachers employed by one twenty-fifth;

(2) Subtract the quotient in (1) from the district's regular student population;

(3) Multiply the difference in (2) by seven hundred fifty-two dollars.

(C) If a positive amount, add one-half of the amount obtained by multiplying the number of full-time equivalent classroom teachers by:

(1) The mean annual salary of all full-time equivalent classroom teachers employed by the district at their respective training and experience levels minus;

(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section.

The number of full-time equivalent classroom teachers used in this computation shall not exceed one twenty-fifth of the district's regular student population. In calculating the

district's mean salary under this division, those full-time 51798  
equivalent classroom teachers with the highest training level 51799  
shall be counted first, those with the next highest training level 51800  
second, and so on, in descending order. Within the respective 51801  
training levels, teachers with the highest years of service shall 51802  
be counted first, the next highest years of service second, and so 51803  
on, in descending order. 51804

(D) This division does not apply to a school district that 51805  
has entered into an agreement under division (A) of section 51806  
3313.42 of the Revised Code. Deduct the amount obtained from the 51807  
following computations if the district employs fewer than five 51808  
full-time equivalent educational service personnel, including 51809  
elementary school art, music, and physical education teachers, 51810  
counselors, librarians, visiting teachers, school social workers, 51811  
and school nurses for each one thousand pupils in the regular 51812  
student population: 51813

(1) Divide the number of full-time equivalent educational 51814  
service personnel employed by the district by five 51815  
one-thousandths; 51816

(2) Subtract the quotient in (1) from the district's regular 51817  
student population; 51818

(3) Multiply the difference in (2) by ninety-four dollars. 51819

(E) If a local school district, or a city or exempted village 51820  
school district to which a governing board of an educational 51821  
service center provides services pursuant to section 3313.843 of 51822  
the Revised Code, deduct the amount of the payment required for 51823  
the reimbursement of the governing board under section 3317.11 of 51824  
the Revised Code. 51825

(F)(1) If the district is required to pay to or entitled to 51826  
receive tuition from another school district under division (C)(2) 51827  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 51828

or if the superintendent of public instruction is required to 51829  
determine the correct amount of tuition and make a deduction or 51830  
credit under section 3317.08 of the Revised Code, deduct and 51831  
credit such amounts as provided in division (J) of section 3313.64 51832  
or section 3317.08 of the Revised Code. 51833

(2) For each child for whom the district is responsible for 51834  
tuition or payment under division (A)(1) of section 3317.082 or 51835  
section 3323.091 of the Revised Code, deduct the amount of tuition 51836  
or payment for which the district is responsible. 51837

(G) If the district has been certified by the superintendent 51838  
of public instruction under section 3313.90 of the Revised Code as 51839  
not in compliance with the requirements of that section, deduct an 51840  
amount equal to ten per cent of the amount computed for the 51841  
district under ~~section 3317.022~~ Chapter 3306. of the Revised Code. 51842

(H) If the district has received a loan from a commercial 51843  
lending institution for which payments are made by the 51844  
superintendent of public instruction pursuant to division (E)(3) 51845  
of section 3313.483 of the Revised Code, deduct an amount equal to 51846  
such payments. 51847

(I)(1) If the district is a party to an agreement entered 51848  
into under division (D), (E), or (F) of section 3311.06 or 51849  
division (B) of section 3311.24 of the Revised Code and is 51850  
obligated to make payments to another district under such an 51851  
agreement, deduct an amount equal to such payments if the district 51852  
school board notifies the department in writing that it wishes to 51853  
have such payments deducted. 51854

(2) If the district is entitled to receive payments from 51855  
another district that has notified the department to deduct such 51856  
payments under division (I)(1) of this section, add the amount of 51857  
such payments. 51858

(J) If the district is required to pay an amount of funds to 51859

a cooperative education district pursuant to a provision described 51860  
by division (B)(4) of section 3311.52 or division (B)(8) of 51861  
section 3311.521 of the Revised Code, deduct such amounts as 51862  
provided under that provision and credit those amounts to the 51863  
cooperative education district for payment to the district under 51864  
division (B)(1) of section 3317.19 of the Revised Code. 51865

(K)(1) If a district is educating a student entitled to 51866  
attend school in another district pursuant to a shared education 51867  
contract, compact, or cooperative education agreement other than 51868  
an agreement entered into pursuant to section 3313.842 of the 51869  
Revised Code, credit to that educating district on an FTE basis 51870  
both of the following: 51871

(a) An amount equal to the ~~sum of the~~ formula amount ~~plus the~~ 51872  
~~per pupil amount of the base funding supplements specified in~~ 51873  
~~divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~ 51874

(b) An amount equal to the current formula amount times the 51875  
state share percentage times any multiple applicable to the 51876  
student pursuant to section ~~3317.013 or 3317.014~~ 3306.11 of the 51877  
Revised Code. 51878

(2) Deduct any amount credited pursuant to division (K)(1) of 51879  
this section from amounts paid to the school district in which the 51880  
student is entitled to attend school pursuant to section 3313.64 51881  
or 3313.65 of the Revised Code. 51882

(3) If the district is required by a shared education 51883  
contract, compact, or cooperative education agreement to make 51884  
payments to an educational service center, deduct the amounts from 51885  
payments to the district and add them to the amounts paid to the 51886  
service center pursuant to section 3317.11 of the Revised Code. 51887

(L)(1) If a district, including a joint vocational school 51888  
district, is a lead district of a VEPD, credit to that district 51889  
the amounts calculated for all the school districts within that 51890

VEPD pursuant to division (E)(2) of section 3317.022 of the Revised Code. 51891  
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(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (L)(1) of this section. 51893  
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(M) If the department pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division (G)(2) of that section, the department shall deduct the amount of that payment from the city, local, or exempted village school district that is responsible as specified in that section for the excess costs. 51896  
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(N)(1) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall pay that amount to the district. 51904  
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(2) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall deduct that amount from the district of residence of that child. 51908  
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**Sec. 3317.024.** ~~In addition to the moneys paid to eligible school districts pursuant to section 3317.022 of the Revised Code, moneys appropriated for the education programs in divisions (A) to (I), (K), (L), and (N) of this section shall be distributed to school districts meeting the requirements of section 3317.01 of the Revised Code; in the case of divisions (G) and (L) of this section, to educational service centers as provided in section 3317.11 of the Revised Code; in the case of divisions (D) and (J) of this section, to county MR/DD boards; in the case of division (N) of this section, to joint vocational school districts; in the~~ 51912  
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~~ease of division (H) of this section, to cooperative education 51922  
school districts; and in the case of division (M) of this section, 51923  
to the institutions defined under section 3317.082 of the Revised 51924  
Code providing elementary or secondary education programs to 51925  
children other than children receiving special education under 51926  
section 3323.091 of the Revised Code. The following shall be 51927  
distributed monthly, quarterly, or annually as may be determined 51928  
by the state board of education, except that the department of 51929  
education shall not make payments under divisions (F), (L), and 51930  
(N) of this section for any fiscal year after fiscal year 2009: 51931~~

(A) An amount for each island school district and each joint 51932  
state school district for the operation of each high school and 51933  
each elementary school maintained within such district and for 51934  
capital improvements for such schools. Such amounts shall be 51935  
determined on the basis of standards adopted by the state board of 51936  
education. 51937

(B) An amount for each school district operating classes for 51938  
children of migrant workers who are unable to be in attendance in 51939  
an Ohio school during the entire regular school year. The amounts 51940  
shall be determined on the basis of standards adopted by the state 51941  
board of education, except that payment shall be made only for 51942  
subjects regularly offered by the school district providing the 51943  
classes. 51944

(C) An amount for each school district with guidance, 51945  
testing, and counseling programs approved by the state board of 51946  
education. The amount shall be determined on the basis of 51947  
standards adopted by the state board of education. 51948

(D) An amount for the emergency purchase of school buses as 51949  
provided for in section 3317.07 of the Revised Code; 51950

(E) An amount for each school district required to pay 51951  
tuition for a child in an institution maintained by the department 51952

of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's average daily membership for the preceding school year. 51953  
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(F) An amount for adult basic literacy education for each district participating in programs approved by the state board of education. The amount shall be determined on the basis of standards adopted by the state board of education. 51957  
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(G) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the district or service center. No district or service center is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM. The state board of education shall establish standards and guidelines for use by the department of education in determining the approved cost of such transportation for each district or service center. 51961  
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(H) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children and an amount to assist needy school districts in purchasing necessary equipment for food preparation. The amounts shall be determined on the basis of rules adopted by the state board of education. 51973  
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(I) An amount to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district. The amount shall equal the amount appropriated for the implementation of section 3317.06 of the Revised Code divided by the average daily membership in grades kindergarten through 51980  
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twelve in nonpublic elementary and high schools within the state 51985  
as determined during the first full week in October of each school 51986  
year. 51987

(J) An amount for each county MR/DD board, distributed on the 51988  
basis of standards adopted by the state board of education, for 51989  
the approved cost of transportation required for children 51990  
attending special education programs operated by the county MR/DD 51991  
board under section 3323.09 of the Revised Code; 51992

(K) An amount for each school district that establishes a 51993  
mentor teacher program that complies with rules of the state board 51994  
of education. No school district shall be required to establish or 51995  
maintain such a program in any year unless sufficient funds are 51996  
appropriated to cover the district's total costs for the program. 51997

(L) An amount to each school district or educational service 51998  
center for the total number of gifted units approved pursuant to 51999  
section 3317.05 of the Revised Code. The amount for each such unit 52000  
shall be the sum of the minimum salary for the teacher of the 52001  
unit, calculated on the basis of the teacher's training level and 52002  
years of experience pursuant to the salary schedule prescribed in 52003  
the version of section 3317.13 of the Revised Code in effect prior 52004  
to July 1, 2001, plus fifteen per cent of that minimum salary 52005  
amount, plus two thousand six hundred seventy-eight dollars. 52006

(M) An amount to each institution defined under section 52007  
3317.082 of the Revised Code providing elementary or secondary 52008  
education to children other than children receiving special 52009  
education under section 3323.091 of the Revised Code. This amount 52010  
for any institution in any fiscal year shall equal the total of 52011  
all tuition amounts required to be paid to the institution under 52012  
division (A)(1) of section 3317.082 of the Revised Code. 52013

(N) A grant to each school district and joint vocational 52014  
school district that operates a "graduation, reality, and 52015

dual-role skills" (GRADS) program for pregnant and parenting 52016  
students that is approved by the department. The amount of the 52017  
payment shall be the district's state share percentage, as defined 52018  
in section 3317.022 or 3317.16 of the Revised Code, times the 52019  
GRADS personnel allowance times the full-time-equivalent number of 52020  
GRADS teachers approved by the department. The GRADS personnel 52021  
allowance is \$47,555 in fiscal years 2008 and 2009. The GRADS 52022  
program shall include instruction on adoption as an option for 52023  
unintended pregnancies. 52024

The state board of education or any other board of education 52025  
or governing board may provide for any resident of a district or 52026  
educational service center territory any educational service for 52027  
which funds are made available to the board by the United States 52028  
under the authority of public law, whether such funds come 52029  
directly or indirectly from the United States or any agency or 52030  
department thereof or through the state or any agency, department, 52031  
or political subdivision thereof. 52032

**Sec. 3317.025.** On or before the first day of June of each 52033  
year, the tax commissioner shall certify the following information 52034  
to the department of education and the office of budget and 52035  
management, for each school district in which the value of the 52036  
property described under division (A) of this section exceeds one 52037  
per cent of the taxable value of all real and tangible personal 52038  
property in the district or in which is located tangible personal 52039  
property designed for use or used in strip mining operations, 52040  
whose taxable value exceeds five million dollars, and the taxes 52041  
upon which the district is precluded from collecting by virtue of 52042  
legal proceedings to determine the value of such property: 52043

(A) The total taxable value of all property in the district 52044  
owned by a public utility or railroad that has filed a petition 52045  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 52046

(1898), 11 U.S.C. 205, as amended, and all tangible personal 52047  
property in the district designed for use or used in strip mining 52048  
operations whose taxable value exceeds five million dollars upon 52049  
which have not been paid in full on or before the first day of 52050  
April of that calendar year all real and tangible personal 52051  
property taxes levied for the preceding calendar year and which 52052  
the district was precluded from collecting by virtue of 52053  
proceedings under section 205 of said act or by virtue of legal 52054  
proceedings to determine the tax liability of such strip mining 52055  
equipment; 52056

(B) The percentage of the total operating taxes charged and 52057  
payable for school district purposes levied against such valuation 52058  
for the preceding calendar year that have not been paid by such 52059  
date; 52060

(C) The product obtained by multiplying the value certified 52061  
under division (A) of this section by the percentage certified 52062  
under division (B) of this section. If the value certified under 52063  
division (A) of this section includes taxable property owned by a 52064  
public utility or railroad that has filed a petition for 52065  
reorganization under the bankruptcy act, the amount used in making 52066  
the calculation under this division shall be reduced by one per 52067  
cent of the total value of all real and tangible personal property 52068  
in the district or the value of the utility's or railroad's 52069  
property, whichever is less. 52070

Upon receipt of the certification, the department shall 52071  
recompute the payments required under ~~section 3317.022~~ Chapter 52072  
3306. of the Revised Code in the manner the payments would have 52073  
been computed if: 52074

(1) The amount certified under division (C) of this section 52075  
was not subject to taxation by the district and was not included 52076  
in the certification made under division (A)(1), (A)(2), or (D) of 52077  
section 3317.021 of the Revised Code. 52078

(2) The amount of taxes charged and payable and unpaid and used to make the computation under division (B) of this section had not been levied and had not been used in the computation required by division (B) of section 3317.021 of the Revised Code. The department shall pay the district that amount in the ensuing fiscal year in lieu of the amounts computed under ~~section 3317.022~~ Chapter 3306. of the Revised Code.

If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.

**Sec. 3317.0210.** (A) As used in this section:

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended.

(2) "Chapter 11 corporation" means a corporation, company, or other business organization that has filed a petition for reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 Stat. 2626, 11 U.S.C. 1101, as amended.

(3) "Uncollectable taxes" means property taxes payable in a calendar year by a Chapter 11 corporation on its property that a school district is precluded from collecting by virtue of proceedings under the Bankruptcy Reform Act.

(4) "Basic state aid" means the state aid calculated for a school district under ~~section 3317.022~~ Chapter 3306. of the Revised Code.

(5) "Effective value" means the amount obtained by multiplying the total taxable value certified in a calendar year under section 3317.021 of the Revised Code by a fraction, the

numerator of which is the total taxes charged and payable in that 52109  
calendar year exclusive of the uncollectable taxes payable in that 52110  
year, and the denominator of which is the total taxes charged and 52111  
payable in that year. 52112

(6) "Total taxes charged and payable" has the same meaning 52113  
given "taxes charged and payable" in section 3317.02 of the 52114  
Revised Code. 52115

(B)(1) Between the first day of January and the first day of 52116  
February of any year, a school district shall notify the 52117  
department of education if it has uncollectable taxes payable in 52118  
the preceding calendar year from one Chapter 11 corporation. 52119

(2) The department shall verify whether the district has such 52120  
uncollectable taxes from such a corporation, and if the district 52121  
does, shall immediately request the tax commissioner to certify 52122  
the district's total taxes charged and payable in the preceding 52123  
calendar year, and the tax commissioner shall certify that 52124  
information to the department within thirty days after receiving 52125  
the request. For the purposes of this section, taxes are payable 52126  
in the calendar year that includes the day prescribed by law for 52127  
their payment, including any lawful extension thereof. 52128

(C) Upon receiving the certification from the tax 52129  
commissioner, the department shall determine whether the amount of 52130  
uncollectable taxes from the corporation equals at least one per 52131  
cent of the total taxes charged and payable as certified by the 52132  
tax commissioner. If it does, the department shall compute the 52133  
district's effective value and shall recompute the basic state aid 52134  
payable to the district for the current fiscal year using the 52135  
effective value in lieu of the total taxable value used to compute 52136  
the basic state aid for the current fiscal year. The difference 52137  
between the basic state aid amount originally computed for the 52138  
district for the current fiscal year and the recomputed amount 52139  
shall be paid to the district from the lottery profits education 52140

fund before the end of the current fiscal year. 52141

(D) Except as provided in division (E) of this section, 52142  
amounts received by a school district under division (C) of this 52143  
section shall be repaid to the department of education in any 52144  
future year to the extent the district receives payments of 52145  
uncollectable taxes in such future year. The district shall notify 52146  
the department of any amount owed under this division. 52147

(E) If a school district received a grant from the 52148  
catastrophic expenditures account pursuant to division (C) of 52149  
section 3316.20 of the Revised Code on the basis of the same 52150  
circumstances for which a recomputation is made under this 52151  
section, the amount of the recomputation shall be reduced and 52152  
transferred in accordance with division (C) of section 3316.20 of 52153  
the Revised Code. 52154

**Sec. 3317.0211.** (A) As used in this section: 52155

(1) "Port authority" means any port authority as defined in 52156  
section 4582.01 or 4582.21 of the Revised Code. 52157

(2) "Real property" includes public utility real property and 52158  
"personal property" includes public utility personal property. 52159

(3) "Uncollected taxes" means property taxes charged and 52160  
payable against the property of a port authority for a tax year 52161  
that a school district has not collected. 52162

(4) "Basic state aid" means the state aid calculated for a 52163  
school district under ~~section 3317.022~~ Chapter 3306. of the 52164  
Revised Code. 52165

(5) "Effective value" means the sum of the effective 52166  
residential/agricultural real property value, the effective 52167  
nonresidential/agricultural real property value, and the effective 52168  
personal value. 52169

(6) "Effective residential/agricultural real property value" 52170

means, for a tax year, the amount obtained by multiplying the 52171  
value for that year of residential/agricultural real property 52172  
subject to taxation in the district by a fraction, the numerator 52173  
of which is the total taxes charged and payable for that year 52174  
against the residential/agricultural real property subject to 52175  
taxation in the district, exclusive of the uncollected taxes for 52176  
that year on all real property subject to taxation in the 52177  
district, and the denominator of which is the total taxes charged 52178  
and payable for that year against the residential/agricultural 52179  
real property subject to taxation in the district. 52180

(7) "Effective nonresidential/agricultural real property 52181  
value" means, for a tax year, the amount obtained by multiplying 52182  
the value for that year of nonresidential/agricultural real 52183  
property subject to taxation in the district by a fraction, the 52184  
numerator of which is the total taxes charged and payable for that 52185  
year against the nonresidential/agricultural real property subject 52186  
to taxation in the district, exclusive of the uncollected taxes 52187  
for that year on all real property subject to taxation in the 52188  
district, and the denominator of which is the total taxes charged 52189  
and payable for that year against the nonresidential/agricultural 52190  
real property subject to taxation in the district. 52191

(8) "Effective personal value" means, for a tax year, the 52192  
amount obtained by multiplying the value for that year certified 52193  
under division (A)(2) of section 3317.021 of the Revised Code by a 52194  
fraction, the numerator of which is the total taxes charged and 52195  
payable for that year against personal property subject to 52196  
taxation in the district, exclusive of the uncollected taxes for 52197  
that year on that property, and the denominator of which is the 52198  
total taxes charged and payable for that year against personal 52199  
property subject to taxation in the district. 52200

(9) "Nonresidential/agricultural real property value" means, 52201  
for a tax year, the sum of the values certified for a school 52202

district for that year under division (B)(2)(a) of this section, 52203  
and "residential/agricultural real property value" means, for a 52204  
tax year, the sum of the values certified for a school district 52205  
under division (B)(2)(b) of this section. 52206

(10) "Taxes charged and payable against real property" means 52207  
the taxes charged and payable against that property after making 52208  
the reduction required by section 319.301 of the Revised Code. 52209

(11) "Total taxes charged and payable" has the same meaning 52210  
given "taxes charged and payable" in section 3317.02 of the 52211  
Revised Code. 52212

(B)(1) By the first day of August of any calendar year, a 52213  
school district shall notify the department of education if it has 52214  
any uncollected taxes from one port authority for the second 52215  
preceding tax year whose taxes charged and payable represent at 52216  
least one-half of one per cent of the district's total taxes 52217  
charged and payable for that tax year. 52218

(2) The department shall verify whether the district has such 52219  
uncollected taxes by the first day of September, and if the 52220  
district does, shall immediately request the county auditor of 52221  
each county in which the school district has territory to certify 52222  
the following information concerning the district's property 52223  
values and taxes for the second preceding tax year, and each such 52224  
auditor shall certify that information to the department within 52225  
thirty days of receiving the request: 52226

(a) The value of the property subject to taxation in the 52227  
district that was classified as nonresidential/agricultural real 52228  
property pursuant to section 5713.041 of the Revised Code, and the 52229  
taxes charged and payable on that property; and 52230

(b) The value of the property subject to taxation in the 52231  
district that was classified as residential/agricultural real 52232  
property under section 5713.041 of the Revised Code. 52233



(C) By the fifteenth day of November, the department shall 52234  
compute the district's effective nonresidential/agricultural real 52235  
property value, effective residential/agricultural real property 52236  
value, effective personal value, and effective value, and shall 52237  
determine whether the school district's effective value for the 52238  
second preceding tax year is at least one per cent less than its 52239  
total value for that year certified under divisions (A)(1) and (2) 52240  
of section 3317.021 of the Revised Code. If it is, the department 52241  
shall recompute the basic state aid payable to the district for 52242  
the immediately preceding fiscal year using the effective value in 52243  
lieu of the amounts previously certified under section 3317.021 of 52244  
the Revised Code. The difference between the original basic state 52245  
aid amount computed for the district for the preceding fiscal year 52246  
and the recomputed amount shall be paid to the district from the 52247  
lottery profits education fund before the end of the current 52248  
fiscal year. 52249

(D) Except as provided in division (E) of this section, 52250  
amounts received by a school district under division (C) of this 52251  
section shall be repaid to the department of education in any 52252  
future year to the extent the district receives payments of 52253  
uncollectable taxes in such future year. The department shall 52254  
notify a district of any amount owed under this division. 52255

(E) If a school district received a grant from the 52256  
catastrophic expenditures account pursuant to division (C) of 52257  
section 3316.20 of the Revised Code on the basis of the same 52258  
circumstances for which a recomputation is made under this 52259  
section, the amount of the recomputation shall be reduced and 52260  
transferred in accordance with division (C) of section 3316.20 of 52261  
the Revised Code. 52262

**Sec. 3317.0216.** (A) As used in this section: 52263

(1) "Total taxes charged and payable for current expenses" 52264

means the sum of ~~the~~: 52265

(a) The taxes charged and payable as certified under division 52266  
(A)(3)(a) of section 3317.021 of the Revised Code less any amounts 52267  
reported under division (A)(3)(b) of that section, ~~and the~~; plus 52268

(b) The tax distribution for the preceding year under any 52269  
school district income tax levied by the district pursuant to 52270  
Chapter 5748. of the Revised Code to the extent the revenue from 52271  
the income tax is allocated or apportioned to current expenses,  52272  
excluding the amount allocated or apportioned for the project 52273  
cost, debt service, or maintenance set-aside associated with a 52274  
state-assisted classroom facilities project as authorized by 52275  
section 3318.052 of the Revised Code. 52276

(2) "Charge-off amount" means two and three-tenths per cent 52277  
multiplied by (the sum of recognized valuation and property 52278  
exemption value). 52279

(3) Until fiscal year 2003, the "actual local share of 52280  
special education, transportation, and vocational education 52281  
funding" for any school district means the sum of the district's 52282  
attributed local shares described in divisions (F)(1) to (3) of 52283  
section 3317.022 of the Revised Code. Beginning in fiscal year 52284  
2003, the "actual local share of special education, 52285  
transportation, and vocational education funding" means that sum 52286  
minus the amount of any excess cost supplement payment calculated 52287  
for the district under division (F) of section 3317.022 of the 52288  
Revised Code. 52289

(B) Upon receiving the certifications under section 3317.021 52290  
of the Revised Code, the department of education shall determine 52291  
for each city, local, and exempted village school district whether 52292  
the district's charge-off amount is greater than the district's 52293  
total taxes charged and payable for current expenses, and if the 52294  
charge-off amount is greater, shall pay the district the amount of 52295

the difference. A payment shall not be made to any school district 52296  
for which the computation under division (A) of section 3317.022 52297  
of the Revised Code equals zero. 52298

(C)(1) If a district's charge-off amount is equal to or 52299  
greater than its total taxes charged and payable for current 52300  
expenses, the department shall, in addition to the payment 52301  
required under division (B) of this section, pay the district the 52302  
amount of its actual local share of special education, 52303  
transportation, and vocational education funding. 52304

(2) If a district's charge-off amount is less than its total 52305  
taxes charged and payable for current expenses, the department 52306  
shall pay the district any amount by which its actual local share 52307  
of special education, transportation, and vocational education 52308  
funding exceeds its total taxes charged and payable for current 52309  
expenses minus its charge-off amount. 52310

(D) If a school district that received a payment under 52311  
division (B) or (C) of this section in the prior fiscal year is 52312  
ineligible for payment under those divisions in the current fiscal 52313  
year, the department shall determine if the ineligibility is the 52314  
result of a property tax or income tax levy approved by the 52315  
district's voters to take effect in tax year 2005 or thereafter. 52316  
If the department determines that is the case, and calculates that 52317  
the levy causing the ineligibility exceeded by at least one mill 52318  
the equivalent millage of the prior year's payment under divisions 52319  
(B) and (C) of this section, the department shall make a payment 52320  
to the district for the first three years that the district loses 52321  
eligibility for payment under divisions (B) and (C) of this 52322  
section, as follows: 52323

(1) In the first year of ineligibility, the department shall 52324  
pay the district seventy-five per cent of the amount it last paid 52325  
the district under divisions (B) and (C) of this section. 52326

(2) In the second year of ineligibility, the department shall 52327  
pay the district fifty per cent of the amount it last paid the 52328  
district under those divisions. 52329

(3) In the third year of ineligibility, the department shall 52330  
pay the district twenty-five per cent of the amount it last paid 52331  
the district under those divisions. 52332

(E) A district that receives payment under division (D) of 52333  
this section and subsequently qualifies for payment under division 52334  
(B) or (C) of this section is ineligible for future payments under 52335  
division (D) of this section. 52336

(F) To enable the department of education to make the 52337  
determinations and to calculate payments under division (D) of 52338  
this section, on March 30, 2006, and on or before the first day of 52339  
March of each year thereafter, the department shall send to the 52340  
tax commissioner a list of school districts receiving payments 52341  
under division (B) or (C) of this section for the current fiscal 52342  
year. On or before the first day of the following June, the tax 52343  
commissioner shall certify to the department of education for 52344  
those school districts the information required by division (A)(8) 52345  
of section 3317.021 of the Revised Code. 52346

**Sec. 3317.03.** ~~Notwithstanding divisions (A)(1), (B)(1), and 52347  
(C) of this section, except as provided in division (A)(2)(h) of 52348  
this section, any student enrolled in kindergarten more than half 52349  
time shall be reported as one-half student under this section The 52350  
information certified and verified under this section shall be 52351  
used to calculate payments under this chapter and Chapter 3306. of 52352  
the Revised Code. 52353~~

(A) The superintendent of each city, local, and exempted 52354  
village school district and of each educational service center 52355  
shall, for the schools under the superintendent's supervision, 52356  
certify to the state board of education on or before the fifteenth 52357

day of October in each year for the first full school week in 52358  
October the average daily membership of students receiving 52359  
services from schools under the superintendent's supervision, and 52360  
the numbers of other students entitled to attend school in the 52361  
district under section 3313.64 or 3313.65 of the Revised Code the 52362  
superintendent is required to report under this section, so that 52363  
the department of education can calculate the district's formula 52364  
ADM. ~~Beginning in fiscal year 2007, each superintendent also shall~~ 52365  
~~certify to the state board, for the schools under the~~ 52366  
~~superintendent's supervision, the formula ADM for the first full~~ 52367  
~~week in February.~~ If a school under the superintendent's 52368  
supervision is closed for one or more days during that week due to 52369  
hazardous weather conditions or other circumstances described in 52370  
the first paragraph of division (A)(2) of section 3306.01 and the 52371  
first paragraph of division (B) of section 3317.01 of the Revised 52372  
Code, the superintendent may apply to the superintendent of public 52373  
instruction for a waiver, under which the superintendent of public 52374  
instruction may exempt the district superintendent from certifying 52375  
the ~~formula ADM~~ average daily membership for that school for that 52376  
week and specify an alternate week for certifying the ~~formula ADM~~ 52377  
average daily membership of that school. 52378

The ~~formula ADM shall consist of the~~ average daily membership 52379  
during such week shall consist of the sum of the following: 52380  
52381

(1) On an FTE basis, the number of students in grades 52382  
kindergarten through twelve receiving any educational services 52383  
from the district, except that the following categories of 52384  
students shall not be included in the determination: 52385

(a) Students enrolled in adult education classes; 52386

(b) ~~Adjacent or other district students enrolled in the~~ 52387  
~~district under an open enrollment policy pursuant to section~~ 52388  
~~3313.98 of the Revised Code;~~ 52389

~~(e)~~ Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

~~(d)~~(c) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;

~~(e)~~(d) Students receiving services in the district through a scholarship awarded under section 3310.41 of the Revised Code.

(2) On an FTE basis, ~~except as provided in division (A)(2)(h) of this section,~~ the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) ~~A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;~~

~~(b)~~ An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

~~(e)~~(b) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in ~~a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. that is governed as provided in section 3326.51~~ of the Revised Code;

~~(d)~~ An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

<del>(e)</del> (c) An educational service center or cooperative education district;	52420 52421
<del>(f)</del> (d) Another school district under a cooperative education agreement, compact, or contract;	52422 52423
<del>(g)</del> (e) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	52424 52425
<del>(h)</del> (f) An alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code. <del>Each such scholarship student who is enrolled in kindergarten shall be counted as one full-time equivalent student.</del>	52426 52427 52428 52429 52430
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 of the Revised Code.	52431 52432 52433
<del>(i)</del> (g) A science, technology, engineering, and mathematics school <del>established under Chapter 3326. that is governed as provided in section 3326.51</del> of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	52434 52435 52436 52437 52438
(3) <del>Twenty per cent of the</del> <u>The</u> number of students enrolled in a joint vocational school district <del>or under a vocational education compact</del> , excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy <del>as reported under division (A)(2)(d) of this section</del> and then enroll in a joint vocational school district or under a vocational education compact;	52439 52440 52441 52442 52443 52444 52445 52446
(4) The number of children with disabilities, other than preschool children with disabilities, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county MR/DD board,	52447 52448 52449 52450

minus the number of such children placed with a county MR/DD board 52451  
in fiscal year 1998. If this calculation produces a negative 52452  
number, the number reported under division (A)(4) of this section 52453  
shall be zero. 52454

~~(5) Beginning in fiscal year 2007, in the case of the report 52455  
submitted for the first full week in February, or the alternative 52456  
week if specified by the superintendent of public instruction, the 52457  
number of students reported under division (A)(1) or (2) of this 52458  
section for the first full week of the preceding October but who 52459  
since that week have received high school diplomas. 52460~~

(B) To enable the department of education to obtain the data 52461  
needed to complete the calculation of payments pursuant to this 52462  
chapter and Chapter 3306. of the Revised Code, in addition to the 52463  
~~formula ADM~~ average daily membership, each superintendent shall 52464  
report separately the following student counts for the same week 52465  
for which ~~formula ADM~~ average daily membership is certified: 52466

(1) The total average daily membership in regular learning 52467  
day classes included in the report under division (A)(1) or (2) of 52468  
this section for each of the individual grades kindergarten, and 52469  
~~each of grades one through twelve~~ in schools under the 52470  
superintendent's supervision; 52471

(2) The number of all preschool children with disabilities 52472  
enrolled as of the first day of December in classes in the 52473  
district that are eligible for approval under division (B) of 52474  
section 3317.05 of the Revised Code and the number of those 52475  
classes, which shall be reported not later than the fifteenth day 52476  
of December, in accordance with rules adopted under that section; 52477

(3) The number of children entitled to attend school in the 52478  
district pursuant to section 3313.64 or 3313.65 of the Revised 52479  
Code who are: 52480

(a) Participating in a pilot project scholarship program 52481



established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section; 52482  
52483

(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a ~~community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. that is governed as provided in section 3326.51~~ of the Revised Code; 52484  
52485  
52486  
52487  
52488  
52489

(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code; 52490  
52491

(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school; 52492  
52493  
52494  
52495  
52496  
52497

(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 52498  
52499  
52500  
52501

(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code; 52502  
52503

(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code; 52504  
52505  
52506

(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code; 52507  
52508  
52509

(i) Participating in a program operated by a county MR/DD board or a state institution; 52510  
52511

(j) Enrolled in a science, technology, engineering, and 52512  
mathematics school ~~established under Chapter 3326. that is~~ 52513  
governed as provided in section 3326.51 of the Revised Code, 52514  
including any participation in a college pursuant to Chapter 3365. 52515  
of the Revised Code while enrolled in the school. 52516

(4) The number of pupils enrolled in joint vocational 52517  
schools; 52518

(5) The average daily membership of children with 52519  
disabilities reported under division (A)(1) or (2) of this section 52520  
receiving special education services for the category one 52521  
disability described in division ~~(A)(D)(1)~~ of section ~~3317.013~~ 52522  
3306.02 of the Revised Code; 52523

(6) The average daily membership of children with 52524  
disabilities reported under division (A)(1) or (2) of this section 52525  
receiving special education services for category two disabilities 52526  
described in division ~~(B)(D)(2)~~ of section ~~3317.013~~ 3306.02 of the 52527  
Revised Code; 52528

(7) The average daily membership of children with 52529  
disabilities reported under division (A)(1) or (2) of this section 52530  
receiving special education services for category three 52531  
disabilities described in division ~~(C)(D)(3)~~ of section ~~3317.013~~ 52532  
3306.02 of the Revised Code; 52533

(8) The average daily membership of children with 52534  
disabilities reported under division (A)(1) or (2) of this section 52535  
receiving special education services for category four 52536  
disabilities described in division (D)(4) of section ~~3317.013~~ 52537  
3306.02 of the Revised Code; 52538

(9) The average daily membership of children with 52539  
disabilities reported under division (A)(1) or (2) of this section 52540  
receiving special education services for the category five 52541  
disabilities described in division ~~(E)(D)(5)~~ of section ~~3317.013~~ 52542

3306.02 of the Revised Code; 52543

(10) The combined average daily membership of children with 52544  
disabilities reported under division (A)(1) or (2) and under 52545  
division (B)(3)(h) of this section receiving special education 52546  
services for category six disabilities described in division 52547  
~~(F)(D)(6)~~ of section ~~3317.013~~ 3306.02 of the Revised Code, 52548  
including children attending a special education program operated 52549  
by an alternative public provider or a registered private provider 52550  
with a scholarship awarded under section 3310.41 of the Revised 52551  
Code; 52552

(11) The average daily membership of pupils reported under 52553  
division (A)(1) or (2) of this section enrolled in category one 52554  
vocational education programs or classes, described in division 52555  
(A) of section 3317.014 of the Revised Code, operated by the 52556  
school district or by another district, other than a joint 52557  
vocational school district, or by an educational service center, 52558  
excluding any student reported under division (B)(3)(e) of this 52559  
section as enrolled in an internet- or computer-based community 52560  
school, notwithstanding division (C) of section 3317.02 of the 52561  
Revised Code and division (C)(3) of this section; 52562

(12) The average daily membership of pupils reported under 52563  
division (A)(1) or (2) of this section enrolled in category two 52564  
vocational education programs or services, described in division 52565  
(B) of section 3317.014 of the Revised Code, operated by the 52566  
school district or another school district, other than a joint 52567  
vocational school district, or by an educational service center, 52568  
excluding any student reported under division (B)(3)(e) of this 52569  
section as enrolled in an internet- or computer-based community 52570  
school, notwithstanding division (C) of section 3317.02 of the 52571  
Revised Code and division (C)(3) of this section; 52572

Beginning with fiscal year 2010, vocational education ADM 52573  
shall not be used to calculate a district's funding but shall be 52574

reported under divisions (B)(11) and (12) of this section for 52575  
statistical purposes. 52576

(13) The average number of children transported by the school 52577  
district on board-owned or contractor-owned and -operated buses, 52578  
reported in accordance with rules adopted by the department of 52579  
education; 52580

(14)(a) The number of children, other than preschool children 52581  
with disabilities, the district placed with a county MR/DD board 52582  
in fiscal year 1998; 52583

(b) The number of children with disabilities, other than 52584  
preschool children with disabilities, placed with a county MR/DD 52585  
board in the current fiscal year to receive special education 52586  
services for the category one disability described in division 52587  
~~(A)~~(D)(1) of section ~~3317.013~~ 3306.02 of the Revised Code; 52588

(c) The number of children with disabilities, other than 52589  
preschool children with disabilities, placed with a county MR/DD 52590  
board in the current fiscal year to receive special education 52591  
services for category two disabilities described in division 52592  
~~(B)~~(D)(2) of section ~~3317.013~~ 3306.02 of the Revised Code; 52593

(d) The number of children with disabilities, other than 52594  
preschool children with disabilities, placed with a county MR/DD 52595  
board in the current fiscal year to receive special education 52596  
services for category three disabilities described in division 52597  
~~(C)~~(D)(3) of section ~~3317.013~~ 3306.02 of the Revised Code; 52598

(e) The number of children with disabilities, other than 52599  
preschool children with disabilities, placed with a county MR/DD 52600  
board in the current fiscal year to receive special education 52601  
services for category four disabilities described in division 52602  
(D)(4) of section ~~3317.013~~ 3306.02 of the Revised Code; 52603

(f) The number of children with disabilities, other than 52604  
preschool children with disabilities, placed with a county MR/DD 52605

board in the current fiscal year to receive special education 52606  
services for the category five disabilities described in division 52607  
~~(E)(D)(5)~~ of section ~~3317.013~~ 3306.02 of the Revised Code; 52608

(g) The number of children with disabilities, other than 52609  
preschool children with disabilities, placed with a county MR/DD 52610  
board in the current fiscal year to receive special education 52611  
services for category six disabilities described in division 52612  
~~(F)(D)(6)~~ of section ~~3317.013~~ 3306.02 of the Revised Code. 52613

(15) For the students reported under division (A)(1) of this 52614  
section, the identity of the school district in which the student 52615  
is entitled to attend school under section 3313.64 or 3313.65 of 52616  
the Revised Code, by name of district or by a district identifying 52617  
code or both, as required by the department for purposes of this 52618  
division. 52619

(C)(1) ~~Except as otherwise provided in this section for 52620  
kindergarten students, the~~ The average daily membership in 52621  
divisions (B)(1) to (12) of this section shall be based upon the 52622  
number of full-time equivalent students. The state board of 52623  
education shall adopt rules defining full-time equivalent students 52624  
and for determining the average daily membership therefrom for the 52625  
purposes of divisions (A), (B), and (D) of this section. Each 52626  
student enrolled in kindergarten shall be counted as one full-time 52627  
equivalent student regardless of whether the student is enrolled 52628  
in a part-day or all-day kindergarten class. 52629

(2) A student enrolled in ~~a community school established 52630  
under Chapter 3314. or a science, technology, engineering, and 52631  
mathematics school established under Chapter 3326. that is 52632  
governed as provided in section 3326.51~~ of the Revised Code shall 52633  
be counted in the formula ADM and, if applicable, the category 52634  
one, two, three, four, five, or six special education ADM of the 52635  
school district in which the student is entitled to attend school 52636  
under section 3313.64 or 3313.65 of the Revised Code for the same 52637

proportion of the school year that the student is counted in the 52638  
enrollment of ~~the community school or~~ the science, technology, 52639  
engineering, and mathematics school for purposes of section 52640  
~~3314.08 or~~ 3326.33 of the Revised Code. Notwithstanding the number 52641  
of students reported pursuant to division (B)(3)~~(d), (e), or~~ (j) 52642  
of this section, the department may adjust the formula ADM of a 52643  
school district to account for students entitled to attend school 52644  
in the district under section 3313.64 or 3313.65 of the Revised 52645  
Code who are enrolled in ~~a community school or~~ such a science, 52646  
technology, engineering, and mathematics school for only a portion 52647  
of the school year. 52648

(3) No child shall be counted as more than a total of one 52650  
child in the sum of the average daily memberships of a school 52651  
district under division (A), divisions (B)(1) to (12), or division 52652  
(D) of this section, except as follows: 52653

(a) A child with a disability described in division (D) of 52654  
section ~~3317.013~~ 3306.02 of the Revised Code may be counted both 52655  
in formula ADM and in category one, two, three, four, five, or six 52656  
special education ADM and, if applicable, in category one or two 52657  
vocational education ADM. As provided in division (C) of section 52658  
3317.02 of the Revised Code, such a child shall be counted in 52659  
category one, two, three, four, five, or six special education ADM 52660  
in the same proportion that the child is counted in formula ADM. 52661

(b) A child enrolled in vocational education programs or 52663  
classes described in section 3317.014 of the Revised Code may be 52664  
counted both in formula ADM and category one or two vocational 52665  
education ADM and, if applicable, in category one, two, three, 52666  
four, five, or six special education ADM. Such a child shall be 52667  
counted in category one or two vocational education ADM in the 52668  
same proportion as the percentage of time that the child spends in 52669

the vocational education programs or classes. 52670

(4) Based on the information reported under this section, the 52671  
department of education shall determine the total student count, 52672  
as defined in section 3301.011 of the Revised Code, for each 52673  
school district. 52674

(D)(1) The superintendent of each joint vocational school 52675  
district shall certify to the superintendent of public instruction 52676  
on or before the fifteenth day of October in each year for the 52677  
first full school week in October the formula ADM, for purposes of 52678  
section 3318.42 of the Revised Code and for any other purpose 52679  
prescribed by law for which "formula ADM" of the joint vocational 52680  
district is a factor. ~~Beginning in fiscal year 2007, each~~ 52681  
~~superintendent also shall certify to the state superintendent the~~ 52682  
~~formula ADM for the first full week in February.~~ If a school 52683  
operated by the joint vocational school district is closed for one 52684  
or more days during that week due to hazardous weather conditions 52685  
or other circumstances described in the first paragraph of 52686  
division (A)(2) of section 3306.01 or the first paragraph of 52687  
division (B) of section 3317.01 of the Revised Code, the 52688  
superintendent may apply to the superintendent of public 52689  
instruction for a waiver, under which the superintendent of public 52690  
instruction may exempt the district superintendent from certifying 52691  
the formula ADM for that school for that week and specify an 52692  
alternate week for certifying the formula ADM of that school. 52693

52694  
The formula ADM, except as otherwise provided in this 52695  
division, shall consist of the average daily membership during 52696  
such week, on an FTE basis, of the number of students receiving 52697  
any educational services from the district, including students 52698  
enrolled in a community school established under Chapter 3314. or 52699  
a science, technology, engineering, and mathematics school 52700  
established under Chapter 3326. of the Revised Code who are 52701

attending the joint vocational district under an agreement between 52702  
the district board of education and the governing authority of the 52703  
community school or the governing body of the science, technology, 52704  
engineering, and mathematics school and are entitled to attend 52705  
school in a city, local, or exempted village school district whose 52706  
territory is part of the territory of the joint vocational 52707  
district. ~~Beginning in fiscal year 2007, in the case of the report~~ 52708  
~~submitted for the first week in February, or the alternative week~~ 52709  
~~if specified by the superintendent of public instruction, the~~ 52710  
~~superintendent of the joint vocational school district may include~~ 52711  
~~the number of students reported under division (D)(1) of this~~ 52712  
~~section for the first full week of the preceding October but who~~ 52713  
~~since that week have received high school diplomas.~~ 52714

The following categories of students shall not be included in 52716  
the determination made under division (D)(1) of this section: 52717

(a) Students enrolled in adult education classes; 52718

~~(b) Adjacent or other district joint vocational students~~ 52719  
~~enrolled in the district under an open enrollment policy pursuant~~ 52720  
~~to section 3313.98 of the Revised Code;~~ 52721

~~(c)~~ Students receiving services in the district pursuant to a 52722  
compact, cooperative education agreement, or a contract, but who 52723  
are entitled to attend school in a city, local, or exempted 52724  
village school district whose territory is not part of the 52725  
territory of the joint vocational district; 52726

~~(d)~~(c) Students for whom tuition is payable pursuant to 52727  
sections 3317.081 and 3323.141 of the Revised Code. 52728

(2) ~~To enable the department of education to obtain the data~~ 52729  
~~needed to complete the calculation of payments pursuant to this~~ 52730  
~~chapter, in~~ In addition to the formula ADM, each superintendent 52731  
shall report separately the average daily membership included in 52732



the report under division (D)(1) of this section for each of the 52733  
following categories of students for the same week for which 52734  
formula ADM is certified: 52735

(a) Students enrolled in each individual grade included in 52736  
the joint vocational district schools; 52737

(b) Children with disabilities receiving special education 52738  
services for the category one disability described in division 52739  
~~(A)(C)~~(D)(1) of section ~~3317.013~~ 3306.02 of the Revised Code; 52740

(c) Children with disabilities receiving special education 52741  
services for the category two disabilities described in division 52742  
~~(B)(D)~~(2) of section ~~3317.013~~ 3306.02 of the Revised Code; 52743

(d) Children with disabilities receiving special education 52744  
services for category three disabilities described in division 52745  
~~(C)(D)~~(3) of section ~~3317.013~~ 3306.02 of the Revised Code; 52746

(e) Children with disabilities receiving special education 52747  
services for category four disabilities described in division 52748  
(D)(4) of section ~~3317.013~~ 3306.02 of the Revised Code; 52749

(f) Children with disabilities receiving special education 52750  
services for the category five disabilities described in division 52751  
~~(E)(D)~~(5) of section ~~3317.013~~ 3306.02 of the Revised Code; 52752

(g) Children with disabilities receiving special education 52753  
services for category six disabilities described in division 52754  
~~(F)(D)~~(6) of section ~~3317.013~~ 3306.02 of the Revised Code; 52755

(h) Students receiving category one vocational education 52756  
services, described in division (A) of section 3317.014 of the 52757  
Revised Code; 52758

(i) Students receiving category two vocational education 52759  
services, described in division (B) of section 3317.014 of the 52760  
Revised Code. 52761

The superintendent of each joint vocational school district 52762

shall also indicate the city, local, or exempted village school 52763  
district in which each joint vocational district pupil is entitled 52764  
to attend school pursuant to section 3313.64 or 3313.65 of the 52765  
Revised Code. 52766

(E) In each school of each city, local, exempted village, 52767  
joint vocational, and cooperative education school district there 52768  
shall be maintained a record of school membership, which record 52769  
shall accurately show, for each day the school is in session, the 52770  
actual membership enrolled in regular day classes. For the purpose 52771  
of determining average daily membership, the membership figure of 52772  
any school shall not include any pupils except those pupils 52773  
described by division (A) of this section. The record of 52774  
membership for each school shall be maintained in such manner that 52775  
no pupil shall be counted as in membership prior to the actual 52776  
date of entry in the school and also in such manner that where for 52777  
any cause a pupil permanently withdraws from the school that pupil 52778  
shall not be counted as in membership from and after the date of 52779  
such withdrawal. There shall not be included in the membership of 52780  
any school any of the following: 52781

(1) Any pupil who has graduated from the twelfth grade of a 52782  
public or nonpublic high school; 52783

(2) Any pupil who is not a resident of the state; 52784

(3) Any pupil who was enrolled in the schools of the district 52785  
during the previous school year when ~~tests~~ assessments were 52786  
administered under section 3301.0711 of the Revised Code but did 52787  
not take one or more of the ~~tests~~ assessments required by that 52788  
section and was not excused pursuant to division (C)(1) or (3) of 52789  
that section; 52790

(4) Any pupil who has attained the age of twenty-two years, 52791  
except for veterans of the armed services whose attendance was 52792  
interrupted before completing the recognized twelve-year course of 52793

the public schools by reason of induction or enlistment in the 52794  
armed forces and who apply for reenrollment in the public school 52795  
system of their residence not later than four years after 52796  
termination of war or their honorable discharge. 52797

If, however, any veteran described by division (E)(4) of this 52798  
section elects to enroll in special courses organized for veterans 52799  
for whom tuition is paid under the provisions of federal laws, or 52800  
otherwise, that veteran shall not be included in average daily 52801  
membership. 52802

Notwithstanding division (E)(3) of this section, the 52803  
membership of any school may include a pupil who did not take a 52804  
~~test~~ an assessment required by section 3301.0711 of the Revised 52805  
Code if the superintendent of public instruction grants a waiver 52806  
from the requirement to take the ~~test~~ assessment to the specific 52807  
pupil and a parent is not paying tuition for the pupil pursuant to 52808  
section 3313.6410 of the Revised Code. The superintendent may 52809  
grant such a waiver only for good cause in accordance with rules 52810  
adopted by the state board of education. 52811

Except as provided in divisions (B)(2) and (F) of this 52812  
section, the average daily membership figure of any local, city, 52813  
exempted village, or joint vocational school district shall be 52814  
determined by dividing the figure representing the sum of the 52815  
number of pupils enrolled during each day the school of attendance 52816  
is actually open for instruction during the week for which the 52817  
~~formula-ADM~~ average daily membership is being certified by the 52818  
total number of days the school was actually open for instruction 52819  
during that week. For purposes of state funding, "enrolled" 52820  
persons are only those pupils who are attending school, those who 52821  
have attended school during the current school year and are absent 52822  
for authorized reasons, and those children with disabilities 52823  
currently receiving home instruction. 52824

The average daily membership figure of any cooperative 52825

education school district shall be determined in accordance with 52826  
rules adopted by the state board of education. 52827

(F)(1) If the formula ADM for the first full school week in 52828  
February is at least three per cent greater than that certified 52829  
for the first full school week in the preceding October, the 52830  
superintendent of schools of any city, exempted village, or joint 52831  
vocational school district or educational service center shall 52832  
certify such increase to the superintendent of public instruction. 52833  
Such certification shall be submitted no later than the fifteenth 52834  
day of February. For the balance of the fiscal year, beginning 52835  
with the February payments, the superintendent of public 52836  
instruction shall use the increased formula ADM in calculating or 52837  
recalculating the amounts to be allocated in accordance with 52838  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 52839  
the superintendent use an increased membership certified to the 52840  
superintendent after the fifteenth day of February. Division 52841  
(F)(1) of this section does not apply after fiscal year 2006. 52842

(2) If on the first school day of April the total number of 52844  
classes or units for preschool children with disabilities that are 52845  
eligible for approval under division (B) of section 3317.05 of the 52846  
Revised Code exceeds the number of units that have been approved 52847  
for the year under that division, the superintendent of schools of 52848  
any city, exempted village, or cooperative education school 52849  
district or educational service center shall make the 52850  
certifications required by this section for that day. If the 52851  
department determines additional units can be approved for the 52852  
fiscal year within any limitations set forth in the acts 52853  
appropriating moneys for the funding of such units, the department 52854  
shall approve additional units for the fiscal year on the basis of 52855  
such average daily membership. For each unit so approved, the 52856  
department shall pay an amount computed in the manner prescribed 52857

in section 3317.052 or 3317.19 and section 3317.053 of the Revised Code. 52858  
52859

(3) If a student attending a ~~community school under Chapter 3314.~~ or a science, technology, engineering, and mathematics school ~~established under Chapter 3326.~~ that is governed as provided in section 3326.51 of the Revised Code is not included in the formula ADM certified for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the student in accordance with division (C)(2) of this section, and shall recalculate the school district's payments under this chapter and Chapter 3306. of the Revised Code for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in ~~the community school~~ or the science, technology, engineering, and mathematics school during the week for which the formula ADM is being certified. 52860  
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(4) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.08 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter and Chapter 3306. of the Revised Code for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the chartered nonpublic school, the school district, or a community school during the week for which the formula ADM is being certified. 52877  
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(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The average daily membership of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions ~~(A) to (F)~~ (D)(1) to (6) of section ~~3317.013~~ 3306.02 of the Revised Code;

(ii) The average daily membership of all preschool children with disabilities in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities

enrolled as of the first day of December in classes eligible for 52921  
approval under division (B) of section 3317.05 of the Revised 52922  
Code, and the number of those classes. 52923

(3)(a) If on the first school day of April the number of 52924  
classes or units maintained for preschool children with 52925  
disabilities by the county MR/DD board that are eligible for 52926  
approval under division (B) of section 3317.05 of the Revised Code 52927  
is greater than the number of units approved for the year under 52928  
that division, the superintendent shall make the certification 52929  
required by this section for that day. 52930

(b) If the department determines that additional classes or 52931  
units can be approved for the fiscal year within any limitations 52932  
set forth in the acts appropriating moneys for the funding of the 52933  
classes and units described in division (G)(3)(a) of this section, 52934  
the department shall approve and fund additional units for the 52935  
fiscal year on the basis of such average daily membership. For 52936  
each unit so approved, the department shall pay an amount computed 52937  
in the manner prescribed in sections 3317.052 and 3317.053 of the 52938  
Revised Code. 52939

(H) Except as provided in division (I) of this section, when 52940  
any city, local, or exempted village school district provides 52941  
instruction for a nonresident pupil whose attendance is 52942  
unauthorized attendance as defined in section 3327.06 of the 52943  
Revised Code, that pupil's membership shall not be included in 52944  
that district's membership figure used in the calculation of that 52945  
district's formula ADM or included in the determination of any 52946  
unit approved for the district under section 3317.05 of the 52947  
Revised Code. The reporting official shall report separately the 52948  
average daily membership of all pupils whose attendance in the 52949  
district is unauthorized attendance, and the membership of each 52950  
such pupil shall be credited to the school district in which the 52951  
pupil is entitled to attend school under division (B) of section 52952

3313.64 or section 3313.65 of the Revised Code as determined by 52953  
the department of education. 52954

(I)(1) A city, local, exempted village, or joint vocational 52955  
school district admitting a scholarship student of a pilot project 52956  
district pursuant to division (C) of section 3313.976 of the 52957  
Revised Code may count such student in its average daily 52958  
membership. 52959

(2) In any year for which funds are appropriated for pilot 52960  
project scholarship programs, a school district implementing a 52961  
state-sponsored pilot project scholarship program that year 52962  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 52963  
count in average daily membership: 52964

(a) All children residing in the district and utilizing a 52965  
scholarship to attend kindergarten in any alternative school, as 52966  
defined in section 3313.974 of the Revised Code; 52967

(b) All children who were enrolled in the district in the 52968  
preceding year who are utilizing a scholarship to attend any such 52969  
alternative school. 52970

(J) The superintendent of each cooperative education school 52971  
district shall certify to the superintendent of public 52972  
instruction, in a manner prescribed by the state board of 52973  
education, the applicable average daily memberships for all 52974  
students in the cooperative education district, also indicating 52975  
the city, local, or exempted village district where each pupil is 52976  
entitled to attend school under section 3313.64 or 3313.65 of the 52977  
Revised Code. 52978

(K) If the superintendent of public instruction determines 52979  
that a component of the ~~formula-ADM~~ average daily membership 52980  
certified or reported by a district superintendent, or other 52981  
reporting entity, is not correct, the superintendent of public 52982  
instruction may order that the formula ADM used for the purposes 52983



of payments under any section of Title XXXIII of the Revised Code 52984  
be adjusted in the amount of the error. 52985

**Sec. 3317.031.** A membership record shall be kept by grade 52986  
level in each city, local, exempted village, joint vocational, and 52987  
cooperative education school district and such a record shall be 52988  
kept by grade level in each educational service center that 52989  
provides academic instruction to pupils, classes for pupils with 52990  
disabilities, or any other direct instructional services to 52991  
pupils. Such membership record shall show the following 52992  
information for each pupil enrolled: Name, date of birth, name of 52993  
parent, date entered school, date withdrawn from school, days 52994  
present, days absent, and the number of days school was open for 52995  
instruction while the pupil was enrolled. At the end of the school 52996  
year this membership record shall show the total days present, the 52997  
total days absent, and the total days due for all pupils in each 52998  
grade. Such membership record shall show the pupils that are 52999  
transported to and from school and it shall also show the pupils 53000  
that are transported living within one mile of the school 53001  
attended. This membership record shall also show any other 53002  
information prescribed by the state board of education. 53003

This membership record shall be kept intact for at least five 53004  
years and shall be made available to the state board of education 53005  
or its representative in making an audit of the average daily 53006  
membership or the transportation of the district or educational 53007  
service center. The membership records of local school districts 53008  
shall be filed at the close of each school year in the office of 53009  
the educational service center superintendent. 53010

The state board of education may withhold any money due any 53011  
school district or educational service center under ~~sections~~ 53012  
~~3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, or 3317.19~~ this 53013  
chapter and Chapter 3306. of the Revised Code until it has 53014

satisfactory evidence that the board of education or educational 53015  
service center governing board has fully complied with all of the 53016  
provisions of this section. 53017

Nothing in this section shall require any person to release, 53018  
or to permit access to, public school records in violation of 53019  
section 3319.321 of the Revised Code. 53020

**Sec. 3317.04.** The amount paid to school districts in each 53021  
fiscal year under ~~Chapter~~ Chapters 3306. and 3317. of the Revised 53022  
Code shall not be less than the following: 53023

(A) In the case of a district created under section 3311.26 53024  
or 3311.37 of the Revised Code, the amount paid shall not be less, 53025  
in any of the three succeeding fiscal years following the 53026  
creation, than the sum of the amounts allocated under ~~Chapter~~ 53027  
Chapters 3306. and 3317. of the Revised Code to the districts 53028  
separately in the year of the creation. 53029

(B) In the case of a school district which is transferred to 53030  
another school district or districts, pursuant to section 3311.22, 53031  
3311.231, or 3311.38 of the Revised Code, the amount paid to the 53032  
district accepting the transferred territory shall not be less, in 53033  
any of the three succeeding fiscal years following the transfer, 53034  
than the sum of the amounts allocated under ~~Chapter~~ Chapters 3306. 53035  
and 3317. of the Revised Code to the districts separately in the 53036  
year of the consummation of the transfer. 53037

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 53038  
and 3311.38 of the Revised Code, the minimum guarantees prescribed 53039  
by divisions (A) and (B) of this section shall not affect the 53040  
amount of aid received by a school district for more than three 53041  
consecutive years. 53042

**Sec. 3317.05.** (A) For the purpose of calculating payments 53043  
under sections 3317.052 and 3317.053 of the Revised Code, the 53044

department of education shall determine for each institution, by 53045  
the last day of January of each year and based on information 53046  
certified under section 3317.03 of the Revised Code, the number of 53047  
vocational education units or fractions of units approved by the 53048  
department on the basis of standards and rules adopted by the 53049  
state board of education. As used in this division, "institution" 53050  
means an institution operated by a department specified in section 53051  
3323.091 of the Revised Code and that provides vocational 53052  
education programs under the supervision of the division of 53053  
vocational education of the department that meet the standards and 53054  
rules for these programs, including licensure of professional 53055  
staff involved in the programs, as established by the state board. 53056  
53057

(B) For the purpose of calculating payments under sections 53058  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 53059  
department shall determine, based on information certified under 53060  
section 3317.03 of the Revised Code, the following by the last day 53061  
of January of each year for each educational service center, for 53062  
each school district, including each cooperative education school 53063  
district, for each institution eligible for payment under section 53064  
3323.091 of the Revised Code, and for each county MR/DD board: the 53065  
number of classes operated by the school district, service center, 53066  
institution, or county MR/DD board for preschool children with 53067  
disabilities, or fraction thereof, including in the case of a 53068  
district or service center that is a funding agent, classes taught 53069  
by a licensed teacher employed by that district or service center 53070  
under section 3313.841 of the Revised Code, approved annually by 53071  
the department on the basis of standards and rules adopted by the 53072  
state board. 53073

(C) For the purpose of calculating payments under sections 53074  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 53075  
department shall determine, based on information certified under 53076

section 3317.03 of the Revised Code, the following by the last day 53077  
of January of each year for each school district, including each 53078  
cooperative education school district, for each institution 53079  
eligible for payment under section 3323.091 of the Revised Code, 53080  
and for each county MR/DD board: the number of units for related 53081  
services, as defined in section 3323.01 of the Revised Code, for 53082  
preschool children with disabilities approved annually by the 53083  
department on the basis of standards and rules adopted by the 53084  
state board. 53085

(D) All of the arithmetical calculations made under this 53086  
section shall be carried to the second decimal place. The total 53087  
number of units for school districts, service centers, and 53088  
institutions approved annually under this section shall not exceed 53089  
the number of units included in the estimate of cost for these 53090  
units and appropriations made for them by the general assembly. 53091

In the case of units for preschool children with disabilities 53092  
described in division (B) of this section, the department shall 53093  
approve only preschool units for children who are under age six on 53094  
the thirtieth day of September of the academic year, or on the 53095  
first day of August of the academic year if the school district in 53096  
which the child is enrolled has adopted a resolution under 53097  
division (A)(3) of section 3321.01 of the Revised Code, but not 53098  
less than age three on the first day of December of the academic 53099  
year, except that such a unit may include one or more children who 53100  
are under age three or are age six or over on the applicable date, 53101  
as reported under division (B)(2) or (G)(2)(b) of section 3317.03 53102  
of the Revised Code, if such children have been admitted to the 53103  
unit pursuant to rules of the state board. The number of units for 53104  
county MR/DD boards and institutions eligible for payment under 53105  
section 3323.091 of the Revised Code approved under this section 53106  
shall not exceed the number that can be funded with appropriations 53107  
made for such purposes by the general assembly. 53108

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No unit shall be approved under divisions (B) and (C) of this section unless a plan has been submitted and approved under Chapter 3323. of the Revised Code.

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~~(E) The department shall approve units or fractions thereof for gifted children on the basis of standards and rules adopted by the state board.~~

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**Sec. 3317.051.** (A)(1) Notwithstanding sections 3317.05 and 3317.11 of the Revised Code, a unit funded pursuant to ~~division (L) of section 3317.024 or~~ division (A)(2) of section 3317.052 of the Revised Code shall not be approved for state funding in one school district, including any cooperative education school district or any educational service center, to the extent that such unit provides programs in or services to another district which receives payment pursuant to section 3317.04 of the Revised Code.

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(2) Any city, local, exempted village, or cooperative education school district or any educational service center may combine partial unit eligibility for programs for preschool children with disabilities pursuant to section 3317.05 of the Revised Code, and such combined partial units may be approved for state funding in one school district or service center.

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(B) After units have been initially approved for any fiscal year under section 3317.05 of the Revised Code, no unit shall be subsequently transferred from a school district or educational service center to another city, exempted village, local, or cooperative education school district or educational service center or to an institution or county MR/DD board solely for the purpose of reducing the financial obligations of the school district in a fiscal year it receives payment pursuant to section 3317.04 of the Revised Code.

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Sec. 3317.053. (A) As used in this section: 53140

(1) ~~"State share percentage" has the same meaning as in section 3317.022 of the Revised Code.~~ 53141  
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~~(2)~~ "Dollar amount" means the amount shown in the following table for the corresponding type of unit: 53143  
53144

TYPE OF UNIT	DOLLAR AMOUNT	53145
Division (B) of section 3317.05		53146
of the Revised Code	\$8,334	53147
Division (C) of that section	\$3,234	53148
<del>Division (E) of that section</del>	<del>\$5,550</del>	53149

~~(3)~~(2) "Average unit amount" means the amount shown in the following table for the corresponding type of unit: 53150  
53151

TYPE OF UNIT	AVERAGE UNIT AMOUNT	53152
Division (B) of section 3317.05		53153
of the Revised Code	\$7,799	53154
Division (C) of that section	\$2,966	53155
<del>Division (E) of that section</del>	<del>\$5,251</del>	53156

(B) In the case of each unit described in division (B) ~~or (C)~~ or ~~(E)~~ of section 3317.05 of the Revised Code and allocated to a city, local, or exempted village school district, the department of education, in addition to the amounts specified in ~~division (L) of section 3317.024 and~~ sections 3317.052 and 3317.19 of the Revised Code, shall pay a supplemental unit allowance equal to the sum of the following amounts: 53157  
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(1) An amount equal to 50% of the average unit amount for the unit; 53164  
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(2) An amount equal to the percentage of the dollar amount for the unit that equals the district's state share percentage. 53166  
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If, prior to the fifteenth day of May of a fiscal year, a school district's aid ~~computed under section 3317.022 of the~~ 53168  
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Revised Code is recomputed pursuant to section 3317.027 or 53170  
3317.028 of the Revised Code, the department shall also recompute 53171  
the district's entitlement to payment under this section utilizing 53172  
a new state share percentage. Such new state share percentage 53173  
shall be determined using the district's recomputed basic aid 53174  
amount pursuant to section 3317.027 or 3317.028 of the Revised 53175  
Code. During the last six months of the fiscal year, the 53176  
department shall pay the district a sum equal to one-half of the 53177  
recomputed payment in lieu of one-half the payment otherwise 53178  
calculated under this section. 53179

(C)(1) In the case of each unit allocated to an institution 53180  
pursuant to division (A) of section 3317.05 of the Revised Code, 53181  
the department, in addition to the amount specified in section 53182  
3317.052 of the Revised Code, shall pay a supplemental unit 53183  
allowance of \$7,227. 53184

(2) In the case of each unit described in division (B) of 53185  
section 3317.05 of the Revised Code that is allocated to any 53186  
entity other than a city, exempted village, or local school 53187  
district, the department, in addition to the amount specified in 53188  
section 3317.052 of the Revised Code, shall pay a supplemental 53189  
unit allowance of \$7,799. 53190

(3) In the case of each unit described in division (C) of 53191  
section 3317.05 of the Revised Code and allocated to any entity 53192  
other than a city, exempted village, or local school district, the 53193  
department, in addition to the amounts specified in section 53194  
3317.052 of the Revised Code, shall pay a supplemental unit 53195  
allowance of \$2,966. 53196

~~(4) In the case of each unit described in division (E) of 53197  
section 3317.05 of the Revised Code and allocated to an 53198  
educational service center, the department, in addition to the 53199  
amounts specified in division (L) of section 3317.024 of the 53200  
Revised Code, shall pay a supplemental unit allowance of \$5,251. 53201~~

**Sec. 3317.061.** The superintendent of each school district, 53202  
including each cooperative education and joint vocational school 53203  
district and the superintendent of each educational service 53204  
center, shall, on forms prescribed and furnished by the state 53205  
board of education, certify to the state board of education, on or 53206  
before the fifteenth day of October of each year, the name of each 53207  
licensed employee employed, on an annual salary, in each school 53208  
under such superintendent's supervision during the first full 53209  
school week of said month of October, the number of years of 53210  
recognized college training such licensed employee has completed, 53211  
the college degrees from a recognized college earned by such 53212  
licensed employee, the type of teaching license held by such 53213  
licensed employee, the number of months such licensed employee is 53214  
employed in the school district, the annual salary of such 53215  
licensed employee, and such other information as the state board 53216  
of education may request. For the purposes of ~~Chapter~~ Chapters 53217  
3306. and 3317. of the Revised Code, a licensed employee is any 53218  
employee in a position that requires a license issued pursuant to 53219  
sections 3319.22 to 3319.31 of the Revised Code. 53220

Pursuant to standards adopted by the state board of 53221  
education, experience of vocational teachers in trade and industry 53222  
shall be recognized by such board for the purpose of complying 53223  
with the requirements of recognized college training provided by 53224  
~~Chapter~~ Chapters 3306. and 3317. of the Revised Code. 53225

**Sec. 3317.063.** The superintendent of public instruction, in 53226  
accordance with rules adopted by the department of education, 53227  
shall annually reimburse each chartered nonpublic school for the 53228  
actual mandated service administrative and clerical costs incurred 53229  
by such school during the preceding school year in preparing, 53230  
maintaining, and filing reports, forms, and records, and in 53231  
providing such other administrative and clerical services that are 53232



not an integral part of the teaching process as may be required by 53233  
state law or rule or by requirements duly promulgated by city, 53234  
exempted village, or local school districts. The mandated service 53235  
costs reimbursed pursuant to this section shall include, but are 53236  
not limited to, the preparation, filing and maintenance of forms, 53237  
reports, or records and other clerical and administrative services 53238  
relating to state chartering or approval of the nonpublic school, 53239  
pupil attendance, pupil health and health testing, transportation 53240  
of pupils, federally funded education programs, pupil appraisal, 53241  
pupil progress, educator licensure, unemployment and workers' 53242  
compensation, transfer of pupils, and such other education related 53243  
data which are now or hereafter shall be required of such 53244  
nonpublic school by state law or rule, or by requirements of the 53245  
state department of education, other state agencies, or city, 53246  
exempted village, or local school districts. 53247

The reimbursement required by this section shall be for 53248  
school years beginning on or after July 1, 1981. 53249

Each nonpublic school which seeks reimbursement pursuant to 53250  
this section shall submit to the superintendent of public 53251  
instruction an application together with such additional reports 53252  
and documents as the department of education may require. Such 53253  
application, reports, and documents shall contain such information 53254  
as the department of education may prescribe in order to carry out 53255  
the purposes of this section. No payment shall be made until the 53256  
superintendent of public instruction has approved such 53257  
application. 53258

Each nonpublic school which applies for reimbursement 53259  
pursuant to this section shall maintain a separate account or 53260  
system of accounts for the expenses incurred in rendering the 53261  
required services for which reimbursement is sought. Such accounts 53262  
shall contain such information as is required by the department of 53263  
education and shall be maintained in accordance with rules adopted 53264

by the department of education. 53265

Reimbursement payments to a nonpublic school pursuant to this 53266  
section shall not exceed an amount for each school year equal to 53267  
three hundred twenty-five dollars per pupil enrolled in that 53268  
nonpublic school. 53269

The superintendent of public instruction may, from time to 53270  
time, examine any and all accounts and records of a nonpublic 53271  
school which have been maintained pursuant to this section in 53272  
support of an application for reimbursement, for the purpose of 53273  
determining the costs to such school of rendering the services for 53274  
which reimbursement is sought. If after such audit it is 53275  
determined that any school has received funds in excess of the 53276  
actual cost of providing such services, said school shall 53277  
immediately reimburse the state in such excess amount. 53278

Any payments made to chartered nonpublic schools under this 53279  
section may be disbursed without submission to and approval of the 53280  
controlling board. 53281

**Sec. 3317.08.** A board of education may admit to its schools a 53282  
child it is not required by section 3313.64 or 3313.65 of the 53283  
Revised Code to admit, if tuition is paid for the child. 53284

Unless otherwise provided by law, tuition shall be computed 53285  
in accordance with this section. A district's tuition charge for a 53286  
school year shall be one of the following: 53287

(A) For any child, except a preschool child with a disability 53288  
described in division (B) of this section, the quotient obtained 53289  
by dividing the sum of the amounts described in divisions (A)(1) 53290  
and (2) of this section by the district's formula ADM. 53291

53292

(1) The district's total taxes charged and payable for 53293  
current expenses for the tax year preceding the tax year in which 53294

the school year begins as certified under division (A)(3) of 53295  
section 3317.021 of the Revised Code. 53296

(2) The district's total taxes collected for current expenses 53297  
under a school district income tax adopted pursuant to section 53298  
5748.03 or 5748.08 of the Revised Code that are disbursed to the 53299  
district during the fiscal year, excluding any income tax receipts 53300  
allocated for the project cost, debt service, or maintenance 53301  
set-aside associated with a state-assisted classroom facilities 53302  
project as authorized by section 3318.052 of the Revised Code. On 53303  
or before the first day of June of each year, the tax commissioner 53304  
shall certify the amount to be used in the calculation under this 53305  
division for the next fiscal year to the department of education 53306  
and the office of budget and management for each city, local, and 53307  
exempted village school district that levies a school district 53308  
income tax. 53309

(B) For any preschool child with a disability not included in 53310  
a unit approved under division (B) of section 3317.05 of the 53311  
Revised Code, an amount computed for the school year as follows: 53312

(1) For each type of special education service provided to 53313  
the child for whom tuition is being calculated, determine the 53314  
amount of the district's operating expenses in providing that type 53315  
of service to all preschool children with disabilities not 53316  
included in units approved under division (B) of section 3317.05 53317  
of the Revised Code; 53318

(2) For each type of special education service for which 53319  
operating expenses are determined under division (B)(1) of this 53320  
section, determine the amount of such operating expenses that was 53321  
paid from any state funds received under this chapter; 53322

(3) For each type of special education service for which 53323  
operating expenses are determined under division (B)(1) of this 53324  
section, divide the difference between the amount determined under 53325

division (B)(1) of this section and the amount determined under 53326  
division (B)(2) of this section by the total number of preschool 53327  
children with disabilities not included in units approved under 53328  
division (B) of section 3317.05 of the Revised Code who received 53329  
that type of service; 53330

(4) Determine the sum of the quotients obtained under 53331  
division (B)(3) of this section for all types of special education 53332  
services provided to the child for whom tuition is being 53333  
calculated. 53334

The state board of education shall adopt rules defining the 53335  
types of special education services and specifying the operating 53336  
expenses to be used in the computation under this section. 53337

If any child for whom a tuition charge is computed under this 53338  
section for any school year is enrolled in a district for only 53339  
part of that school year, the amount of the district's tuition 53340  
charge for the child for the school year shall be computed in 53341  
proportion to the number of school days the child is enrolled in 53342  
the district during the school year. 53343

Except as otherwise provided in division (J) of section 53344  
3313.64 of the Revised Code, whenever a district admits a child to 53345  
its schools for whom tuition computed in accordance with this 53346  
section is an obligation of another school district, the amount of 53347  
the tuition shall be certified by the treasurer of the board of 53348  
education of the district of attendance, to the board of education 53349  
of the district required to pay tuition for its approval and 53350  
payment. If agreement as to the amount payable or the district 53351  
required to pay the tuition cannot be reached, or the board of 53352  
education of the district required to pay the tuition refuses to 53353  
pay that amount, the board of education of the district of 53354  
attendance shall notify the superintendent of public instruction. 53355  
The superintendent shall determine the correct amount and the 53356  
district required to pay the tuition and shall deduct that amount, 53357

if any, under division (G) of section 3317.023 of the Revised Code, from the district required to pay the tuition and add that amount to the amount allocated to the district attended under such division. The superintendent of public instruction shall send to the district required to pay the tuition an itemized statement showing such deductions at the time of such deduction.

When a political subdivision owns and operates an airport, welfare, or correctional institution or other project or facility outside its corporate limits, the territory within which the facility is located is exempt from taxation by the school district within which such territory is located, and there are school age children residing within such territory, the political subdivision owning such tax exempt territory shall pay tuition to the district in which such children attend school. The tuition for these children shall be computed as provided for in this section.

**Sec. 3317.081.** (A) Tuition shall be computed in accordance with this section if:

(1) The tuition is required by division (C)(3)(b) of section 3313.64 of the Revised Code; or

(2) Neither the child nor the child's parent resides in this state and tuition is required by section 3327.06 of the Revised Code.

(B) Tuition computed in accordance with this section shall equal the attendance district's tuition rate computed under section 3317.08 of the Revised Code plus the amount that district would have received for the child pursuant to Chapter 3306. and sections ~~3317.022,~~ 3317.023, and 3317.025 to 3317.0211 of the Revised Code during the school year had the attendance district been authorized to count the child in its formula ADM for that school year under section 3317.03 of the Revised Code.

**Sec. 3317.082.** As used in this section, "institution" means a residential facility that receives and cares for children maintained by the department of youth services and that operates a school chartered by the state board of education under section 3301.16 of the Revised Code.

(A) On or before the thirty-first day of each January and July, the superintendent of each institution that during the six-month period immediately preceding each January or July provided an elementary or secondary education for any child, other than a child receiving special education under section 3323.091 of the Revised Code, shall prepare and submit to the department of education, a statement for each such child indicating the child's name, any school district responsible to pay tuition for the child as determined by the superintendent in accordance with division (C)(2) or (3) of section 3313.64 of the Revised Code, and the period of time during that six-month period that the child received an elementary or secondary education. If any school district is responsible to pay tuition for any such child, the department of education, no later than the immediately succeeding last day of February or August, as applicable, shall calculate the amount of the tuition of the district under section 3317.08 of the Revised Code for the period of time indicated on the statement and do one of the following:

(1) If the tuition amount is equal to or less than the amount of state basic aid funds payable to the district under ~~sections 3317.022 and Chapter 3306.~~ and section 3317.023 of the Revised Code, pay to the institution submitting the statement an amount equal to the tuition amount, as provided under division (M) of section 3317.024 of the Revised Code, and deduct the tuition amount from the state basic aid funds payable to the district, as provided under division (F)(2) of section 3317.023 of the Revised Code;

(2) If the tuition amount is greater than the amount of state 53420  
basic aid funds payable to the district under ~~sections 3317.022~~ 53421  
~~and Chapter 3306. and section~~ 3317.023 of the Revised Code, 53422  
require the district to pay to the institution submitting the 53423  
statement an amount equal to the tuition amount. 53424

(B) In the case of any disagreement about the school district 53425  
responsible to pay tuition for a child pursuant to this section, 53426  
the superintendent of public instruction shall make the 53427  
determination in any such case in accordance with division (C)(2) 53428  
or (3) of section 3313.64 of the Revised Code. 53429

**Sec. 3317.12.** Any board of education participating in funds 53430  
distributed under ~~Chapter~~ Chapters 3306. and 3317. of the Revised 53431  
Code shall annually adopt a salary schedule for nonteaching school 53432  
employees based upon training, experience, and qualifications with 53433  
initial salaries no less than the salaries in effect on October 53434  
13, 1967. Each board of education shall prepare and may amend from 53435  
time to time, specifications descriptive of duties, 53436  
responsibilities, requirements, and desirable qualifications of 53437  
the classifications of employees required to perform the duties 53438  
specified in the salary schedule. All nonteaching school employees 53439  
are to be notified of the position classification to which they 53440  
are assigned and the salary for the classification. The 53441  
compensation of all employees working for a particular school 53442  
board shall be uniform for like positions except as compensation 53443  
would be affected by salary increments based upon length of 53444  
service. 53445

On the fifteenth day of October each year the salary schedule 53446  
and the list of job classifications and salaries in effect on that 53447  
date shall be filed by each board of education with the 53448  
superintendent of public instruction. If such salary schedule and 53449  
classification plan is not filed the superintendent of public 53450

instruction shall order the board to file such schedules 53451  
forthwith. If this condition is not corrected within ten days 53452  
after receipt of the order from the superintendent of public 53453  
instruction, no money shall be distributed to the district under 53454  
~~Chapter~~ Chapters 3306. and 3317. of the Revised Code until the 53455  
superintendent has satisfactory evidence of the board of 53456  
education's full compliance with such order. 53457

**Sec. 3317.16.** (A) As used in this section: 53458

~~(1) "State share percentage" means the percentage calculated 53459  
for a joint vocational school district as follows: 53460~~

~~(a) Calculate the state base cost funding amount for the 53461  
district under division (B) of this section. If the district would 53462  
not receive any base cost funding for that year under that 53463  
division, the district's state share percentage is zero. 53464~~

~~(b) If the district would receive base cost funding under 53465  
that division, divide that base cost amount by an amount equal to 53466  
the following: 53467~~

~~the formula amount X 53468~~

~~formula ADM 53469~~

~~The resultant number is the district's state share 53470  
percentage. 53471~~

~~(2) The "total special education weight" for a joint 53472  
vocational school district shall be calculated in the same manner 53473  
as prescribed in ~~division (B)(1) of~~ section 3317.022 of the 53474  
Revised Code. 53475~~

~~(2) The "total vocational education weight" for a joint 53476  
vocational school district shall be calculated in the same manner 53477  
as prescribed in ~~division (B)(4) of~~ section 3317.022 of the 53478  
Revised Code. 53479~~

~~(3) The "total recognized valuation" of a joint vocational 53480~~



school district shall be determined by adding the recognized 53481  
valuations of all its constituent school districts that were 53482  
subject to the joint vocational school district's tax levies for 53483  
both the current and preceding tax years. 53484

~~(5)~~(4) "Resident district" means the city, local, or exempted 53485  
village school district in which a student is entitled to attend 53486  
school under section 3313.64 or 3313.65 of the Revised Code. 53487

~~(6)~~(5) "Community school" means a community school 53488  
established under Chapter 3314. of the Revised Code. 53489

(B) The department of education shall compute and distribute 53490  
state base cost funding to each joint vocational school district 53491  
for the fiscal year in accordance with the following formula: 53492

(formula amount X formula ADM) - 53493  
(.0005 X total recognized valuation) 53494

If the difference obtained under this division is a negative 53495  
number, the district's computation shall be zero. 53496

(C)(1) The department shall compute and distribute state 53497  
vocational education additional weighted costs funds to each joint 53498  
vocational school district in accordance with the following 53499  
formula: 53500

state share percentage X formula amount X 53501  
total vocational education weight 53502

In each fiscal year, a joint vocational school district 53503  
receiving funds under division (C)(1) of this section shall spend 53504  
those funds only for the purposes the department designates as 53505  
approved for vocational education expenses. Vocational educational 53506  
expenses approved by the department shall include only expenses 53507  
connected to the delivery of career-technical programming to 53508  
career-technical students. The department shall require the joint 53509  
vocational school district to report data annually so that the 53510  
department may monitor the district's compliance with the 53511

requirements regarding the manner in which funding received under 53512  
division (C)(1) of this section may be spent. 53513

(2) The department shall compute for each joint vocational 53514  
school district state funds for vocational education associated 53515  
services costs in accordance with the following formula: 53516

state share percentage X .05 X 53517  
the formula amount X the sum of 53518  
categories one and two vocational 53519  
education ADM 53520

In any fiscal year, a joint vocational school district 53521  
receiving funds under division (C)(2) of this section, or through 53522  
a transfer of funds pursuant to division (L) of section 3317.023 53523  
of the Revised Code, shall spend those funds only for the purposes 53524  
that the department designates as approved for vocational 53525  
education associated services expenses, which may include such 53526  
purposes as apprenticeship coordinators, coordinators for other 53527  
vocational education services, vocational evaluation, and other 53528  
purposes designated by the department. The department may deny 53529  
payment under division (C)(2) of this section to any district that 53530  
the department determines is not operating those services or is 53531  
using funds paid under division (C)(2) of this section, or through 53532  
a transfer of funds pursuant to division (L) of section 3317.023 53533  
of the Revised Code, for other purposes. 53534

(D)(1) The department shall compute and distribute state 53535  
special education and related services additional weighted costs 53536  
funds to each joint vocational school district in accordance with 53537  
the following formula: 53538

state share percentage X formula amount X 53539  
total special education weight 53540

(2)(a) As used in this division, the "personnel allowance" 53541  
means thirty thousand dollars in fiscal years 2008 and 2009. 53542

(b) For the provision of speech language pathology services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department shall pay each joint vocational school district an amount calculated under the following formula:

(formula ADM divided by 2000) X the personnel allowance X state share percentage

(3) In any fiscal year, a joint vocational school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(formula amount X the sum of categories one through six special education ADM) + (total special education weight X formula amount)

The purposes approved by the department for special education expenses shall include, but shall not be limited to, compliance with state rules governing the education of children with disabilities, providing services identified in a student's individualized education program as defined in section 3323.01 of the Revised Code, provision of speech language pathology services, and the portion of the district's overall administrative and overhead costs that are attributable to the district's special education student population.

The department shall require joint vocational school districts to report data annually to allow for monitoring compliance with division (D)(3) of this section. The department shall annually report to the governor and the general assembly the amount of money spent by each joint vocational school district for special education and related services.

(4) In any fiscal year, a joint vocational school district shall spend for the provision of speech language pathology services not less than the sum of the amount calculated under division (D)(1) of this section for the students in the district's category one special education ADM and the amount calculated under division (D)(2) of this section.

(E)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.

(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals:

(1 - state share percentage) X  
Total special education weight X  
the formula amount

(2) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under divisions (B), (D), (E), and (G)(1) of this section.

Those excess costs shall be calculated by subtracting the sum of the following from the actual cost to provide special education and related services to the student:

(a) The formula amount;

(b) The product of the formula amount times the applicable multiple specified in section ~~3317.013~~ 3306.11 of the Revised Code;

(c) Any funds paid under division (E) of this section for the student;

(d) Any other funds received by the joint vocational school district under this chapter to provide special education and related services to the student, not including the amount calculated under division (G)(2) of this section.

(3) The board of education of the joint vocational school district may report the excess costs calculated under division

(G)(2) of this section to the department of education. 53637

(4) If the board of education of the joint vocational school 53638  
district reports excess costs under division (G)(3) of this 53639  
section, the department shall pay the amount of excess cost 53640  
calculated under division (G)(2) of this section to the joint 53641  
vocational school district and shall deduct that amount as 53642  
provided in division (G)(4)(a) or (b) of this section, as 53643  
applicable: 53644

(a) If the student is not enrolled in a community school, the 53645  
department shall deduct the amount from the account of the 53646  
student's resident district pursuant to division (M) of section 53647  
3317.023 of the Revised Code. 53648

(b) If the student is enrolled in a community school, the 53649  
department shall deduct the amount from the account of the 53650  
community school pursuant to section 3314.083 of the Revised Code. 53651  
53652

**Sec. 3317.18.** (A) As used in this section, the terms "Chapter 53653  
133. securities," "credit enhancement facilities," "debt charges," 53654  
"general obligation," "legislation," "public obligations," and 53655  
"securities" have the same meanings as in section 133.01 of the 53656  
Revised Code. 53657

(B) The board of education of any school district authorizing 53658  
the issuance of securities under section 133.10, 133.301, or 53659  
3313.372 of the Revised Code or general obligation Chapter 133. 53660  
securities may adopt legislation requesting the state department 53661  
of education to approve, and enter into an agreement with the 53662  
school district and the primary paying agent or fiscal agent for 53663  
such securities providing for, the withholding and deposit of 53664  
funds, otherwise due the district under ~~Chapter~~ Chapters 3306. and 53665  
3317. of the Revised Code, for the payment of debt service charges 53666  
on such securities. 53667

The board of education shall deliver to the state department 53668  
a copy of such resolution and any additional pertinent information 53669  
the state department may require. 53670

The department of education and the office of budget and 53671  
management shall evaluate each request received from a school 53672  
district under this section and the department, with the advice 53673  
and consent of the director of budget and management, shall 53674  
approve or deny each request based on all of the following: 53675

(1) Whether approval of the request will enhance the 53676  
marketability of the securities for which the request is made; 53677

(2) Any other pertinent factors or limitations established in 53678  
rules made under division (I) of this section, including: 53679

(a) Current and projected obligations of funds due to the 53680  
requesting school district under ~~Chapter~~ Chapters 3306. and 3317. 53681  
of the Revised Code including obligations of those funds to public 53682  
obligations or relevant credit enhancement facilities under this 53683  
section, Chapter 133. and section 3313.483 of the Revised Code, 53684  
and under any other similar provisions of law; 53685

(b) Whether the department of education or the office of 53686  
budget and management has any reason to believe the requesting 53687  
school district will be unable to pay when due the debt charges on 53688  
the securities for which the request is made. 53689

The department may require a school district to establish 53690  
schedules for the payment of all debt charges that take into 53691  
account the amount and timing of anticipated distributions of 53692  
funds to the district under Chapter 3317. of the Revised Code. 53693

(C) If the department approves the request of a school 53694  
district to withhold and deposit funds pursuant to this section, 53695  
the department shall enter into a written agreement with the 53696  
district and the primary paying agent or fiscal agent for the 53697  
securities which shall provide for the withholding of funds 53698

pursuant to this section for the payment of debt charges on those securities, and may include both of the following:

(1) Provisions for certification by the district to the department, at a time prior to any date for the payment of applicable debt charges, whether the district is able to pay those debt charges when due;

(2) Requirements that the district deposit amounts for the payment of debt charges on the securities with the primary paying agent or fiscal agent for the securities prior to the date on which those debt charge payments are due to the owners or holders of the securities.

(D) Whenever a district notifies the department of education that it will be unable to pay debt charges when they are due, subject to the withholding provisions of this section, or whenever the applicable paying agent or fiscal agent notifies the department that it has not timely received from a school district the full amount needed for the payment when due of those debt charges to the holders or owners of such securities, the department shall immediately contact the school district and the paying agent or fiscal agent to confirm or determine whether the district is unable to make the required payment by the date on which it is due.

Upon demand of the treasurer of state while holding a school district obligation purchased under division (G)(1) of section 135.143 of the Revised Code, the state department of education, without a request of the school district, shall withhold and deposit funds pursuant to this section for payment of debt service charges on that obligation.

If the department confirms or determines that the district will be unable to make such payment and payment will not be made pursuant to a credit enhancement facility, the department shall



promptly pay to the applicable primary paying agent or fiscal 53730  
agent the lesser of the amount due for debt charges or the amount 53731  
due the district for the remainder of the fiscal year under 53732  
Chapter 3317. of the Revised Code. If this amount is insufficient 53733  
to pay the total amount then due the agent for the payment of debt 53734  
charges, the department shall pay to the agent each fiscal year 53735  
thereafter, and until the full amount due the agent for unpaid 53736  
debt charges is paid in full, the lesser of the remaining amount 53737  
due the agent for debt charges or the amount due the district for 53738  
the fiscal year under Chapter 3317. of the Revised Code. 53739

(E) The state department may make any payments under this 53740  
division by direct deposit of funds by electronic transfer. 53741

Any amount received by a paying agent or fiscal agent under 53742  
this section shall be applied only to the payment of debt charges 53743  
on the securities of the school district subject to this section 53744  
or to the reimbursement to the provider of a credit enhancement 53745  
facility that has paid such debt charges. 53746

(F) To the extent a school district whose securities are 53747  
subject to this section is unable to pay applicable debt charges 53748  
because of the failure to collect property taxes levied for the 53749  
payment of those debt charges, the district may transfer to or 53750  
deposit into any fund that would have received payments under 53751  
~~Chapter 3306.~~ or 3317. of the Revised Code that were withheld 53752  
under this section any such delinquent property taxes when later 53753  
collected, provided that transfer or deposit shall be limited to 53754  
the amounts withheld from that fund under this section. 53755

(G) The department may make payments under this section to 53756  
paying agents or fiscal agents only from and to the extent that 53757  
money is appropriated by the general assembly for Chapter 3317. of 53758  
the Revised Code or for the purposes of this section. No 53759  
securities of a school district to which this section is made 53760  
applicable constitute an obligation or a debt or a pledge of the 53761

faith, credit, or taxing power of the state, and the holders or 53762  
owners of such securities have no right to have taxes levied or 53763  
appropriations made by the general assembly for the payment of 53764  
debt charges on those securities, and those securities, if the 53765  
department requires, shall contain a statement to that effect. The 53766  
agreement for or the actual withholding and payment of moneys 53767  
under this section does not constitute the assumption by the state 53768  
of any debt of a school district. 53769

(H) In the case of securities subject to the withholding 53770  
provisions of this section, the issuing board of education shall 53771  
appoint a paying agent or fiscal agent who is not an officer or 53772  
employee of the school district. 53773

(I) The department of education, with the advice of the 53774  
office of budget and management, may adopt reasonable rules not 53775  
inconsistent with this section for the implementation of this 53776  
section and division (B) of section 133.25 of the Revised Code as 53777  
it relates to the withholding and depositing of payments under 53778  
~~Chapter~~ Chapters 3306. and 3317. of the Revised Code to secure 53779  
payment of debt charges on school district securities. Those rules 53780  
shall include criteria for the evaluation and approval or denial 53781  
of school district requests for withholding under this section and 53782  
limits on the obligation for the purpose of paying debt charges or 53783  
reimbursing credit enhancement facilities of funds otherwise to be 53784  
paid to school districts under Chapter 3317. of the Revised Code. 53785

(J) The authority granted by this section is in addition to 53786  
and not a limitation on any other authorizations granted by or 53787  
pursuant to law for the same or similar purposes. 53788

**Sec. 3317.20.** This section does not apply to preschool 53789  
children with disabilities. 53790

(A) As used in this section: 53791

(1) "Applicable weight" means the multiple specified in 53792  
section ~~3317.013~~ 3306.11 of the Revised Code for a disability 53793  
described in that section. 53794

(2) "Child's school district" means the school district in 53795  
which a child is entitled to attend school pursuant to section 53796  
3313.64 or 3313.65 of the Revised Code. 53797

~~(3) "State share percentage" means the state share percentage 53798  
of the child's school district as defined in section 3317.022 of 53799  
the Revised Code. 53800~~

(B) Except as provided in division (C) of this section, the 53801  
department shall annually pay each county MR/DD board for each 53802  
child with a disability, other than a preschool child with a 53803  
disability, for whom the county MR/DD board provides special 53804  
education and related services an amount equal to the formula 53805  
amount + (state share percentage X formula amount X the applicable 53806  
weight). 53807

(C) If any school district places with a county MR/DD board 53808  
more children with disabilities than it had placed with a county 53809  
MR/DD board in fiscal year 1998, the department shall not make a 53810  
payment under division (B) of this section for the number of 53811  
children exceeding the number placed in fiscal year 1998. The 53812  
department instead shall deduct from the district's payments under 53813  
this chapter and Chapter 3306. of the Revised Code, and pay to the 53814  
county MR/DD board, an amount calculated in accordance with the 53815  
formula prescribed in division (B) of this section for each child 53816  
over the number of children placed in fiscal year 1998. 53817  
53818

(D) The department shall calculate for each county MR/DD 53819  
board receiving payments under divisions (B) and (C) of this 53820  
section the following amounts: 53821

(1) The amount received by the county MR/DD board for 53822

approved special education and related services units, other than 53823  
units for preschool children with disabilities, in fiscal year 53824  
1998, divided by the total number of children served in the units 53825  
that year; 53826

(2) The product of the quotient calculated under division 53827  
(D)(1) of this section times the number of children for whom 53828  
payments are made under divisions (B) and (C) of this section. 53829

If the amount calculated under division (D)(2) of this 53830  
section is greater than the total amount calculated under 53831  
divisions (B) and (C) of this section, the department shall pay 53832  
the county MR/DD board one hundred per cent of the difference in 53833  
addition to the payments under divisions (B) and (C) of this 53834  
section. 53835

(E) Each county MR/DD board shall report to the department, 53836  
in the manner specified by the department, the name of each child 53837  
for whom the county MR/DD board provides special education and 53838  
related services and the child's school district. 53839

(F)(1) For the purpose of verifying the accuracy of the 53840  
payments under this section, the department may request from 53841  
either of the following entities the data verification code 53842  
assigned under division (D)(2) of section 3301.0714 of the Revised 53843  
Code to any child who is placed with a county MR/DD board: 53844

(a) The child's school district; 53845

(b) The independent contractor engaged to create and maintain 53846  
data verification codes. 53847

(2) Upon a request by the department under division (F)(1) of 53848  
this section for the data verification code of a child, the 53849  
child's school district shall submit that code to the department 53850  
in the manner specified by the department. If the child has not 53851  
been assigned a code, the district shall assign a code to that 53852  
child and submit the code to the department by a date specified by 53853

the department. If the district does not assign a code to the 53854  
child by the specified date, the department shall assign a code to 53855  
the child. 53856

The department annually shall submit to each school district 53857  
the name and data verification code of each child residing in the 53858  
district for whom the department has assigned a code under this 53859  
division. 53860

(3) The department shall not release any data verification 53861  
code that it receives under division (F) of this section to any 53862  
person except as provided by law. 53863

(G) Any document relative to special education and related 53864  
services provided by a county MR/DD board that the department 53865  
holds in its files that contains both a student's name or other 53866  
personally identifiable information and the student's data 53867  
verification code shall not be a public record under section 53868  
149.43 of the Revised Code. 53869

**Sec. 3317.201.** This section does not apply to preschool 53870  
children with disabilities. 53871

(A) As used in this section, the "total special education 53872  
weight" for an institution means the sum of the following amounts: 53873

(1) The number of children reported by the institution under 53874  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53875  
receiving services for a disability described in division 53876  
~~(A)(D)(1)~~ of section ~~3317.013~~ 3306.02 of the Revised Code 53877  
multiplied by the multiple specified in that division; 53878

(2) The number of children reported by the institution under 53879  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53880  
receiving services for a disability described in division 53881  
~~(B)(D)(2)~~ of section ~~3317.013~~ 3306.02 of the Revised Code 53882  
multiplied by the multiple specified in that division; 53883

(3) The number of children reported by the institution under 53884  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53885  
receiving services for a disability described in division 53886  
~~(C)~~(D)(3) of section ~~3317.013~~ 3306.02 of the Revised Code 53887  
multiplied by the multiple specified in that division; 53888

(4) The number of children reported by the institution under 53889  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53890  
receiving services for a disability described in division (D)(4) 53891  
of section ~~3317.013~~ 3306.02 of the Revised Code multiplied by the 53892  
multiple specified in that division; 53893

(5) The number of children reported by the institution under 53894  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53895  
receiving services for a disability described in division 53896  
~~(E)~~(D)(5) of section ~~3317.013~~ 3306.02 of the Revised Code 53897  
multiplied by the multiple specified in that division; 53898

(6) The number of children reported by the institution under 53899  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53900  
receiving services for a disability described in division 53901  
~~(F)~~(D)(6) of section ~~3317.013~~ 3306.02 of the Revised Code 53902  
multiplied by the multiple specified in that division. 53903

(B) For each fiscal year, the department of education shall 53904  
pay each state institution required to provide special education 53905  
services under division (A) of section 3323.091 of the Revised 53906  
Code an amount equal to the greater of: 53907

(1) The formula amount times the institution's total special 53908  
education weight; 53909

(2) The aggregate amount of special education and related 53910  
services unit funding the institution received for all children 53911  
with disabilities other than preschool children with disabilities 53912  
in fiscal year 2005 under sections 3317.052 and 3317.053 of the 53913  
Revised Code, as those sections existed prior to June 30, 2005. 53914

**Sec. 3318.011.** For purposes of providing assistance under 53915  
sections 3318.01 to 3318.20 of the Revised Code, the department of 53916  
education shall annually do all of the following: 53917

(A) Calculate the adjusted valuation per pupil of each city, 53918  
local, and exempted village school district according to the 53919  
following formula: 53920

The district's valuation per pupil - 53921  
[\$30,000 X (1 - the district's income factor)]. 53922

For purposes of this calculation: 53923

~~(1)(a) Except for a district with an open enrollment net gain~~ 53924  
~~that is ten per cent or more of its formula ADM as provided in~~ 53925  
~~division (A)(1)(b) of this section, "valuation per pupil" for a~~ 53926  
district means its average taxable value, divided by its formula 53927  
ADM for the previous fiscal year. ~~"Valuation per pupil,"~~ 53928

(b) For calculations in which the formula ADM reported for 53929  
fiscal year 2009 or earlier is a factor, for a district with an 53930  
open enrollment net gain that is ten per cent or more of its 53931  
formula ADM, "valuation per pupil" means its average taxable 53932  
value, divided by the sum of its formula ADM for the previous 53933  
fiscal year plus its open enrollment net gain for the previous 53934  
fiscal year. 53935

Consideration of net open enrollment gain is not added to the 53936  
calculation of valuation per pupil for calculations in which the 53937  
formula ADM is reported for a fiscal year after fiscal year 2009, 53938  
to account for the fact that beginning with the report of formula 53939  
ADM in October 2009 open enrollment students are counted in the 53940  
formula ADM of the school districts in which they are enrolled. 53941

(2) "Average taxable value" means the average of the amounts 53942  
certified for a district in the second, third, and fourth 53943  
preceding fiscal years under divisions (A)(1) and (2) of section 53944

3317.021 of the Revised Code.	53945
(3) "Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code.	53946 53947 53948
(4) "Formula ADM" and "income factor" have the same meanings as in section 3317.02 of the Revised Code.	53949 53950
(5) "Native student" has the same meaning as in section 3313.98 of the Revised Code.	53951 53952
(6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero.	53953 53954 53955 53956 53957 53958 53959 53960 53961
(7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code.	53962 53963 53964
(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years;	53965 53966 53967
(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil;	53968 53969 53970 53971
(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and	53972 53973 53974



the one-hundredth percentile containing the one per cent of school 53975  
districts having the highest three-year average adjusted 53976  
valuations per pupil; 53977

(E) Determine the school districts that have three-year 53978  
average adjusted valuations per pupil that are greater than the 53979  
median three-year average adjusted valuation per pupil for all 53980  
school districts in the state; 53981

(F) On or before the first day of September, certify the 53982  
information described in divisions (A) to (E) of this section to 53983  
the Ohio school facilities commission. 53984

**Sec. 3318.051.** (A) Any city, exempted village, or local 53985  
school district that commences a project under sections 3318.01 to 53986  
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 53987  
after ~~the effective date of this section~~ September 5, 2006, need 53988  
not levy the tax otherwise required under division (B) of section 53989  
3318.05 of the Revised Code, if the district board of education 53990  
adopts a resolution petitioning the Ohio school facilities 53991  
commission to approve the transfer of money in accordance with 53992  
this section and the commission approves that transfer. If so 53993  
approved, the commission and the district board shall enter into 53994  
an agreement under which the board, in each of twenty-three 53995  
consecutive years beginning in the year in which the board and the 53996  
commission enter into the project agreement under section 3318.08 53997  
of the Revised Code, shall transfer into the maintenance fund 53998  
required by division (D) of section 3318.05 of the Revised Code 53999  
not less than an amount equal to one-half mill for each dollar of 54000  
the district's valuation unless and until the agreement to make 54001  
those transfers is rescinded by the district board pursuant to 54002  
division (F) of this section. 54003

(B) On the first day of July each year, or on an alternative 54004  
date prescribed by the commission, the district treasurer shall 54005

certify to the commission and the auditor of state that the amount 54006  
required for the year has been transferred. The auditor of state 54007  
shall include verification of the transfer as part of any audit of 54008  
the district under section 117.11 of the Revised Code. If the 54009  
auditor of state finds that less than the required amount has been 54010  
deposited into a district's maintenance fund, the auditor of state 54011  
shall notify the district board of education in writing of that 54012  
fact and require the board to deposit into the fund, within ninety 54013  
days after the date of the notice, the amount by which the fund is 54014  
deficient for the year. If the district board fails to demonstrate 54015  
to the auditor of state's satisfaction that the board has made the 54016  
deposit required in the notice, the auditor of state shall notify 54017  
the department of education. At that time, the department shall 54018  
withhold an amount equal to ten per cent of the district's funds 54019  
calculated for the current fiscal year under ~~Chapter~~ Chapters 54020  
3306. and 3317. of the Revised Code until the auditor of state 54021  
notifies the department that the auditor of state is satisfied 54022  
that the board has made the required transfer. 54023

(C) Money transferred to the maintenance fund shall be used 54024  
for the maintenance of the facilities acquired under the 54025  
district's project. 54026

(D) The transfers to the maintenance fund under this section 54027  
does not affect a district's obligation to establish and maintain 54028  
a capital and maintenance fund under section 3315.18 of the 54029  
Revised Code. 54030

(E) Any decision by the commission to approve or not approve 54031  
the transfer of money under this section is final and not subject 54032  
to appeal. The commission shall not be responsible for errors or 54033  
miscalculations made in deciding whether to approve a petition to 54034  
make transfers under this section. 54035

(F) If the district board determines that it no longer can 54036  
continue making the transfers agreed to under this section, the 54037

board may rescind the agreement only so long as the electors of 54038  
the district have approved, in accordance with section 3318.063 of 54039  
the Revised Code, the levy of a tax for the maintenance of the 54040  
classroom facilities acquired under the district's project and 54041  
that levy continues to be collected as approved by the electors. 54042  
That levy shall be for a number of years that is equal to the 54043  
difference between twenty-three years and the number of years that 54044  
the district made transfers under this section and shall be at the 54045  
rate of not less than one-half mill for each dollar of the 54046  
district's valuation. The district board shall continue to make 54047  
the transfers agreed to under this section until that levy has 54048  
been approved by the electors. 54049

**Sec. 3318.061.** This section applies only to school districts 54050  
eligible to receive additional assistance under division (B)(2) of 54051  
section 3318.04 of the Revised Code ~~and to big eight districts~~ 54052  
~~segmenting projects under section 3318.38 of the Revised Code.~~ 54053

The board of education of a school district in which a tax 54054  
described by division (B) of section 3318.05 and levied under 54055  
section 3318.06 of the Revised Code is in effect, may adopt a 54056  
resolution by vote of a majority of its members to extend the term 54057  
of that tax beyond the expiration of that tax as originally 54058  
approved under that section. The school district board may include 54059  
in the resolution a proposal to extend the term of that tax at the 54060  
rate of not less than one-half mill for each dollar of valuation 54061  
for a period of twenty-three years from the year in which the 54062  
school district board and the Ohio school facilities commission 54063  
enter into an agreement under division (B)(2) of section 3318.04 54064  
of the Revised Code or in the following year, as specified in the 54065  
resolution ~~or, as applicable in the case of a district segmenting~~ 54066  
~~a project under section 3318.38 of the Revised Code, from the year~~ 54067  
~~in which the last segment is undertaken.~~ Such a resolution may be 54068  
adopted at any time before such an agreement is entered into and 54069

before the tax levied pursuant to section 3318.06 of the Revised Code expires. If the resolution is combined with a resolution to issue bonds to pay the school district's portion of the basic project cost, it shall conform with the requirements of divisions (A)(1), (2), and (3) of section 3318.06 of the Revised Code, except that the resolution also shall state that the tax levy proposed in the resolution is an extension of an existing tax levied under that section. A resolution proposing an extension adopted under this section does not take effect until it is approved by a majority of electors voting in favor of the resolution at a general, primary, or special election as provided in this section.

A tax levy extended under this section is subject to the same terms and limitations to which the original tax levied under section 3318.06 of the Revised Code is subject under that section, except the term of the extension shall be as specified in this section.

The school district board shall certify a copy of the resolution adopted under this section to the proper county board of elections not later than seventy-five days before the date set in the resolution as the date of the election at which the question will be submitted to electors. The notice of the election shall conform with the requirements of division (A)(3) of section 3318.06 of the Revised Code, except that the notice also shall state that the maintenance tax levy is an extension of an existing tax levy.

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining classroom facilities constructed with the proceeds of the previously issued bonds at the rate of ..... (here insert the number of mills, which shall not be less than one-half mill) mills per dollar of tax valuation, be extended until ..... (here

insert the year that is twenty-three years after the year in which 54102  
the district and commission will enter into an agreement under 54103  
division (B)(2) of section 3318.04 of the Revised Code or the 54104  
following year)? 54105

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	

54106  
54107  
" 54108  
54109

Section 3318.07 of the Revised Code applies to ballot 54110  
questions under this section. 54111

**Sec. 3318.08.** Except in the case of a joint vocational school 54112  
district that receives assistance under sections 3318.40 to 54113  
3318.45 of the Revised Code, if the requisite favorable vote on 54114  
the election is obtained, or if the school district board has 54115  
resolved to apply the proceeds of a property tax levy or the 54116  
proceeds of an income tax, or a combination of proceeds from such 54117  
taxes, as authorized in section 3318.052 of the Revised Code, the 54118  
Ohio school facilities commission, upon certification to it of 54119  
either the results of the election or the resolution under section 54120  
3318.052 of the Revised Code, shall enter into a written agreement 54121  
with the school district board for the construction and sale of 54122  
the project. In the case of a joint vocational school district 54123  
that receives assistance under sections 3318.40 to 3318.45 of the 54124  
Revised Code, if the school district board of education and the 54125  
school district electors have satisfied the conditions prescribed 54126  
in division (D)(1) of section 3318.41 of the Revised Code, the 54127  
commission shall enter into an agreement with the school district 54128  
board for the construction and sale of the project. In either 54129  
case, the agreement shall include, but need not be limited to, the 54130  
following provisions: 54131

(A) The sale and issuance of bonds or notes in anticipation 54132

thereof, as soon as practicable after the execution of the 54133  
agreement, in an amount equal to the school district's portion of 54134  
the basic project cost, including any securities authorized under 54135  
division (J) of section 133.06 of the Revised Code and dedicated 54136  
by the school district board to payment of the district's portion 54137  
of the basic project cost of the project; provided, that if at 54138  
that time the county treasurer of each county in which the school 54139  
district is located has not commenced the collection of taxes on 54140  
the general duplicate of real and public utility property for the 54141  
year in which the controlling board approved the project, the 54142  
school district board shall authorize the issuance of a first 54143  
installment of bond anticipation notes in an amount specified by 54144  
the agreement, which amount shall not exceed an amount necessary 54145  
to raise the net bonded indebtedness of the school district as of 54146  
the date of the controlling board's approval to within five 54147  
thousand dollars of the required level of indebtedness for the 54148  
preceding year. In the event that a first installment of bond 54149  
anticipation notes is issued, the school district board shall, as 54150  
soon as practicable after the county treasurer of each county in 54151  
which the school district is located has commenced the collection 54152  
of taxes on the general duplicate of real and public utility 54153  
property for the year in which the controlling board approved the 54154  
project, authorize the issuance of a second and final installment 54155  
of bond anticipation notes or a first and final issue of bonds. 54156

The combined value of the first and second installment of 54157  
bond anticipation notes or the value of the first and final issue 54158  
of bonds shall be equal to the school district's portion of the 54159  
basic project cost. The proceeds of any such bonds shall be used 54160  
first to retire any bond anticipation notes. Otherwise, the 54161  
proceeds of such bonds and of any bond anticipation notes, except 54162  
the premium and accrued interest thereon, shall be deposited in 54163  
the school district's project construction fund. In determining 54164  
the amount of net bonded indebtedness for the purpose of fixing 54165

the amount of an issue of either bonds or bond anticipation notes, 54166  
gross indebtedness shall be reduced by moneys in the bond 54167  
retirement fund only to the extent of the moneys therein on the 54168  
first day of the year preceding the year in which the controlling 54169  
board approved the project. Should there be a decrease in the tax 54170  
valuation of the school district so that the amount of 54171  
indebtedness that can be incurred on the tax duplicates for the 54172  
year in which the controlling board approved the project is less 54173  
than the amount of the first installment of bond anticipation 54174  
notes, there shall be paid from the school district's project 54175  
construction fund to the school district's bond retirement fund to 54176  
be applied against such notes an amount sufficient to cause the 54177  
net bonded indebtedness of the school district, as of the first 54178  
day of the year following the year in which the controlling board 54179  
approved the project, to be within five thousand dollars of the 54180  
required level of indebtedness for the year in which the 54181  
controlling board approved the project. The maximum amount of 54182  
indebtedness to be incurred by any school district board as its 54183  
share of the cost of the project is either an amount that will 54184  
cause its net bonded indebtedness, as of the first day of the year 54185  
following the year in which the controlling board approved the 54186  
project, to be within five thousand dollars of the required level 54187  
of indebtedness, or an amount equal to the required percentage of 54188  
the basic project costs, whichever is greater. All bonds and bond 54189  
anticipation notes shall be issued in accordance with Chapter 133. 54190  
of the Revised Code, and notes may be renewed as provided in 54191  
section 133.22 of the Revised Code. 54192

(B) The transfer of such funds of the school district board 54193  
available for the project, together with the proceeds of the sale 54194  
of the bonds or notes, except premium, accrued interest, and 54195  
interest included in the amount of the issue, to the school 54196  
district's project construction fund; 54197

(C) For all school districts except joint vocational school 54198  
districts that receive assistance under sections 3318.40 to 54199  
3318.45 of the Revised Code, the following provisions as 54200  
applicable: 54201

(1) If section 3318.052 of the Revised Code applies, the 54202  
earmarking of the proceeds of a tax levied under section 5705.21 54203  
of the Revised Code for general permanent improvements or under 54204  
section 5705.218 of the Revised Code for the purpose of permanent 54205  
improvements, or the proceeds of a school district income tax 54206  
levied under Chapter 5748. of the Revised Code, or the proceeds 54207  
from a combination of those two taxes, in an amount to pay all or 54208  
part of the service charges on bonds issued to pay the school 54209  
district portion of the project and an amount equivalent to all or 54210  
part of the tax required under division (B) of section 3318.05 of 54211  
the Revised Code; 54212

(2) If section 3318.052 of the Revised Code does not apply, 54213  
one of the following: 54214

(a) The levy of the tax authorized at the election for the 54215  
payment of maintenance costs, as specified in division (B) of 54216  
section 3318.05 of the Revised Code; 54217

(b) If the school district electors have approved a 54218  
continuing tax for general permanent improvements under section 54219  
5705.21 of the Revised Code and that tax can be used for 54220  
maintenance, the earmarking of an amount of the proceeds from such 54221  
tax for maintenance of classroom facilities as specified in 54222  
division (B) of section 3318.05 of the Revised Code; 54223

(c) If, in lieu of the tax otherwise required under division 54224  
(B) of section 3318.05 of the Revised Code, the commission has 54225  
approved the transfer of money to the maintenance fund in 54226  
accordance with section 3318.051 of the Revised Code, a 54227  
requirement that the district board comply with the provisions 54228



prescribed under that section. The district board may rescind the 54229  
provision prescribed under division (C)(2)(c) of this section only 54230  
so long as the electors of the district have approved, in 54231  
accordance with section 3318.063 of the Revised Code, the levy of 54232  
a tax for the maintenance of the classroom facilities acquired 54233  
under the district's project and that levy continues to be 54234  
collected as approved by the electors. 54235

(D) For joint vocational school districts that receive 54236  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 54237  
provision for deposit of school district moneys dedicated to 54238  
maintenance of the classroom facilities acquired under those 54239  
sections as prescribed in section 3318.43 of the Revised Code; 54240

(E) Dedication of any local donated contribution as provided 54241  
for under section 3318.084 of the Revised Code, including a 54242  
schedule for depositing such moneys applied as an offset of the 54243  
district's obligation to levy the tax described in division (B) of 54244  
section 3318.05 of the Revised Code as required under division 54245  
(D)(2) of section 3318.084 of the Revised Code; 54246

(F) Ownership of or interest in the project during the period 54247  
of construction, which shall be divided between the commission and 54248  
the school district board in proportion to their respective 54249  
contributions to the school district's project construction fund; 54250

(G) Maintenance of the state's interest in the project until 54251  
any obligations issued for the project under section 3318.26 of 54252  
the Revised Code are no longer outstanding; 54253

(H) The insurance of the project by the school district from 54254  
the time there is an insurable interest therein and so long as the 54255  
state retains any ownership or interest in the project pursuant to 54256  
division (F) of this section, in such amounts and against such 54257  
risks as the commission shall require; provided, that the cost of 54258  
any required insurance until the project is completed shall be a 54259

part of the basic project cost; 54260

(I) The certification by the director of budget and 54261  
management that funds are available and have been set aside to 54262  
meet the state's share of the basic project cost as approved by 54263  
the controlling board pursuant to either section 3318.04 or 54264  
division (B)(1) of section 3318.41 of the Revised Code; 54265

(J) Authorization of the school district board to advertise 54266  
for and receive construction bids for the project, for and on 54267  
behalf of the commission, and to award contracts in the name of 54268  
the state subject to approval by the commission; 54269

(K) Provisions for the disbursement of moneys from the school 54270  
district's project account upon issuance by the commission or the 54271  
commission's designated representative of vouchers for work done 54272  
to be certified to the commission by the treasurer of the school 54273  
district board; 54274

(L) Disposal of any balance left in the school district's 54275  
project construction fund upon completion of the project; 54276

(M) Limitations upon use of the project or any part of it so 54277  
long as any obligations issued to finance the project under 54278  
section 3318.26 of the Revised Code are outstanding; 54279

(N) Provision for vesting the state's interest in the project 54280  
to the school district board when the obligations issued to 54281  
finance the project under section 3318.26 of the Revised Code are 54282  
outstanding; 54283

(O) Provision for deposit of an executed copy of the 54284  
agreement in the office of the commission; 54285

(P) Provision for termination of the contract and release of 54286  
the funds encumbered at the time of the conditional approval, if 54287  
the proceeds of the sale of the bonds of the school district board 54288  
are not paid into the school district's project construction fund 54289

and if bids for the construction of the project have not been 54290  
taken within such period after the execution of the agreement as 54291  
may be fixed by the commission; 54292

(Q) Provision for the school district to maintain the project 54293  
in accordance with a plan approved by the commission; 54294

(R)(1) For all school districts except a district undertaking 54295  
a project under section 3318.38 of the Revised Code or a joint 54296  
vocational school district undertaking a project under sections 54297  
3318.40 to 3318.45 of the Revised Code, provision that all state 54298  
funds reserved and encumbered to pay the state share of the cost 54299  
of the project pursuant to section 3318.03 of the Revised Code be 54300  
spent on the construction or acquisition of the project prior to 54301  
the expenditure of any funds provided by the school district to 54302  
pay for its share of the project cost, unless the school district 54303  
certifies to the commission that expenditure by the school 54304  
district is necessary to maintain the tax-exempt status of notes 54305  
or bonds issued by the school district to pay for its share of the 54306  
project cost or to comply with applicable temporary investment 54307  
periods or spending exceptions to rebate as provided for under 54308  
federal law in regard to those notes or bonds, in which cases, the 54309  
school district may commit to spend, or spend, a portion of the 54310  
funds it provides; 54311

(2) For a school district undertaking a project under section 54312  
3318.38 of the Revised Code or a joint vocational school district 54313  
undertaking a project under sections 3318.40 to 3318.45 of the 54314  
Revised Code, provision that the state funds reserved and 54315  
encumbered and the funds provided by the school district to pay 54316  
the basic project cost of any segment of the project, or of the 54317  
entire project if it is not divided into segments, be spent on the 54318  
construction and acquisition of the project simultaneously in 54319  
proportion to the state's and the school district's respective 54320  
shares of that basic project cost as determined under section 54321

3318.032 of the Revised Code or, if the district is a joint vocational school district, under section 3318.42 of the Revised Code. 54322  
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(S) A provision stipulating that the commission may prohibit the district from proceeding with any project if the commission determines that the site is not suitable for construction purposes. The commission may perform soil tests in its determination of whether a site is appropriate for construction purposes. 54325  
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(T) A provision stipulating that, unless otherwise authorized by the commission, any contingency reserve portion of the construction budget prescribed by the commission shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract documents, and to pay the costs of settlements or judgments related to the project as provided under section 3318.086 of the Revised Code. 54331  
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~~(U) Provision stipulating that for continued release of project funds the school district board shall comply with section 3313.41 of the Revised Code throughout the project and shall notify the department of education and the Ohio community school association when the board plans to dispose of facilities by sale under that section. 54340  
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~~(V) Provision that the commission shall not approve a contract for demolition of a facility until the school district board has complied with section 3313.41 of the Revised Code relative to that facility, unless demolition of that facility is to clear a site for construction of a replacement facility included in the district's project. 54346  
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**Sec. 3318.312.** After the superintendent of public instruction 54352

adopts rules under section 3306.25 of the Revised Code 54353  
establishing expenditure and reporting standards for operating 54354  
funds paid under Chapter 3306. of the Revised Code, the Ohio 54355  
school facilities commission shall conduct a study of demands upon 54356  
and other issues related to existing classroom facilities that may 54357  
arise due to new operating requirements. The commission shall 54358  
report its findings to the governor and general assembly, in 54359  
accordance with section 101.68 of the Revised Code. 54360

**Sec. 3318.36.** (A)(1) As used in this section: 54361

(a) "Ohio school facilities commission," "classroom 54362  
facilities," "school district," "school district board," "net 54363  
bonded indebtedness," "required percentage of the basic project 54364  
costs," "basic project cost," "valuation," and "percentile" have 54365  
the same meanings as in section 3318.01 of the Revised Code. 54366

(b) "Required level of indebtedness" means five per cent of 54367  
the school district's valuation for the year preceding the year in 54368  
which the commission and school district enter into an agreement 54369  
under division (B) of this section, plus [two one-hundredths of 54370  
one per cent multiplied by (the percentile in which the district 54371  
ranks minus one)]. 54372

(c) "Local resources" means any moneys generated in any 54373  
manner permitted for a school district board to raise the school 54374  
district portion of a project undertaken with assistance under 54375  
sections 3318.01 to 3318.20 of the Revised Code. 54376

(2) For purposes of determining ~~either~~ the required level of 54377  
indebtedness, ~~as defined in division (A)(1)(b) of this section, or~~ 54378  
the required percentage of the basic project costs, under division 54379  
(C)(1) of this section, and priority for assistance under sections 54380  
3318.01 to 3318.20 of the Revised Code, the percentile ranking of 54381  
a school district with which the commission has entered into an 54382  
agreement under this section between the first day of July and the 54383

thirty-first day of August in each fiscal year is the percentile 54384  
ranking calculated for that district for the immediately preceding 54385  
fiscal year, and the percentile ranking of a school district with 54386  
which the commission has entered into such agreement between the 54387  
first day of September and the thirtieth day of June in each 54388  
fiscal year is the percentile ranking calculated for that district 54389  
for the current fiscal year. 54390

(B)(1) There is hereby established the school building 54391  
assistance expedited local partnership program. Under the program, 54392  
the Ohio school facilities commission may enter into an agreement 54393  
with the school district board of any school district under which 54394  
the school district board may proceed with the new construction or 54395  
major repairs of a part of the school district's classroom 54396  
facilities needs, as determined under sections 3318.01 to 3318.20 54397  
of the Revised Code, through the expenditure of local resources 54398  
prior to the school district's eligibility for state assistance 54399  
under those sections ~~3318.01 to 3318.20 of the Revised Code~~ and 54400  
may apply that expenditure toward meeting the school district's 54401  
portion of the basic project cost of the total of the school 54402  
district's classroom facilities needs, as determined under 54403  
sections 3318.01 to 3318.20 of the Revised Code and as 54404  
recalculated under division (E) of this section, that are eligible 54405  
for state assistance under sections 3318.01 to 3318.20 of the 54406  
Revised Code when the school district becomes eligible for ~~such~~ 54407  
~~state~~ that assistance. Any school district that is reasonably 54408  
expected to receive assistance under sections 3318.01 to 3318.20 54409  
of the Revised Code within two fiscal years from the date the 54410  
school district adopts its resolution under division (B) of this 54411  
section shall not be eligible to participate in the program 54412  
established under this section. 54413

(2) To participate in the program, a school district board 54414  
shall first adopt a resolution certifying to the commission the 54415

board's intent to participate in the program. 54416

The resolution shall specify the approximate date that the 54417  
board intends to seek elector approval of any bond or tax measures 54418  
or to apply other local resources to use to pay the cost of 54419  
classroom facilities to be constructed under this section. The 54420  
resolution may specify the application of local resources or 54421  
elector-approved bond or tax measures after the resolution is 54422  
adopted by the board, and in such case the board may proceed with 54423  
a discrete portion of its project under this section as soon as 54424  
the commission and the controlling board have approved the basic 54425  
project cost of the district's classroom facilities needs as 54426  
specified in division (D) of this section. The board shall submit 54427  
its resolution to the commission not later than ten days after the 54428  
date the resolution is adopted by the board. 54429

The commission shall not consider any resolution that is 54430  
submitted pursuant to division (B)(2) of this section, as amended 54431  
by this amendment, sooner than September 14, 2000. 54432

(3) For purposes of determining when a district that enters 54433  
into an agreement under this section becomes eligible for 54434  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 54435  
the commission shall use the district's percentile ranking 54436  
determined at the time the district entered into the agreement 54437  
under this section, as prescribed by division (A)(2) of this 54438  
section. 54439

(4) Any project under this section shall comply with section 54440  
3318.03 of the Revised Code and with any specifications for plans 54441  
and materials for classroom facilities adopted by the commission 54442  
under section 3318.04 of the Revised Code. 54443

~~(4)~~(5) If a school district that enters into an agreement 54444  
under this section has not begun a project applying local 54445  
resources as provided for under that agreement at the time the 54446

district is notified by the commission that it is eligible to 54447  
receive state assistance under sections 3318.01 to 3318.20 of the 54448  
Revised Code, all assessment and agreement documents entered into 54449  
under this section are void. 54450

~~(5)~~(6) Only construction of or repairs to classroom 54451  
facilities that have been approved by the commission and have been 54452  
therefore included as part of a district's basic project cost 54453  
qualify for application of local resources under this section. 54454

(C) Based on the results of ~~the~~ on-site visits and assessment 54455  
~~conducted under division (B)(2) of this section~~, the commission 54456  
shall determine the basic project cost of the school district's 54457  
classroom facilities needs. The commission shall determine the 54458  
school district's portion of such basic project cost, which shall 54459  
be the greater of: 54460

(1) The required percentage of the basic project costs, 54461  
determined based on the school district's percentile ranking; 54462

(2) An amount necessary to raise the school district's net 54463  
bonded indebtedness, as of the fiscal year the commission and the 54464  
school district enter into the agreement under division (B) of 54465  
this section, to within five thousand dollars of the required 54466  
level of indebtedness. 54467

(D)(1) When the commission determines the basic project cost 54468  
of the classroom facilities needs of a school district and the 54469  
school district's portion of that basic project cost under 54470  
division (C) of this section, the project shall be conditionally 54471  
approved. Such conditional approval shall be submitted to the 54472  
controlling board for approval thereof. The controlling board 54473  
shall forthwith approve or reject the commission's determination, 54474  
conditional approval, and the amount of the state's portion of the 54475  
basic project cost; however, no state funds shall be encumbered 54476  
under this section. Upon approval by the controlling board, the 54477



school district board may identify a discrete part of its 54478  
classroom facilities needs, which shall include only new 54479  
construction of or additions or major repairs to a particular 54480  
building, to address with local resources. Upon identifying a part 54481  
of the school district's basic project cost to address with local 54482  
resources, the school district board may allocate any available 54483  
school district moneys to pay the cost of that identified part, 54484  
including the proceeds of an issuance of bonds if approved by the 54485  
electors of the school district. 54486

All local resources utilized under this division shall first 54487  
be deposited in the project construction account required under 54488  
section 3318.08 of the Revised Code. 54489

(2) Unless the school district board exercises its option 54490  
under division (D)(3) of this section, for a school district to 54491  
qualify for participation in the program authorized under this 54492  
section, one of the following conditions shall be satisfied: 54493

(a) The electors of the school district by a majority vote 54494  
shall approve the levy of taxes outside the ten-mill limitation 54495  
for a period of twenty-three years at the rate of not less than 54496  
one-half mill for each dollar of valuation to be used to pay the 54497  
cost of maintaining the classroom facilities included in the basic 54498  
project cost as determined by the commission. The form of the 54499  
ballot to be used to submit the question whether to approve the 54500  
tax required under this division to the electors of the school 54501  
district shall be the form for an additional levy of taxes 54502  
prescribed in section 3318.361 of the Revised Code, which may be 54503  
combined in a single ballot question with the questions prescribed 54504  
under section 5705.218 of the Revised Code. 54505

(b) As authorized under division (C) of section 3318.05 of 54506  
the Revised Code, the school district board shall earmark from the 54507  
proceeds of a permanent improvement tax levied under section 54508  
5705.21 of the Revised Code, an amount equivalent to the 54509

additional tax otherwise required under division (D)(2)(a) of this 54510  
section for the maintenance of the classroom facilities included 54511  
in the basic project cost as determined by the commission. 54512

(c) As authorized under section 3318.051 of the Revised Code, 54513  
the school district board shall, if approved by the commission, 54514  
annually transfer into the maintenance fund required under section 54515  
3318.05 of the Revised Code the amount prescribed in section 54516  
3318.051 of the Revised Code in lieu of the tax otherwise required 54517  
under division (D)(2)(a) of this section for the maintenance of 54518  
the classroom facilities included in the basic project cost as 54519  
determined by the commission. 54520

(d) If the school district board has rescinded the agreement 54521  
to make transfers under section 3318.051 of the Revised Code, as 54522  
provided under division (F) of that section, the electors of the 54523  
school district, in accordance with section 3318.063 of the 54524  
Revised Code, first shall approve the levy of taxes outside the 54525  
ten-mill limitation for the period specified in that section at a 54526  
rate of not less than one-half mill for each dollar of valuation. 54527

(e) The school district board shall apply the proceeds of a 54528  
tax to leverage bonds as authorized under section 3318.052 of the 54529  
Revised Code or dedicate a local donated contribution in the 54530  
manner described in division (B) of section 3318.084 of the 54531  
Revised Code in an amount equivalent to the additional tax 54532  
otherwise required under division (D)(2)(a) of this section for 54533  
the maintenance of the classroom facilities included in the basic 54534  
project cost as determined by the commission. 54535

(3) A school district board may opt to delay taking any of 54536  
the actions described in division (D)(2) of this section until 54537  
~~such time as~~ the school district becomes eligible for state 54538  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 54539  
In order to exercise this option, the board shall certify to the 54540  
commission a resolution indicating the board's intent to do so 54541

prior to entering into an agreement under division (B) of this section. 54542  
54543

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows: 54544  
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(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue; 54548  
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54550

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section. 54551  
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(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under division (D) of this section also demonstrates to the satisfaction of the commission compliance with the provisions of division (D)(2) of this section. 54554  
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Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified in division (B) of section 3318.05 of the Revised Code. 54559  
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(E)(1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code based on its percentile ranking ~~as determined~~ under division (B)(3) of this section, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the 54562  
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original basic project cost assigned to the school district as its 54573  
portion under division (C) of this section. The commission shall 54574  
deduct the expenditure of school district moneys made under 54575  
division (D)(1) of this section from the school district's portion 54576  
of the basic project cost as recalculated under this division. If 54577  
the amount of school district resources applied by the school 54578  
district board to the school district's portion of the basic 54579  
project cost under this section is less than the total amount of 54580  
such portion as recalculated under this division, the school 54581  
district board by a majority vote of all of its members shall, if 54582  
it desires to seek state assistance under sections 3318.01 to 54583  
3318.20 of the Revised Code, adopt a resolution as specified in 54584  
section 3318.06 of the Revised Code to submit to the electors of 54585  
the school district the question of approval of a bond issue in 54586  
order to pay any additional amount of school district portion 54587  
required for state assistance. Any tax levy approved under 54588  
division (D) of this section satisfies the requirements to levy 54589  
the additional tax under section 3318.06 of the Revised Code. 54590

54591

(2) If the amount of school district resources applied by the 54592  
school district board to the school district's portion of the 54593  
basic project cost under this section is more than the total 54594  
amount of such portion as recalculated under this division, within 54595  
one year after the school district's portion is recalculated under 54596  
division (E)(1) of this section the commission may grant to the 54597  
school district the difference between the two calculated 54598  
portions, but at no time shall the commission expend any state 54599  
funds on a project in an amount greater than the state's portion 54600  
of the basic project cost as recalculated under this division. 54601

Any reimbursement under this division shall be only for local 54602  
resources the school district has applied toward construction cost 54603  
expenditures for the classroom facilities approved by the 54604

commission, which shall not include any financing costs associated 54605  
with that construction. 54606

The school district board shall use any moneys reimbursed to 54607  
the district under this division to pay off any debt service the 54608  
district owes for classroom facilities constructed under its 54609  
project under this section before such moneys are applied to any 54610  
other purpose. However, the district board first may deposit 54611  
moneys reimbursed under this division into the district's general 54612  
fund or a permanent improvement fund to replace local resources 54613  
the district withdrew from those funds, as long as, and to the 54614  
extent that, those local resources were used by the district for 54615  
constructing classroom facilities included in the district's basic 54616  
project cost. 54617

**Sec. 3318.38.** (A) As used in this section, "big-eight school 54618  
district" has the same meaning as in section 3314.02 of the 54619  
Revised Code. 54620

(B) There is hereby established the accelerated urban school 54621  
building assistance program. Under the program, notwithstanding 54622  
section 3318.02 of the Revised Code, any big-eight school district 54623  
that has not been approved to receive assistance under sections 54624  
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 54625  
beginning on that date apply for approval of and be approved for 54626  
such assistance. Except as otherwise provided in this section, any 54627  
project approved and undertaken pursuant to this section shall 54628  
comply with all provisions of sections 3318.01 to 3318.20 of the 54629  
Revised Code. 54630

The Ohio school facilities commission shall provide 54631  
assistance to any big-eight school district eligible for 54632  
assistance under this section in the following manner: 54633

(1) Notwithstanding section 3318.02 of the Revised Code: 54634

(a) Not later than June 30, 2002, the commission shall 54635  
conduct an on-site visit and shall assess the classroom facilities 54636  
needs of each big-eight school district eligible for assistance 54637  
under this section; 54638

(b) Beginning July 1, 2002, any big-eight school district 54639  
eligible for assistance under this section may apply to the 54640  
commission for conditional approval of its project as determined 54641  
by the assessment conducted under division (B)(1)(a) of this 54642  
section. The commission may conditionally approve that project and 54643  
submit it to the controlling board for approval pursuant to 54644  
section 3318.04 of the Revised Code. 54645

(2) If the controlling board approves the project of a 54646  
big-eight school district eligible for assistance under this 54647  
section, the commission and the school district shall enter into 54648  
an agreement as prescribed in section 3318.08 of the Revised Code. 54649  
Any agreement executed pursuant to this division shall include any 54650  
applicable segmentation provisions as approved by the commission 54651  
under division (B)(3) of this section. 54652

(3) Notwithstanding any provision to the contrary in sections 54653  
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 54654  
school district eligible for assistance under this section may 54655  
with the approval of the commission opt to divide the project as 54656  
approved under division (B)(1)(b) of this section into discrete 54657  
segments to be completed sequentially. Any project divided into 54658  
segments shall comply with all other provisions of sections 54659  
3318.05, 3318.06, and 3318.08 of the Revised Code except as 54660  
otherwise specified in this division. 54661

If a project is divided into segments under this division: 54662

(a) The school district need raise only the amount equal to 54663  
its proportionate share, as determined under section 3318.032 of 54664  
the Revised Code, of each segment at any one time and may seek 54665

voter approval of each segment separately; 54666

(b) The state's proportionate share, as determined under 54667  
section 3318.032 of the Revised Code, of only the segment which 54668  
has been approved by the school district electors or for which the 54669  
district has applied a local donated contribution under section 54670  
3318.084 of the Revised Code shall be encumbered in accordance 54671  
with section 3318.11 of the Revised Code. Encumbrance of 54672  
additional amounts to cover the state's proportionate share of 54673  
later segments shall be approved separately as they are approved 54674  
by the school district electors or as the district applies a local 54675  
donated contribution to the segments under section 3318.084 of the 54676  
Revised Code. 54677

~~(c) If it is necessary to levy the additional tax for 54678  
maintenance under division (B) of section 3318.05 of the Revised 54679  
Code with respect to any segment of the project, the district may 54680  
utilize the provisions of section 3318.061 of the Revised Code to 54681  
ensure that the maintenance tax extends for twenty three years 54682  
after the last segment of the project is undertaken The school 54683  
district's maintenance levy requirement, as defined in section 54684  
3318.18 of the Revised Code, shall run for twenty-three years from 54685  
the date the first segment is undertaken. 54686~~

(4) For any project under this section, the state funds 54687  
reserved and encumbered and the funds provided by the school 54688  
district to pay the basic project cost of any segment of the 54689  
project, or of the entire project if it is not divided into 54690  
segments, shall be spent on the construction and acquisition of 54691  
the project simultaneously in proportion to the state's and the 54692  
school district's respective shares of that basic project cost as 54693  
determined under section 3318.032 of the Revised Code. 54694

**Sec. 3318.44.** (A) A joint vocational school district board of 54695  
education may generate the school district's portion of the basic 54696

project cost of its project under sections 3318.40 to 3318.45 of 54697  
the Revised Code using any combination of the following means if 54698  
lawfully employed for the acquisition of classroom facilities: 54699

(1) The issuance of securities in accordance with Chapter 54700  
133. and section 3311.20 of the Revised Code; 54701

(2) Local donated contributions as authorized under section 54702  
3318.084 of the Revised Code; 54703

(3) A levy for permanent improvements under section 3311.21 54704  
or 5705.21 of the Revised Code; 54705

(4) Bonds issued pursuant to division (B) of this section. 54706

(B) By resolution adopted by a majority of all its members, a 54707  
school district board, in order to pay all or part of the school 54708  
district's portion of its basic project cost, may apply the 54709  
proceeds of a tax levied under section 5705.21 of the Revised Code 54710  
for general permanent improvements if the proceeds of that levy 54711  
lawfully may be used for general construction, renovation, repair, 54712  
or maintenance of classroom facilities to ~~leverage~~ pay debt 54713  
charges on and financing costs related to bonds adequate issued to 54714  
pay all or part of the school district portion of the basic 54715  
project cost of the school district's project under sections 54716  
3318.40 to 3318.45 of the Revised Code or to generate an amount 54717  
equivalent to all or part of the amount required under section 54718  
3318.43 of the Revised Code to be used for maintenance of 54719  
classroom facilities acquired under the project. Bonds issued 54720  
under this division shall be Chapter 133. securities, and may be 54721  
issued as general obligation securities, but the issuance of the 54722  
bonds shall not be subject to a vote of the electors of the school 54723  
district as long as the tax proceeds earmarked for payment of the 54724  
~~service debt~~ charges on the bonds may lawfully be used for that 54725  
purpose. Such bonds shall not be included in the calculation of 54726  
net indebtedness under section 133.06 of the Revised Code if the 54727



resolution authorizing their issuance includes covenants to 54728  
appropriate annually, from lawfully available proceeds of a 54729  
property tax levied under section 5705.21 of the Revised Code, and 54730  
to continue to levy that tax in amounts necessary to pay the debt 54731  
charges on and financing costs related to the bonds as they become 54732  
due. No property tax levied under section 5705.21 of the Revised 54733  
Code that is pledged, or that the school district has covenanted 54734  
to levy, collect, and appropriate annually to pay the debt charges 54735  
on and financing costs related to the bonds under this section may 54736  
be repealed while those bonds are outstanding. If such a tax is 54737  
reduced by electors of the district or by the board of education 54738  
while the bonds are outstanding, the board of education shall 54739  
continue to levy and collect the tax under the authority of the 54740  
original election authorizing the tax at a rate in each year that 54741  
the board reasonably estimates will produce an amount in that year 54742  
equal to the debt charges on the bonds in that year. 54743

No state moneys shall be released for a project to which this 54744  
division applies until the proceeds of any bonds issued under this 54745  
division that are dedicated for payment of the school district's 54746  
portion of the basic project cost are first deposited into the 54747  
school district's project construction fund. 54748

(C) A school district board of education may adopt a 54749  
resolution proposing that any of the following questions be 54750  
combined with a question specified in section 3318.45 of the 54751  
Revised Code: 54752

(1) A bond issue question under section 133.18 of the Revised 54753  
Code; 54754

(2) A tax levy question under section 3311.21 of the Revised 54755  
Code; 54756

(3) A tax levy question under section 5705.21 of the Revised 54757  
Code. 54758

Any question described in divisions (C)(1) to (3) of this section that is combined with a question proposed under section 3318.45 of the Revised Code shall be for the purpose of either paying for any permanent improvement, as defined in section 133.01 of the Revised Code, or generating operating revenue specifically for the facilities acquired under the school district's project under Chapter 3318. of the Revised Code or for both to the extent such purposes are permitted by the sections of law under which each is proposed.

(D) The board of education of a joint vocational school district that receives assistance under this section may enter into an agreement for joint issuance of bonds as provided for in section 3318.085 of the Revised Code.

**Sec. 3319.073.** (A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education for, or shall develop, in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training ~~for persons employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development.~~ Each person employed by any school district or service center to work in ~~an elementary~~ a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of the in-service training ~~in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development~~ within two years of commencing employment with the district or center, and every five years thereafter. A person who is employed by any school district or service center to work in an elementary school

as a nurse, teacher, counselor, school psychologist, or 54791  
administrator on ~~the effective date of this amendment~~ March 30, 54792  
2007, shall complete at least four hours of the in-service 54793  
training ~~required by this section within two years of the~~ 54794  
~~effective date of this amendment~~ not later than March 30, 2009, 54795  
and every five years thereafter. A person who is employed by any 54796  
school district or service center to work in a middle or high 54797  
school as a nurse, teacher, counselor, school psychologist, or 54798  
administrator on the effective date of this amendment shall 54799  
complete at least four hours of the in-service training not later 54800  
than two years after the effective date of this amendment and 54801  
every five years thereafter. 54802

(B) Each board shall incorporate training in school safety 54803  
and violence prevention into the in-service training required by 54804  
division (A) of this section. For this purpose, the board shall 54805  
adopt or adapt the curriculum developed by the department or shall 54806  
develop its own curriculum in consultation with public or private 54807  
agencies or persons involved in school safety and violence 54808  
prevention programs. 54809

**Sec. 3319.08.** (A) The board of education of each city, 54810  
exempted village, local, and joint vocational school district and 54811  
the governing board of each educational service center shall enter 54812  
into written contracts for the employment and reemployment of all 54813  
teachers. Contracts for the employment of teachers shall be of two 54814  
types, limited contracts and continuing contracts. The board of 54815  
each ~~such~~ school district or service center that authorizes 54816  
compensation in addition to the base salary stated in the 54817  
teachers' salary schedule for the performance of duties by a 54818  
teacher that are in addition to the teacher's regular teaching 54819  
duties, shall enter into a supplemental written contract with each 54820  
teacher who is to perform additional duties. Such supplemental 54821  
written contracts shall be limited contracts. Such written 54822

contracts and supplemental written contracts shall set forth the 54823  
teacher's duties and shall specify the salaries and compensation 54824  
to be paid for regular teaching duties and additional teaching 54825  
duties, respectively, either or both of which may be increased but 54826  
not diminished during the term for which the contract is made, 54827  
except as provided in section 3319.12 of the Revised Code. 54828

If a board adopts a motion or resolution to employ a teacher 54829  
under a limited or continuing contract and the teacher accepts 54830  
such employment, the failure of such parties to execute a written 54831  
contract shall not void such employment contract. 54832

(B) Teachers must be paid for all time lost when the schools 54833  
in which they are employed are closed due to an epidemic or other 54834  
public calamity, and for time lost due to illness or otherwise for 54835  
not less than five days annually as authorized by regulations 54836  
which each board shall adopt. 54837

~~Contracts for the employment of teachers shall be of two 54838  
types, limited contracts and continuing contracts. 54839~~

~~(A)~~(C) A limited contract is: 54840

(1) For a superintendent, a contract for such term as 54841  
authorized by section 3319.01 of the Revised Code; 54842

(2) For an assistant superintendent, principal, assistant 54843  
principal, or other administrator, a contract for such term as 54844  
authorized by section 3319.02 of the Revised Code; 54845

(3) For all other teachers, a contract for a term not to 54846  
exceed five years. 54847

~~(B)~~(D) A continuing contract is a contract that remains in 54848  
effect until the teacher resigns, elects to retire, or is retired 54849  
pursuant to former section 3307.37 of the Revised Code, or until 54850  
it is terminated or suspended and shall be granted only to the 54851  
following: 54852

(1) Any teacher holding a professional, permanent, or life teacher's certificate; 54853  
54854

(2) Any teacher ~~holding a professional educator license~~ who meets the following conditions: 54855  
54856

(a) The teacher was initially issued a teacher's certificate or educator license prior to January 1, 2011. 54857  
54858

(b) The teacher holds a professional educator license issued under section 3319.22 or 3319.222 or former section 3319.22 of the Revised Code or a senior professional educator license or lead professional educator license issued under section 3319.22 of the Revised Code. 54859  
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(c) The teacher has completed the applicable one of the following: 54864  
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~~(a)~~(i) If the teacher did not hold a ~~masters~~ master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board of education shall adopt; 54866  
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~~(b)~~(ii) If the teacher held a ~~masters~~ master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board ~~of education~~ shall adopt. 54873  
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~~This~~ (3) Any teacher who meets the following conditions: 54880

(a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011. 54881  
54882

(b) The teacher holds a professional educator license, senior professional educator license, or lead professional educator license issued under section 3319.22 of the Revised Code. 54883  
54884  
54885

(c) The teacher has held an educator license for at least five years. 54886  
54887

(d) The teacher has completed the applicable one of the following: 54888  
54889

(i) If the teacher did not hold a master's degree at the time of initially receiving an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt; 54890  
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(ii) If the teacher held a master's degree at the time of initially receiving an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt. 54895  
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(E) Division (D) of this section applies only to continuing contracts entered into on or after ~~August 18, 1969~~ the effective date of this amendment. Nothing in that division shall be construed to void or otherwise affect a continuing contract entered into prior to that date. 54900  
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Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of division (D)(3) of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this amendment. 54905  
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(F) Wherever the term "educator license" is used in this section without reference to a specific type of educator license, the term does not include an educator license for substitute teaching issued under section 3319.226 of the Revised Code. 54910  
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**Sec. 3319.081.** Except as otherwise provided in division (G) 54914  
of this section, in all school districts wherein the provisions of 54915  
Chapter 124. of the Revised Code do not apply, the following 54916  
employment contract system shall control for employees whose 54917  
contracts of employment are not otherwise provided by law: 54918

(A) Newly hired regular nonteaching school employees, 54919  
including regular hourly rate and per diem employees, shall enter 54920  
into written contracts for their employment which shall be for a 54921  
period of not more than one year. If such employees are rehired, 54922  
their subsequent contract shall be for a period of two years. 54923

(B) After the termination of the two-year contract provided 54924  
in division (A) of this section, if the contract of a nonteaching 54925  
employee is renewed, the employee shall be continued in 54926  
employment, and the salary provided in the contract may be 54927  
increased but not reduced unless such reduction is a part of a 54928  
uniform plan affecting the nonteaching employees of the entire 54929  
district. 54930

(C) The contracts as provided for in this section may be 54931  
terminated by a majority vote of the board of education. Except as 54932  
provided in ~~sections 3319.0810 and section~~ 3319.172 of the Revised 54933  
Code, the contracts may be terminated only for violation of 54934  
written rules and regulations as set forth by the board of 54935  
education or for incompetency, inefficiency, dishonesty, 54936  
drunkenness, immoral conduct, insubordination, discourteous 54937  
treatment of the public, neglect of duty, or any other acts of 54938  
misfeasance, malfeasance, or nonfeasance. In addition to the right 54939  
of the board of education to terminate the contract of an 54940  
employee, the board may suspend an employee for a definite period 54941  
of time or demote the employee for the reasons set forth in this 54942  
division. The action of the board of education terminating the 54943  
contract of an employee or suspending or demoting the employee 54944

shall be served upon the employee by certified mail. Within ten 54945  
days following the receipt of such notice by the employee, the 54946  
employee may file an appeal, in writing, with the court of common 54947  
pleas of the county in which such school board is situated. After 54948  
hearing the appeal the common pleas court may affirm, disaffirm, 54949  
or modify the action of the school board. 54950

A violation of division (A)(7) of section 2907.03 of the 54951  
Revised Code is grounds for termination of employment of a 54952  
nonteaching employee under this division. 54953

(D) All employees who have been employed by a school district 54954  
where the provisions of Chapter 124. of the Revised Code do not 54955  
apply, for a period of at least three years on November 24, 1967, 54956  
shall hold continuing contracts of employment pursuant to this 54957  
section. 54958

(E) Any nonteaching school employee may terminate the 54959  
nonteaching school employee's contract of employment thirty days 54960  
subsequent to the filing of a written notice of such termination 54961  
with the treasurer of the board. 54962

(F) A person hired exclusively for the purpose of replacing a 54963  
nonteaching school employee while such employee is on leave of 54964  
absence granted under section 3319.13 of the Revised Code is not a 54965  
regular nonteaching school employee under this section. 54966

(G) All nonteaching employees employed pursuant to this 54967  
section and Chapter 124. of the Revised Code shall be paid for all 54968  
time lost when the schools in which they are employed are closed 54969  
owing to an epidemic or other public calamity. Nothing in this 54970  
division shall be construed as requiring payment in excess of an 54971  
employee's regular wage rate or salary for any time worked while 54972  
the school in which the employee is employed is officially closed 54973  
for the reasons set forth in this division. 54974



**Sec. 3319.088.** As used in this section, "educational assistant" means any nonteaching employee in a school district who directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a license issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required.

(A) The state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education, health, and character for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license.

(B)(1) Any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code.

(2) Any person applying for or holding a permit or license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(C) Educational assistants shall at all times while in the performance of their duties be under the supervision and direction of a teacher as defined in section 3319.09 of the Revised Code. Educational assistants may assist a teacher to whom assigned in the supervision of pupils, in assisting with instructional tasks, and in the performance of duties which, in the judgment of the teacher to whom the assistant is assigned, may be performed by a person not licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code and for which a teaching license, issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required. The duties of an educational assistant shall not include the assignment of grades to pupils. The duties of an educational ~~assistants~~ assistant need not be performed in the physical presence of the teacher to whom assigned, but the activity of an educational assistant shall at all times be under the direction of the teacher to whom assigned. The assignment of an educational assistant need not be limited to assisting a single teacher. In the event an educational assistant is assigned to assist more than one teacher the assignments shall be clearly delineated and so arranged that the educational assistant shall never be subject to simultaneous supervision or direction by more than one teacher.

Educational assistants assigned to supervise children shall, when the teacher to whom assigned is not physically present, maintain the degree of control and discipline ~~which~~ that would be maintained by the teacher, ~~but an educational assistant may not render corporal punishment.~~

~~Except when expressly permitted solely for the purposes of section 3317.029 of the Revised Code, educational~~ Educational assistants may not be used in place of classroom teachers or other employees and any payment of compensation by boards of education to educational assistants for such services is prohibited. The ratio between the number of licensed teachers and the pupils in a

school district may not be decreased by utilization of educational 55038  
assistants and no grouping, or other organization of pupils, for 55039  
utilization of educational assistants shall be established which 55040  
is inconsistent with sound educational practices and procedures. A 55041  
school district may employ up to one full time equivalent 55042  
educational assistant for each six full time equivalent licensed 55043  
employees of the district. Educational assistants shall not be 55044  
counted as licensed employees for purposes of state support in the 55045  
school foundation program and no grouping or regrouping of pupils 55046  
with educational assistants may be counted as a class or unit for 55047  
school foundation program purposes. Neither special courses 55048  
required by the regulations of the state board of education, 55049  
prescribing minimum qualifications of education for an educational 55050  
assistant, nor years of service as an educational assistant shall 55051  
be counted in any way toward qualifying for a teacher license, for 55052  
a teacher contract of any type, or for determining placement on a 55053  
salary schedule in a school district as a teacher. 55054

(D) Educational assistants employed by a board of education 55056  
shall have all rights, benefits, and legal protection available to 55057  
other nonteaching employees in the school district, except that 55058  
provisions of Chapter 124. of the Revised Code shall not apply to 55059  
any person employed as an educational assistant, and shall be 55060  
members of the school employees retirement system. Educational 55061  
assistants shall be compensated according to a salary plan adopted 55062  
annually by the board. 55063

Except as provided in this section nonteaching employees 55064  
shall not serve as educational assistants without first obtaining 55065  
an appropriate educational aide permit or educational 55066  
paraprofessional license from the state board of education. A 55067  
nonteaching employee who is the holder of a valid educational aide 55068  
permit or educational paraprofessional license shall neither 55069

render nor be required to render services inconsistent with the 55070  
type of services authorized by the permit or license held. No 55071  
person shall receive compensation from a board of education for 55072  
services rendered as an educational assistant in violation of this 55073  
provision. 55074

Nonteaching employees whose functions are solely 55075  
secretarial-clerical and who do not perform any other duties as 55076  
educational assistants, even though they assist a teacher and work 55077  
under the direction of a teacher shall not be required to hold a 55078  
permit or license issued pursuant to this section. Students 55079  
preparing to become licensed teachers or educational assistants 55080  
shall not be required to hold an educational aide permit or 55081  
paraprofessional license for such periods of time as such students 55082  
are assigned, as part of their training program, to work with a 55083  
teacher in a school district. Such students shall not be 55084  
compensated for such services. 55085

Following the determination of the assignment and general job 55086  
description of an educational assistant and subject to supervision 55087  
by the teacher's immediate administrative officer, a teacher to 55088  
whom an educational assistant is assigned shall make all final 55089  
determinations of the duties to be assigned to such assistant. 55090  
Teachers shall not be required to hold a license designated for 55091  
being a supervisor or administrator in order to perform the 55092  
necessary supervision of educational assistants. 55093

(E) No person who is, or who has been employed as an 55094  
educational assistant shall divulge, except to the teacher to whom 55095  
assigned, or the administrator of the school in the absence of the 55096  
teacher to whom assigned, or when required to testify in a court 55097  
or proceedings, any personal information concerning any pupil in 55098  
the school district which was obtained or obtainable by the 55099  
educational assistant while so employed. Violation of this 55100  
provision is grounds for disciplinary action or dismissal, or 55101

both. 55102

**Sec. 3319.11.** (A) As used in this section: 55103

(1) "Evaluation procedures" means the procedures adopted 55104  
pursuant to division (B) of section 3319.111 of the Revised Code. 55105

(2) "Limited contract" means a limited contract, as described 55106  
in section 3319.08 of the Revised Code, that a school district 55107  
board of education or governing board of an educational service 55108  
center enters into with a teacher who is not eligible for 55109  
continuing service status. 55110

(3) "Extended limited contract" means a limited contract, as 55111  
described in section 3319.08 of the Revised Code, that a board of 55112  
education or governing board enters into with a teacher who is 55113  
eligible for continuing service status. 55114

(B) Teachers eligible for continuing service status in any 55115  
city, exempted village, local, or joint vocational school district 55116  
or educational service center shall be those teachers qualified as 55117  
described in division ~~(B)(1) or (2)~~(D) of section 3319.08 of the 55118  
Revised Code, who within the last five years have taught for at 55119  
least three years in the district or center, and those teachers 55120  
who, having attained continuing contract status elsewhere, have 55121  
served two years in the district or center, but the board, upon 55122  
the recommendation of the superintendent, may at the time of 55123  
employment or at any time within such two-year period, declare any 55124  
of the latter teachers eligible. 55125

(1) Upon the recommendation of the superintendent that a 55126  
teacher eligible for continuing service status be reemployed, a 55127  
continuing contract shall be entered into between the board and 55128  
the teacher unless the board by a three-fourths vote of its full 55129  
membership rejects the recommendation of the superintendent. If 55130  
the board rejects by a three-fourths vote of its full membership 55131

the recommendation of the superintendent that a teacher eligible 55132  
for continuing service status be reemployed and the superintendent 55133  
makes no recommendation to the board pursuant to division (C) of 55134  
this section, the board may declare its intention not to reemploy 55135  
the teacher by giving the teacher written notice on or before the 55136  
thirtieth day of April of its intention not to reemploy the 55137  
teacher. If evaluation procedures have not been complied with 55138  
pursuant to division (A) of section 3319.111 of the Revised Code 55139  
or the board does not give the teacher written notice on or before 55140  
the thirtieth day of April of its intention not to reemploy the 55141  
teacher, the teacher is deemed reemployed under an extended 55142  
limited contract for a term not to exceed one year at the same 55143  
salary plus any increment provided by the salary schedule. The 55144  
teacher is presumed to have accepted employment under the extended 55145  
limited contract for a term not to exceed one year unless such 55146  
teacher notifies the board in writing to the contrary on or before 55147  
the first day of June, and an extended limited contract for a term 55148  
not to exceed one year shall be executed accordingly. Upon any 55149  
subsequent reemployment of the teacher only a continuing contract 55150  
may be entered into. 55151

(2) If the superintendent recommends that a teacher eligible 55152  
for continuing service status not be reemployed, the board may 55153  
declare its intention not to reemploy the teacher by giving the 55154  
teacher written notice on or before the thirtieth day of April of 55155  
its intention not to reemploy the teacher. If evaluation 55156  
procedures have not been complied with pursuant to division (A) of 55157  
section 3319.111 of the Revised Code or the board does not give 55158  
the teacher written notice on or before the thirtieth day of April 55159  
of its intention not to reemploy the teacher, the teacher is 55160  
deemed reemployed under an extended limited contract for a term 55161  
not to exceed one year at the same salary plus any increment 55162  
provided by the salary schedule. The teacher is presumed to have 55163  
accepted employment under the extended limited contract for a term 55164

not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the first day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of a teacher only a continuing contract may be entered into.

(3) Any teacher receiving written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(C)(1) If a board rejects the recommendation of the superintendent for reemployment of a teacher pursuant to division (B)(1) of this section, the superintendent may recommend reemployment of the teacher, if continuing service status has not previously been attained elsewhere, under an extended limited contract for a term not to exceed two years, provided that written notice of the superintendent's intention to make such recommendation has been given to the teacher with reasons directed at the professional improvement of the teacher on or before the thirtieth day of April. Upon subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If a board of education takes affirmative action on a superintendent's recommendation, made pursuant to division (C)(1) of this section, of an extended limited contract for a term not to exceed two years but the board does not give the teacher written notice of its affirmative action on the superintendent's recommendation of an extended limited contract on or before the thirtieth day of April, the teacher is deemed reemployed under a continuing contract at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under such continuing contract unless such teacher notifies the board in writing to the contrary on or before the first day of June, and a continuing contract shall be executed

accordingly. 55197

(3) A board shall not reject a superintendent's 55198  
recommendation, made pursuant to division (C)(1) of this section, 55199  
of an extended limited contract for a term not to exceed two years 55200  
except by a three-fourths vote of its full membership. If a board 55201  
rejects by a three-fourths vote of its full membership the 55202  
recommendation of the superintendent of an extended limited 55203  
contract for a term not to exceed two years, the board may declare 55204  
its intention not to reemploy the teacher by giving the teacher 55205  
written notice on or before the thirtieth day of April of its 55206  
intention not to reemploy the teacher. If evaluation procedures 55207  
have not been complied with pursuant to division (A) of section 55208  
3319.111 of the Revised Code or if the board does not give the 55209  
teacher written notice on or before the thirtieth day of April of 55210  
its intention not to reemploy the teacher, the teacher is deemed 55211  
reemployed under an extended limited contract for a term not to 55212  
exceed one year at the same salary plus any increment provided by 55213  
the salary schedule. The teacher is presumed to have accepted 55214  
employment under the extended limited contract for a term not to 55215  
exceed one year unless such teacher notifies the board in writing 55216  
to the contrary on or before the first day of June, and an 55217  
extended limited contract for a term not to exceed one year shall 55218  
be executed accordingly. Upon any subsequent reemployment of the 55219  
teacher only a continuing contract may be entered into. 55220

Any teacher receiving written notice of the intention of a 55221  
board not to reemploy such teacher pursuant to this division is 55222  
entitled to the hearing provisions of division (G) of this 55223  
section. 55224

(D) A teacher eligible for continuing contract status 55225  
employed under an extended limited contract pursuant to division 55226  
(B) or (C) of this section, is, at the expiration of such extended 55227  
limited contract, deemed reemployed under a continuing contract at 55228



the same salary plus any increment granted by the salary schedule, 55229  
unless evaluation procedures have been complied with pursuant to 55230  
division (A) of section 3319.111 of the Revised Code and the 55231  
employing board, acting on the superintendent's recommendation 55232  
that the teacher not be reemployed, gives the teacher written 55233  
notice on or before the thirtieth day of April of its intention 55234  
not to reemploy such teacher. A teacher who does not have 55235  
evaluation procedures applied in compliance with division (A) of 55236  
section 3319.111 of the Revised Code or who does not receive 55237  
notice on or before the thirtieth day of April of the intention of 55238  
the board not to reemploy such teacher is presumed to have 55239  
accepted employment under a continuing contract unless such 55240  
teacher notifies the board in writing to the contrary on or before 55241  
the first day of June, and a continuing contract shall be executed 55242  
accordingly. 55243

Any teacher receiving a written notice of the intention of a 55244  
board not to reemploy such teacher pursuant to this division is 55245  
entitled to the hearing provisions of division (G) of this 55246  
section. 55247

(E) A limited contract may be entered into by each board with 55248  
each teacher who has not been in the employ of the board for at 55249  
least three years and shall be entered into, regardless of length 55250  
of previous employment, with each teacher employed by the board 55251  
who ~~holds a provisional, temporary, or associate license, or who~~ 55252  
~~holds a professional license and~~ is not eligible to be considered 55253  
for a continuing contract. 55254

Any teacher employed under a limited contract, and not 55255  
eligible to be considered for a continuing contract, is, at the 55256  
expiration of such limited contract, considered reemployed under 55257  
the provisions of this division at the same salary plus any 55258  
increment provided by the salary schedule unless evaluation 55259  
procedures have been complied with pursuant to division (A) of 55260

section 3319.111 of the Revised Code and the employing board, 55261  
acting upon the superintendent's written recommendation that the 55262  
teacher not be reemployed, gives such teacher written notice of 55263  
its intention not to reemploy such teacher on or before the 55264  
thirtieth day of April. A teacher who does not have evaluation 55265  
procedures applied in compliance with division (A) of section 55266  
3319.111 of the Revised Code or who does not receive notice of the 55267  
intention of the board not to reemploy such teacher on or before 55268  
the thirtieth day of April is presumed to have accepted such 55269  
employment unless such teacher notifies the board in writing to 55270  
the contrary on or before the first day of June, and a written 55271  
contract for the succeeding school year shall be executed 55272  
accordingly. 55273

Any teacher receiving a written notice of the intention of a 55274  
board not to reemploy such teacher pursuant to this division is 55275  
entitled to the hearing provisions of division (G) of this 55276  
section. 55277

(F) The failure of a superintendent to make a recommendation 55278  
to the board under any of the conditions set forth in divisions 55279  
(B) to (E) of this section, or the failure of the board to give 55280  
such teacher a written notice pursuant to divisions (C) to (E) of 55281  
this section shall not prejudice or prevent a teacher from being 55282  
deemed reemployed under either a limited or continuing contract as 55283  
the case may be under the provisions of this section. A failure of 55284  
the parties to execute a written contract shall not void any 55285  
automatic reemployment provisions of this section. 55286

(G)(1) Any teacher receiving written notice of the intention 55287  
of a board of education not to reemploy such teacher pursuant to 55288  
division (B), (C)(3), (D), or (E) of this section may, within ten 55289  
days of the date of receipt of the notice, file with the treasurer 55290  
of the board a written demand for a written statement describing 55291  
the circumstances that led to the board's intention not to 55292

reemploy the teacher. 55293

(2) The treasurer of a board, on behalf of the board, shall, 55294  
within ten days of the date of receipt of a written demand for a 55295  
written statement pursuant to division (G)(1) of this section, 55296  
provide to the teacher a written statement describing the 55297  
circumstances that led to the board's intention not to reemploy 55298  
the teacher. 55299

(3) Any teacher receiving a written statement describing the 55300  
circumstances that led to the board's intention not to reemploy 55301  
the teacher pursuant to division (G)(2) of this section may, 55302  
within five days of the date of receipt of the statement, file 55303  
with the treasurer of the board a written demand for a hearing 55304  
before the board pursuant to divisions (G)(4) to (6) of this 55305  
section. 55306

(4) The treasurer of a board, on behalf of the board, shall, 55307  
within ten days of the date of receipt of a written demand for a 55308  
hearing pursuant to division (G)(3) of this section, provide to 55309  
the teacher a written notice setting forth the time, date, and 55310  
place of the hearing. The board shall schedule and conclude the 55311  
hearing within forty days of the date on which the treasurer of 55312  
the board receives a written demand for a hearing pursuant to 55313  
division (G)(3) of this section. 55314

(5) Any hearing conducted pursuant to this division shall be 55315  
conducted by a majority of the members of the board. The hearing 55316  
shall be held in executive session of the board unless the board 55317  
and the teacher agree to hold the hearing in public. The 55318  
superintendent, assistant superintendent, the teacher, and any 55319  
person designated by either party to take a record of the hearing 55320  
may be present at the hearing. The board may be represented by 55321  
counsel and the teacher may be represented by counsel or a 55322  
designee. A record of the hearing may be taken by either party at 55323  
the expense of the party taking the record. 55324

(6) Within ten days of the conclusion of a hearing conducted 55325  
pursuant to this division, the board shall issue to the teacher a 55326  
written decision containing an order affirming the intention of 55327  
the board not to reemploy the teacher reported in the notice given 55328  
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 55329  
this section or an order vacating the intention not to reemploy 55330  
and expunging any record of the intention, notice of the 55331  
intention, and the hearing conducted pursuant to this division. 55332

(7) A teacher may appeal an order affirming the intention of 55333  
the board not to reemploy the teacher to the court of common pleas 55334  
of the county in which the largest portion of the territory of the 55335  
school district or service center is located, within thirty days 55336  
of the date on which the teacher receives the written decision, on 55337  
the grounds that the board has not complied with this section 55338  
~~3319.11~~ or section 3319.111 of the Revised Code. 55339

Notwithstanding section 2506.04 of the Revised Code, the 55340  
court in an appeal under this division is limited to the 55341  
determination of procedural errors and to ordering the correction 55342  
of procedural errors and shall have no jurisdiction to order a 55343  
board to reemploy a teacher, except that the court may order a 55344  
board to reemploy a teacher in compliance with the requirements of 55345  
division (B), (C)(3), (D), or (E) of this section when the court 55346  
determines that evaluation procedures have not been complied with 55347  
pursuant to division (A) of section 3319.111 of the Revised Code 55348  
or the board has not given the teacher written notice on or before 55349  
the thirtieth day of April of its intention not to reemploy the 55350  
teacher pursuant to division (B), (C)(3), (D), or (E) of this 55351  
section. Otherwise, the determination whether to reemploy or not 55352  
reemploy a teacher is solely a board's determination and not a 55353  
proper subject of judicial review and, except as provided in this 55354  
division, no decision of a board whether to reemploy or not 55355  
reemploy a teacher shall be invalidated by the court on any basis, 55356

including that the decision was not warranted by the results of 55357  
any evaluation or was not warranted by any statement given 55358  
pursuant to division (G)(2) of this section. 55359

No appeal of an order of a board may be made except as 55360  
specified in this division. 55361

(H)(1) In giving a teacher any notice required by division 55362  
(B), (C), (D), or (E) of this section, the board or the 55363  
superintendent shall do either of the following: 55364

(a) Deliver the notice by personal service upon the teacher; 55365

(b) Deliver the notice by certified mail, return receipt 55366  
requested, addressed to the teacher at the teacher's place of 55367  
employment and deliver a copy of the notice by certified mail, 55368  
return receipt requested, addressed to the teacher at the 55369  
teacher's place of residence. 55370

(2) In giving a board any notice required by division (B), 55371  
(C), (D), or (E) of this section, the teacher shall do either of 55372  
the following: 55373

(a) Deliver the notice by personal delivery to the office of 55374  
the superintendent during regular business hours; 55375

(b) Deliver the notice by certified mail, return receipt 55376  
requested, addressed to the office of the superintendent and 55377  
deliver a copy of the notice by certified mail, return receipt 55378  
requested, addressed to the president of the board at the 55379  
president's place of residence. 55380

(3) When any notice and copy of the notice are mailed 55381  
pursuant to division (H)(1)(b) or (2)(b) of this section, the 55382  
notice or copy of the notice with the earlier date of receipt 55383  
shall constitute the notice for the purposes of division (B), (C), 55384  
(D), or (E) of this section. 55385

(I) The provisions of this section shall not apply to any 55386

supplemental written contracts entered into pursuant to section 55387  
3319.08 of the Revised Code. 55388

**Sec. 3319.151.** (A) No person shall reveal to any student any 55389  
specific question that the person knows is part of ~~a test~~ an 55390  
assessment to be administered under section 3301.0711 of the 55391  
Revised Code or in any other way assist a pupil to cheat on such a 55392  
~~test~~ an assessment. 55393

(B) On a finding by the state board of education, after 55394  
investigation, that a school employee who holds a license issued 55395  
under sections 3319.22 to 3319.31 of the Revised Code has violated 55396  
division (A) of this section, the license of such teacher shall be 55397  
suspended for one year. Prior to commencing an investigation, the 55398  
board shall give the teacher notice of the allegation and an 55399  
opportunity to respond and present a defense. 55400

(C)(1) Violation of division (A) of this section is grounds 55401  
for termination of employment of a nonteaching employee under 55402  
division (C) of section 3319.081 or section 124.34 of the Revised 55403  
Code. 55404

(2) Violation of division (A) of this section is grounds for 55405  
termination of a teacher contract under section 3319.16 of the 55406  
Revised Code. 55407

**Sec. 3319.16.** The contract of any teacher employed by the 55408  
board of education of any city, exempted village, local, county, 55409  
or joint vocational school district may not be terminated except 55410  
~~for gross inefficiency or immorality; for willful and persistent~~ 55411  
~~violations of reasonable regulations of the board of education; or~~ 55412  
for ~~other~~ good and just cause. Before Notwithstanding any 55413  
provision to the contrary in Chapter 4117. of the Revised Code, 55414  
the provisions of this section relating to the grounds for 55415  
termination of the contract of a teacher prevail over any 55416

conflicting provisions of a collective bargaining agreement 55417  
entered into after the effective date of this amendment. 55418

Before terminating any contract, the employing board shall 55419  
furnish the teacher a written notice signed by its treasurer of 55420  
its intention to consider the termination of ~~his~~ the teacher's 55421  
contract with full specification of the grounds for such 55422  
consideration. The board shall not proceed with formal action to 55423  
terminate the contract until after the tenth day after receipt of 55424  
the notice by the teacher. Within ten days after receipt of the 55425  
notice from the treasurer of the board, the teacher may file with 55426  
the treasurer a written demand for a hearing before the board or 55427  
before a referee, and the board shall set a time for the hearing 55428  
which shall be within thirty days from the date of receipt of the 55429  
written demand, and the treasurer shall give the teacher at least 55430  
twenty days' notice in writing of the time and place of the 55431  
hearing. If a referee is demanded by either the teacher or board, 55432  
the treasurer also shall give twenty days' notice to the 55433  
superintendent of public instruction. No hearing shall be held 55434  
during the summer vacation without the teacher's consent. The 55435  
hearing shall be private unless the teacher requests a public 55436  
hearing. The hearing shall be conducted by a referee appointed 55437  
pursuant to section 3319.161 of the Revised Code, if demanded; 55438  
otherwise, it shall be conducted by a majority of the members of 55439  
the board and shall be confined to the grounds given for the 55440  
termination. The board shall provide for a complete stenographic 55441  
record of the proceedings, a copy of the record to be furnished to 55442  
the teacher. The board may suspend a teacher pending final action 55443  
to terminate ~~his~~ the teacher's contract if, in its judgment, the 55444  
character of the charges warrants such action. 55445

Both parties may be present at such hearing, be represented 55446  
by counsel, require witnesses to be under oath, cross-examine 55447  
witnesses, take a record of the proceedings, and require the 55448

presence of witnesses in their behalf upon subpoena to be issued 55449  
by the treasurer of the board. In case of the failure of any 55450  
person to comply with a subpoena, a judge of the court of common 55451  
pleas of the county in which the person resides, upon application 55452  
of any interested party, shall compel attendance of the person by 55453  
attachment proceedings as for contempt. Any member of the board or 55454  
the referee may administer oaths to witnesses. After a hearing by 55455  
a referee, the referee shall file ~~his~~ a report within ten days 55456  
after the termination of the hearing. After consideration of the 55457  
referee's report, the board, by a majority vote, may accept or 55458  
reject the referee's recommendation on the termination of the 55459  
teacher's contract. After a hearing by the board, the board, by 55460  
majority vote, may enter its determination upon its minutes. Any 55461  
order of termination of a contract shall state the grounds for 55462  
termination. If the decision, after hearing, is against 55463  
termination of the contract, the charges and the record of the 55464  
hearing shall be physically expunged from the minutes, and, if the 55465  
teacher has suffered any loss of salary by reason of being 55466  
suspended, ~~he~~ the teacher shall be paid ~~his~~ the teacher's full 55467  
salary for the period of such suspension. 55468

Any teacher affected by an order of termination of contract 55469  
may appeal to the court of common pleas of the county in which the 55470  
school is located within thirty days after receipt of notice of 55471  
the entry of such order. The appeal shall be an original action in 55472  
the court and shall be commenced by the filing of a complaint 55473  
against the board, in which complaint the facts shall be alleged 55474  
upon which the teacher relies for a reversal or modification of 55475  
such order of termination of contract. Upon service or waiver of 55476  
summons in that appeal, the board immediately shall transmit to 55477  
the clerk of the court for filing a transcript of the original 55478  
papers filed with the board, a certified copy of the minutes of 55479  
the board into which the termination finding was entered, and a 55480  
certified transcript of all evidence adduced at the hearing or 55481



hearings before the board or a certified transcript of all 55482  
evidence adduced at the hearing or hearings before the referee, 55483  
whereupon the cause shall be at issue without further pleading and 55484  
shall be advanced and heard without delay. The court shall examine 55485  
the transcript and record of the hearing and shall hold such 55486  
additional hearings as it considers advisable, at which it may 55487  
consider other evidence in addition to the transcript and record. 55488

Upon final hearing, the court shall grant or deny the relief 55489  
prayed for in the complaint as may be proper in accordance with 55490  
the evidence adduced in the hearing. Such an action is a special 55491  
proceeding, and either the teacher or the board may appeal from 55492  
the decision of the court of common pleas pursuant to the Rules of 55493  
Appellate Procedure and, to the extent not in conflict with those 55494  
rules, Chapter 2505. of the Revised Code. 55495

In any court action, the board may utilize the services of 55496  
the prosecuting attorney, village solicitor, city director of law, 55497  
or other chief legal officer of a municipal corporation as 55498  
authorized by section 3313.35 of the Revised Code, or may employ 55499  
other legal counsel. 55500

A violation of division (A)(7) of section 2907.03 of the 55501  
Revised Code is grounds for termination of a teacher contract 55502  
under this section. 55503

**Sec. 3319.17.** (A) As used in this section, "interdistrict 55504  
contract" means any contract or agreement entered into by an 55505  
educational service center governing board and another board or 55506  
other public entity pursuant to section 3313.17, 3313.841, 55507  
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 55508  
Revised Code, including any such contract or agreement for the 55509  
provision of services funded under division (I) of section 55510  
3317.024 of the Revised Code or provided in any unit approved 55511  
under section 3317.05 of the Revised Code. 55512

(B) When, for any of the following reasons that apply to any city, exempted village, local, or joint vocational school district or any educational service center, the board decides that it will be necessary to reduce the number of teachers it employs, it may make a reasonable reduction:

(1) In the case of any district or service center, return to duty of regular teachers after leaves of absence including leaves provided pursuant to division (B) of section 3314.10 of the Revised Code, suspension of schools, or territorial changes affecting the district or center, ~~or financial reasons;~~

(2) In the case of any city, exempted village, local, or joint vocational school district, decreased enrollment of pupils in the district;

(3) In the case of any governing board of a service center providing any particular service directly to pupils pursuant to one or more interdistrict contracts requiring such service, reduction in the total number of pupils the governing board is required to provide with the service under all interdistrict contracts as a result of the termination or nonrenewal of one or more of these interdistrict contracts;

(4) In the case of any governing board providing any particular service that it does not provide directly to pupils pursuant to one or more interdistrict contracts requiring such service, reduction in the total level of the service the governing board is required to provide under all interdistrict contracts as a result of the termination or nonrenewal of one or more of these interdistrict contracts.

(C) In making any such reduction, any city, exempted village, local, or joint vocational school board shall proceed to suspend contracts in accordance with the recommendation of the superintendent of schools who shall, within each teaching field

affected, give preference first to teachers on continuing 55544  
contracts and then to teachers who have greater seniority. In 55545  
making any such reduction, any governing board of a service center 55546  
shall proceed to suspend contracts in accordance with the 55547  
recommendation of the superintendent who shall, within each 55548  
teaching field or service area affected, give preference first to 55549  
teachers on continuing contracts and then to teachers who have 55550  
greater seniority. 55551

On a case-by-case basis, in lieu of suspending a contract in 55552  
whole, a board may suspend a contract in part, so that an 55553  
individual is required to work a percentage of the time the 55554  
employee otherwise is required to work under the contract and 55555  
receives a commensurate percentage of the full compensation the 55556  
employee otherwise would receive under the contract. 55557

The teachers whose continuing contracts are suspended by any 55558  
board pursuant to this section shall have the right of restoration 55559  
to continuing service status by that board in the order of 55560  
seniority of service in the district or service center if and when 55561  
teaching positions become vacant or are created for which any of 55562  
such teachers are or become qualified. No teacher whose continuing 55563  
contract has been suspended pursuant to this section shall lose 55564  
that right of restoration to continuing service status by reason 55565  
of having declined recall to a position that is less than 55566  
full-time or, if the teacher was not employed full-time just prior 55567  
to suspension of the teacher's continuing contract, to a position 55568  
requiring a lesser percentage of full-time employment than the 55569  
position the teacher last held while employed in the district or 55570  
service center. 55571

~~(D) Notwithstanding any provision to the contrary in Chapter 55572  
4117. of the Revised Code, the requirements of this section 55573  
prevail over any conflicting provisions of agreements between 55574  
employee organizations and public employers entered into after 55575~~

~~September 29, 2005.~~

55576

**Sec. 3319.172.** The board of education of each school district 55577  
wherein the provisions of Chapter 124. of the Revised Code do not 55578  
apply and the governing board of each educational service center 55579  
may adopt a resolution ordering reasonable reductions in the 55580  
number of nonteaching employees for any of the reasons for which 55581  
the board of education or governing board may make reductions in 55582  
teaching employees, as set forth in division (B) of section 55583  
3319.17 of the Revised Code. 55584

In making any reduction under this section, the board of 55585  
education or governing board shall proceed to suspend contracts in 55586  
accordance with the recommendation of the superintendent of the 55587  
district or service center who shall, within each pay 55588  
classification affected, give preference first to employees under 55589  
continuing contracts and then to employees on the basis of 55590  
seniority. On a case-by-case basis, in lieu of suspending a 55591  
contract in whole, a board may suspend a contract in part, so that 55592  
an individual is required to work a percentage of the time the 55593  
employee otherwise is required to work under the contract and 55594  
receives a commensurate percentage of the full compensation the 55595  
employee otherwise would receive under the contract. 55596

Any nonteaching employee whose continuing contract is 55597  
suspended under this section shall have the right of restoration 55598  
to continuing service status by the board of education or 55599  
governing board that suspended that contract in order of seniority 55600  
of service in the district or service center, if and when a 55601  
nonteaching position for which the employee is qualified becomes 55602  
vacant or is created. No nonteaching employee whose continuing 55603  
contract has been suspended under this section shall lose that 55604  
right of restoration to continuing service status by reason of 55605  
having declined recall to a position requiring fewer regularly 55606

scheduled hours of work than required by the position the employee 55607  
last held while employed in the district or service center. 55608

~~Notwithstanding any provision to the contrary in Chapter 55609  
4117. of the Revised Code, the requirements of this section 55610  
prevail over any conflicting provisions of agreements between 55611  
employee organizations and public employers entered into after the 55612  
effective date of this section. 55613~~

**Sec. 3319.22.** (A)(1) The state board of education shall ~~adopt~~ 55614  
~~rules establishing the standards and requirements for obtaining~~ 55615  
~~temporary, associate, provisional, and professional~~ issue the 55616  
following educator licenses: 55617

(a) A resident educator license, which shall be valid for 55618  
four years and shall not be renewable; 55619

(b) A professional educator license, which shall be valid for 55620  
five years and shall be renewable; 55621

(c) A senior professional educator license, which shall be 55622  
valid for five years and shall be renewable; 55623

(d) A lead professional educator license, which shall be 55624  
valid for five years and shall be renewable. 55625

(2) The state board may issue any additional educator 55626  
licenses of any categories, types, and levels the board elects to 55627  
provide. However, no educator license shall be required for 55628  
teaching children two years old or younger. 55629

~~(2)~~(3) The state board shall adopt rules establishing the 55630  
standards and requirements for obtaining each educator license 55631  
issued under this section. 55632

(B) The rules adopted under this section shall require at 55633  
least the following standards and qualifications for the educator 55634  
licenses described in division (A)(1) of this section: 55635

<u>(1) An applicant for a resident educator license shall hold</u>	55636
<u>at least a bachelor's degree from an accredited teacher</u>	55637
<u>preparation program.</u>	55638
<u>(2) An applicant for a professional educator license shall:</u>	55639
<u>(a) Hold at least a bachelor's degree from an institution of</u>	55640
<u>higher education accredited by a regional accrediting</u>	55641
<u>organization;</u>	55642
<u>(b) Have successfully completed the Ohio teacher residency</u>	55643
<u>program established under section 3319.223 of the Revised Code, if</u>	55644
<u>the applicant's current or most recently issued license is a</u>	55645
<u>resident educator license issued under this section or an</u>	55646
<u>alternative resident educator license issued under section 3319.26</u>	55647
<u>of the Revised Code.</u>	55648
<u>(3) An applicant for a senior professional educator license</u>	55649
<u>shall:</u>	55650
<u>(a) Hold at least a master's degree from an institution of</u>	55651
<u>higher education accredited by a regional accrediting</u>	55652
<u>organization;</u>	55653
<u>(b) Have previously held a professional educator license</u>	55654
<u>issued under this section or section 3319.222 or under former</u>	55655
<u>section 3319.22 of the Revised Code;</u>	55656
<u>(c) Meet the criteria for the accomplished or distinguished</u>	55657
<u>level of performance, as described in the standards for teachers</u>	55658
<u>adopted by the state board under section 3319.61 of the Revised</u>	55659
<u>Code.</u>	55660
<u>(4) An applicant for a lead professional educator license</u>	55661
<u>shall:</u>	55662
<u>(a) Hold at least a master's degree from an institution of</u>	55663
<u>higher education accredited by a regional accrediting</u>	55664
<u>organization;</u>	55665

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 55666  
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(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 55670  
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 55673  
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 55678  
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of the Ohio board of regents, in the manner and to the extent permitted by state and federal law. 55682  
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~~(B)~~(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 55687  
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(1) Notwithstanding division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering ~~teacher~~ preparation programs for educators and other school personnel that are 55692  
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approved by the ~~state board of education~~ chancellor of the Ohio 55697  
board of regents under section ~~3319.23~~ 3333.048 of the Revised 55698  
Code to revise the curriculum of those programs, the effective 55699  
date shall not be as prescribed in division (D) of section 119.03 55700  
and division (A)(1) of section 119.04 of the Revised Code. 55701  
Instead, the effective date of such rules, or the amendment or 55702  
rescission of such rules, shall be the date prescribed by section 55703  
~~3319.23~~ 3333.048 of the Revised Code. 55704

(2) Notwithstanding the authority to adopt, amend, or rescind 55705  
emergency rules in division (F) of section 119.03 of the Revised 55706  
Code, this authority shall not apply to the state board of 55707  
education with regard to rules for educator licenses. 55708

~~(C)~~(F)(1) The rules adopted under this section establishing 55709  
standards requiring additional coursework for the renewal of any 55710  
educator license shall require a school district and a chartered 55711  
nonpublic school to establish local professional development 55712  
committees. In a nonpublic school, the chief administrative 55713  
officer shall establish the committees in any manner acceptable to 55714  
such officer. The committees established under this division shall 55715  
determine whether coursework that a district or chartered 55716  
nonpublic school teacher proposes to complete meets the 55717  
requirement of the rules. The department of education shall 55718  
provide technical assistance and support to committees as the 55719  
committees incorporate the professional development standards 55720  
adopted by the state board of education pursuant to section 55721  
3319.61 of the Revised Code into their review of coursework that 55722  
is appropriate for license renewal. The rules shall establish a 55723  
procedure by which a teacher may appeal the decision of a local 55724  
professional development committee. 55725

(2) In any school district in which there is no exclusive 55726  
representative established under Chapter 4117. of the Revised 55727  
Code, the professional development committees shall be established 55728



as described in division ~~(C)~~(F)(2) of this section. 55729

Not later than the effective date of the rules adopted under 55730  
this section, the board of education of each school district shall 55731  
establish the structure for one or more local professional 55732  
development committees to be operated by such school district. The 55733  
committee structure so established by a district board shall 55734  
remain in effect unless within thirty days prior to an anniversary 55735  
of the date upon which the current committee structure was 55736  
established, the board provides notice to all affected district 55737  
employees that the committee structure is to be modified. 55738  
Professional development committees may have a district-level or 55739  
building-level scope of operations, and may be established with 55740  
regard to particular grade or age levels for which an educator 55741  
license is designated. 55742

Each professional development committee shall consist of at 55743  
least three classroom teachers employed by the district, one 55744  
principal employed by the district, and one other employee of the 55745  
district appointed by the district superintendent. For committees 55746  
with a building-level scope, the teacher and principal members 55747  
shall be assigned to that building, and the teacher members shall 55748  
be elected by majority vote of the classroom teachers assigned to 55749  
that building. For committees with a district-level scope, the 55750  
teacher members shall be elected by majority vote of the classroom 55751  
teachers of the district, and the principal member shall be 55752  
elected by a majority vote of the principals of the district, 55753  
unless there are two or fewer principals employed by the district, 55754  
in which case the one or two principals employed shall serve on 55755  
the committee. If a committee has a particular grade or age level 55756  
scope, the teacher members shall be licensed to teach such grade 55757  
or age levels, and shall be elected by majority vote of the 55758  
classroom teachers holding such a license and the principal shall 55759  
be elected by all principals serving in buildings where any such 55760

teachers serve. The district superintendent shall appoint a 55761  
replacement to fill any vacancy that occurs on a professional 55762  
development committee, except in the case of vacancies among the 55763  
elected classroom teacher members, which shall be filled by vote 55764  
of the remaining members of the committee so selected. 55765

Terms of office on professional development committees shall 55766  
be prescribed by the district board establishing the committees. 55767  
The conduct of elections for members of professional development 55768  
committees shall be prescribed by the district board establishing 55769  
the committees. A professional development committee may include 55770  
additional members, except that the majority of members on each 55771  
such committee shall be classroom teachers employed by the 55772  
district. Any member appointed to fill a vacancy occurring prior 55773  
to the expiration date of the term for which a predecessor was 55774  
appointed shall hold office as a member for the remainder of that 55775  
term. 55776

The initial meeting of any professional development 55777  
committee, upon election and appointment of all committee members, 55778  
shall be called by a member designated by the district 55779  
superintendent. At this initial meeting, the committee shall 55780  
select a chairperson and such other officers the committee deems 55781  
necessary, and shall adopt rules for the conduct of its meetings. 55782  
Thereafter, the committee shall meet at the call of the 55783  
chairperson or upon the filing of a petition with the district 55784  
superintendent signed by a majority of the committee members 55785  
calling for the committee to meet. 55786

(3) In the case of a school district in which an exclusive 55787  
representative has been established pursuant to Chapter 4117. of 55788  
the Revised Code, professional development committees shall be 55789  
established in accordance with any collective bargaining agreement 55790  
in effect in the district that includes provisions for such 55791  
committees. 55792

If the collective bargaining agreement does not specify a 55793  
different method for the selection of teacher members of the 55794  
committees, the exclusive representative of the district's 55795  
teachers shall select the teacher members. 55796

If the collective bargaining agreement does not specify a 55797  
different structure for the committees, the board of education of 55798  
the school district shall establish the structure, including the 55799  
number of committees and the number of teacher and administrative 55800  
members on each committee; the specific administrative members to 55801  
be part of each committee; whether the scope of the committees 55802  
will be district levels, building levels, or by type of grade or 55803  
age levels for which educator licenses are designated; the lengths 55804  
of terms for members; the manner of filling vacancies on the 55805  
committees; and the frequency and time and place of meetings. 55806  
However, in all cases, except as provided in division ~~(C)~~(F)(4) of 55807  
this section, there shall be a majority of teacher members of any 55808  
professional development committee, there shall be at least five 55809  
total members of any professional development committee, and the 55810  
exclusive representative shall designate replacement members in 55811  
the case of vacancies among teacher members, unless the collective 55812  
bargaining agreement specifies a different method of selecting 55813  
such replacements. 55814

(4) Whenever an administrator's coursework plan is being 55815  
discussed or voted upon, the local professional development 55816  
committee shall, at the request of one of its administrative 55817  
members, cause a majority of the committee to consist of 55818  
administrative members by reducing the number of teacher members 55819  
voting on the plan. 55820

~~(D)~~(G)(1) The department of education, educational service 55821  
centers, county boards of mental retardation and developmental 55822  
disabilities, regional professional development centers, special 55823  
education regional resource centers, college and university 55824

departments of education, head start programs, the eTech Ohio 55825  
commission, and the Ohio education computer network may establish 55826  
local professional development committees to determine whether the 55827  
coursework proposed by their employees who are licensed or 55828  
certificated under this section or section 3319.222 of the Revised 55829  
Code, or under the former version of either section as it existed 55830  
prior to the effective date of this amendment, meet the 55831  
requirements of the rules adopted under this section. They may 55832  
establish local professional development committees on their own 55833  
or in collaboration with a school district or other agency having 55834  
authority to establish them. 55835

Local professional development committees established by 55836  
county boards of mental retardation and developmental disabilities 55837  
shall be structured in a manner comparable to the structures 55838  
prescribed for school districts in divisions ~~(C)~~(F)(2) and (3) of 55839  
this section, as shall the committees established by any other 55840  
entity specified in division ~~(D)~~(G)(1) of this section that 55841  
provides educational services by employing or contracting for 55842  
services of classroom teachers licensed or certificated under this 55843  
section or section 3319.222 of the Revised Code, or under the 55844  
former version of either section as it existed prior to the 55845  
effective date of this amendment. All other entities specified in 55846  
division ~~(D)~~(G)(1) of this section shall structure their 55847  
committees in accordance with guidelines which shall be issued by 55848  
the state board. 55849

(2) Any public agency that is not specified in division 55850  
~~(D)~~(G)(1) of this section but provides educational services and 55851  
employs or contracts for services of classroom teachers licensed 55852  
or certificated under this section or section 3319.222 of the 55853  
Revised Code, or under the former version of either section as it 55854  
existed prior to the effective date of this amendment, may 55855  
establish a local professional development committee, subject to 55856

the approval of the department of education. The committee shall 55857  
be structured in accordance with guidelines issued by the state 55858  
board. 55859

Sec. 3319.221. (A) The state board of education shall adopt 55860  
rules establishing the standards and requirements for obtaining a 55861  
school nurse license and a school nurse wellness coordinator 55862  
license. At a minimum, the rules shall require that an applicant 55863  
for a school nurse license be licensed as a registered nurse under 55864  
Chapter 4723. of the Revised Code. 55865

(B) If the state board requires any examinations for 55866  
licensure under this section, the department of education shall 55867  
provide the examination results received by the department to the 55868  
chancellor of the Ohio board of regents, in the manner and to the 55869  
extent permitted by state and federal law. 55870

(C) Any rules for licenses described in this section that the 55871  
state board adopts, amends, or rescinds under this section, 55872  
division (D) of section 3301.07 of the Revised Code, or any other 55873  
law shall be adopted, amended, or rescinded under Chapter 119. of 55874  
the Revised Code, except that the authority to adopt, amend, or 55875  
rescind emergency rules under division (F) of section 119.03 of 55876  
the Revised Code shall not apply to the state board with respect 55877  
to rules for licenses described in this section. 55878

(D) Any registered nurse employed by a school district in the 55879  
capacity of school nurse on January 1, 1973, or any registered 55880  
nurse employed by a city or general health district on January 1, 55881  
1973, to serve full-time in the capacity of school nurse in one or 55882  
more school districts, shall be considered to have fulfilled the 55883  
requirements for the issuance of a school nurse license under this 55884  
~~section 3319.22 of the Revised Code.~~ 55885

Sec. 3319.222. (A) Notwithstanding the amendments to and 55886

repeal of statutes by the act that enacted this section, the state 55887  
board of education shall accept applications for new, and renewal 55888  
and upgrade of, temporary, associate, provisional, and 55889  
professional educator licenses, alternative educator licenses, 55890  
one-year conditional teaching permits, and school nurse licenses 55891  
through December 31, 2010, and issue them on the basis of the 55892  
applications received by that date in accordance with the former 55893  
statutes in effect immediately prior to amendment or repeal by the 55894  
act that enacted this section. 55895

(B) A permanent teacher's certificate issued under former 55896  
sections 3319.22 to 3319.31 of the Revised Code prior to October 55897  
29, 1996, or under former section 3319.222 of the Revised Code as 55898  
it existed prior to the effective date of this section, shall be 55899  
valid for teaching in the subject areas and grades for which the 55900  
certificate was issued, except as the certificate is limited, 55901  
suspended, or revoked under section 3319.31 of the Revised Code. 55902

(C) The following certificates, permits, or licenses shall be 55903  
valid until the certificate, permit, or license expires for 55904  
teaching in the subject areas and grades for which the 55905  
certificate, permit, or license was issued, except as the 55906  
certificate, permit, or license is limited, suspended, or revoked 55907  
under section 3319.31 of the Revised Code: 55908

(1) Any professional teacher's certificate issued under 55909  
former section 3319.222 of the Revised Code, as it existed prior 55910  
to the effective date of this section; 55911

(2) Any temporary, associate, provisional, or professional 55912  
educator license issued under former section 3319.22 of the 55913  
Revised Code, as it existed prior to the effective date of this 55914  
section, or under division (A) of this section; 55915

(3) Any alternative educator license issued under former 55916  
section 3319.26 of the Revised Code, as it existed prior to the 55917

effective date of this section, or under division (A) of this section; 55918  
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(4) Any one-year conditional teaching permit issued under former section 3319.302 or 3319.304 of the Revised Code, as it existed prior to the effective date of this section, or under division (A) of this section. 55920  
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(D) Any school nurse license issued under former section 3319.22 of the Revised Code, as it existed prior to the effective date of this section, or under division (A) of this section shall be valid until the license expires for employment as a school nurse, except as the license is limited, suspended, or revoked under section 3319.31 of the Revised Code. 55924  
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(E) Nothing in this section shall be construed to prohibit a person from applying to the state board for an educator license issued under section 3319.22 of the Revised Code, a school nurse license or a school nurse wellness coordinator license issued under section 3319.221 of the Revised Code, or an alternative resident educator license issued under section 3319.26 of the Revised Code, as the section exists on and after the effective date of this section. 55930  
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(F) On and after the effective date of this section, any reference in the Revised Code to educator licensing is hereby deemed to refer also to certification or licensure under divisions (A) to (D) of this section. 55938  
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**Sec. 3319.223.** (A) Not later than January 1, 2011, the superintendent of public instruction and the chancellor of the Ohio board of regents jointly shall establish the Ohio teacher residency program, which shall be a four-year, entry-level program for classroom teachers. The teacher residency program shall include at least the following components: 55942  
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(1) Mentoring by teachers who hold a lead professional educator license issued under section 3319.22 of the Revised Code; 55948  
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(2) Counseling to ensure that program participants receive needed professional development; 55950  
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(3) Measures of appropriate progression through the program. 55952

(B) The teacher residency program shall be aligned with the standards for teachers adopted by the state board of education under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction. 55953  
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(C) Each person who holds a resident educator license issued under section 3319.22 of the Revised Code or an alternative resident educator license issued under section 3319.26 of the Revised Code shall participate in the teacher residency program. Successful completion of the program shall be required to qualify any such person for a professional educator license issued under section 3319.22 of the Revised Code. 55957  
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**Sec. 3319.234.** The teacher quality partnership, a consortium of teacher preparation programs that have been approved by the ~~state board of education~~ chancellor of the Ohio board of regents under section ~~3319.23~~ 3333.048 of the Revised Code, shall study the relationship of teacher performance on educator licensure assessments, as adopted by the state board of education under section 3319.22 of the Revised Code, to teacher effectiveness in the classroom. Not later than September 1, 2008, the partnership shall begin submitting annual data reports along with any other data on teacher effectiveness the partnership determines appropriate to the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the chairpersons and ranking minority members of the standing committees of the senate and the house of representatives that consider education legislation, the 55964  
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superintendent of public instruction, the state board of 55979  
education, the chancellor of the Ohio board of regents, and the 55980  
partnership for continued learning. 55981

**Sec. 3319.235.** (A) The standards for the preparation of 55982  
teachers adopted under section ~~3319.23~~ 3333.048 of the Revised 55983  
Code shall require any institution that provides a course of study 55984  
for the training of teachers to ensure that graduates of such 55985  
course of study are skilled at integrating educational technology 55986  
in the instruction of children, as evidenced by the graduate 55987  
having either demonstrated proficiency in such skills in a manner 55988  
prescribed by the department of education or completed a course 55989  
that includes training in such skills. 55990

(B) The eTech Ohio commission shall establish model 55991  
professional development programs to assist teachers who completed 55992  
their teacher preparation prior to the effective date of division 55993  
(A) of this section to become skilled at integrating educational 55994  
technology in the instruction of children. The commission shall 55995  
provide technical assistance to school districts wishing to 55996  
establish such programs. 55997

**Sec. 3319.24.** This section does not apply to any applicant 55998  
for an educator license that is designed for persons specializing 55999  
in teaching children in kindergarten through twelfth grade, or the 56000  
equivalent, in the area of dance, drama, theater, music, visual 56001  
arts, or physical education or a specialty area substantially 56002  
equivalent to any of these when such applicant will be teaching 56003  
children in the specialty area specified in the license. 56004

(A) As used in this section: 56005

(1) "Coursework in the teaching of reading" means coursework 56006  
that includes training in a range of instructional strategies for 56007  
teaching reading, in the assessment of reading skills, and in the 56008

diagnosis and remediation of reading difficulties; 56009

(2) "Phonics" means the techniques and strategies used to 56010  
teach children to match, blend, and translate letters of the 56011  
alphabet into the sounds they represent, which techniques and 56012  
strategies are systematically integrated and thoroughly practiced 56013  
in a developmentally appropriate instructional program to assist 56014  
the child in learning to read, write, and spell; 56015

(3) "Course in the teaching of phonics" means a course 56016  
providing the background necessary for effectively teaching and 56017  
assessing phonics, phonemic awareness, and word recognition, 56018  
including, but not limited to, the following topics: 56019

(a) Phonological and morphological underpinnings of English 56020  
spellings and the history thereof; 56021

(b) The nature and role of word recognition in proficient 56022  
reading; 56023

(c) Methods and rationale for the instruction of phonemic 56024  
awareness, decoding, spelling, and the application thereof in 56025  
reading and writing; 56026

(d) Methods and rationale for the assessment of phonemic 56027  
awareness, decoding, spelling, and the application thereof in 56028  
reading and writing; 56029

(e) The relation of deficits in phonemic awareness, decoding, 56030  
spelling, and word recognition to reading disabilities; 56031

(4) "Phonemic awareness" means the awareness of sounds that 56032  
make up spoken words and the ability to use this awareness of 56033  
sounds in reading. 56034

(B) The rules adopted under ~~division (A)~~ of section 3319.22 56035  
of the Revised Code shall require an applicant for ~~an initial~~ 56036  
~~provisional~~ a resident educator license designated for teaching 56037  
children in grades kindergarten through six or the equivalent to 56038

have successfully completed at least six semester hours, or the 56039  
equivalent, of coursework in the teaching of reading that includes 56040  
at least one separate course of at least three semester hours, or 56041  
the equivalent, in the teaching of phonics in the context of 56042  
reading, writing, and spelling. In addition, such rules shall 56043  
require that such license be granted for a period of not more than 56044  
~~two~~ four years, and shall require that the ~~first renewal~~ 56045  
subsequent issuance of ~~such a professional educator~~ license be 56046  
contingent upon the ~~license holder~~ applicant having completed six 56047  
additional semester hours or the equivalent of coursework in the 56048  
teaching of reading. The rules shall permit ~~a license holder~~ an 56049  
applicant to apply undergraduate coursework in order to meet ~~such~~ 56050  
~~renewal~~ this requirement for additional coursework. 56051

**Sec. 3319.25.** Any teacher performance assessment entity with 56052  
which the department of education or the state board of education 56053  
contracts or any independent agent with whom such entity, the 56054  
department, or the state board contracts to provide services as a 56055  
teacher performance assessor, trainer of assessors, or assessment 56056  
coordinator is not liable for damages in a civil action concerning 56057  
the actions of such entity or agent made in the conduct of a 56058  
teacher performance assessment unless those actions were conducted 56059  
with malicious purpose, in bad faith, or in a wanton or reckless 56060  
manner. 56061

As used in this section, "teacher performance assessment" 56062  
means an assessment prescribed by the state board of education to 56063  
measure the classroom performance of a teacher who is a candidate 56064  
for ~~a professional educator license~~ licensure based on 56065  
observations conducted by a trained assessor while the teacher is 56066  
engaged in actual classroom instruction. 56067

**Sec. 3319.26.** (A) The state board of education shall adopt 56068  
rules establishing the standards and requirements for obtaining an 56069

alternative resident educator license for teaching in grades ~~seven~~ 56070  
four to twelve, or the equivalent, in a designated subject area. 56071  
However, an alternative resident educator license in the area of 56072  
intervention specialist, as defined by rule of the state board, 56073  
shall be valid for teaching in grades kindergarten to twelve. 56074

(B)~~(1)~~ The superintendent of public instruction and the 56075  
chancellor of the Ohio board of regents jointly shall develop an 56076  
intensive pedagogical training institute to provide instruction in 56077  
the principles and practices of teaching for individuals seeking 56078  
an alternative resident educator license. The instruction shall 56079  
cover such topics as student development and learning, pupil 56080  
assessment procedures, curriculum development, classroom 56081  
management, and teaching methodology. 56082

(C) The rules adopted under this section shall require 56083  
applicants for the alternative resident educator license to 56084  
satisfy the following conditions prior to issuance of the license: 56085  
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~~(a)~~(1) Hold a minimum of a baccalaureate degree; 56087

~~(b)~~(2) Successfully complete ~~three semester hours or the~~ 56088  
~~equivalent of college coursework in the developmental~~ 56089  
~~characteristics of adolescent youths and three semester hours or~~ 56090  
~~the equivalent in teaching methods~~ the pedagogical training 56091  
institute described in division (B) of this section; 56092

~~(c)~~(3) Pass an examination in the subject area for which 56093  
application is being made. 56094

~~(2)~~(D) An alternative resident educator license shall be 56095  
valid for ~~two~~ four years and shall not be renewable. 56096

~~(3)~~(E) The rules shall require the holder of an alternative 56097  
resident educator license, as a condition of continuing to hold 56098  
the license, to ~~show~~ do all of the following: 56099

<u>(1) Participate in the Ohio teacher residency program</u>	56100
<u>established under section 3319.223 of the Revised Code;</u>	56101
<u>(2) Show</u> satisfactory progress in taking and successfully	56102
completing within <del>two</del> <u>four</u> years at least twelve additional	56103
semester hours, or the equivalent, of college coursework in the	56104
principles and practices of teaching in such topics as student	56105
development and learning, pupil assessment procedures, curriculum	56106
development, classroom management, and teaching methodology;	56107
<u>(3) Take an assessment of professional knowledge in the</u>	56108
<u>second year of teaching under the license.</u>	56109
<del>(C)</del> <u>(F)</u> The rules shall provide for the granting of a	56110
<del>provisional</del> <u>professional</u> educator license to a holder of an	56111
alternative <u>resident</u> educator license upon successfully completing	56112
all of the following:	56113
(1) <del>Two</del> <u>Four</u> years of teaching under the alternative license;	56114
(2) The twelve semester hours, or the equivalent, of the	56115
additional college coursework described in division <del>(B)</del> <u>(3)</u> <del>(E)</del> <u>(2)</u>	56116
of this section;	56117
(3) The assessment of professional knowledge <del>that is required</del>	56118
<del>of other applicants for a provisional educator license</del> <u>described</u>	56119
<u>in division (E)(3) of this section.</u> The standards for successfully	56120
completing this assessment and the manner of conducting the	56121
assessment shall be the same as for any other <del>applicant for a</del>	56122
<del>provisional educator license</del> <u>individual who is required to take</u>	56123
<u>the assessment pursuant to rules adopted by the state board under</u>	56124
<u>section 3319.22 of the Revised Code.</u>	56125
<u>(4) The Ohio teacher residency program;</u>	56126
<u>(5) All other requirements for a professional educator</u>	56127
<u>license adopted by the state board under section 3319.22 of the</u>	56128
<u>Revised Code.</u>	56129

**Sec. 3319.261.** An individual who otherwise qualifies for an 56130  
alternative resident educator license for employment as an 56131  
intervention specialist as authorized under section 3319.26 of the 56132  
Revised Code shall be issued such license without successful 56133  
completion of the examination specified in division 56134  
~~(B)(1)(e)~~(C)(3) of section 3319.26 of the Revised Code. The 56135  
individual to whom the alternative resident educator license is 56136  
issued under this section shall be required to successfully 56137  
complete that examination prior to issuance of a ~~provisional~~ 56138  
professional educator license as provided in division ~~(C)(F)~~ of 56139  
section 3319.26 of the Revised Code only after completing the 56140  
coursework prescribed in division ~~(B)(3)~~(E)(2) of that section. 56141

**Sec. 3319.28.** (A) As used in this section, "STEM school" 56142  
means a science, technology, engineering, and mathematics school 56143  
established under Chapter 3326. of the Revised Code. 56144

(B) Notwithstanding any other provision of the Revised Code 56145  
or any rule adopted by the state board of education to the 56146  
contrary, the state board shall issue a two-year provisional 56147  
educator license for teaching science, technology, engineering, or 56148  
mathematics in grades six through twelve in a STEM school to any 56149  
applicant who meets the following conditions: 56150

(1) Holds a bachelor's degree from an accredited institution 56151  
of higher education in a field related to the subject area to be 56152  
taught; 56153

(2) Has passed an examination prescribed by the state board 56154  
in the subject area to be taught. 56155

(C) The holder of a provisional educator license issued under 56156  
this section shall complete a structured apprenticeship program 56157  
provided by an educational service center or a teacher preparation 56158  
program approved under section ~~3319.23~~ 3333.048 of the Revised 56159

Code, in partnership with the STEM school that employs the license holder. The apprenticeship program shall include the following:

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(1) Mentoring by a teacher or administrator who regularly observes the license holder's classroom instruction, provides feedback on the license holder's teaching strategies and classroom management, and engages the license holder in discussions about methods for fostering and measuring student learning;

(2) Regularly scheduled seminars or meetings that address the following topics:

(a) The statewide academic standards adopted by the state board under section 3301.079 of the Revised Code and the importance of aligning curriculum with those standards;

(b) The achievement ~~tests~~ assessments prescribed by section 3301.0710 of the Revised Code;

(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;

(d) Instructional methods and strategies;

(e) Student development;

(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;

(g) Classroom management and record keeping.

(D) After two years of teaching under a provisional educator license issued under this section, a person may apply for a five-year professional educator license in the same subject area named in the provisional license. The state board shall issue the applicant a professional educator license if the applicant meets the following conditions:

(1) The applicant completed the apprenticeship program described in division (C) of this section.

(2) The applicant receives a positive recommendation 56190  
indicating that the applicant is an effective teacher from both of 56191  
the following: 56192

(a) The chief administrative officer of the STEM school that 56193  
most recently employed the applicant as a classroom teacher; 56194

(b) The educational service center or teacher preparation 56195  
program administrator in charge of the apprenticeship program 56196  
completed by the applicant. 56197

(3) The applicant meets all other requirements for a 56198  
professional educator license adopted by the state board under 56199  
section 3319.22 of the Revised Code. 56200

(E) The department of education shall evaluate the 56201  
experiences of STEM schools with classroom teachers holding 56202  
provisional educator licenses issued under this section. The 56203  
evaluation shall cover the first two school years for which 56204  
licenses are issued and shall consider at least the schools' 56205  
satisfaction with the teachers and the operation of the 56206  
apprenticeship programs. 56207

**Sec. 3319.291.** (A) The state board of education shall require 56208  
each of the following persons, at the times prescribed by division 56209  
(A) of this section, to submit two complete sets of fingerprints 56210  
and written permission that authorizes the superintendent of 56211  
public instruction to forward the fingerprints to the bureau of 56212  
criminal identification and investigation pursuant to division (F) 56213  
of section 109.57 of the Revised Code and that authorizes that 56214  
bureau to forward the fingerprints to the federal bureau of 56215  
investigation for purposes of obtaining any criminal records that 56216  
the federal bureau maintains on the person: 56217

(1) Any person initially applying for any certificate, 56218  
license, or permit described in this chapter or in division (B) of 56219



section 3301.071 or in section 3301.074 of the Revised Code at the 56220  
time that application is made; 56221

(2) Any person applying for renewal of any certificate, 56222  
license, or permit described in division (A)(1) of this section at 56223  
the time that application is made; 56224

(3) Any person who is teaching under a professional teaching 56225  
certificate issued under former ~~section 3319.22 or under~~ section 56226  
3319.222 of the Revised Code upon a date prescribed by the state 56227  
board; 56228

(4) Any person who is teaching under a permanent teaching 56229  
certificate issued under former section 3319.22 as it existed 56230  
prior to October 29, 1996, or under former section 3319.222 of the 56231  
Revised Code upon a date prescribed by the state board and every 56232  
five years thereafter. 56233

(B) Except as provided in division (C) of this section, prior 56234  
to issuing or renewing any certificate, license, or permit 56235  
described in division (A)(1) or (2) of this section and in the 56236  
case of a person required to submit fingerprints and written 56237  
permission under division (A)(3) or (4) of this section, the state 56238  
board or the superintendent of public instruction shall request 56239  
the superintendent of the bureau of criminal identification and 56240  
investigation to investigate and determine whether the bureau has 56241  
any information, gathered pursuant to division (A) of section 56242  
109.57 of the Revised Code, pertaining to any person submitting 56243  
fingerprints and written permission under this section and to 56244  
obtain any criminal records that the federal bureau of 56245  
investigation has on the person. 56246

(C) The state board or the superintendent of public 56247  
instruction may choose not to request any information required by 56248  
division (B) of this section if the person applying for the 56249  
issuance or renewal of a certificate, license, or permit described 56250

in division (A)(1) or (2) of this section or the person required 56251  
to submit fingerprints and written permission under division 56252  
(A)(3) or (4) of this section provides proof that a criminal 56253  
records check was conducted on the person as a condition of 56254  
employment pursuant to section 3319.39 of the Revised Code within 56255  
the immediately preceding year. The state board or the 56256  
superintendent of public instruction may accept a certified copy 56257  
of records that were issued by the bureau of criminal 56258  
identification and investigation and that are presented by a 56259  
person applying for the issuance or renewal of a certificate, 56260  
license, or permit described in this section in lieu of requesting 56261  
that information under division (B) of this section if the records 56262  
were issued by the bureau within the immediately preceding year. 56263

(D)(1) If a person described in division (A)(3) or (4) of 56264  
this section fails to submit fingerprints and written permission 56265  
by the date specified in the applicable division, and the state 56266  
board or the superintendent of public instruction does not apply 56267  
division (C) of this section to the person, the superintendent 56268  
shall prepare a written notice stating that if the person does not 56269  
submit the fingerprints and written permission within fifteen days 56270  
after the date the notice was mailed, the person's professional or 56271  
permanent teaching certificate will be inactivated. The 56272  
superintendent shall send the notification by regular mail to the 56273  
person's last known residence address or last known place of 56274  
employment, as indicated in the department of education's records, 56275  
or both. 56276

If the person fails to submit the fingerprints and written 56277  
permission within fifteen days after the date the notice was 56278  
mailed, the superintendent of public instruction, on behalf of the 56279  
state board, shall issue a written order inactivating the person's 56280  
professional or permanent teaching certificate. The inactivation 56281  
shall remain in effect until the person submits the fingerprints 56282

and written permission. The superintendent shall send the order by 56283  
regular mail to the person's last known residence address or last 56284  
known place of employment, as indicated in the department's 56285  
records, or both. The order shall state the reason for the 56286  
inactivation and shall explain that the inactivation remains in 56287  
effect until the person complies with division (A) of this 56288  
section. 56289

The inactivation of a professional or permanent teaching 56290  
certificate under division (D)(1) of this section does not 56291  
constitute a suspension or revocation of the certificate by the 56292  
state board under section 3319.31 of the Revised Code and the 56293  
state board and the superintendent of public instruction need not 56294  
provide the person with an opportunity for a hearing with respect 56295  
to the inactivation. 56296

(2) If a person whose professional or permanent teaching 56297  
certificate has been inactivated under division (D)(1) of this 56298  
section submits fingerprints and written permission as required by 56299  
division (A) of this section, the superintendent of public 56300  
instruction, on behalf of the state board, shall issue a written 56301  
order reactivating the certificate. The superintendent shall send 56302  
the order to the person by regular mail. 56303

(E) Notwithstanding divisions (A) and (B) of this section, if 56304  
a person holds more than one certificate, license, or permit 56305  
described in division (A)(1) of this section, the following shall 56306  
apply: 56307

(1) If the certificates, licenses, or permits are of 56308  
different durations, the person shall be subject to divisions 56309  
(A)(2) and (B) of this section only when applying for renewal of 56310  
the certificate, license, or permit that is of the longest 56311  
duration. Prior to renewing any certificate, license, or permit 56312  
with a shorter duration, the state board or the superintendent of 56313  
public instruction shall determine whether the department of 56314

education has received any information about the person pursuant 56315  
to section 109.5721 of the Revised Code, but the person shall not 56316  
be subject to division (A)(2) or (B) of this section as long as 56317  
the person's certificate, license, or permit with the longest 56318  
duration is valid. 56319

(2) If the certificates, licenses, or permits are of the same 56320  
duration but do not expire in the same year, the person shall 56321  
designate one of the certificates, licenses, or permits as the 56322  
person's primary certificate, license, or permit and shall notify 56323  
the department of that designation. The person shall be subject to 56324  
divisions (A)(2) and (B) of this section only when applying for 56325  
renewal of the person's primary certificate, license, or permit. 56326  
Prior to renewing any certificate, license, or permit that is not 56327  
the person's primary certificate, license, or permit, the state 56328  
board or the superintendent of public instruction shall determine 56329  
whether the department has received any information about the 56330  
person pursuant to section 109.5721 of the Revised Code, but the 56331  
person shall not be subject to division (A)(2) or (B) of this 56332  
section as long as the person's primary certificate, license, or 56333  
permit is valid. 56334

(3) If the certificates, licenses, or permits are of the same 56335  
duration and expire in the same year and the person applies for 56336  
renewal of the certificates, licenses, or permits at the same 56337  
time, the state board or the superintendent of public instruction 56338  
shall request only one criminal records check of the person under 56339  
division (B) of this section. 56340

**Sec. 3319.303.** (A) The state board of education shall adopt 56341  
rules establishing standards and requirements for obtaining a 56342  
pupil-activity program permit for any individual who does not hold 56343  
a valid educator license, certificate, or permit issued by the 56344  
state board under section 3319.22, 3319.26, or 3319.27, ~~3319.302,~~ 56345

~~er 3319.304~~ of the Revised Code. The permit issued under this 56346  
section shall be valid for coaching, supervising, or directing a 56347  
pupil-activity program under section 3313.53 of the Revised Code. 56348  
Subject to the provisions of section 3319.31 of the Revised Code, 56349  
a permit issued under this section shall be valid for three years 56350  
and shall be renewable. 56351

(B) The state board shall adopt rules applicable to 56352  
individuals who hold valid educator licenses, certificates, or 56353  
permits issued by the state board under section 3319.22, 3319.26, 56354  
or 3319.27, ~~3319.302, or 3319.304~~ of the Revised Code setting 56355  
forth standards to assure any such individual's competence to 56356  
direct, supervise, or coach a pupil-activity program. The rules 56357  
adopted under this division shall not be more stringent than the 56358  
standards set forth in rules applicable to individuals who do not 56359  
hold such licenses, certificates, or permits adopted under 56360  
division (A) of this section. 56361

**Sec. 3319.36.** (A) No treasurer of a board of education or 56362  
educational service center shall draw a check for the payment of a 56363  
teacher for services until the teacher files with the treasurer 56364  
both of the following: 56365

(1) Such reports as are required by the state board of 56366  
education, the school district board of education, or the 56367  
superintendent of schools; 56368

(2) Except for a teacher who is engaged pursuant to section 56369  
3319.301 of the Revised Code, a written statement from the city, 56370  
exempted village, or local school district superintendent or the 56371  
educational service center superintendent that the teacher has 56372  
filed with the treasurer a legal educator license, or true copy of 56373  
it, to teach the subjects or grades taught, with the dates of its 56374  
validity. The state board of education shall prescribe the record 56375  
and administration for such filing of educator licenses in 56376

educational service centers. 56377

(B) Notwithstanding division (A) of this section, the 56378  
treasurer may pay either of the following: 56379

(1) Any teacher for services rendered during the first two 56380  
months of the teacher's initial employment with the school 56381  
district or educational service center, provided such teacher is 56382  
the holder of a bachelor's degree or higher and has filed with the 56383  
state board of education an application for the issuance of a 56384  
~~provisional or professional~~ an educator license described in 56385  
division (A)(1) of section 3319.22 of the Revised Code. 56386

(2) Any substitute teacher for services rendered while 56387  
conditionally employed under section 3319.101 of the Revised Code. 56388

(C) Upon notice to the treasurer given by the state board of 56389  
education or any superintendent having jurisdiction that reports 56390  
required of a teacher have not been made, the treasurer shall 56391  
withhold the salary of the teacher until the required reports are 56392  
completed and furnished. 56393

**Sec. 3319.41.** ~~(A)(1) Beginning September 1, 1994, and except~~ 56394  
~~as provided in division (C) of this section, no~~ No person employed 56395  
or engaged as a teacher, principal, administrator, nonlicensed 56396  
school employee, or bus driver in a public or chartered nonpublic 56397  
school may inflict or cause to be inflicted corporal punishment as 56398  
a means of discipline upon a pupil attending such school, ~~unless~~ 56399  
~~the board of education of the school district in which the school~~ 56400  
~~is located adopts a resolution no later than September 1, 1994, to~~ 56401  
~~permit corporal punishment as a means of discipline and does not~~ 56402  
~~adopt a resolution prohibiting corporal punishment pursuant to~~ 56403  
~~division (B) of this section. No board shall adopt a resolution~~ 56404  
~~permitting corporal punishment before receiving and studying the~~ 56405  
~~report of the local discipline task force appointed under division~~ 56406  
~~(A)(2) of this section.~~ 56407

~~(2) The board of education of each city, local, exempted village, and joint vocational school district that has not adopted a rule prohibiting corporal punishment under section 3313.20 of the Revised Code prior to the effective date of this amendment shall appoint, and any board that has adopted a rule under that section prior to the effective date of this amendment may appoint, no later than April 1, 1994, a local discipline task force to conduct a study of effective discipline measures that are appropriate for that school district. Members of the task force shall include teachers, administrators, nonlicensed school employees, school psychologists, members of the medical profession, pediatricians when available, and representatives of parents' organizations.~~

~~The task force shall hold meetings regularly. All meetings of the task force shall be open to the public and at least one of the meetings shall be for the purpose of inviting public participation. The board of education shall provide public notice of any public meeting of the task force in newspapers or other periodicals of general circulation in the school district. The task force shall report its findings and recommendations in writing to the board of education no later than July 15, 1994. The task force's written report must be available for inspection by the public at the board's offices for at least five years after being submitted to the board.~~

~~(B)(1) At any time after September 1, 1996, the board of education of any city, local, exempted village, or joint vocational school district in which corporal punishment is permitted may adopt a resolution to prohibit corporal punishment. After the adoption of a resolution prohibiting corporal punishment pursuant to division (B)(1) of this section, the board of education of any city, local, exempted village, or joint vocational school district may adopt a resolution permitting~~

~~corporal punishment after complying with division (B)(3) of this section.~~ 56440  
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~~(2) At any time after September 1, 1998, the board of education of any city, local, exempted village, or joint vocational school district that did not adopt a resolution permitting corporal punishment as a means of discipline pursuant to division (A)(1) of this section may adopt a resolution permitting corporal punishment after complying with division (B)(3) of this section.~~ 56442  
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~~(3)(a) The board of education of each city, local, exempted village, and joint vocational school district that intends to adopt a resolution permitting corporal punishment as a means of discipline pursuant to division (B)(1) or (2) of this section may adopt that resolution permitting corporal punishment as a means of discipline only after receiving and studying the report of the secondary local discipline task force appointed under division (B)(3)(b) of this section.~~ 56449  
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~~(b) Any board of education described in division (B)(1) or (2) of this section that intends to adopt a resolution permitting corporal punishment as a means of discipline shall appoint a secondary local discipline task force to conduct a study of effective discipline measures that are appropriate for that school district. Membership on the secondary local discipline task force shall consist of the same types of persons that are required to be included as members of the local discipline task force pursuant to division (A)(2) of this section. The secondary local discipline task force shall follow the same procedures with respect to holding meetings, the provision of public notice, and the production and inspection of a written report of findings and recommendations that are applicable to the local discipline task force pursuant to division (A)(2) of this section, except that the secondary local discipline task force is not required to present~~ 56457  
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~~its written report to the board of education on a date that is no later than July 15, 1994.~~ 56472  
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~~(C) The prohibition of corporal punishment by division (A) of this section or by a resolution adopted under division (B) of this section does not prohibit the use of reasonable force or restraint in accordance with division (C) of this section.~~ 56474  
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~~(D) If the board of education of any city, local, exempted village, or joint vocational school district does not prohibit corporal punishment on the effective date of this amendment but at any time after that date corporal punishment will be prohibited in the district pursuant to division (A)(1) or (B) of this section, the board shall do both of the following prior to the date on which the prohibition takes effect:~~ 56478  
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~~(1) Adopt a disciplinary policy for the district that includes alternative disciplinary measures;~~ 56485  
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~~(2) Consider what in service training, if any, school district employees might need as part of implementing the policy adopted under division (D)(1) of this section.~~ 56487  
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~~(E) A person employed or otherwise engaged as a teacher, principal, or administrator by a board of education permitting corporal punishment pursuant to division (A)(1) of this section or by a nonpublic school, except as otherwise provided by the governing authority of the nonpublic school, may inflict or cause to be inflicted reasonable corporal punishment upon a pupil attending the school to which the person is assigned whenever such punishment is reasonably necessary in order to preserve discipline while the student is subject to school authority.~~ 56490  
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~~(F) A board of education of a school district that permits the use of corporal punishment as a means of discipline pursuant to a resolution adopted by the board pursuant to division (A)(1) of this section shall permit as part of its discipline policy the~~ 56499  
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~~parents, guardian, or custodian of a child that is attending any school within the school district to request that corporal punishment not be used as a means of discipline on that child; upon the receipt of a request of that nature, shall ensure that an alternative disciplinary measure is applied with respect to that child; and shall include a procedure for the exercise of that option in the resolution adopted pursuant to division (A)(1) of this section.~~

~~(G) Persons employed or engaged as teachers, principals, or administrators in a school, whether public or private, and nonlicensed school employees and school bus drivers may, within the scope of their employment, use and apply such amount of force and restraint as is reasonable and necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of the pupil, for the purpose of self-defense, or for the protection of persons or property.~~

**Sec. 3319.51.** (A) The state board of education shall annually establish the amount of the fees required to be paid for any license, certificate, or permit issued under this chapter or division (B) of section 3301.071, ~~under sections or section 3301.074, 3319.088, 3319.29, 3319.302, and 3319.304, and under division (A) of section 3319.303~~ of the Revised Code. The amount of these fees shall be such that they, along with any appropriation made to the fund established under division (B) of this section, will be sufficient to cover the annual estimated cost of administering the sections of law listed requirements described under division (B) of this section.

(B) There is hereby established in the state treasury the state board of education licensure fund, which shall be used by the state board of education solely to pay the cost of

administering requirements related to the issuance and renewal of licenses, certificates, and permits described in this chapter and sections 3301.071, and 3301.074, ~~3319.088, 3319.22, 3319.29, 3319.291, 3319.301, 3319.302, 3319.303, 3319.304, and 3319.31~~ of the Revised Code. The fund shall consist of the amounts paid into the fund pursuant to division (B) of section 3301.071, and sections 3301.074, ~~3319.088, and 3319.29, 3319.302, and 3319.304,~~ and ~~division (A) of section 3319.303~~ of the Revised Code and any appropriations to the fund by the general assembly.

**Sec. 3319.56.** The department of education shall identify promising practices in Ohio and throughout the country for engaging teachers certified by the national board for professional teaching standards, and other master lead teachers, as defined who meet the criteria adopted by the educator standards board pursuant to section 3319.61 of the Revised Code, in ways that add value beyond their own classrooms. Practices identified by the department as promising may include placing national board certified and ~~master lead~~ lead teachers in key roles in peer review programs; having such teachers serve as coaches, mentors, and trainers for other teachers; or having such teachers develop curricula or instructional integration strategies.

Once the department has identified promising practices, the department shall inform all school districts of the practices by posting such information on the department's world wide web site.

**Sec. 3319.57.** (A) A grant program is hereby established under which the department of education shall award grants to assist certain schools in a city, exempted village, local, or joint vocational school district in implementing one of the following innovations:

(1) The use of instructional specialists to mentor and

- support classroom teachers; 56564
- (2) The use of building managers to supervise the 56565  
administrative functions of school operation so that a school 56566  
principal can focus on supporting instruction, providing 56567  
instructional leadership, and engaging teachers as part of the 56568  
instructional leadership team; 56569
- (3) The reconfiguration of school leadership structure in a 56570  
manner that allows teachers to serve in leadership roles so that 56571  
teachers may share the responsibility for making and implementing 56572  
school decisions; 56573
- (4) The adoption of new models for restructuring the school 56574  
day or school year, such as including teacher planning and 56575  
collaboration time as part of the school day; 56576
- (5) The creation of smaller schools or smaller units within 56577  
larger schools for the purpose of facilitating teacher 56578  
collaboration to improve and advance the professional practice of 56579  
teaching; 56580
- (6) The implementation of "grow your own" recruitment 56581  
strategies that are designed to assist individuals who show a 56582  
commitment to education become licensed teachers, to assist 56583  
experienced teachers obtain licensure in subject areas for which 56584  
there is need, and to assist teachers in becoming principals; 56585
- (7) The provision of better conditions for new teachers, such 56586  
as reduced teaching load and reduced class size; 56587
- (8) The provision of incentives to attract qualified 56588  
mathematics, science, or special education teachers; 56589
- (9) The development and implementation of a partnership with 56590  
teacher preparation programs at colleges and universities to help 56591  
attract teachers qualified to teach in shortage areas; 56592
- (10) The implementation of a program to increase the cultural 56593

competency of both new and veteran teachers; 56594

(11) The implementation of a program to increase the subject 56595  
matter competency of veteran teachers. 56596

(B) To qualify for a grant to implement one of the 56597  
innovations described in division (A) of this section, a school 56598  
must meet both of the following criteria: 56599

(1) Be hard to staff, as defined by the department. 56600

(2) Use existing school district funds for the implementation 56601  
of the innovation in an amount equal to the grant amount 56602  
multiplied by (1 - the district's state share percentage for the 56603  
fiscal year in which the grant is awarded). 56604

For purposes of division (B)(2) of this section, "state share 56605  
percentage" ~~shall be as calculated under section 3317.022 of the~~ 56606  
~~Revised Code, in the case of a city, local, or exempted village~~ 56607  
~~school district, or as calculated under section 3317.16~~ has the 56608  
same meaning as in section 3306.02 of the Revised Code, ~~in the~~ 56609  
~~case of a joint vocational school district.~~ 56610

(C) The amount and number of grants awarded under this 56611  
section shall be determined by the department based on any 56612  
appropriations made by the general assembly for grants under this 56613  
section. 56614

(D) The state board of education shall adopt rules for the 56615  
administration of this grant program. 56616

**Sec. 3319.60.** There is hereby established the educator 56617  
standards board. The board shall develop and recommend to the 56618  
state board of education standards for entering and continuing in 56619  
the ~~teaching and principalship~~ educator professions and standards 56620  
for educator professional development. The board membership shall 56621  
reflect the diversity of the state in terms of gender, race, 56622  
ethnic background, and geographic distribution. 56623

(A) The board shall consist of the following members: 56624

~~(1) The following eighteen members~~ appointed by the state 56625  
board of education ~~within sixty days of the effective date of this~~ 56626  
~~section:~~ 56627

~~(1) Eight~~ (a) Ten persons employed as teachers in a school 56628  
district. ~~Two~~ Three persons appointed under this division shall be 56629  
employed as teachers in a secondary school, two persons shall be 56630  
employed as teachers in a middle school, ~~two~~ three persons shall 56631  
be employed as teachers in an elementary school, one person shall 56632  
be employed as a teacher in a pre-kindergarten classroom, and one 56633  
person shall be a teacher who serves on a local professional 56634  
development committee pursuant to section 3319.22 of the Revised 56635  
Code. At least one person appointed under this division shall hold 56636  
a teaching certificate or license issued by the national board for 56637  
professional teaching standards. The Ohio education association 56638  
shall submit a list of ~~twelve~~ fourteen nominees for these 56639  
appointments and the state board shall appoint ~~six~~ seven members 56640  
to the educator standards board from that list. The Ohio 56641  
federation of teachers shall submit a list of ~~four~~ six nominees 56642  
for these appointments and the state board shall appoint ~~two~~ three 56643  
members to the educator standards board from that list. If there 56644  
is an insufficient number of nominees from both lists to satisfy 56645  
the membership requirements of this division, the state board 56646  
shall request additional nominees who satisfy those requirements. 56647  
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~~(2)~~(b) One person employed as a teacher in a chartered, 56649  
nonpublic school. Stakeholder groups selected by the state board 56650  
shall submit a list of two nominees for this appointment. 56651

~~(3) Four~~ (c) Five persons employed as school administrators 56652  
in a school district. Of ~~the four~~ those five persons ~~appointed~~ 56653  
~~under this division~~, one person shall be employed as a secondary 56654  
school principal, one person shall be employed as a middle school 56655

principal, one person shall be employed as an elementary school 56656  
principal, one person shall be employed as a school district 56657  
treasurer or business manager, and one person shall be employed as 56658  
a school district superintendent. The buckeye association of 56659  
school administrators shall submit a list of two nominees for the 56660  
school district superintendent, the Ohio association of school 56661  
business officials shall submit a list of two nominees for the 56662  
school district treasurer or business manager, the Ohio 56663  
association of elementary school administrators shall submit a 56664  
list of two nominees for the elementary school principal, and the 56665  
Ohio association of secondary school administrators shall submit a 56666  
list of two nominees for the middle school principal and a list of 56667  
two nominees for the secondary school principal. 56668

~~(4)(d)~~ One person who is a member of a school district board 56669  
of education. The Ohio school boards association shall submit a 56670  
list of two nominees for this appointment. 56671

~~(5) Three persons employed by institutions of higher 56672  
education that offer teacher preparation programs approved under 56673  
section 3319.23 of the Revised Code. One person appointed under 56674  
this division shall be employed by an institution of higher 56675  
education that has a certificate of authorization under Chapter 56676  
1713. of the Revised Code; one person shall be employed by a state 56677  
university, as defined in section 3345.011 of the Revised Code, or 56678  
a university branch; and one person shall be employed by a state 56679  
community college, community college, or technical college. Of the 56680  
two persons appointed under this division from an institution of 56681  
higher education that has a certificate of authorization under 56682  
Chapter 1713. of the Revised Code and from a state university or 56683  
university branch, one shall be employed in a college of education 56684  
and one shall be employed in a college of arts and sciences. The 56685  
chancellor of the Ohio board of regents shall submit two slates of 56686  
nominees for these appointments and the state board shall appoint 56687~~

~~one slate as members of the educator standards board.~~ 56688

~~(6)(e) One person who is a parent of a student currently 56689  
enrolled in a school operated by a school district. The Ohio 56690  
parent teacher association shall submit a list of two nominees for 56691  
this appointment. 56692~~

~~(2) The chancellor of the Ohio board of regents shall appoint 56693  
three persons employed by institutions of higher education that 56694  
offer educator preparation programs. One person shall be employed 56695  
by an institution of higher education that has a certificate of 56696  
authorization under Chapter 1713. of the Revised Code; one person 56697  
shall be employed by a state university, as defined in section 56698  
3345.011 of the Revised Code, or a university branch; and one 56699  
person shall be employed by a state community college, community 56700  
college, or technical college. Of the two persons appointed from 56701  
an institution of higher education that has a certificate of 56702  
authorization under Chapter 1713. of the Revised Code and from a 56703  
state university or university branch, one shall be employed in a 56704  
college of education and one shall be employed in a college of 56705  
arts and sciences. 56706~~

~~(3) The superintendent of public instruction or a designee of 56707  
the superintendent, the chancellor of the Ohio board of regents or 56708  
a designee of the chancellor, and the chairpersons and the ranking 56709  
minority members of the education committees of the senate and 56710  
house of representatives shall serve as nonvoting, ex officio 56711  
members. 56712~~

~~(B) Initial terms of office for nine members shall be for two 56713  
years and three years for eight members, beginning on the day all 56714  
members are appointed to the board. At the first meeting of the 56715  
board, members shall draw lots to determine the length of the term 56716  
each member shall serve. Thereafter terms Terms of office shall be 56717  
for two years. Each member shall hold office from the date of the 56718  
member's appointment until the end of the term for which the 56719~~



member was appointed. At the first meeting, appointed members 56720  
shall select a chairperson and a vice-chairperson. Vacancies on 56721  
the board shall be filled in the same manner as ~~the original~~ 56722  
prescribed for appointments under division (A) of this section. 56723  
Any member appointed to fill a vacancy occurring prior to the 56724  
expiration of the term for which the member's predecessor was 56725  
appointed shall hold office for the remainder of such term. Any 56726  
member shall continue in office subsequent to the expiration date 56727  
of the member's term until the member's successor takes office, or 56728  
until a period of sixty days has elapsed, whichever occurs first. 56729  
The terms of office of members are renewable. 56730

(C) Members shall receive no compensation for their services. 56731

(D) The board shall establish guidelines for its operation. 56732  
These guidelines shall require the creation of a standing 56733  
subcommittee on higher education, and shall permit the creation of 56734  
other standing subcommittees when necessary. The board shall 56735  
determine the membership of any subcommittee it creates. The board 56736  
may select persons who are not members of the board to participate 56737  
in the deliberations of any subcommittee as representatives of 56738  
stakeholder groups, but no such person shall vote on any issue 56739  
before the subcommittee. 56740

**Sec. 3319.61.** (A) The educator standards board, in 56741  
consultation with the chancellor of the Ohio board of regents, 56742  
shall do all of the following: 56743

(1) Develop state standards for teachers and principals that 56744  
reflect what teachers and principals are expected to know and be 56745  
able to do at all stages of their careers. These standards shall 56746  
be aligned with the statewide academic content standards for 56747  
students adopted pursuant to section 3301.079 of the Revised Code, 56748  
be primarily based on educator performance instead of years of 56749  
experience or certain courses completed, and rely on 56750

evidence-based factors. These standards shall also be aligned with the operating standards adopted under division (D)(3) of section 3301.07 of the Revised Code. 56751  
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(a) The standards for teachers shall reflect the following additional criteria: 56754  
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(i) Alignment with the interstate new teacher assessment and support consortium standards; 56756  
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(ii) Differentiation among novice, experienced, and advanced teachers; 56758  
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(iii) Reliance on competencies that can be measured; 56760

(iv) Reliance on content knowledge, teaching skills, discipline-specific teaching methods, and requirements for professional development; 56761  
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(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards; 56764  
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(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based real world learning, differentiated instruction, and community service learning; 56768  
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(vii) The Ohio leadership framework. 56772

(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards. 56773  
56774

(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and operating standards developed under 56775  
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division (D)(3) of section 3301.07 of the Revised Code. 56781

(3) Develop standards for school district treasurers and 56782  
business managers that reflect what treasurers and business 56783  
managers are expected to know and be able to do at all stages of 56784  
their careers. The standards shall reflect knowledge of systems 56785  
theory and effective management principles and be aligned with the 56786  
association of school business officials international standards 56787  
and the operating standards developed under division (D)(3) of 56788  
section 3301.07 of the Revised Code. 56789

(4) Develop standards for the renewal of educator licenses 56790  
under ~~section~~ sections 3319.22 and 3301.074 of the Revised Code; 56791

~~(3)~~(5) Develop standards for educator professional 56792  
development; 56793

(6) Investigate and make recommendations for the creation, 56794  
expansion, and implementation of school building and school 56795  
district leadership academies. 56796

The superintendent of public instruction, the chancellor of 56797  
the Ohio board of regents, or the education standards board itself 56798  
may request that the educator standards board update, review, or 56799  
reconsider any standards developed under this section. 56800

(B) The educator standards board shall incorporate indicators 56801  
of cultural competency into the standards developed under division 56802  
(A) of this section. For this purpose, the educator standards 56803  
board shall develop a definition of cultural competency based upon 56804  
content and experiences that enable educators to know, understand, 56805  
and appreciate the students, families, and communities that they 56806  
serve and skills for addressing cultural diversity in ways that 56807  
respond equitably and appropriately to the cultural needs of 56808  
individual students. 56809

(C) In developing the standards under division (A) of this 56810  
section, the educator standards board shall consider the impact of 56811

the standards on closing the achievement gap between students of 56812  
different subgroups. 56813

(D) In developing the standards under division (A) of this 56814  
section, the educator standards board shall ensure ~~that~~ both of 56815  
the following: 56816

(1) That teachers and principals have sufficient knowledge to 56817  
provide appropriate instruction for students identified as gifted 56818  
pursuant to Chapter 3324. of the Revised Code and to assist in the 56819  
identification of such students, and have sufficient knowledge 56820  
that will enable teachers to provide learning opportunities for 56821  
all children to succeed; 56822

(2) That principals, superintendents, school treasurers, and 56823  
school business managers have sufficient knowledge to provide 56824  
principled, collaborative, foresighted, and data-based leadership 56825  
that will provide learning opportunities for all children to 56826  
succeed. 56827

(E) The standards for educator professional development 56828  
developed under division (A)~~(3)~~(5) of this section shall include 56829  
~~standards~~ the following: 56830

(1) Standards for the inclusion of local professional 56831  
development committees established under section 3319.22 of the 56832  
Revised Code in the planning and design of professional 56833  
development; 56834

(2) Standards that address the crucial link between academic 56835  
achievement and mental health issues. 56836

(F) The educator standards board shall also perform the 56837  
following functions: 56838

~~(1) Collaborate with colleges and universities that offer~~ 56839  
~~teacher preparation programs approved pursuant to section 3319.23~~ 56840  
~~of the Revised Code to align teacher and principal preparation~~ 56841

~~courses with the standards developed under division (A) of this~~ 56842  
~~section and with student academic content standards adopted under~~ 56843  
~~section 3301.079 of the Revised Code. The educator standards board~~ 56844  
~~shall study the model developed by the college of food,~~ 56845  
~~agricultural, and environmental sciences and the college of~~ 56846  
~~education of the Ohio state university for aligning teacher~~ 56847  
~~preparation programs in agricultural education with recognized~~ 56848  
~~standards for this purpose.~~ 56849

~~(2) Monitor compliance with the teacher and principal~~ 56850  
~~standards developed under division (A) of this section and make~~ 56851  
~~recommendations to the state board of education for appropriate~~ 56852  
~~corrective action if such standards are not met;~~ 56853

~~(3)(2) Research, develop, and recommend policies on the~~ 56854  
~~professions of teaching and school administration;~~ 56855

~~(4)(3) Recommend policies to close the achievement gap~~ 56856  
~~between students of different subgroups;~~ 56857

~~(5)(4) Define a "master teacher" in a manner that can be used~~ 56858  
~~uniformly by all school districts;~~ 56859

(5) Adopt criteria that a candidate for a lead professional 56860  
educator license under section 3319.22 of the Revised Code who 56861  
does not hold a valid certificate issued by the national board for 56862  
professional teaching standards must meet to be considered a lead 56863  
teacher for purposes of division (B)(4)(d) of that section. It is 56864  
the intent of the general assembly that when defining "master 56865  
teacher," the educator standards board shall adopt multiple, 56866  
equal-weighted criteria to use in determining whether a person is 56867  
a master lead teacher. Such The criteria shall be in addition to 56868  
the other standards and qualifications prescribed in division 56869  
(B)(4) of section 3319.22 of the Revised Code. The criteria may 56870  
include, but shall not be limited to, attainment of a master's 56871  
degree in an appropriate subject area, completion of other 56872

educational levels beyond a master's degree or other professional 56873  
development courses, ~~certification by the national board for~~ 56874  
~~professional teaching standards,~~ or demonstration of a leadership 56875  
role in the teacher's school building or district. The board shall 56876  
determine the number of criteria that a teacher shall satisfy to 56877  
be recognized as a ~~master~~ lead teacher, which shall not be the 56878  
total number of criteria adopted by the board. 56879

(6) Develop model teacher and principal evaluation 56880  
instruments and processes. The models shall be based on the 56881  
standards developed under division (A) of this section. 56882

(G) The educator standards board shall submit recommendations 56883  
of standards developed under division (A) of this section to the 56884  
state board of education ~~within one year after the educator~~ 56885  
~~standards board first convenes~~ not later than September 1, 2010. 56886  
The state board of education shall review those recommendations at 56887  
the state board's regular meeting that next succeeds the date that 56888  
the recommendations are submitted to the state board. At that 56889  
meeting, the state board of education shall vote to either adopt 56890  
standards based on those recommendations or request that the 56891  
educator standards board reconsider its recommendations. The state 56892  
board of education shall articulate reasons for requesting 56893  
reconsideration of the recommendations but shall not direct the 56894  
content of the recommendations. The educator standards board shall 56895  
reconsider its recommendations if the state board of education so 56896  
requests, may revise the recommendations, and shall resubmit the 56897  
recommendations, whether revised or not, to the state board not 56898  
later than two weeks prior to the state board's regular meeting 56899  
that next succeeds the meeting at which the state board requested 56900  
reconsideration of the initial recommendations. The state board of 56901  
education shall review the recommendations as resubmitted by the 56902  
educator standards board at the state board's regular meeting that 56903  
next succeeds the meeting at which the state board requested 56904

reconsideration of the initial recommendations and may adopt the standards as resubmitted or, if the resubmitted standards have not addressed the state board's concerns, the state board may modify the standards prior to adopting them. The final responsibility to determine whether to adopt standards as described in division (A) of this section and the content of those standards, if adopted, belongs solely to the state board of education.

Sec. 3319.611. The subcommittee on standards for superintendents of the education standards board is hereby established. The subcommittee shall consist of the following members:

(A) The school district superintendent appointed to the educator standards board under section 3319.60 of the Revised Code, who shall act as chairperson of the subcommittee;

(B) Three additional school district superintendents appointed by the state board of education, for terms of two years. The buckeye association of school administrators shall submit a list of six nominees for appointments under this section.

(C) Three additional members of the educator standards board, appointed by the chairperson of the educator standards board;

(D) The superintendent of public instruction and the chancellor of the Ohio board of regents, or their designees, who shall serve as nonvoting, ex officio members of the subcommittee.

Members of the subcommittee shall receive no compensation for their services. The members appointed under divisions (B) and (C) of this section may be reappointed.

The subcommittee shall assist the educator standards board in developing the standards for superintendents and with any additional matters the educator standards board directs the subcommittee to examine.

Sec. 3319.612. The subcommittee on standards for school 56935  
treasurers and business managers of the educator standards board 56936  
is hereby established. The subcommittee shall consist of the 56937  
following members: 56938

(A) The school district treasurer or business manager 56939  
appointed to the educator standards board under section 3319.60 of 56940  
the Revised Code, who shall act as chairperson of the 56941  
subcommittee; 56942

(B) Three additional school district treasurers or business 56943  
managers appointed by the state board of education for terms of 56944  
two years. The Ohio association of school business officials shall 56945  
submit a list of six nominees for appointments under this section. 56946

(C) Three additional members of the educator standards board, 56947  
appointed by the chairperson of the educator standards board; 56948

(D) The superintendent of public instruction and the 56949  
chancellor of the Ohio board of regents, or their designees, who 56950  
shall serve as nonvoting, ex officio members of the subcommittee. 56951

Members of the subcommittee shall receive no compensation for 56952  
their services. The members appointed under divisions (B) and (C) 56953  
of this section may be reappointed. 56954

The subcommittee shall assist the educator standards board in 56955  
developing the standards for school treasurers and business 56956  
managers and with any additional matters the educator standards 56957  
board directs the subcommittee to examine. 56958

**Sec. 3319.63.** The board of education of a school district 56959  
that employs any person who is appointed to serve as a member of 56960  
the educator standards board under division (A)(1)(a) or ~~(3)~~(c) of 56961  
section 3319.60, as a member of the subcommittee on standards for 56962  
superintendents under division (B) or (C) of section 3319.611, or 56963  
as a member of the subcommittee on standards for school treasurers 56964



and business managers under division (B) or (C) of section 56965  
3319.612 of the Revised Code shall grant that person paid 56966  
professional leave for the purpose of attending meetings and 56967  
conducting official business of the educator standards board and 56968  
the subcommittees. 56969

Sec. 3319.70. (A) The school health services advisory council 56970  
is hereby established. The council shall consist of the following 56971  
members: 56972

(1) A registered nurse licensed under Chapter 4723. of the 56973  
Revised Code who also is licensed as a school nurse pursuant to 56974  
section 3319.221 or former section 3319.22 of the Revised Code and 56975  
is a member of the Ohio association of school nurses, appointed by 56976  
the governor; 56977

(2) A representative of the board of nursing, appointed by 56978  
the governor; 56979

(3) A representative of the department of health who has 56980  
expertise in school and adolescent health services, appointed by 56981  
the director of health; 56982

(4) A representative of the department of education, 56983  
appointed by the superintendent of public instruction; 56984

(5) A representative of the chancellor of the Ohio board of 56985  
regents, appointed by the chancellor; 56986

(6) A representative of a nurse education program, appointed 56987  
by the chancellor; 56988

(7) A representative of the department of development who has 56989  
expertise in workforce development, appointed by the director of 56990  
development; 56991

(8) A representative of the department of job and family 56992  
services who has expertise in child and adolescent care, appointed 56993  
by the director of job and family services; 56994

(9) A representative of the public, appointed by the 56995  
governor. 56996

(B) Initial appointments to the council shall be made within 56997  
thirty days after the effective date of this section. Members of 56998  
the council shall serve at the pleasure of their appointing 56999  
authorities. Vacancies shall be filled in the same manner as the 57000  
original appointment. Members shall receive no compensation for 57001  
their services, except to the extent that service on the council 57002  
is part of their regular employment duties. 57003

(C) The representative of the department of education shall 57004  
call the first meeting of the council. At that meeting, the 57005  
members shall select a chairperson and vice-chairperson. 57006  
Subsequent meetings of the council shall be held at the call of 57007  
the chairperson. 57008

**Sec. 3319.71. (A) The school health services advisory council** 57009  
**shall make recommendations on the following topics:** 57010

(1) The content of the course of instruction required to 57011  
obtain a school nurse license under section 3319.221 of the 57012  
Revised Code; 57013

(2) The content of the course of instruction required to 57014  
obtain a school nurse wellness coordinator license under section 57015  
3319.221 of the Revised Code; 57016

(3) Best practices for the use of school nurses and school 57017  
nurse wellness coordinators in providing health and wellness 57018  
programs for students and employees of school districts, community 57019  
schools established under Chapter 3314. of the Revised Code, and 57020  
STEM schools established under Chapter 3326. of the Revised Code. 57021

(B) The council shall issue its initial recommendations not 57022  
later than March 31, 2010, and may issue subsequent 57023  
recommendations as it considers necessary. Copies of all 57024

recommendations shall be provided to the state board of education, 57025  
the chancellor of the Ohio board of regents, the board of nursing, 57026  
and the health care coverage and quality council. 57027

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 57028  
"guardian," or "other person having charge or care of a child" 57029  
means either parent unless the parents are separated or divorced 57030  
or their marriage has been dissolved or annulled, in which case 57031  
"parent" means the parent who is the residential parent and legal 57032  
custodian of the child. If the child is in the legal or permanent 57033  
custody of a person or government agency, "parent" means that 57034  
person or government agency. When a child is a resident of a home, 57035  
as defined in section 3313.64 of the Revised Code, and the child's 57036  
parent is not a resident of this state, "parent," "guardian," or 57037  
"other person having charge or care of a child" means the head of 57038  
the home. 57039

A child between six and eighteen years of age is "of 57040  
compulsory school age" for the purpose of sections 3321.01 to 57041  
3321.13 of the Revised Code. A child under six years of age who 57042  
has been enrolled in kindergarten also shall be considered "of 57043  
compulsory school age" for the purpose of sections 3321.01 to 57044  
3321.13 of the Revised Code unless at any time the child's parent 57045  
or guardian, at the parent's or guardian's discretion and in 57046  
consultation with the child's teacher and principal, formally 57047  
withdraws the child from kindergarten. The compulsory school age 57048  
of a child shall not commence until the beginning of the term of 57049  
such schools, or other time in the school year fixed by the rules 57050  
of the board of the district in which the child resides. 57051

(2) No child shall be admitted to a kindergarten or a first 57052  
grade of a public school in a district in which all children are 57053  
admitted to kindergarten and the first grade in August or 57054  
September unless the child is five or six years of age, 57055

respectively, by the thirtieth day of September of the year of 57056  
admittance, or by the first day of a term or semester other than 57057  
one beginning in August or September in school districts granting 57058  
admittance at the beginning of such term or semester, except that 57059  
in those school districts using or obtaining educationally 57060  
accepted standardized testing programs for determining entrance, 57061  
as approved by the board of education of such districts, the board 57062  
shall admit a child to kindergarten or the first grade who fails 57063  
to meet the age requirement, provided the child meets necessary 57064  
standards as determined by such standardized testing programs. If 57065  
the board of education has not established a standardized testing 57066  
program, the board shall designate the necessary standards and a 57067  
testing program it will accept for the purpose of admitting a 57068  
child to kindergarten or first grade who fails to meet the age 57069  
requirement. Each child who will be the proper age for entrance to 57070  
kindergarten or first grade by the first day of January of the 57071  
school year for which admission is requested shall be so tested 57072  
upon the request of the child's parent. 57073

(3) Notwithstanding divisions (A)(2) and (D) of this section, 57074  
beginning with the school year that starts in 2001 and continuing 57075  
thereafter the board of education of any district may adopt a 57076  
resolution establishing the first day of August in lieu of the 57077  
thirtieth day of September as the required date by which students 57078  
must have attained the age specified in those divisions. 57079

(B) As used in divisions (C) and (D) of this section, 57080  
"successfully completed kindergarten" and "successful completion 57081  
of kindergarten" mean that the child has completed the 57082  
kindergarten requirements at one of the following: 57083

(1) A public or chartered nonpublic school; 57084

(2) A kindergarten class that is both of the following: 57085

(a) Offered by a day-care provider licensed under Chapter 57086

5104. of the Revised Code; 57087

(b) If offered after July 1, 1991, is directly taught by a 57088  
teacher who holds one of the following: 57089

(i) A valid educator license issued under section 3319.22 of 57090  
the Revised Code; 57091

(ii) A Montessori preprimary credential or age-appropriate 57092  
diploma granted by the American Montessori society or the 57093  
association Montessori internationale; 57094

(iii) Certification determined under division (G) of this 57095  
section to be equivalent to that described in division 57096  
(B)(2)(b)(ii) of this section; 57097

(iv) Certification for teachers in nontax-supported schools 57098  
pursuant to section 3301.071 of the Revised Code. 57099

(C) Except as provided in division (D) of this section, no 57100  
school district shall admit to the first grade any child who has 57101  
not successfully completed kindergarten. 57102

(D) Upon request of a parent, the requirement of division (C) 57103  
of this section may be waived by the district's pupil personnel 57104  
services committee in the case of a child who is at least six 57105  
years of age by the thirtieth day of September of the year of 57106  
admittance and who demonstrates to the satisfaction of the 57107  
committee the possession of the social, emotional, and cognitive 57108  
skills necessary for first grade. 57109

The board of education of each city, local, and exempted 57110  
village school district shall establish a pupil personnel services 57111  
committee. The committee shall be composed of all of the following 57112  
to the extent such personnel are either employed by the district 57113  
or employed by the governing board of the educational service 57114  
center within whose territory the district is located and the 57115  
educational service center generally furnishes the services of 57116

such personnel to the district:	57117
(1) The director of pupil personnel services;	57118
(2) An elementary school counselor;	57119
(3) An elementary school principal;	57120
(4) A school psychologist;	57121
(5) A teacher assigned to teach first grade;	57122
(6) A gifted coordinator.	57123
The responsibilities of the pupil personnel services	57124
committee shall be limited to the issuing of waivers allowing	57125
admittance to the first grade without the successful completion of	57126
kindergarten. The committee shall have no other authority except	57127
as specified in this section.	57128
(E) The scheduling of times for kindergarten classes and	57129
length of the school day for kindergarten shall be determined by	57130
the board of education of a city, exempted village, or local	57131
school district, <u>subject to section 3321.05 of the Revised Code.</u>	57132
(F) Any kindergarten class offered by a day-care provider or	57133
school described by division (B)(1) or (B)(2)(a) of this section	57134
shall be developmentally appropriate.	57135
(G) Upon written request of a day-care provider described by	57136
division (B)(2)(a) of this section, the department of education	57137
shall determine whether certification held by a teacher employed	57138
by the provider meets the requirement of division (B)(2)(b)(iii)	57139
of this section and, if so, shall furnish the provider a statement	57140
to that effect.	57141
(H) <del>As used in this division, "all day kindergarten" has the</del>	57142
<del>same meaning as in section 3317.029 of the Revised Code.</del>	57143
<del>(1) Any school district that is not eligible to receive</del>	57144
<del>poverty based assistance for all day kindergarten under division</del>	57145

~~(D) of section 3317.029 of the Revised Code may charge fees or tuition for students enrolled in all-day kindergarten. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family incomes.~~ 57146  
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~~(2) The department of education shall conduct an annual survey of each school district described in division (H)(1) of this section to determine the following:~~ 57151  
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~~(a) Whether the district charges fees or tuition for students enrolled in all-day kindergarten;~~ 57154  
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~~(b) The amount of the fees or tuition charged;~~ 57156

~~(c)(1) How many of the students for whom tuition is charged are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;~~ 57157  
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~~(d)(2) How many students are enrolled in traditional half-day kindergarten rather than and how many students are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code.~~ 57163  
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Each district shall report to the department, in the manner prescribed by the department, the information ~~described in divisions (H)(2)(a) to (d) of this section~~ required by this division. 57167  
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The department shall issue an annual report on the results of the survey and shall post the report on its web site. The department shall issue the first report not later than April 30, 2008, and shall issue a report not later than the thirtieth day of April each year thereafter. 57171  
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Sec. 3321.041. (A) As used in this section, "extracurricular activity" means a pupil activity program that a school or school district operates and is not included in the school district's graded course of study, including an interscholastic extracurricular activity that a school or school district sponsors or participates in and that has participants from more than one school or school district. 57176  
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(B) Beginning in the 2009-2010 school year, if a student enrolled in a school district is absent from school for the sole purpose of traveling out of the state to participate in an enrichment activity approved by the district board of education or in an extracurricular activity, the district shall count that absence as an excused absence, up to a maximum of four days per school year. The district shall require any such student to complete any classroom assignments that the student misses because of the absence. 57183  
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(C) If a student will be absent from school for four or more consecutive school days for a purpose described in division (B) of this section, a classroom teacher employed by the school district shall accompany the student during the travel period to provide the student with instructional assistance. 57192  
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Sec. 3321.05. (A) As used in this section, "all-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for students in grades one through six. 57197  
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(B) Any school district may operate all-day kindergarten or extended kindergarten, but ~~no~~ beginning in fiscal year 2011, each city, local, and exempted village school district shall provide all-day kindergarten to each student enrolled in kindergarten, except as specified in divisions (C) and (D) of this section. 57201  
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(C) The board of education of a school district may apply to the superintendent of public instruction for a waiver of the requirement to provide all-day kindergarten for all kindergarten students. In making the determination to grant or deny the waiver, the state superintendent may consider space concerns or alternative delivery approaches used by the school district.

(D) No district shall require any student to attend kindergarten for more than one-half of the number of clock hours required each day for ~~traditional kindergarten~~ grades one through six by the minimum standards adopted under division (D) of section 3301.07 of the Revised Code. Each school district ~~that operates all-day or extended kindergarten~~ shall accommodate kindergarten students whose parents or guardians elect to enroll them for one-half of the minimum number of hours required each day for grades one through six.

(E) A school district may use space in child day-care centers licensed under Chapter 5104. of the Revised Code to provide all-day kindergarten under this section.

**Sec. 3323.05.** The state board of education shall establish procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards under this chapter with respect to a free appropriate public education.

The procedures shall include, but need not be limited to:

(A) An opportunity for the parents of a child with a disability to examine all records related to the child and to participate in meetings with respect to identification, evaluation, and educational placement of the child, and to obtain an independent educational evaluation of the child;

(B) Procedures to protect the rights of the child whenever the parents of the child are not known, an agency after making

reasonable efforts cannot find the parents, or the child is a ward 57236  
of the state, including the assignment, ~~in accordance with section~~ 57237  
~~3323.051 of the Revised Code,~~ of an individual to act as a 57238  
surrogate for the parents; made by the school district or other 57239  
educational agency responsible for educating the child or by the 57240  
court with jurisdiction over the child's custody. Such assignment 57241  
shall be made in accordance with section 3323.051 of the Revised 57242  
Code. 57243

(C) Prior written notice to the child's parents of a school 57244  
district's proposal or refusal to initiate or change the 57245  
identification, evaluation, or educational placement of the child 57246  
or the provision of a free appropriate education for the child. 57247  
The procedures established under this division shall: 57248

(1) Be designed to ensure that the written prior notice is in 57249  
the native language of the parents, unless it clearly is not 57250  
feasible to do so. 57251

(2) Specify that the prior written notice shall include: 57252

(a) A description of the action proposed or refused by the 57253  
district; 57254

(b) An explanation of why the district proposes or refuses to 57255  
take the action and a description of each evaluation procedure, 57256  
assessment, record, or report the district used as a basis for the 57257  
proposed or refused action; 57258

(c) A statement that the parents of a child with a disability 57259  
have protection under the procedural safeguards and, if the notice 57260  
is not in regard to an initial referral for evaluation, the means 57261  
by which a copy of a description of the procedural safeguards can 57262  
be obtained; 57263

(d) Sources for parents to contact to obtain assistance in 57264  
understanding the provisions of Part B of the "Individuals with 57265  
Disabilities Education Improvement Act of 2004"; 57266

(e) A description of other options considered by the IEP team 57267  
and the reason why those options were rejected; 57268

(f) A description of the factors that are relevant to the 57269  
agency's proposal or refusal. 57270

(D) An opportunity for the child's parents to present 57271  
complaints to the superintendent of the child's school district of 57272  
residence with respect to any matter relating to the 57273  
identification, evaluation, or educational placement of the child, 57274  
or the provision of a free appropriate public education under this 57275  
chapter. 57276

Within twenty school days after receipt of a complaint, the 57277  
district superintendent or the superintendent's designee, without 57278  
undue delay and at a time and place convenient to all parties, 57279  
shall review the case, may conduct an administrative review, and 57280  
shall notify all parties in writing of the superintendent's or 57281  
designee's decision. Where the child is placed in a program 57282  
operated by a county MR/DD board or other educational agency, the 57283  
superintendent shall consult with the administrator of that county 57284  
MR/DD board or agency. 57285

Any party aggrieved by the decision of the district 57286  
superintendent or the superintendent's designee may file a 57287  
complaint with the state board as provided under division (E) of 57288  
this section, request mediation as provided under division (F) of 57289  
this section, or present a due process complaint notice and 57290  
request for a due process hearing in writing to the superintendent 57291  
of the district, with a copy to the state board, as provided under 57292  
division (G) of this section. 57293

(E) An opportunity for a party to file a complaint with the 57294  
state board of education with respect to the identification, 57295  
evaluation, or educational placement of the child, or the 57296  
provision of a free appropriate public education to such child. 57297

The department of education shall review and, where appropriate, 57298  
investigate the complaint and issue findings. 57299

(F) An opportunity for parents and a school district to 57300  
resolve through mediation disputes involving any matter. 57301

(1) The procedures established under this section shall 57302  
ensure that the mediation process is voluntary on the part of the 57303  
parties, is not used to deny or delay a parent's right to a due 57304  
process hearing or to deny any other rights afforded under this 57305  
chapter, and is conducted by a qualified and impartial mediator 57306  
who is trained in effective mediation techniques. 57307

(2) A school district may establish procedures to offer to 57308  
parents and schools that choose not to use the mediation process, 57309  
an opportunity to meet, at a time and location convenient to the 57310  
parents, with a disinterested party to encourage the use, and 57311  
explain the benefits, of the mediation process to the parents. The 57312  
disinterested party shall be an individual who is under contract 57313  
with a parent training and information center or community parent 57314  
resource center in the state or is under contract with an 57315  
appropriate alternative dispute resolution entity. 57316

(3) The department shall maintain a list of individuals who 57317  
are qualified mediators and knowledgeable in laws and regulations 57318  
relating to the provision of special education and related 57319  
services. 57320

(4) The department shall bear the cost of the mediation 57321  
process, including the costs of meetings described in division 57322  
(F)(2) of this section. 57323

(5) Each session in the mediation process shall be scheduled 57324  
in a timely manner and shall be held in a location that is 57325  
convenient to the parties to the dispute. 57326

(6) Discussions that occur during the mediation process shall 57327  
be confidential and shall not be used as evidence in any 57328

subsequent due process hearing or civil proceeding. 57329

(7) In the case that a resolution is reached to resolve the 57330  
complaint through the mediation process, the parties shall execute 57331  
a legally binding agreement that sets forth the resolution and 57332  
that: 57333

(a) States that all discussions that occurred during the 57334  
mediation process shall be confidential and shall not be used as 57335  
evidence in any subsequent due process hearing or civil 57336  
proceeding; 57337

(b) Is signed by both the parent and a representative for the 57338  
school district who has the authority to bind the district; 57339

(c) Is enforceable in any state court of competent 57340  
jurisdiction or in a district court of the United States. 57341

(G)(1) An opportunity for parents or a school district to 57342  
present a due process complaint and request for a due process 57343  
hearing to the superintendent of the school district of the 57344  
child's residence with respect to the identification, evaluation, 57345  
or educational placement of the child, or the provision of a free 57346  
appropriate public education to the child. The party presenting 57347  
the due process complaint and request for a due process hearing 57348  
shall provide due process complaint notice to the other party and 57349  
forward a copy of the notice to the state board. The due process 57350  
complaint notice shall include: 57351

(a) The name of the child, the address of the residence of 57352  
the child, or the available contact information in the case of a 57353  
homeless child, and the name of the school the child is attending; 57354

(b) A description of the nature of the problem of the child 57355  
relating to the proposed initiation or change, including facts 57356  
relating to the problem; 57357

(c) A proposed resolution of the problem to the extent known 57358

and available to the party at the time. 57359

A party shall not have a due process hearing until the party, 57360  
or the attorney representing the party, files a notice that meets 57361  
the requirement for filing a due process complaint notice. 57362

A due process hearing shall be conducted by an impartial 57363  
hearing officer in accordance with standards and procedures 57364  
adopted by the state board. A hearing officer shall not be an 57365  
employee of the state board or any agency involved in the 57366  
education or care of the child or a person having a personal or 57367  
professional interest that conflicts with the person's objectivity 57368  
in the hearing. A hearing officer shall possess knowledge of, and 57369  
the ability to understand, the provisions of the "Individuals with 57370  
Disabilities Education Improvement Act of 2004," federal and state 57371  
regulations pertaining to that act, and legal interpretations of 57372  
that act by federal and state courts; possess the knowledge and 57373  
ability to conduct hearings in accordance with appropriate 57374  
standard legal practice; and possess the knowledge and ability to 57375  
render and write decisions in accordance with appropriate standard 57376  
legal practice. The due process requirements of section 615 of the 57377  
"Individuals with Disabilities Education Improvement Act of 2004," 57378  
20 U.S.C. 1415, apply to due process complaint notices and 57379  
requests for due process hearings and to due process hearings held 57380  
under division (G) of this section, including, but not limited to, 57381  
timelines for requesting hearings, requirements for sufficient 57382  
complaint notices, resolution sessions, and sufficiency and 57383  
hearing decisions. 57384

(2) Discussions that occur during a resolution session shall 57385  
be confidential and shall not be used as evidence in any 57386  
subsequent due process hearing or civil proceeding. If a 57387  
resolution to the dispute is reached at a resolution session, the 57388  
parties must execute a legally binding written settlement 57389  
agreement which shall state that all discussions that occurred 57390

during the resolution process shall be confidential and shall not 57391  
be used as evidence in any subsequent due process hearing or civil 57392  
proceeding. 57393

(3) A party to a hearing under division (G) of this section 57394  
shall be accorded: 57395

(a) The right to be accompanied and advised by counsel and by 57396  
individuals with special knowledge or training with respect to the 57397  
problems of children with disabilities; 57398

(b) The right to present evidence and confront, 57399  
cross-examine, and compel the attendance of witnesses; 57400

(c) The right to a written or electronic verbatim record of 57401  
the hearing; 57402

(d) The right to written findings of fact and decisions, 57403  
which findings of fact and decisions shall be made available to 57404  
the public consistent with the requirements relating to the 57405  
confidentiality of personally identifiable data, information, and 57406  
records collected and maintained by state educational agencies and 57407  
local educational agencies; and shall be transmitted to the 57408  
advisory panel established and maintained by the department for 57409  
the purpose of providing policy guidance with respect to special 57410  
education and related services for children with disabilities in 57411  
the state. 57412

(H) An opportunity for any party aggrieved by the findings 57413  
and decision rendered in a hearing under division (G) of this 57414  
section to appeal within forty-five days of notification of the 57415  
decision to the state board, which shall appoint a state level 57416  
officer who shall review the case and issue a final order. The 57417  
state level officer shall be appointed and shall review the case 57418  
in accordance with standards and procedures adopted by the state 57419  
board. 57420

Any party aggrieved by the final order of the state level 57421

officer may appeal the final order, in accordance with Chapter 57422  
119. of the Revised Code, within forty-five days after 57423  
notification of the order to the court of common pleas of the 57424  
county in which the child's school district of residence is 57425  
located, or to a district court of the United States within ninety 57426  
days after the date of the decision of the state level review 57427  
officer, as provided in section 615(i)(2) of the "Individuals with 57428  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 57429  
1415(i)(2). 57430

**Sec. 3323.091.** (A) The department of mental health, the 57431  
department of mental retardation and developmental disabilities, 57432  
the department of youth services, and the department of 57433  
rehabilitation and correction shall establish and maintain special 57434  
education programs for children with disabilities in institutions 57435  
under their jurisdiction according to standards adopted by the 57436  
state board of education. 57437

(B) The superintendent of each state institution required to 57438  
provide services under division (A) of this section, and each 57439  
county MR/DD board, providing special education for preschool 57440  
children with disabilities under this chapter may apply to the 57441  
state department of education for unit funding, which shall be 57442  
paid in accordance with sections 3317.052 and 3317.053 of the 57443  
Revised Code. 57444

The superintendent of each state institution required to 57445  
provide services under division (A) of this section may apply to 57446  
the department of education for special education and related 57447  
services weighted funding for children with disabilities other 57448  
than preschool children with disabilities, calculated in 57449  
accordance with section 3317.201 of the Revised Code. 57450

Each county MR/DD board providing special education for 57451  
children with disabilities other than preschool children with 57452



disabilities may apply to the department of education for base 57453  
cost and special education and related services weighted funding 57454  
calculated in accordance with section 3317.20 of the Revised Code. 57455

57456

(C) In addition to the authorization to apply for state 57457  
funding described in division (B) of this section, each state 57458  
institution required to provide services under division (A) of 57459  
this section is entitled to tuition payments calculated in the 57460  
manner described in division (C) of this section. 57461

On or before the thirtieth day of June of each year, the 57462  
superintendent of each institution that during the school year 57463  
provided special education pursuant to this section shall prepare 57464  
a statement for each child with a disability under twenty-two 57465  
years of age who has received special education. The statement 57466  
shall contain the child's data verification code assigned pursuant 57467  
to division (D)(2) of section 3301.0714 of the Revised Code and 57468  
the name of the child's school district of residence. Within sixty 57469  
days after receipt of such statement, the department of education 57470  
shall perform one of the following: 57471

(1) For any child except a preschool child with a disability 57472  
described in division (C)(2) of this section, pay to the 57473  
institution submitting the statement an amount equal to the 57474  
tuition calculated under division (A) of section 3317.08 of the 57475  
Revised Code for the period covered by the statement, and deduct 57476  
the same from the amount of state funds, if any, payable under 57477  
sections ~~3317.022~~ 3306.13 and 3317.023 of the Revised Code, to the 57478  
child's school district of residence or, if the amount of such 57479  
state funds is insufficient, require the child's school district 57480  
of residence to pay the institution submitting the statement an 57481  
amount equal to the amount determined under this division. 57482

(2) For any preschool child with a disability not included in 57483  
a unit approved under division (B) of section 3317.05 of the 57484

Revised Code, perform the following: 57485

(a) Pay to the institution submitting the statement an amount 57486  
equal to the tuition calculated under division (B) of section 57487  
3317.08 of the Revised Code for the period covered by the 57488  
statement, except that in calculating the tuition under that 57489  
section the operating expenses of the institution submitting the 57490  
statement under this section shall be used instead of the 57491  
operating expenses of the school district of residence; 57492

(b) Deduct from the amount of state funds, if any, payable 57493  
under sections ~~3317.022~~ 3306.13 and 3317.023 of the Revised Code 57494  
to the child's school district of residence an amount equal to the 57495  
amount paid under division (C)(2)(a) of this section. 57496

**Sec. 3323.14.** This section does not apply to any preschool 57497  
child with a disability except if included in a unit approved 57498  
under division (B) of section 3317.05 of the Revised Code. 57499

(A) Where a child who is a school resident of one school 57500  
district receives special education from another district and the 57501  
per capita cost to the educating district for that child exceeds 57502  
the sum of the amount received by the educating district for that 57503  
child under division (A) of section 3317.08 of the Revised Code 57504  
and the amount received by the district from the state board of 57505  
education for that child, then the board of education of the 57506  
district of residence shall pay to the board of the school 57507  
district that is providing the special education such excess cost 57508  
as is determined by using a formula approved by the department of 57509  
education and agreed upon in contracts entered into by the boards 57510  
of the districts concerned at the time the district providing such 57511  
special education accepts the child for enrollment. The department 57512  
shall certify the amount of the payments under ~~Chapter~~ Chapters 57513  
3306. and 3317. of the Revised Code for such pupils with 57514  
disabilities for each school year ending on the thirtieth day of 57515

July. 57516

(B) In the case of a child described in division (A) of this 57517  
section who has been placed in a home, as defined in section 57518  
3313.64 of the Revised Code, pursuant to the order of a court and 57519  
who is not subject to section 3323.141 of the Revised Code, the 57520  
district providing the child with special education and related 57521  
services may charge to the child's district of residence the 57522  
excess cost determined by formula approved by the department, 57523  
regardless of whether the district of residence has entered into a 57524  
contract with the district providing the services. If the district 57525  
providing the services chooses to charge excess costs, the 57526  
district may report the amount calculated under this division to 57527  
the department. 57528

(C) If a district providing special education for a child 57529  
reports an amount for the excess cost of those services, as 57530  
authorized and calculated under division (A) or (B) of this 57531  
section, the department shall pay that amount of excess cost to 57532  
the district providing the services and shall deduct that amount 57533  
from the child's district of residence in accordance with division 57534  
(N) of section 3317.023 of the Revised Code. 57535

**Sec. 3323.142.** This section does not apply to any preschool 57536  
child with a disability except if included in a unit approved 57537  
under division (B) of section 3317.05 of the Revised Code. 57538

As used in this section, "per pupil amount" for a preschool 57539  
child with a disability included in such an approved unit means 57540  
the amount determined by dividing the amount received for the 57541  
classroom unit in which the child has been placed by the number of 57542  
children in the unit. For any other child, "per pupil amount" 57543  
means the amount paid for the child under section 3317.20 of the 57544  
Revised Code. 57545

When a school district places or has placed a child with a 57546

county MR/DD board for special education, but another district is 57547  
responsible for tuition under section 3313.64 or 3313.65 of the 57548  
Revised Code and the child is not a resident of the territory 57549  
served by the county MR/DD board, the board may charge the 57550  
district responsible for tuition with the educational costs in 57551  
excess of the per pupil amount received by the board under ~~Chapter~~ 57552  
Chapters 3306. and 3317. of the Revised Code. The amount of the 57553  
excess cost shall be determined by the formula established by rule 57554  
of the department of education under section 3323.14 of the 57555  
Revised Code, and the payment for such excess cost shall be made 57556  
by the school district directly to the county MR/DD board. 57557

A school district board of education and the county MR/DD 57558  
board that serves the school district may negotiate and contract, 57559  
at or after the time of placement, for payments by the board of 57560  
education to the county MR/DD board for additional services 57561  
provided to a child placed with the county MR/DD board and whose 57562  
individualized education program established pursuant to section 57563  
3323.08 of the Revised Code requires additional services that are 57564  
not routinely provided children in the county MR/DD board's 57565  
program but are necessary to maintain the child's enrollment and 57566  
participation in the program. Additional services may include, but 57567  
are not limited to, specialized supplies and equipment for the 57568  
benefit of the child and instruction, training, or assistance 57569  
provided by staff members other than staff members for which 57570  
funding is received under Chapter 3306. or 3317. of the Revised 57571  
Code. 57572

**Sec. 3324.05.** (A) Each school district shall submit an annual 57573  
report to the department of education specifying the number of 57574  
students in each of grades kindergarten through twelfth screened, 57575  
the number assessed, and the number identified as gifted in each 57576  
category specified in section 3324.03 of the Revised Code. 57577

(B) The department of education shall audit each school 57578  
district's identification numbers at least once every three years 57579  
and may select any district at random or upon complaint or 57580  
suspicion of noncompliance for a further audit to determine 57581  
compliance with sections 3324.03 to 3324.06 of the Revised Code. 57582

(C) The department shall provide technical assistance to any 57583  
district found in noncompliance under division (B) of this 57584  
section. The department may reduce funds received by the district 57585  
under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code by any 57586  
amount if the district continues to be noncompliant. 57587

**Sec. 3325.08.** (A) A diploma shall be granted by the 57588  
superintendent of the state school for the blind and the 57589  
superintendent of the state school for the deaf to any student 57590  
enrolled in one of these state schools to whom all of the 57591  
following apply: 57592

(1) The student has successfully completed the individualized 57593  
education program developed for the student for the student's high 57594  
school education pursuant to section 3323.08 of the Revised Code; 57595

(2) Subject to section 3313.614 of the Revised Code, the 57596  
student has met the assessment requirements of division (A)(2)(a) 57597  
or (b) of this section, as applicable. 57598

(a) If the student entered the ninth grade prior to the date 57599  
prescribed by rule of the state board of education under division 57600  
(E)(2) of section 3301.0712 of the Revised Code, the student 57601  
either: 57602

~~(a)~~(i) Has attained at least the applicable scores designated 57603  
under division (B)(1) of section 3301.0710 of the Revised Code on 57604  
all the ~~tests~~ assessments prescribed by that division unless 57605  
division (L) of section 3313.61 of the Revised Code applies to the 57606  
student; 57607

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 57608  
in section 3313.615 of the Revised Code. 57609

(b) If the student entered the ninth grade on or after the 57610  
date prescribed by rule of the state board under division (E)(2) 57611  
of section 3301.0712 of the Revised Code, the student has attained 57612  
on the entire assessment system prescribed under division (B)(2) 57613  
of section 3301.0710 of the Revised Code at least the required 57614  
passing composite score, designated under division (C)(1) of 57615  
section 3301.0712 of the Revised Code, except to the extent that 57616  
division (L) of section 3313.61 of the Revised Code applies to the 57617  
student. 57618

(3) The student is not eligible to receive an honors diploma 57619  
granted pursuant to division (B) of this section. 57620

No diploma shall be granted under this division to anyone 57621  
except as provided under this division. 57622

(B) In lieu of a diploma granted under division (A) of this 57623  
section, the superintendent of the state school for the blind and 57624  
the superintendent of the state school for the deaf shall grant an 57625  
honors diploma, in the same manner that the boards of education of 57626  
school districts grant such diplomas under division (B) of section 57627  
3313.61 of the Revised Code, to any student enrolled in one of 57628  
these state schools who accomplishes all of the following: 57629  
57630

(1) Successfully completes the individualized education 57631  
program developed for the student for the student's high school 57632  
education pursuant to section 3323.08 of the Revised Code; 57633

(2) Subject to section 3313.614 of the Revised Code, has met 57634  
the assessment requirements of division (B)(2)(a) or (b) of this 57635  
section, as applicable. 57636

(a) If the student entered the ninth grade prior to the date 57637  
prescribed by rule of the state board under division (E)(2) of 57638

section 3301.0712 of the Revised Code, the student either: 57639

~~(a)~~(i) Has attained at least the applicable scores designated 57640  
under division (B)(1) of section 3301.0710 of the Revised Code on 57641  
all the ~~tests~~ assessments prescribed under that division; 57642

~~(b)~~(ii) Has satisfied the alternative conditions prescribed 57643  
in section 3313.615 of the Revised Code. 57644

(b) If the student entered the ninth grade on or after the 57645  
date prescribed by rule of the state board under division (E)(2) 57646  
of section 3301.0712 of the Revised Code, the student has attained 57647  
on the entire assessment system prescribed under division (B)(2) 57648  
of section 3301.0710 of the Revised Code at least the required 57649  
passing composite score, designated under division (C)(1) of 57650  
section 3301.0712 of the Revised Code. 57651

(3) Has met additional criteria for granting an honors 57652  
diploma. 57653

These additional criteria shall be the same as those 57654  
prescribed by the state board under division (B) of section 57655  
3313.61 of the Revised Code for the granting of such diplomas by 57656  
school districts. No honors diploma shall be granted to anyone 57657  
failing to comply with this division and not more than one honors 57658  
diploma shall be granted to any student under this division. 57659

(C) A diploma or honors diploma awarded under this section 57660  
shall be signed by the superintendent of public instruction and 57661  
the superintendent of the state school for the blind or the 57662  
superintendent of the state school for the deaf, as applicable. 57663  
Each diploma shall bear the date of its issue and be in such form 57664  
as the school superintendent prescribes. 57665

(D) Upon granting a diploma to a student under this section, 57666  
the superintendent of the state school in which the student is 57667  
enrolled shall provide notice of receipt of the diploma to the 57668  
board of education of the school district where the student is 57669

entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted.

**Sec. 3326.11.** Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with division (A)(9) of section 3313.60 of the Revised Code and sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, ~~3301.0712~~, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.605, 3313.607, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.801, 3313.82, 3313.821, 3313.822, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

**Sec. 3326.14.** Each science, technology, engineering, and mathematics school and its governing body shall administer the ~~tests~~ assessments required by sections 3301.0710 ~~and~~, 3301.0711, and 3301.0712 of the Revised Code, as if it were a school district, except that, notwithstanding any provision of those sections to the contrary, any student enrolled in a grade lower than the tenth grade in a STEM school may take one or more of the Ohio graduation tests prescribed under division (B)(1) of section



3301.0710 of the Revised Code on any of the dates prescribed ~~in~~ 57701  
~~division (C)(3) of that section~~ for that assessment. 57702

57703

**Sec. 3326.21.** (A) Each science, technology, engineering, and 57704  
mathematics school shall have a treasurer who is licensed under 57705  
section 3301.074 of the Revised Code. The governing body of the 57706  
school and the treasurer shall comply with sections 3301.072, 57707  
3313.22 to 3313.32, 3313.51, and 3315.08 of the Revised Code in 57708  
the same manner as a school district board of education and a 57709  
district treasurer. 57710

(B) Each STEM school shall comply with the financial 57711  
reporting standards adopted by the state board of education under 57712  
division (B)(2) of section 3301.07 of the Revised Code. Financial 57713  
records of each STEM school shall be maintained in the same manner 57714  
as are financial records of school districts, pursuant to rules of 57715  
the auditor of state. 57716

**Sec. 3326.23.** The governing body of each science, technology, 57717  
engineering, and mathematics school annually shall provide the 57718  
following assurances in writing to the department of education not 57719  
later than ten business days prior to the opening of the school: 57720

57721

(A) That the school has a plan for providing special 57722  
education and related services to students with disabilities and 57723  
has demonstrated the capacity to provide those services in 57724  
accordance with Chapter 3323. of the Revised Code and federal law; 57725

57726

(B) That the school has a plan and procedures for 57727  
administering the achievement ~~tests~~ and diagnostic assessments 57728  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 57729  
Revised Code; 57730

(C) That school personnel have the necessary training, 57731  
knowledge, and resources to properly use and submit information to 57732  
all databases maintained by the department for the collection of 57733  
education data, including the education management information 57734  
system established under section 3301.0714 of the Revised Code; 57735

(D) That all required information about the school has been 57736  
submitted to the Ohio education directory system or any successor 57737  
system; 57738

(E) That all classroom teachers are licensed in accordance 57739  
with sections 3319.22 to 3319.31 of the Revised Code or are 57740  
engaged to teach pursuant to section 3319.301 of the Revised Code; 57741

(F) That the school's treasurer is in compliance with section 57742  
3326.21 of the Revised Code; 57743

(G) That the school has complied with sections 3319.39 and 57744  
3319.391 of the Revised Code with respect to all employees and 57745  
that the school has conducted a criminal records check of each of 57746  
its governing body members; 57747

(H) That the school holds all of the following: 57748

(1) Proof of property ownership or a lease for the facilities 57749  
used by the school; 57750

(2) A certificate of occupancy; 57751

(3) Liability insurance for the school, as required by 57752  
section 3326.11 of the Revised Code; 57753

(4) A satisfactory health and safety inspection; 57754

(5) A satisfactory fire inspection; 57755

(6) A valid food permit, if applicable. 57756

(I) That the governing body has conducted a pre-opening site 57757  
visit to the school for the school year for which the assurances 57758  
are provided; 57759

(J) That the school has designated a date it will open for the school year for which the assurances are provided; 57760  
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(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body. 57762  
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**Sec. 3326.31.** As used in sections 3326.31 to 3326.50 of the Revised Code: 57765  
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~~(A) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.~~ 57767  
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~~(B) "Applicable vocational education weight" means the multiple specified in section 3317.014 of the Revised Code for vocational education programs or classes described in that section.~~ 57770  
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~~(C) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.~~ 57774  
57775

~~(D) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.~~ 57776  
57777

~~(E) A student is "included in the poverty student count of the student's resident district" if the student's family receives assistance under the Ohio works first program.~~ 57778  
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~~(F)~~(B) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 57781  
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57783

~~(G) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.~~ 57784  
57785

**Sec. 3326.32.** Each science, technology, engineering, and mathematics school shall report to the department of education, in the form and manner required by the department, all of the 57786  
57787  
57788

following information: 57789

(A) The total number of students enrolled in the school; 57790

(B) The number of students who are receiving special 57791  
education and related services pursuant to an IEP; 57792

(C) For each student reported under division (B) of this 57793  
section, which category specified in divisions ~~(A) to (F)~~(D)(1) to 57794  
(6) of section ~~3317.013~~ 3306.02 of the Revised Code applies to the 57795  
student; 57796

(D) The full-time equivalent number of students who are 57797  
enrolled in vocational education programs or classes described in 57798  
each of divisions (A) and (B) of section 3317.014 of the Revised 57799  
Code that are provided by the STEM school; 57800

(E) The resident district of each student; 57801

(F) Any additional information the department determines 57802  
necessary to make payments ~~under this chapter~~ to the school. 57803

**Sec. 3326.33.** For each student enrolled in a science, 57804  
technology, engineering, and mathematics school established under 57805  
this chapter other than a school that is governed as provided in 57806  
section 3326.51 of the Revised Code, the department of education 57807  
annually shall ~~deduct from the state education aid of a student's~~ 57808  
~~resident school district and, if necessary, from the payment made~~ 57809  
~~to the district under sections 321.24 and 323.156 of the Revised~~ 57810  
Code and pay to the school the ~~sum of the following:~~ 57811

~~(A) The sum of the formula amount plus the per pupil amount~~ 57812  
~~of the base funding supplements specified in divisions (C)(1) to~~ 57813  
~~(4) of section 3317.012 of the Revised Code.~~ 57814

~~(B) If the student is receiving special education and related~~ 57815  
~~services pursuant to an IEP, the product of the applicable special~~ 57816  
~~education weight times the formula amount;~~ 57817

~~(C) If the student is enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, the product of the applicable vocational education weight times the formula amount times the percentage of time the student spends in the vocational education programs or classes;~~ 57818  
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~~(D) If the student is included in the poverty student count of the student's resident district, the per pupil amount of the district's payment under division (C) of section 3317.029 of the Revised Code;~~ 57827  
57828  
57829  
57830

~~(E) If the student is identified as limited English proficient and the student's resident district receives a payment for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code, the per pupil amount of the district's payment under that division, calculated in the same manner as per pupil payments are calculated under division (C)(6) of section 3314.08 of the Revised Code;~~ 57831  
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~~(F) If the student's resident district receives a payment under division (G), (H), or (I) of section 3317.029 of the Revised Code, the per pupil amount of the district's payments under each division, calculated in the same manner as per pupil payments are calculated under divisions (C)(7) and (8) of section 3314.08 of the Revised Code;~~ 57838  
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57841  
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57843

~~(G) If the student's resident district receives a parity aid payment under section 3317.0217 of the Revised Code, the per pupil amount calculated for the district under division (C) or (D) of that section amount calculated for the school under section 3306.17 of the Revised Code.~~ 57844  
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**Sec. 3326.34.** If a science, technology, engineering, and mathematics school established under this chapter, other than a school that is governed as provided in section 3326.51 of the Revised Code, incurs costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions ~~(B)(D)(1)~~ to ~~(F)(6)~~ of section ~~3317.013~~ 3306.02 of the Revised Code that exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the STEM school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department of education shall pay to the school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

The school shall only report under this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's IEP. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

**Sec. 3326.36.** The department of education shall reduce the amounts paid to a science, technology, engineering, and mathematics school under section 3326.33 of the Revised Code to reflect payments made to colleges under division (B) of section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code. A student shall be considered enrolled in the school for any portion of the school year the student is attending a college under Chapter 3365. of the Revised Code.

**Sec. 3326.37.** The department of education shall not pay to a science, technology, engineering, and mathematics school any amount for any of the following:

(A) Any student who has graduated from the twelfth grade of a public or nonpublic school;

(B) Any student who is not a resident of the state;

(C) Any student who was enrolled in a STEM school during the previous school year when ~~tests~~ assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the ~~tests~~ assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the ~~test~~ assessment. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(D) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a STEM school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not pay to the school any amount for that veteran.

**Sec. 3326.38.** A science, technology, engineering, and mathematics school may do all of the following:

(A) ~~Apply to the department of education for gifted unit funding;~~

~~(B)~~ Apply to any state or federal agency for grants that a school district or public school may receive under federal or state law or any appropriations act of the general assembly;

~~(C)~~(B) Apply to any private entity or foundation for additional funds.

**Sec. 3326.51.** (A) As used in this section:

(1) "Resident district" has the same meaning as in section 3326.31 of the Revised Code.

(2) "STEM school sponsoring district" means a municipal, city, local, exempted village, or joint vocational school district that governs and controls a STEM school pursuant to this section.

(B) Notwithstanding any other provision of this chapter to the contrary:

(1) If a proposal for a STEM school submitted under section 3326.03 of the Revised Code proposes that the governing body of the school be the board of education of a municipal, city, local, exempted village, or joint vocational school district that is one of the partners submitting the proposal, and the partnership for continued learning approves that proposal, that school district board shall govern and control the STEM school as one of the schools of its district.

(2) The STEM school sponsoring district shall maintain a separate accounting for the STEM school as a separate and distinct operational unit within the district's finances. The auditor of state, in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section.

(3) With respect to students enrolled in a STEM school whose resident district is the STEM school sponsoring district:



(a) ~~The department of education shall make no deductions under section 3326.33 of the Revised Code from the STEM school sponsoring district's state payments.~~ 57940  
57941  
57942

~~(b)~~ The STEM school sponsoring district shall ensure that it 57943  
allocates to the STEM school funds equal to or exceeding the 57944  
amount ~~that would be~~ calculated pursuant to ~~division (B) of~~ 57945  
~~section 3313.981~~ Chapter 3306. of the Revised Code for the 57946  
students attending the school whose resident district is the STEM 57947  
school sponsoring district. 57948

~~(e)~~(b) The STEM school sponsoring district is responsible for 57949  
providing children with disabilities with a free appropriate 57950  
public education under Chapter 3323. of the Revised Code. 57951

~~(d)~~(c) The STEM school sponsoring district shall provide 57952  
student transportation in accordance with laws and policies 57953  
generally applicable to the district. 57954

(4) With respect to students enrolled in the STEM school 57955  
whose resident district is another school district, ~~the department~~ 57956  
~~shall make no payments or deductions under sections 3326.31 to~~ 57957  
~~3326.49 of the Revised Code. Instead,~~ the students shall be 57958  
considered as open enrollment students and the ~~department shall~~ 57959  
~~make payments and deductions in accordance with~~ STEM school 57960  
sponsoring district shall include those students in its formula 57961  
ADM reported under ~~section 3313.981~~ 3317.03 of the Revised Code. 57962  
The STEM school sponsoring district shall allocate ~~the state~~ 57963  
payments received under Chapter 3306. of the Revised Code that are 57964  
attributable to those students to the STEM school. The STEM school 57965  
sponsoring district may enter into financial agreements with the 57966  
students' resident districts, which agreements may provide 57967  
financial support in addition to the funds received ~~from the open~~ 57968  
~~enrollment calculation~~ under Chapter 3306. of the Revised Code. 57969  
The STEM school sponsoring district shall allocate all such 57970  
additional funds to the STEM school. 57971

(5) Where the department is required to make, deny, reduce, 57972  
or adjust payments to a STEM school sponsoring district pursuant 57973  
to this section, it shall do so in such a manner that the STEM 57974  
school sponsoring district may allocate that action to the STEM 57975  
school. 57976

(6) A STEM school sponsoring district and its board may 57977  
assign its district employees to the STEM school, in which case 57978  
section 3326.18 of the Revised Code shall not apply. The district 57979  
and board may apply any other resources of the district to the 57980  
STEM school in the same manner that it applies district resources 57981  
to other district schools. 57982

(7) Provisions of this chapter requiring a STEM school and 57983  
its governing body to comply with specified laws as if it were a 57984  
school district and in the same manner as a board of education 57985  
shall instead require such compliance by the STEM school 57986  
sponsoring district and its board of education, respectively, with 57987  
respect to the STEM school. Where a STEM school or its governing 57988  
body is required to perform a specific duty or permitted to take a 57989  
specific action under this chapter, that duty is required to be 57990  
performed or that action is permitted to be taken by the STEM 57991  
school sponsoring district or its board of education, 57992  
respectively, with respect to the STEM school. 57993

(8) No provision of this chapter limits the authority, as 57994  
provided otherwise by law, of a school district and its board of 57995  
education to levy taxes and issue bonds secured by tax revenues. 57996

(9) The treasurer of the STEM school sponsoring district or, 57997  
if the STEM school sponsoring district is a municipal school 57998  
district, the chief financial officer of the district, shall have 57999  
all of the respective rights, authority, exemptions, and duties 58000  
otherwise conferred upon the treasurer or chief financial officer 58001  
by the Revised Code. 58002

Sec. 3327.02. (A) After considering each of the following 58003  
factors, the board of education of a city, exempted village, or 58004  
local school district may determine that it is impractical to 58005  
transport a pupil who is eligible for transportation to and from a 58006  
school under section 3327.01 of the Revised Code: 58007

(1) The time and distance required to provide the 58008  
transportation; 58009

(2) The number of pupils to be transported; 58010

(3) The cost of providing transportation in terms of 58011  
equipment, maintenance, personnel, and administration; 58012

(4) Whether similar or equivalent service is provided to 58013  
other pupils eligible for transportation; 58014

(5) Whether and to what extent the additional service 58015  
unavoidably disrupts current transportation schedules; 58016

(6) Whether other reimbursable types of transportation are 58017  
available. 58018

(B)(1) Based on its consideration of the factors established 58019  
in division (A) of this section, the board may pass a resolution 58020  
declaring the impracticality of transportation. The resolution 58021  
shall include each pupil's name and the reason for impracticality. 58022

(2) The board shall report its determination to the state 58023  
board of education in a manner determined by the state board. 58024

(3) The board of education of a local school district 58025  
additionally shall submit the resolution for concurrence to the 58026  
educational service center that contains the local district's 58027  
territory. If the educational service center governing board 58028  
considers transportation by school conveyance practicable, it 58029  
shall so inform the local board and transportation shall be 58030  
provided by such local board. If the educational service center 58031  
board agrees with the view of the local board, the local board may 58032

offer payment in lieu of transportation as provided in this 58033  
section. 58034

(C) After passing the resolution declaring the impracticality 58035  
of transportation, the district board shall offer to provide 58036  
payment in lieu of transportation by doing the following: 58037

(1) In accordance with guidelines established by the 58038  
department of education, informing the pupil's parent, guardian, 58039  
or other person in charge of the pupil of both of the following: 58040

(a) The board's resolution; 58041

(b) The right of the pupil's parent, guardian, or other 58042  
person in charge of the pupil to accept the offer of payment in 58043  
lieu of transportation or to reject the offer and instead request 58044  
the department to initiate mediation procedures. 58045

(2) Issuing the pupil's parent, guardian, or other person in 58046  
charge of the pupil a contract or other form on which the parent, 58047  
guardian, or other person in charge of the pupil is given the 58048  
option to accept or reject the board's offer of payment in lieu of 58049  
transportation. 58050

(D) If the parent, guardian, or other person in charge of the 58051  
pupil accepts the offer of payment in lieu of providing 58052  
transportation, the board shall pay the parent, guardian, or other 58053  
person in charge of the child an amount that shall be not less 58054  
than the amount determined by the department of education as the 58055  
minimum for payment in lieu of transportation, and not more than 58056  
the amount determined by the department as the average cost of 58057  
pupil transportation for the previous school year. Payment may be 58058  
prorated if the time period involved is only a part of the school 58059  
year. 58060

(E)(1)(a) Upon the request of a parent, guardian, or other 58061  
person in charge of the pupil who rejected the payment in lieu of 58062  
transportation, the department shall conduct mediation procedures. 58063

(b) If the mediation does not resolve the dispute, the state board of education shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the board of education to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

(2) The school district shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section.

(F)(1) If the department determines that a school district board has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the state board under division (E)(1)(b) of this section, the department shall order the school district board to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to the state average daily cost of transportation as determined by the state board of education for the previous year. The school district board shall make payments on a schedule ordered by the department.

(2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any payments the department makes to the school district board under ~~division (D) of section 3317.022~~ 3306.12 of the Revised Code. The department shall use the moneys so deducted to make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions

and payments required under this division until the school 58096  
district board either complies with the department's order issued 58097  
under division (F)(1) of this section or begins providing 58098  
transportation. 58099

(G) A nonpublic or community school that receives payments 58100  
from the department under division (F)(2) of this section shall do 58101  
either of the following: 58102

(1) Disburse the entire amount of the payments to the parent, 58103  
guardian, or other person in control of the pupil affected by the 58104  
failure of the school district of residence to provide 58105  
transportation; 58106

(2) Use the entire amount of the payments to provide 58107  
acceptable transportation for the affected pupil. 58108

**Sec. 3327.04.** (A) The board of education of any city, 58109  
exempted village, or local school district may contract with the 58110  
board of another district for the admission or transportation, or 58111  
both, of pupils into any school in such other district, on terms 58112  
agreed upon by such boards. 58113

(B) The boards of two school districts may enter into a 58114  
contract under this section to share the provision of 58115  
transportation to a child who resides in one school district and 58116  
attends school in the other district. Under such an agreement, one 58117  
district may claim the total transportation subsidy available for 58118  
such child under ~~division (D) of section 3317.022~~ 3306.12 of the 58119  
Revised Code and may agree to pay any portion of such subsidy to 58120  
the other district sharing the provision of transportation to that 58121  
child. The contract shall delineate the transportation 58122  
responsibilities of each district. 58123

A school district that enters into a contract under this 58124  
section is not liable for any injury, death, or loss to the person 58125

or property of a student that may occur while the student is being 58126  
furnished transportation by the other school district that is a 58127  
party to the contract. 58128

(C) Whenever a board not maintaining a high school enters 58129  
into an agreement with one or more boards maintaining such school 58130  
for the schooling of all its high school pupils, the board making 58131  
such agreement is exempt from the payment of tuition at other high 58132  
schools of pupils living within three miles of the school 58133  
designated in the agreement. In case no such agreement is entered 58134  
into, the high school to be attended can be selected by the pupil 58135  
holding an eighth grade diploma, and the tuition shall be paid by 58136  
the board of the district of school residence. 58137

**Sec. 3327.05.** (A) Except as provided in division (B) of this 58138  
section, no board of education of any school district shall 58139  
provide transportation for any pupil who is a school resident of 58140  
another school district unless the pupil is enrolled pursuant to 58141  
section 3313.98 of the Revised Code or the board of the other 58142  
district has given its written consent thereto. If the board of 58143  
any school district files with the state board of education a 58144  
written complaint that transportation for resident pupils is being 58145  
provided by the board of another school district contrary to this 58146  
division, the state board of education shall make an investigation 58147  
of such complaint. If the state board of education finds that 58148  
transportation is being provided contrary to this section, it may 58149  
withdraw from state funds due the offending district any part of 58150  
the amount that has been approved for transportation pursuant to 58151  
~~division (D) of section 3317.022~~ 3306.12 of the Revised Code. 58152

(B) Notwithstanding division (D) of section 3311.19 and 58153  
division (D) of section 3311.52 of the Revised Code, this division 58154  
does not apply to any joint vocational or cooperative education 58155  
school district. 58156

A board of education may provide transportation to and from the nonpublic school of attendance if both of the following apply:

(1) The parent, guardian, or other person in charge of the pupil agrees to pay the board for all costs incurred in providing the transportation that are not reimbursed pursuant to Chapter 3306. or 3317. of the Revised Code;

(2) The pupil's school district of residence does not provide transportation for public school pupils of the same grade as the pupil being transported under this division, or that district is not required under section 3327.01 of the Revised Code to transport the pupil to and from the nonpublic school because the direct travel time to the nonpublic school is more than thirty minutes.

Upon receipt of the request to provide transportation, the board shall review the request and determine whether the board will accommodate the request. If the board agrees to transport the pupil, the board may transport the pupil to and from the nonpublic school and a collection point in the district, as determined by the board. If the board transports the pupil, the board may include the pupil in the district's transportation ADM reported to the department of education under section 3317.03 of the Revised Code and, accordingly, may receive a state payment under ~~division (D)~~ of section ~~3317.022~~ 3306.12 of the Revised Code for transporting the pupil.

If the board declines to transport the pupil, the board, in a written communication to the parent, guardian, or other person in charge of the pupil, shall state the reasons for declining the request.

**Sec. 3329.16.** If the superintendent of public instruction determines that a school district has expended for other purposes any moneys appropriated by the general assembly for the specific



purpose of purchasing textbooks or other instructional materials, 58188  
the superintendent shall notify the school district of this 58189  
determination within seven days and shall deduct the amount so 58190  
expended from payments otherwise due to the district under Chapter 58191  
3306. or 3317. of the Revised Code. 58192

**Sec. 3333.04.** The chancellor of the Ohio board of regents 58193  
shall: 58194

(A) Make studies of state policy in the field of higher 58195  
education and formulate a master plan for higher education for the 58196  
state, considering the needs of the people, the needs of the 58197  
state, and the role of individual public and private institutions 58198  
within the state in fulfilling these needs; 58199

(B)(1) Report annually to the governor and the general 58200  
assembly on the findings from the chancellor's studies and the 58201  
master plan for higher education for the state; 58202

(2) Report at least semiannually to the general assembly and 58203  
the governor the enrollment numbers at each state-assisted 58204  
institution of higher education. 58205

(C) Approve or disapprove the establishment of new branches 58206  
or academic centers of state colleges and universities; 58207

(D) Approve or disapprove the establishment of state 58208  
technical colleges or any other state institution of higher 58209  
education; 58210

(E) Recommend the nature of the programs, undergraduate, 58211  
graduate, professional, state-financed research, and public 58212  
services which should be offered by the state colleges, 58213  
universities, and other state-assisted institutions of higher 58214  
education in order to utilize to the best advantage their 58215  
facilities and personnel; 58216

(F) Recommend to the state colleges, universities, and other 58217

state-assisted institutions of higher education graduate or 58218  
professional programs, including, but not limited to, doctor of 58219  
philosophy, doctor of education, and juris doctor programs, that 58220  
could be eliminated because they constitute unnecessary 58221  
duplication, as shall be determined using the process developed 58222  
pursuant to this division, or for other good and sufficient cause. 58223  
Prior to recommending a program for elimination, the chancellor 58224  
shall request the board of regents to hold at least one public 58225  
hearing on the matter and advise the chancellor on whether the 58226  
program should be recommended for elimination. The board shall 58227  
provide notice of each hearing within a reasonable amount of time 58228  
prior to its scheduled date. Following the hearing, the board 58229  
shall issue a recommendation to the chancellor. The chancellor 58230  
shall consider the board's recommendation but shall not be 58231  
required to accept it. 58232

For purposes of determining the amounts of any state 58233  
instructional subsidies paid to state colleges, universities, and 58234  
other state-assisted institutions of higher education, the 58235  
chancellor may exclude students enrolled in any program that the 58236  
chancellor has recommended for elimination pursuant to this 58237  
division except that the chancellor shall not exclude any such 58238  
student who enrolled in the program prior to the date on which the 58239  
chancellor initially commences to exclude students under this 58240  
division. 58241

The chancellor and state colleges, universities, and other 58242  
state-assisted institutions of higher education shall jointly 58243  
develop a process for determining which existing graduate or 58244  
professional programs constitute unnecessary duplication. 58245

(G) Recommend to the state colleges, universities, and other 58246  
state-assisted institutions of higher education programs which 58247  
should be added to their present programs; 58248

(H) Conduct studies for the state colleges, universities, and 58249

other state-assisted institutions of higher education to assist 58250  
them in making the best and most efficient use of their existing 58251  
facilities and personnel; 58252

(I) Make recommendations to the governor and general assembly 58253  
concerning the development of state-financed capital plans for 58254  
higher education; the establishment of new state colleges, 58255  
universities, and other state-assisted institutions of higher 58256  
education; and the establishment of new programs at the existing 58257  
state colleges, universities, and other institutions of higher 58258  
education; 58259

(J) Review the appropriation requests of the public community 58260  
colleges and the state colleges and universities and submit to the 58261  
office of budget and management and to the chairpersons of the 58262  
finance committees of the house of representatives and of the 58263  
senate the chancellor's recommendations in regard to the biennial 58264  
higher education appropriation for the state, including 58265  
appropriations for the individual state colleges and universities 58266  
and public community colleges. For the purpose of determining the 58267  
amounts of instructional subsidies to be paid to state-assisted 58268  
colleges and universities, the chancellor shall define "full-time 58269  
equivalent student" by program per academic year. The definition 58270  
may take into account the establishment of minimum enrollment 58271  
levels in technical education programs below which support 58272  
allowances will not be paid. Except as otherwise provided in this 58273  
section, the chancellor shall make no change in the definition of 58274  
"full-time equivalent student" in effect on November 15, 1981, 58275  
which would increase or decrease the number of subsidy-eligible 58276  
full-time equivalent students, without first submitting a fiscal 58277  
impact statement to the president of the senate, the speaker of 58278  
the house of representatives, the legislative service commission, 58279  
and the director of budget and management. The chancellor shall 58280  
work in close cooperation with the director of budget and 58281

management in this respect and in all other matters concerning the 58282  
expenditures of appropriated funds by state colleges, 58283  
universities, and other institutions of higher education. 58284

(K) Seek the cooperation and advice of the officers and 58285  
trustees of both public and private colleges, universities, and 58286  
other institutions of higher education in the state in performing 58287  
the chancellor's duties and making the chancellor's plans, 58288  
studies, and recommendations; 58289

(L) Appoint advisory committees consisting of persons 58290  
associated with public or private secondary schools, members of 58291  
the state board of education, or personnel of the state department 58292  
of education; 58293

(M) Appoint advisory committees consisting of college and 58294  
university personnel, or other persons knowledgeable in the field 58295  
of higher education, or both, in order to obtain their advice and 58296  
assistance in defining and suggesting solutions for the problems 58297  
and needs of higher education in this state; 58298

(N) Approve or disapprove all new degrees and new degree 58299  
programs at all state colleges, universities, and other 58300  
state-assisted institutions of higher education; 58301

(O) Adopt such rules as are necessary to carry out the 58302  
chancellor's duties and responsibilities. The rules shall 58303  
prescribe procedures for the chancellor to follow when taking 58304  
actions associated with the chancellor's duties and 58305  
responsibilities and shall indicate which types of actions are 58306  
subject to those procedures. The procedures adopted under this 58307  
division shall be in addition to any other procedures prescribed 58308  
by law for such actions. However, if any other provision of the 58309  
Revised Code or rule adopted by the chancellor prescribes 58310  
different procedures for such an action, the procedures adopted 58311  
under this division shall not apply to that action to the extent 58312

they conflict with the procedures otherwise prescribed by law. The 58313  
procedures adopted under this division shall include at least the 58314  
following: 58315

(1) Provision for public notice of the proposed action; 58316

(2) An opportunity for public comment on the proposed action, 58317  
which may include a public hearing on the action by the board of 58318  
regents; 58319

(3) Methods for parties that may be affected by the proposed 58320  
action to submit comments during the public comment period; 58321

(4) Submission of recommendations from the board of regents 58322  
regarding the proposed action, at the request of the chancellor; 58323

(5) Written publication of the final action taken by the 58324  
chancellor and the chancellor's rationale for the action; 58325

(6) A timeline for the process described in divisions (0)(1) 58326  
to (5) of this section. 58327

(P) Establish and submit to the governor and the general 58328  
assembly a clear and measurable set of goals and timetables for 58329  
their achievement for each program under the chancellor's 58330  
supervision that is designed to accomplish any of the following: 58331

(1) Increased access to higher education; 58332

(2) Job training; 58333

(3) Adult literacy; 58334

(4) Research; 58335

(5) Excellence in higher education; 58336

(6) Reduction in the number of graduate programs within the 58337  
same subject area. 58338

In July of each odd-numbered year, the chancellor shall 58339  
submit to the governor and the general assembly a report on 58340  
progress made toward these goals. 58341

(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to ~~3333.27~~ 3333.26, and 5910.02 of the Revised Code;

(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;

(S) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to ~~3333.27~~ 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;

(T) Conduct enrollment audits of state-supported institutions of higher education;

(U) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be distributed to the fiscal agents for the operation of the consortia. A consortium shall follow the rules of the college or university that serves as its fiscal agent. The chancellor may restructure existing consortia, appointed under this division, in accordance with procedures adopted under divisions (D)(1) to (6) of this section.

(V) Adopt rules establishing advisory duties and responsibilities of the board of regents not otherwise prescribed by law;

(W) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose.

Sec. 3333.048. (A) Not later than one year after the effective date of this section, the chancellor of the Ohio board of regents and the superintendent of public instruction jointly shall do the following:

(1) In accordance with Chapter 119. of the Revised Code, establish metrics and educator preparation programs for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics and educator preparation programs shall be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the Ohio teacher residency program established under section 3319.223 of the Revised Code. The metrics and educator preparation programs also shall ensure that educators and other school personnel are adequately prepared to use the value-added progress dimension prescribed by section 3302.021 of the Revised Code.

(2) Provide for the inspection of institutions of higher education desiring to prepare educators and other school personnel.

(B) Not later than one year after the effective date of this section, the chancellor shall approve institutions of higher education engaged in the preparation of educators and other school personnel that maintain satisfactory training procedures and records of performance, as determined by the chancellor.

(C) If the metrics established under division (A)(1) of this section require an institution of higher education that prepares teachers to satisfy the standards of an independent accreditation

organization, the chancellor shall permit each institution to 58404  
satisfy the standards of either the national council for 58405  
accreditation of teacher education or the teacher education 58406  
accreditation council. 58407

(D) The metrics and educator preparation programs established 58408  
under division (A)(1) of this section may require an institution 58409  
of higher education, as a condition of approval by the chancellor, 58410  
to make changes in the curricula of its preparation programs for 58411  
educators and other school personnel. 58412

Notwithstanding division (D) of section 119.03 and division 58413  
(A)(1) of section 119.04 of the Revised Code, any metrics, 58414  
educator preparation programs, rules, and regulations, or any 58415  
amendment or rescission of such metrics, educator preparation 58416  
programs, rules, and regulations, adopted under this section that 58417  
necessitate institutions offering preparation programs for 58418  
educators and other school personnel approved by the chancellor to 58419  
revise the curricula of those programs shall not be effective for 58420  
at least one year after the first day of January next succeeding 58421  
the publication of the said change. 58422

Each institution shall allocate money from its existing 58423  
appropriations to pay the cost of making the curricular changes. 58424

(E) The chancellor shall notify the state board of the 58425  
metrics and educator preparation programs established under 58426  
division (A)(1) of this section and the institutions of higher 58427  
education approved under division (B) of this section. The state 58428  
board shall publish the metrics, educator preparation programs, 58429  
and approved institutions with the standards and qualifications 58430  
for each type of educator license. 58431

(F) The graduates of institutions of higher education 58432  
approved by the chancellor shall be licensed by the state board in 58433  
accordance with the standards and qualifications adopted under 58434



section 3319.22 of the Revised Code. 58435

**Sec. ~~3319.233~~ 3333.049.** The ~~state board of education~~ 58436  
chancellor of the Ohio board of regents, in collaboration with the 58437  
~~Ohio board of regents~~ state board of education, shall issue an 58438  
annual report on the quality of institutions approved for the 58439  
preparation of teachers pursuant to section ~~3319.23~~ 3333.048 of 58440  
the Revised Code. The ~~state board~~ chancellor shall prepare the 58441  
report in collaboration with the state board ~~of regents~~ and the 58442  
teacher quality partnership and shall use data collected by the 58443  
partnership and other educational agencies as the basis for the 58444  
information contained in the report. The report shall include at 58445  
least the following information: 58446

(A) Identification of best practices in the preparation of 58447  
teachers drawn from research conducted by the teacher quality 58448  
partnership and other regional and national educational research 58449  
efforts; 58450

(B) A plan for implementing best practices in approved 58451  
teacher preparation institutions; 58452

(C) The number of graduates of approved teacher preparation 58453  
institutions who graduated with a subject area specialty and teach 58454  
grades seven through twelve. The number shall be disaggregated 58455  
according to the subject areas of mathematics, science, foreign 58456  
language, special education and related services, and any other 58457  
subject area determined by the ~~state board~~ chancellor. 58458

(D) A plan to be implemented by the teacher preparation 58459  
programs approved by the ~~state board~~ chancellor under section 58460  
~~3319.23~~ 3333.048 of the Revised Code for increasing the number of 58461  
classroom teachers in science, mathematics, and foreign language 58462  
toward meeting the identified needs for teachers in those subject 58463  
areas throughout the state but especially in hard-to-staff 58464  
schools. 58465

The ~~state board~~ chancellor shall submit the report to the 58466  
governor, the speaker and minority leader of the house of 58467  
representatives, the president and minority leader of the senate, 58468  
the chairpersons and ranking minority members of the standing 58469  
committees of the house of representatives and the senate that 58470  
consider education legislation, and the ~~ehancellor of the~~ state 58471  
~~board of regents.~~ 58472

**Sec. 3333.122.** (A) ~~As used in this section:~~ 58473

(1) ~~"Eligible student" means a student who is:~~ 58474

(a) ~~An Ohio resident who first enrolls in an undergraduate 58475  
program in the 2006-2007 academic year or thereafter;~~ 58476

(b) ~~If the student first enrolled in an undergraduate program 58477  
in the 2006-2007 or 2007-2008 academic year, the student is 58478  
enrolled in one of the following:~~ 58479

(i) ~~An accredited institution of higher education in this 58480  
state that meets the requirements of Title VI of the Civil Rights 58481  
Act of 1964 and is state-assisted, is nonprofit and has a 58482  
certificate of authorization pursuant to Chapter 1713. of the 58483  
Revised Code, has a certificate of registration from the state 58484  
board of career colleges and schools and program authorization to 58485  
award an associate or bachelor's degree, or is a private 58486  
institution exempt from regulation under Chapter 3332. of the 58487  
Revised Code as prescribed in section 3333.046 of the Revised 58488  
Code. Students who attend an institution that holds a certificate 58489  
of registration shall be enrolled in a program leading to an 58490  
associate or bachelor's degree for which associate or bachelor's 58491  
degree program the institution has program authorization issued 58492  
under section 3332.05 of the Revised Code. 58493~~

(ii) ~~A technical education program of at least two years 58494  
duration sponsored by a private institution of higher education in 58495~~

~~this state that meets the requirements of Title VI of the Civil Rights Act of 1964;~~ 58496  
58497

~~(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.~~ 58498  
58499  
58500  
58501

~~(c) If the student first enrolled in an undergraduate program after the 2007-2008 academic year, the student is enrolled in one of the following:~~ 58502  
58503  
58504

~~(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;~~ 58505  
58506  
58507  
58508  
58509  
58510  
58511

~~(ii) An education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;~~ 58512  
58513  
58514  
58515  
58516

~~(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.~~ 58517  
58518  
58519  
58520

~~(2) A student who participated in either the early college high school program administered by the department of education or in the post-secondary enrollment options program pursuant to Chapter 3365. of the Revised Code before the 2006-2007 academic year shall not be excluded from eligibility for a needs-based financial aid grant under this section.~~ 58521  
58522  
58523  
58524  
58525  
58526

~~(3) "Resident The chancellor of the Ohio board of regents shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family contribution" or "EFC," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" shall be defined by rules adopted by the chancellor of the Ohio board of regents for the purpose of those sections.~~

(B)(1) Only an Ohio resident who meets both of the following is eligible for a grant awarded under this division:

(a) The resident has an expected family contribution of two thousand one hundred ninety or less;

(b) The resident enrolls in an undergraduate program or in a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a state-assisted state institution of higher education, as defined in section 3345.12 of the Revised Code, that meets the requirements of Title VI of the Civil Rights Act of 1964.

(2) The chancellor shall establish and administer a needs-based financial aid grants program based on the United States department of education's method of determining financial need ~~and may adopt rules to carry out this section.~~ The program shall be known as the Ohio college opportunity grant program. The general assembly shall support the needs-based financial aid program by such sums and in such manner as it may provide, but the chancellor also may ~~also~~ receive funds from other sources to support the program. If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor shall do one of the following:

(a) Give preference in the payment of grants shall be given 58558  
in terms of based upon expected family contribution, beginning 58559  
with the lowest expected family contribution category and 58560  
proceeding upward by category to the highest expected family 58561  
contribution category; 58562

(b) Proportionately reduce the amount of each grant to be 58563  
awarded for the academic year under division (B) of this section; 58564

(c) Use an alternate formula for such grants that addresses 58565  
the shortage of available funds and has been submitted to and 58566  
approved by the controlling board. 58567

A (3) The needs-based financial aid grant shall be paid to ~~an~~ 58568  
the eligible student through the institution in which the student 58569  
is enrolled, except that no needs-based financial aid grant shall 58570  
be paid to any person serving a term of imprisonment. Applications 58571  
for ~~such~~ the grants shall be made as prescribed by the chancellor, 58572  
and such applications may be made in conjunction with and upon the 58573  
basis of information provided in conjunction with student 58574  
assistance programs funded by agencies of the United States 58575  
government or from financial resources of the institution of 58576  
higher education. The institution shall certify that the student 58577  
applicant meets the requirements set forth in ~~divisions (A)(1)(a)~~ 58578  
~~and (b)~~ division (B)(1) of this section. Needs-based financial aid 58579  
grants shall be provided to an eligible student only as long as 58580  
the student is making appropriate progress toward a nursing 58581  
diploma or an associate or bachelor's degree. No student shall be 58582  
eligible to receive a grant for more than ten semesters, fifteen 58583  
quarters, or the equivalent of five academic years. A grant made 58584  
to an eligible student on the basis of less than full-time 58585  
enrollment shall be based on the number of credit hours for which 58586  
the student is enrolled and shall be computed in accordance with a 58587  
formula adopted by rule issued by the chancellor. No student shall 58588  
receive more than one grant on the basis of less than full-time 58589

enrollment. 58590

~~A needs based financial aid grant shall not exceed the total 58591  
instructional and general charges of the institution. 58592~~

~~(C) The tables in this division prescribe the maximum grant 58593  
amounts covering two semesters, three quarters, or a comparable 58594  
portion of one academic year. Grant amounts for additional terms 58595  
in the same academic year shall be determined under division (D) 58596  
of this section. 58597~~

~~As used in the tables in division (C) of this section: 58598~~

~~(1) "Private institution" means an institution that is 58599  
nonprofit and has a certificate of authorization pursuant to 58600  
Chapter 1713. of the Revised Code. 58601~~

~~(2) "Career college" means either an institution that holds a 58602  
certificate of registration from the state board of career 58603  
colleges and schools or a private institution exempt from 58604  
regulation under Chapter 3332. of the Revised Code as prescribed 58605  
in section 3333.046 of the Revised Code. 58606~~

~~Full time students shall be eligible to receive awards 58607  
according to the following table: 58608~~

~~Full Time Enrollment 58609~~

<del>If the EFC</del>	<del>And if the</del>	<del>If the</del>	<del>If the</del>	<del>If the</del>	
<del>is equal</del>	<del>EFC is no</del>	<del>student</del>	<del>student</del>	<del>student</del>	
<del>to or</del>	<del>more than:</del>	<del>attends a</del>	<del>attends a</del>	<del>attends a</del>	
<del>greater</del>		<del>public</del>	<del>private</del>	<del>career</del>	
<del>than:</del>		<del>institution,</del>	<del>institution,</del>	<del>college,</del>	
		<del>the annual</del>	<del>the annual</del>	<del>the annual</del>	
		<del>award</del>	<del>award</del>	<del>award</del>	
		<del>shall be:</del>	<del>shall be:</del>	<del>shall be:</del>	
<del>\$2,101</del>	<del>\$2,190</del>	<del>\$300</del>	<del>\$600</del>	<del>\$480</del>	58611
<del>2,001</del>	<del>2,100</del>	<del>402</del>	<del>798</del>	<del>642</del>	58612
<del>1,901</del>	<del>2,000</del>	<del>498</del>	<del>1,002</del>	<del>798</del>	58613

1,801	1,900	600	1,200	960	58614
1,701	1,800	702	1,398	1,122	58615
1,601	1,700	798	1,602	1,278	58616
1,501	1,600	900	1,800	1,440	58617
1,401	1,500	1,002	1,998	1,602	58618
1,301	1,400	1,098	2,202	1,758	58619
1,201	1,300	1,200	2,400	1,920	58620
1,101	1,200	1,302	2,598	2,082	58621
1,001	1,100	1,398	2,802	2,238	58622
901	1,000	1,500	3,000	2,400	58623
801	900	1,602	3,198	2,562	58624
701	800	1,698	3,402	2,718	58625
601	700	1,800	3,600	2,280	58626
501	600	1,902	3,798	3,042	58627
401	500	1,998	4,002	3,198	58628
301	400	2,100	4,200	3,360	58629
201	300	2,202	4,398	3,522	58630
101	200	2,298	4,602	3,678	58631
1	100	2,400	4,800	3,840	58632
0	0	2,496	4,992	3,996	58633

~~Three quarters time students shall be eligible to receive awards according to the following table:~~ 58634  
58635

~~Three Quarters Time Enrollment~~ 58636

<del>If the EFC is equal to or greater than:</del>	<del>And the EFC is no more than:</del>	<del>If the student attends a public institution, the annual award shall be:</del>	<del>If the student attends a private institution, the annual award shall be:</del>	<del>If the student attends a career college, the annual award shall be:</del>	58637
\$2,101	\$2,190	\$228	\$450	\$360	58638
2,001	2,100	300	600	480	58639

1,901	2,000	372	750	600	58640
1,801	1,900	450	900	720	58641
1,701	1,800	528	1,050	840	58642
1,601	1,700	600	1,200	960	58643
1,501	1,600	678	1,350	1,080	58644
1,401	1,500	750	1,500	1,200	58645
1,301	1,400	822	1,650	1,320	58646
1,201	1,300	900	1,800	1,440	58647
1,101	1,200	978	1,950	1,560	58648
1,001	1,100	1,050	2,100	1,680	58649
901	1,000	1,128	2,250	1,800	58650
801	900	1,200	2,400	1,920	58651
701	800	1,272	2,550	2,040	58652
601	700	1,350	2,700	2,160	58653
501	600	1,428	2,850	2,280	58654
401	500	1,500	3,000	2,400	58655
301	400	1,578	3,150	2,520	58656
201	300	1,650	3,300	2,640	58657
101	200	1,722	3,450	2,760	58658
1	100	1,800	3,600	2,880	58659
0	0	1,872	3,744	3,000	58660

~~Half-time students shall be eligible to receive awards~~ 58661  
~~according to the following table:~~ 58662

~~Half-Time Enrollment~~ 58663

<del>If the EFC</del>	<del>And if the</del>	<del>If the</del>	<del>If the</del>	<del>If the</del>	58664
<del>is equal</del>	<del>EFC is no</del>	<del>student</del>	<del>student</del>	<del>student</del>	
<del>to or</del>	<del>more than:</del>	<del>attends a</del>	<del>attends a</del>	<del>attends a</del>	
<del>greater</del>		<del>public</del>	<del>private</del>	<del>career</del>	
<del>than:</del>		<del>institution,</del>	<del>institution,</del>	<del>college,</del>	
		<del>the annual</del>	<del>the annual</del>	<del>the annual</del>	
		<del>award</del>	<del>award</del>	<del>award</del>	
		<del>shall be:</del>	<del>shall be:</del>	<del>shall be:</del>	
<del>\$2,101</del>	<del>\$2,190</del>	<del>\$150</del>	<del>\$300</del>	<del>\$240</del>	58665



<del>2,001</del>	<del>2,100</del>	<del>204</del>	<del>402</del>	<del>324</del>	58666
<del>1,901</del>	<del>2,000</del>	<del>252</del>	<del>504</del>	<del>402</del>	58667
<del>1,801</del>	<del>1,900</del>	<del>300</del>	<del>600</del>	<del>480</del>	58668
<del>1,701</del>	<del>1,800</del>	<del>354</del>	<del>702</del>	<del>564</del>	58669
<del>1,601</del>	<del>1,700</del>	<del>402</del>	<del>804</del>	<del>642</del>	58670
<del>1,501</del>	<del>1,600</del>	<del>450</del>	<del>900</del>	<del>720</del>	58671
<del>1,401</del>	<del>1,500</del>	<del>504</del>	<del>1,002</del>	<del>804</del>	58672
<del>1,301</del>	<del>1,400</del>	<del>552</del>	<del>1,104</del>	<del>882</del>	58673
<del>1,201</del>	<del>1,300</del>	<del>600</del>	<del>1,200</del>	<del>960</del>	58674
<del>1,101</del>	<del>1,200</del>	<del>654</del>	<del>1,302</del>	<del>1,044</del>	58675
<del>1,001</del>	<del>1,100</del>	<del>702</del>	<del>1,404</del>	<del>1,122</del>	58676
<del>901</del>	<del>1,000</del>	<del>750</del>	<del>1,500</del>	<del>1,200</del>	58677
<del>801</del>	<del>900</del>	<del>804</del>	<del>1,602</del>	<del>1,284</del>	58678
<del>701</del>	<del>800</del>	<del>852</del>	<del>1,704</del>	<del>1,362</del>	58679
<del>601</del>	<del>700</del>	<del>900</del>	<del>1,800</del>	<del>1,440</del>	58680
<del>501</del>	<del>600</del>	<del>954</del>	<del>1,902</del>	<del>1,524</del>	58681
<del>401</del>	<del>500</del>	<del>1,002</del>	<del>2,004</del>	<del>1,602</del>	58682
<del>301</del>	<del>400</del>	<del>1,050</del>	<del>2,100</del>	<del>1,680</del>	58683
<del>201</del>	<del>300</del>	<del>1,104</del>	<del>2,202</del>	<del>1,764</del>	58684
<del>101</del>	<del>200</del>	<del>1,152</del>	<del>2,304</del>	<del>1,842</del>	58685
<del>1</del>	<del>100</del>	<del>1,200</del>	<del>2,400</del>	<del>1,920</del>	58686
<del>0</del>	<del>0</del>	<del>1,248</del>	<del>2,496</del>	<del>1,998</del>	58687

~~One quarter time students shall be eligible to receive awards~~ 58688  
~~according to the following table:~~ 58689

~~One-Quarter-Time Enrollment~~ 58690

<del>If the EFC</del>	<del>And if the</del>	<del>If the</del>	<del>If the</del>	<del>If the</del>	58691
<del>is equal</del>	<del>EFC is no</del>	<del>student</del>	<del>student</del>	<del>student</del>	
<del>to or</del>	<del>more than:</del>	<del>attends a</del>	<del>attends a</del>	<del>attends a</del>	
<del>greater</del>		<del>public</del>	<del>private</del>	<del>career</del>	
<del>than:</del>		<del>institution,</del>	<del>institution,</del>	<del>college,</del>	
		<del>the annual</del>	<del>the annual</del>	<del>the annual</del>	
		<del>award</del>	<del>award</del>	<del>award</del>	
		<del>shall be:</del>	<del>shall be:</del>	<del>shall be:</del>	

<del>\$2,101</del>	\$2,190	\$78	\$150	\$120	58692
<del>2,001</del>	2,100	102	198	162	58693
<del>1,901</del>	2,000	126	252	198	58694
<del>1,801</del>	1,900	150	300	240	58695
<del>1,701</del>	1,800	174	348	282	58696
<del>1,601</del>	1,700	198	402	318	58697
<del>1,501</del>	1,600	228	450	360	58698
<del>1,401</del>	1,500	252	498	402	58699
<del>1,301</del>	1,400	276	552	438	58700
<del>1,201</del>	1,300	300	600	480	58701
<del>1,101</del>	1,200	324	648	522	58702
<del>1,001</del>	1,100	348	702	558	58703
<del>901</del>	1,000	378	750	600	58704
<del>801</del>	900	402	798	642	58705
<del>701</del>	800	426	852	678	58706
<del>601</del>	700	450	900	720	58707
<del>501</del>	600	474	948	762	58708
<del>401</del>	500	498	1,002	798	58709
<del>301</del>	400	528	1,050	840	58710
<del>201</del>	300	552	1,098	882	58711
<del>101</del>	200	576	1,152	918	58712
<del>1</del>	100	600	1,200	960	58713
<del>0</del>	0	624	1,248	1,002	58714

~~(D)~~(4)(a) Except as provided in division (B)(4)(d) of this section, no grant awarded under division (B) of this section shall exceed the total state cost of attendance. 58715  
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(b) Subject to divisions (B)(4)(a), (c), and (d) of this section, the amount of a grant awarded to a student under division (B) of this section shall equal the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the 58718  
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Revised Code or a university branch, the chancellor may provide 58725  
that the grant amount shall equal the student's remaining 58726  
instructional and general charges for the undergraduate program 58727  
after the student's Pell grant and expected family contribution 58728  
have been applied to those charges, but, in no case, shall the 58729  
grant amount for such a student exceed any maximum that the 58730  
chancellor may set by rule. 58731

(c) For a full-time student enrolled in an eligible 58732  
institution a program described in division (B)(1)(b) of this 58733  
section for a semester or quarter in addition to the portion of 58734  
the academic year covered by a grant determined under division 58735  
(C)(B) of this section, the maximum grant amount shall be a 58736  
percentage of the maximum prescribed specified in the applicable 58737  
any table of that division established in rules adopted by the 58738  
chancellor as provided in division (A) of this section. The 58739  
maximum grant for a fourth quarter shall be one-third of the 58740  
maximum amount so prescribed under that division. The maximum 58741  
grant for a third semester shall be one-half of the maximum amount 58742  
so prescribed under that division. 58743

(d) If a student is enrolled in a two-year institution of 58744  
higher education and is eligible for an education and training 58745  
voucher through the Ohio education and training voucher program 58746  
that receives federal funding under the John H. Chafee foster care 58747  
independence program, 42 U.S.C. 677, the amount of a grant awarded 58748  
under division (B) of this section may exceed the total state cost 58749  
of attendance to additionally cover housing costs. 58750

(E)(C)(1) The chancellor shall administer and may adopt rules 58751  
to carry out a block grant program to provide money to support 58752  
needs-based financial aid grants for Ohio resident students 58753  
enrolled in nursing or undergraduate programs of nonprofit private 58754  
institutions in this state holding certificates of authorization 58755  
pursuant to Chapter 1713. of the Revised Code. The chancellor 58756

shall establish by rule and administer a separate block grant 58757  
program to provide money for such grants to Ohio resident students 58758  
enrolled in nursing or undergraduate programs of career colleges 58759  
in this state that hold certificates of registration from the 58760  
state board of career colleges and schools or are exempt from 58761  
regulation under Chapter 3332. of the Revised Code as prescribed 58762  
in section 3333.046 of the Revised Code and hold certificates of 58763  
authorization pursuant to Chapter 1713. of the Revised Code. The 58764  
former shall be known as the private higher education needs-based 58765  
financial aid block grant program and the latter, the career 58766  
college needs-based financial aid block grant program. The general 58767  
assembly shall support these programs in such sums and in such 58768  
manner as it may provide, but the chancellor also may receive 58769  
funds from other sources to support the programs. 58770

(2) The chancellor by rule shall determine the eligibility of 58772  
the nonprofit private institutions and career colleges for, the 58773  
terms and conditions of, and the manner of distributing, grants 58774  
under each program, as well as determine the needs-based standard 58775  
that shall apply to grants awarded to students under each program. 58776  
The rules shall include a requirement that, on the financial aid 58777  
statement that it shall provide to each student aid recipient, a 58778  
nonprofit private institution or career college receiving a grant 58779  
under this division must note that a portion of the student's 58780  
award is from the state of Ohio. 58781

(D) No grant shall be made pursuant to division (B) or (C) of 58782  
this section to any student in a course of study in theology, 58783  
religion, or other field of preparation for a religious profession 58784  
unless such course of study leads to an accredited bachelor of 58785  
arts, bachelor of science, associate of arts, or associate of 58786  
science degree. 58787

~~(F)~~(E)(1) Except as provided in division ~~(F)~~(E)(2) of this 58788

section, no grant shall be made to any student ~~for enrollment~~ 58789  
~~during a fiscal year in an~~ under division (B) of this section if 58790  
the state institution of higher education under that division has, 58791  
~~and no grant shall be made to a nonprofit private institution or~~ 58792  
~~career college under division (C) of this section if the~~ 58793  
institution ~~with~~ or college has, a cohort default rate determined 58794  
by the United States secretary of education pursuant to the 58795  
"Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 58796  
U.S.C.A. 1085, as amended, as of the fifteenth day of June 58797  
preceding the fiscal year, equal to or greater than thirty per 58798  
cent for each of the preceding two fiscal years. 58799

(2) Division ~~(F)~~(E)(1) of this section does not apply ~~to~~ in 58800  
the case of either of the following: 58801

(a) ~~Any student enrolled in an~~ The university institution 58802  
~~that under the~~ or college pursuant to federal law appeals its loss 58803  
of eligibility for federal financial aid and the United States 58804  
secretary of education determines its cohort default rate after 58805  
recalculation is lower than the rate specified in division 58806  
~~(F)~~(E)(1) of this section or the secretary determines due to 58807  
mitigating circumstances that the institution or college may 58808  
continue to participate in federal financial aid programs. The 58809  
chancellor shall adopt rules requiring ~~institutions~~ any such 58810  
appellant to provide information to the chancellor regarding an 58811  
appeal ~~to the chancellor.~~ 58812

(b) Any student who has previously received a grant ~~under~~ 58813  
pursuant to any provision of this section, including prior to the 58814  
section's amendment by H.B. 1 of the 128th general assembly, and 58815  
who meets all other eligibility requirements ~~of this section for~~ 58816  
the respective grant under division (B) or (C) of this section. 58817

(3) The chancellor shall adopt rules for the notification of 58818  
all institutions or colleges whose students will be ineligible to 58819  
participate in the grant program pursuant to division ~~(F)~~(E)(1) of 58820

this section. 58821

(4) A student's attendance at ~~an~~ any institution or college 58822  
whose students ~~lose eligibility~~ are ineligible for grants ~~under~~ 58823  
due to division ~~(F)~~(E)(1) of this section shall not affect that 58824  
student's eligibility to receive a grant when enrolled in another 58825  
institution or college. 58826

~~(G) Institutions of higher education~~ (F)(1) A state 58827  
university or state institution of higher education that ~~enroll~~ 58828  
enrolls students receiving needs-based financial aid grants under 58829  
division (B) of this section shall report to the chancellor all 58830  
students who have received such needs-based financial aid grants 58831  
but are no longer eligible for all or part of ~~such~~ those grants 58832  
and shall refund any moneys due the state within thirty days after 58833  
the beginning of the quarter or term immediately following the 58834  
quarter or term in which the student was no longer eligible to 58835  
receive all or part of the student's grant. There shall be an 58836  
interest charge of one per cent per month on all moneys due and 58837  
payable after such thirty-day period. The chancellor shall 58838  
immediately notify the office of budget and management and the 58839  
legislative service commission of all refunds so received. 58840

(2) A nonprofit private institution or career college that 58841  
receives a grant under division (C) of this section shall report 58842  
to the chancellor all students who have received a portion of that 58843  
award and shall report the amount of its award not distributed to 58844  
students. That amount shall be deducted from the next such grant 58845  
amount received by the institution or college. 58846

**Sec. 3333.123.** (A) As used in this section: 58847

(1) "The Ohio college opportunity grant program" means the 58848  
program established under section 3333.122 of the Revised Code. 58849

(2) "Rules for the Ohio college opportunity grant program" 58850

means the rules authorized in division (S) of section 3333.04 of the Revised Code for the implementation of the program. 58851  
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(B) In adopting rules for the Ohio college opportunity grant program, the chancellor of the Ohio board of regents may include provisions that give preferential or priority funding to low-income students who in their primary and secondary school work participate in or complete rigorous academic coursework, attain passing scores on the ~~tests~~ assessments prescribed in section 3301.0710 of the Revised Code, or meet other high academic performance standards determined by the chancellor to reduce the need for remediation and ensure academic success at the postsecondary education level. Any such rules shall include a specification of procedures needed to certify student achievement of primary and secondary standards as well as the timeline for implementation of the provisions authorized by this section. 58853  
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**Sec. 3333.16.** As used in this section "state institution of higher education" means an institution of higher education as defined in section 3345.12 of the Revised Code. 58866  
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(A) The chancellor of the Ohio board of regents shall do all of the following: 58869  
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(1) Establish policies and procedures applicable to all state institutions of higher education that ensure that students can begin higher education at any state institution of higher education and transfer coursework and degrees to any other state institution of higher education without unnecessary duplication or institutional barriers. The purpose of this requirement is to allow students to attain their highest educational aspirations in the most efficient and effective manner for the students and the state. These policies and procedures shall require state institutions of higher education to make changes or modifications, as needed, to strengthen course content so as to ensure 58871  
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equivalency for that course at any state institution of higher education. 58882  
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(2) Develop and implement a universal course equivalency classification system for state institutions of higher education so that the transfer of students and the transfer and articulation of equivalent courses or specified learning modules or units completed by students are not inhibited by inconsistent judgment about the application of transfer credits. Coursework completed within such a system at one state institution of higher education and transferred to another institution shall be applied to the student's degree objective in the same manner as equivalent coursework completed at the receiving institution. 58884  
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(3) Develop a system of transfer policies that ensure that graduates with associate degrees which include completion of approved transfer modules shall be admitted to a state institution of higher education, shall be able to compete for admission to specific programs on the same basis as students native to the institution, and shall have priority over out-of-state associate degree graduates and transfer students. To assist a student in advising and transferring, all state institutions of higher education shall fully implement the ~~course applicability~~ information system for advising and transferring selected by, contracted for, or developed by the chancellor. 58894  
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(4) Examine the feasibility of developing a transfer marketing agenda that includes materials and interactive technology to inform the citizens of Ohio about the availability of transfer options at state institutions of higher education and to encourage adults to return to colleges and universities for additional education; 58905  
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(5) Study, in consultation with the state board of career colleges and schools, and in light of existing criteria and any other criteria developed by the articulation and transfer advisory 58911  
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council, the feasibility of credit recognition and transferability 58914  
to state institutions of higher education for graduates who have 58915  
received associate degrees from a career college or school with a 58916  
certificate of registration from the state board of career 58917  
colleges and schools under Chapter 3332. of the Revised Code. 58918

(B) All provisions of the existing articulation and transfer 58919  
policy developed by the Ohio board of regents shall remain in 58920  
effect except where amended by this section. 58921

**Sec. 3333.28.** (A) The chancellor of the Ohio board of regents 58922  
shall establish the nurse education assistance program, the 58923  
purpose of which shall be to make loans to students enrolled in 58924  
prelicensure nurse education programs at institutions approved by 58925  
the board of nursing under section 4723.06 of the Revised Code and 58926  
postlicensure nurse education programs approved by the chancellor 58927  
under section 3333.04 of the Revised Code or offered by an 58928  
institution holding a certificate of authorization issued under 58929  
Chapter 1713. of the Revised Code. The board of nursing shall 58930  
assist the chancellor in administering the program. 58931

(B) There is hereby created in the state treasury the nurse 58932  
education assistance fund, which shall consist of all money 58933  
transferred to it pursuant to section 4743.05 of the Revised Code. 58934  
The fund shall be used by the chancellor for loans made under 58935  
division (A) of this section and for expenses of administering the 58936  
loan program. 58937

(C) Between July 1, 2005, and January 1, 2012, the chancellor 58938  
shall distribute money in the nurse education assistance fund in 58939  
the following manner: 58940

(1)(a) Fifty per cent of available funds shall be awarded as 58941  
loans to registered nurses enrolled in postlicensure nurse 58942  
education programs described in division (A) of this section. To 58943  
be eligible for a loan, the applicant shall provide the chancellor 58944

with a letter of intent to practice as a faculty member at a 58945  
prelicensure or postlicensure program for nursing in this state 58946  
upon completion of the applicant's academic program. 58947

(b) If the borrower of a loan under division (C)(1)(a) of 58948  
this section secures employment as a faculty member of an approved 58949  
nursing education program in this state within six months 58950  
following graduation from an approved nurse education program, the 58951  
chancellor may forgive the principal and interest of the student's 58952  
loans received under division (C)(1)(a) of this section at a rate 58953  
of twenty-five per cent per year, for a maximum of four years, for 58954  
each year in which the borrower is so employed. A deferment of the 58955  
service obligation, and other conditions regarding the forgiveness 58956  
of loans may be granted as provided by the rules adopted under 58957  
division (D)(7) of this section. 58958

(c) Loans awarded under division (C)(1)(a) of this section 58959  
shall be awarded on the basis of the student's expected family 58960  
contribution, with preference given to those applicants with the 58961  
lowest expected family contribution. However, the chancellor may 58962  
consider other factors the chancellor determines relevant in 58963  
ranking the applications. 58964

(d) Each loan awarded to a student under division (C)(1)(a) 58965  
of this section shall be not less than five thousand dollars per 58966  
year. 58967

(2) Twenty-five per cent of available funds shall be awarded 58968  
to students enrolled in prelicensure nurse education programs for 58969  
registered nurses, as defined in section 4723.01 of the Revised 58970  
Code. 58971

(3) Twenty-five per cent of available funds shall be awarded 58972  
to students enrolled in ~~prelicensure professional~~ nurse education 58973  
programs ~~for licensed practical nurses, as defined in section~~ 58974  
~~4723.01 of the Revised Code~~ as determined by the chancellor, with 58975

preference given to programs aimed at increasing enrollment in an 58976  
area of need. 58977

After January 1, 2012, the chancellor shall determine the 58978  
manner in which to distribute loans under this section. 58979

(D) Subject to the requirements specified in division (C) of 58980  
this section, the chancellor shall adopt rules in accordance with 58981  
Chapter 119. of the Revised Code establishing: 58982

(1) Eligibility criteria for receipt of a loan; 58983

(2) Loan application procedures; 58984

(3) The amounts in which loans may be made and the total 58985  
amount that may be loaned to an individual; 58986

(4) The total amount of loans that can be made each year; 58987

(5) The percentage of the money in the fund that must remain 58988  
in the fund at all times as a fund balance; 58989

(6) Interest and principal repayment schedules; 58990

(7) Conditions under which a portion of principal and 58991  
interest obligations incurred by an individual under the program 58992  
will be forgiven; 58993

(8) Ways that the program may be used to encourage 58994  
individuals who are members of minority groups to enter the 58995  
nursing profession; 58996

(9) Any other matters incidental to the operation of the 58997  
program. 58998

(E) The obligation to repay a portion of the principal and 58999  
interest on a loan made under this section shall be forgiven if 59000  
the recipient of the loan meets the criteria for forgiveness 59001  
established by division (C)(1)(b) of this section, in the case of 59002  
loans awarded under division (C)(1)(a) of this section, or by the 59003  
chancellor under the rule adopted under division (D)(7) of this 59004

section, in the case of other loans awarded under this section. 59005

(F) The receipt of a loan under this section shall not affect 59006  
a student's eligibility for assistance, or the amount of that 59007  
assistance, granted under section 3333.12, 3333.122, 3333.22, 59008  
3333.26, ~~3333.27~~, 5910.03, 5910.032, or 5919.34 of the Revised 59009  
Code, but the rules of the chancellor may provide for taking 59010  
assistance received under those sections into consideration when 59011  
determining a student's eligibility for a loan under this section. 59012

**Sec. 3333.35.** The state board of education and the chancellor 59013  
of the Ohio board of regents shall strive to reduce unnecessary 59014  
student remediation costs incurred by colleges and universities in 59015  
this state, increase overall access for students to higher 59016  
education, enhance the post-secondary enrollment options program 59017  
in accordance with Chapter 3365. of the Revised Code, and enhance 59018  
the alternative resident educator licensure program in accordance 59019  
with section 3319.26 of the Revised Code. 59020

**Sec. 3333.38.** (A) As used in this section: 59021

(1) "Institution of higher education" includes all of the 59022  
following: 59023

(a) A state institution of higher education, as defined in 59024  
section 3345.011 of the Revised Code; 59025

(b) A nonprofit institution issued a certificate of 59026  
authorization under Chapter 1713. of the Revised Code; 59027

(c) A private institution exempt from regulation under 59028  
Chapter 3332. of the Revised Code, as prescribed in section 59029  
3333.046 of the Revised Code; 59030

(d) An institution of higher education with a certificate of 59031  
registration from the state board of career colleges and schools 59032  
under Chapter 3332. of the Revised Code. 59033

(2) "Student financial assistance supported by state funds" 59034  
includes assistance granted under sections 3315.33, 3333.12, 59035  
3333.122, 3333.21, 3333.26, ~~3333.27~~, 3333.28, 3333.372, 3333.391, 59036  
5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an 59037  
award under the choose Ohio first scholarship program established 59038  
under section 3333.61 of the Revised Code, or financed by an award 59039  
under the Ohio co-op/internship program established under section 59040  
3333.72 of the Revised Code, and any other post-secondary student 59041  
financial assistance supported by state funds. 59042  
59043

(B) An individual who is convicted of, pleads guilty to, or 59044  
is adjudicated a delinquent child for one of the following 59045  
violations shall be ineligible to receive any student financial 59046  
assistance supported by state funds at an institution of higher 59047  
education for two calendar years from the time the individual 59048  
applies for assistance of that nature: 59049

(1) A violation of section 2917.02 or 2917.03 of the Revised 59050  
Code; 59051

(2) A violation of section 2917.04 of the Revised Code that 59052  
is a misdemeanor of the fourth degree; 59053

(3) A violation of section 2917.13 of the Revised Code that 59054  
is a misdemeanor of the fourth or first degree and occurs within 59055  
the proximate area where four or more others are acting in a 59056  
course of conduct in violation of section 2917.11 of the Revised 59057  
Code. 59058

(C) If an individual is convicted of, pleads guilty to, or is 59059  
adjudicated a delinquent child for committing a violation of 59060  
section 2917.02 or 2917.03 of the Revised Code, and if the 59061  
individual is enrolled in a state-supported institution of higher 59062  
education, the institution in which the individual is enrolled 59063  
shall immediately dismiss the individual. No state-supported 59064

institution of higher education shall admit an individual of that 59065  
nature for one academic year after the individual applies for 59066  
admission to a state-supported institution of higher education. 59067  
This division does not limit or affect the ability of a 59068  
state-supported institution of higher education to suspend or 59069  
otherwise discipline its students. 59070

Sec. 3333.39. The chancellor of the Ohio board of regents and 59071  
the superintendent of public instruction shall establish and 59072  
administer the teach Ohio program to promote and encourage 59073  
citizens of this state to consider teaching as a profession. The 59074  
program shall include all of the following: 59075

(A) A statewide program administered by a nonprofit 59076  
corporation that has been in existence for at least fifteen years 59077  
with demonstrated results in encouraging high school students from 59078  
economically disadvantaged groups to enter the teaching 59079  
profession. The chancellor and superintendent jointly shall select 59080  
the nonprofit corporation. 59081

(B) The Ohio teaching fellows program established under 59082  
sections 3333.391 and 3333.392 of the Revised Code; 59083

(C) The Ohio teacher residency program established under 59084  
section 3319.223 of the Revised Code; 59085

(D) Alternative licensure procedures established under 59086  
section 3319.26 of the Revised Code; 59087

(E) Any other program as identified by the chancellor and the 59088  
superintendent. 59089

Sec. 3333.391. (A) As used in this section and in section 59090  
3333.392 of the Revised Code: 59091

(1) "Academic year" shall be as defined by the chancellor of 59092  
the Ohio board of regents. 59093

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 59094  
be as defined by the department of education. 59095

(3) "Parent" means the parent, guardian, or custodian of a 59096  
qualified student. 59097

(4) "Qualified service" means teaching at a qualifying 59098  
school. 59099

(5) "Qualifying school" means a hard-to-staff school district 59100  
building or a school district building that has a performance 59101  
rating of academic watch or academic emergency under section 59102  
3302.03 of the Revised Code at the time the recipient becomes 59103  
employed by the district. 59104

(B) The chancellor of the Ohio board of regents and the 59105  
superintendent of public instruction jointly shall develop and 59106  
agree on a plan for the Ohio teaching fellows program to promote 59107  
and encourage high school seniors to enter and remain in the 59108  
teaching profession. Upon agreement of such a plan, the chancellor 59109  
shall establish and administer the program in conjunction with the 59110  
superintendent and with the cooperation of teacher training 59111  
institutions. Under the program, the chancellor annually shall 59112  
provide scholarships to students who commit to teaching in a 59113  
qualifying school for a minimum of four years upon graduation from 59114  
a teacher training program at a state institution of higher 59115  
education or an Ohio nonprofit institution of higher education 59116  
that has a certificate of authorization under Chapter 1713. of the 59117  
Revised Code. The scholarships shall be for up to four years at 59118  
the undergraduate level at an amount determined by the chancellor 59119  
based on state appropriations. 59120

(C) The chancellor shall adopt a competitive process for 59121  
awarding scholarships under the teaching fellows program, which 59122  
shall include minimum grade point average and scores on national 59123  
standardized tests for college admission. The process shall also 59124

give additional consideration to all of the following: 59125

(1) A person who has participated in the program described in 59126  
division (A) of section 3333.39 of the Revised Code; 59127

(2) A person who plans to specialize in teaching students 59128  
with special needs; 59129

(3) A person who plans to teach in the disciplines of 59130  
science, technology, engineering, or mathematics. 59131

The chancellor shall require that all applicants to the 59132  
teaching fellows program shall file a statement of service status 59133  
in compliance with section 3345.32 of the Revised Code, if 59134  
applicable, and that all applicants have not been convicted of, 59135  
plead guilty to, or adjudicated a delinquent child for any 59136  
violation listed in section 3333.38 of the Revised Code. 59137

(D) Teaching fellows shall complete the four-year teaching 59138  
commitment within not more than seven years after graduating from 59139  
the teacher training program. Failure to fulfill the commitment 59140  
shall convert the scholarship into a loan to be repaid under 59141  
section 3333.392 of the Revised Code. 59142

(E) The chancellor shall adopt rules in accordance with 59143  
Chapter 119. of the Revised Code to administer this section and 59144  
section 3333.392 of the Revised Code. 59145

**Sec. 3333.392.** (A) Each recipient who accepts a scholarship 59146  
under the Ohio teaching fellows program created under section 59147  
3333.391 of the Revised Code, or the recipient's parent if the 59148  
recipient is younger than eighteen years of age, shall sign a 59149  
promissory note payable to the state in the event the recipient 59150  
does not satisfy the service requirement of division (D) of 59151  
section 3333.391 of the Revised Code or the scholarship is 59152  
terminated. The amount payable under the note shall be the amount 59153  
of total scholarships accepted by the recipient under the program 59154



plus ten per cent interest accrued annually beginning on the first 59155  
day of September after graduating from the teacher training 59156  
program or immediately after termination of the scholarship. The 59157  
period of repayment under the note shall be determined by the 59158  
chancellor of the Ohio board of regents. The note shall stipulate 59159  
that the obligation to make payments under the note is canceled 59160  
following completion of four years of qualified service by the 59161  
recipient in accordance with division (D) of section 3333.391 of 59162  
the Revised Code, or if the recipient dies, becomes totally and 59163  
permanently disabled, or is unable to complete the required 59164  
qualified service as a result of a reduction in force at the 59165  
recipient's school of employment before the obligation under the 59166  
note has been satisfied. 59167

(B) Repayment of the principal amount of the scholarship and 59168  
interest accrued shall be deferred while the recipient is enrolled 59169  
in an approved teaching program, while the recipient is seeking 59170  
employment to fulfill the service obligation, for a period not to 59171  
exceed six months, or while the recipient is engaged in qualified 59172  
service. 59173

(C) During the seven-year period following the recipient's 59174  
graduation from an approved teaching program, the chancellor shall 59175  
deduct twenty-five per cent of the outstanding balance that may be 59176  
converted to a loan for each year the recipient teaches at a 59177  
qualifying school. 59178

(D) The chancellor may terminate the scholarship, in which 59179  
case the scholarship shall be converted to a loan to be repaid 59180  
under division (A) of this section. 59181

(E) The scholarship shall be deemed terminated upon the 59182  
recipient's withdrawal from school or the recipient's failure to 59183  
meet the standards of the scholarship as determined by the 59184  
chancellor and shall be converted to a loan to be repaid under 59185

division (A) of this section. 59186

(F) The chancellor and the attorney general shall collect 59187  
payments on the converted loan in accordance with section 131.02 59188  
of the Revised Code. 59189

**Sec. 3333.61.** The chancellor of the Ohio board of regents 59190  
shall establish and administer the Ohio innovation partnership, 59191  
which shall consist of the choose Ohio first scholarship program 59192  
and the Ohio research scholars program. Under the programs, the 59193  
chancellor, subject to approval by the controlling board, shall 59194  
make awards to state universities or colleges for programs and 59195  
initiatives that recruit students and scientists in the fields of 59196  
science, technology, engineering, mathematics, and medicine to 59197  
state universities or colleges, in order to enhance regional 59198  
educational and economic strengths and meet the needs of the 59199  
state's regional economies. Awards may be granted for programs and 59200  
initiatives to be implemented by a state university or college 59201  
alone or in collaboration with other state institutions of higher 59202  
education, nonpublic Ohio universities and colleges, or other 59203  
public or private Ohio entities. If the chancellor makes an award 59204  
to a program or initiative that is intended to be implemented by a 59205  
state university or college in collaboration with other state 59206  
institutions of higher education or nonpublic Ohio universities or 59207  
colleges, the chancellor may provide that some portion of the 59208  
award be received directly by the collaborating universities or 59209  
colleges consistent with all terms of the Ohio innovation 59210  
partnership. 59211

The choose Ohio first scholarship program shall assign a 59212  
number of scholarships to state universities and colleges to 59213  
recruit Ohio residents as undergraduate, or as provided in section 59214  
3333.66 of the Revised Code graduate, students in the fields of 59215  
science, technology, engineering, mathematics, and medicine, or in 59216

science, technology, engineering, mathematics, or medical 59217  
education. Choose Ohio first scholarships shall be awarded to each 59218  
participating eligible student as a grant to the state university 59219  
or college the student is attending and shall be reflected on the 59220  
student's tuition bill. Choose Ohio first scholarships are 59221  
student-centered grants from the state to students to use to 59222  
attend a university or college and are not grants from the state 59223  
to universities or colleges. 59224

Notwithstanding any other provision of this section or 59225  
sections 3333.62 to 3333.70 of the Revised Code, a nonpublic 59226  
four-year Ohio institution of higher education may submit a 59227  
proposal for choose Ohio first scholarships ~~if the proposal is to~~ 59228  
~~be implemented in collaboration with a state university or college~~ 59229  
or Ohio research scholars grants. If the chancellor ~~grants awards~~ 59230  
a nonpublic institution ~~an award of~~ scholarships or grants, the 59231  
nonpublic institution shall comply with all requirements of this 59232  
section, sections 3333.62 to 3333.70 of the Revised Code, and the 59233  
rules adopted under this section that apply to state universities 59234  
or colleges awarded choose Ohio first scholarships or Ohio 59235  
research scholars grants. 59236

The Ohio research scholars program shall award grants to use 59237  
in recruiting scientists to the faculties of state universities or 59238  
colleges. 59239

The chancellor shall adopt rules in accordance with Chapter 59240  
119. of the Revised Code to administer the programs. 59241

**Sec. 3333.62.** The chancellor of the Ohio board of regents 59242  
shall establish a competitive process for making awards under the 59243  
choose Ohio first scholarship program and the Ohio research 59244  
scholars program. The chancellor, on completion of that process, 59245  
shall make a recommendation to the controlling board asking for 59246  
approval of each award selected by the chancellor. 59247

Any state university or college may apply for one or more 59248  
awards under one or both programs. The state university or college 59249  
shall submit a proposal and other documentation required by the 59250  
chancellor, in the form and manner prescribed by the chancellor, 59251  
for each award it seeks. A proposal may propose an initiative to 59252  
be implemented solely by the state university or college or in 59253  
collaboration with other state institutions of higher education, 59254  
nonpublic Ohio universities or colleges, or other public or 59255  
nonpublic Ohio entities. A single proposal may seek an award under 59256  
one or both programs. 59257

The chancellor shall determine which proposals will receive 59258  
awards each fiscal year, and the amount of each award, on the 59259  
basis of the merit of each proposal, which the chancellor, subject 59260  
to approval by the controlling board, shall determine based on one 59261  
or more of the following criteria: 59262

(A) The quality of the program that is the subject of the 59263  
proposal and the extent to which additional resources will enhance 59264  
its quality; 59265

(B) The extent to which the proposal is integrated with the 59266  
strengths of the regional economy; 59267

(C) The extent to which the proposal is integrated with 59268  
centers of research excellence within the private sector; 59269

(D) The amount of other institutional, public, or private 59270  
resources, whether monetary or nonmonetary, that the proposal 59271  
pledges to leverage; 59272

(E) The extent to which the proposal is collaborative with 59273  
other public or nonpublic Ohio institutions of higher education; 59274

(F) The extent to which the proposal is integrated with the 59275  
university's or college's mission and does not displace existing 59276  
resources already committed to the mission; 59277

(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;	59278 59279
(H) The extent to which the proposal meets a statewide educational need;	59280 59281
(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;	59282 59283
(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	59284 59285
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	59286 59287 59288 59289 59290 59291
(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;	59292 59293 59294
(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;	59295 59296 59297 59298 59299
(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;	59300 59301 59302
(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;	59303 59304 59305 59306
(P) The extent to which the proposal increases the likelihood	59307

that students will successfully complete their degree programs in 59308  
science, technology, engineering, mathematics, or medicine or in 59309  
science, technology, engineering, mathematics, or medical 59310  
education; 59311

(Q) The extent to which the proposal ensures that a student 59312  
who is awarded a scholarship is appropriately qualified and 59313  
prepared to successfully complete a degree program in science, 59314  
technology, engineering, mathematics, or medicine or in science, 59315  
technology, engineering, mathematics, or medical education; 59316

(R) The extent to which the proposal will increase the number 59317  
of women participating in the choose Ohio first scholarship 59318  
program. 59319

**Sec. 3333.66.** (A) ~~In~~ (1) Except as provided in division 59320  
(A)(2) of this section, in each academic year, no student who 59321  
receives a choose Ohio first scholarship shall receive less than 59322  
one thousand five hundred dollars or more than one-half of the 59323  
highest in-state undergraduate instructional and general fees 59324  
charged by all state universities. For this purpose, if Miami 59325  
university is implementing the pilot tuition restructuring plan 59326  
originally recognized in Am. Sub. H.B. 95 of the 125th general 59327  
assembly, that university's instructional and general fees shall 59328  
be considered to be the average full-time in-state undergraduate 59329  
instructional and general fee amount after taking into account the 59330  
Ohio resident and Ohio leader scholarships and any other credit 59331  
provided to all Ohio residents. 59332

(2) The chancellor of the Ohio board of regents may authorize 59333  
a state university or college or a nonpublic Ohio institution of 59334  
higher education to award a choose Ohio first scholarship in an 59335  
amount greater than one-half of the highest in-state undergraduate 59336  
instructional and general fees charged by all state universities 59337  
to either of the following: 59338

(a) Any undergraduate student who qualifies for a scholarship 59339  
and is enrolled in a program leading to a teaching profession in 59340  
science, technology, engineering, mathematics, or medicine; 59341

(b) Any graduate student who qualifies for a scholarship, if 59342  
any initiatives are selected for award under division (B) of this 59343  
section. 59344

(B) The chancellor ~~of the Ohio board of regents~~ shall 59345  
encourage state universities and colleges, alone or in 59346  
collaboration with other state institutions of higher education, 59347  
nonpublic Ohio universities and colleges, or other public or 59348  
private Ohio entities, to submit proposals under the choose Ohio 59349  
first scholarship program for initiatives that recruit Ohio 59350  
residents enrolled in colleges and universities in other states or 59351  
other countries to return to Ohio and enroll in state universities 59352  
or colleges as graduate students in the fields of science, 59353  
technology, engineering, mathematics, and medicine, or in the 59354  
fields of science, technology, engineering, mathematics, or 59355  
medical education. If such proposals are submitted and meet the 59356  
chancellor's competitive criteria for awards, the chancellor, 59357  
subject to approval by the controlling board, shall give at least 59358  
one of the proposals preference for an award. 59359

(C) The general assembly intends that money appropriated for 59360  
the choose Ohio first scholarship program in each fiscal year be 59361  
used for scholarships in the following academic year. 59362

**Sec. 3333.73.** The chancellor of the Ohio board of regents 59363  
shall establish a competitive process for making awards under the 59364  
Ohio co-op/internship program. The chancellor, on completion of 59365  
that process, shall make a recommendation to the controlling board 59366  
asking for approval of each award selected by the chancellor. 59367

The state institution of higher education shall submit a 59368  
59369

proposal and other documentation required by the chancellor, in 59370  
the form and manner prescribed by the chancellor, for each award 59371  
it seeks. A proposal may propose an initiative to be implemented 59372  
solely by the state institution of higher education or in 59373  
collaboration with other state institutions of higher education or 59374  
nonpublic Ohio universities or colleges. 59375

The chancellor shall determine which proposals will receive 59376  
awards each fiscal year, and the amount of each award, on the 59377  
basis of the merit of each proposal, which the chancellor, subject 59378  
to approval by the controlling board, shall determine based on one 59379  
or more of the following criteria: 59380

(A) The extent to which the proposal will keep Ohio students 59381  
in Ohio institutions of higher education; 59382

(B) The extent to which the proposal will attract Ohio 59383  
residents who left Ohio to attend out-of-state institutions of 59384  
higher education to return to Ohio institutions of higher 59385  
education; 59386

(C) The extent to which the proposal will increase the number 59387  
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 59388

(D) The quality of the program that is the subject of the 59389  
proposal and the extent to which additional resources will enhance 59390  
its quality; 59391

(E) The extent to which the proposal is integrated with the 59392  
strengths of the regional economy; 59393

(F) The extent to which the proposal is aligned with the 59394  
report submitted by the chancellor pursuant to Section 4 of Sub. 59395  
H.B. 2 of the 127th general assembly, as amended; 59396

(G) The extent to which the proposal facilitates the 59397  
development of high quality academic programs with a cooperative 59398  
education program or a significant internship program at state 59399



institutions of higher education;	59400
(H) The extent to which the proposal is integrated with supporting private companies to fill potential job growth;	59401 59402
(I) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, the proposal pledges to leverage that are in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code;	59403 59404 59405 59406
(J) The extent to which the proposal is collaborative with other Ohio institutions of higher education;	59407 59408
(K) The extent to which the proposal is integrated with the institution's mission;	59409 59410
(L) The extent to which the proposal meets a statewide educational need at the undergraduate or graduate level;	59411 59412
(M) The demonstrated productivity or future capacity of the students to be recruited;	59413 59414
(N) The extent to which the proposal will create additional capacity in a high quality academic program with a cooperative education program or significant internship program;	59415 59416 59417
(O) The extent to which the proposal will encourage students who received degrees from two-year institutions to pursue baccalaureate degrees;	59418 59419 59420
(P) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner;	59421 59422
(Q) The extent to which other institutional, public, or private resources that are pledged to the proposal, in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code, will be deployed to assist in sustaining the academic program of excellence;	59423 59424 59425 59426 59427
(R) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs or	59428 59429

certificate programs; 59430

(S) The extent to which the proposal ensures that a student 59431  
participating in the high quality academic program funded by the 59432  
Ohio co-op/internship program is appropriately qualified and 59433  
prepared to successfully transition into professions in Ohio's 59434  
growing companies and industries; 59435

(T) The extent to which the proposal will increase the number 59436  
of women participating in cooperative education programs and 59437  
internship programs. 59438

**Sec. 3333.83.** (A) A student who is enrolled in a school 59439  
operated by a school district or in a community school or STEM 59440  
school may enroll in a course through the clearinghouse only if 59441  
both of the following conditions are satisfied: 59442

(1) The student's enrollment in the course is approved by the 59443  
student's school district, community school, or STEM school. 59444

(2) The student's school district, community school, or STEM 59445  
school agrees to accept for credit the grade assigned by the 59446  
course provider, if that provider is another school district, 59447  
community school, or STEM school. 59448

(B) For each student enrolled in a school operated by a 59449  
school district or in a community school or STEM school who is 59450  
enrolling in a course provided through the clearinghouse by 59451  
another school district, community school, or STEM school, the 59452  
student's school district, community school, or STEM school shall 59453  
transmit the student's name to the course provider. 59454

The course provider may request from the student's school 59455  
district, community school, or STEM school other information from 59456  
the student's school record. The district or school shall provide 59457  
the requested information only in accordance with section 3319.321 59458  
of the Revised Code. 59459

(C) The student's school district, community school, or STEM school shall determine the manner in which and facilities at which the student shall participate in the course consistent with specifications for technology and connectivity adopted by the chancellor of the Ohio board of regents.

(D) A student may withdraw from a course prior to the end of the course only by a date and in a manner prescribed by the student's school district, community school, or STEM school.

(E) A student who is enrolled in a school operated by a school district or in a ~~community school~~ or STEM school that is governed as provided in section 3326.51 of the Revised Code and who takes a course through the clearinghouse shall be counted in the formula ADM of a school district under section 3317.03 of the Revised Code as if the student were taking the course from the student's school district, ~~community school~~, or STEM school.

**Sec. 3333.90.** (A) As used in this section:

(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the Ohio board of regents by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.

(2) "Authority" means the Ohio building authority.

(3) "Bond service charges" has the same meaning as in section 152.09 of the Revised Code.

(4) "Chancellor" means the chancellor of the Ohio board of regents.

(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:

<u>(a) A community college as defined in section 3354.01 of the Revised Code;</u>	59490
	59491
<u>(b) A technical college as defined in section 3357.01 of the Revised Code;</u>	59492
	59493
<u>(c) A state community college as defined in section 3358.01 of the Revised Code.</u>	59494
	59495
<u>(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:</u>	59496
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	59498
<u>(a) A community college district as defined in section 3354.01 of the Revised Code;</u>	59499
	59500
<u>(b) A technical college district as defined in section 3357.01 of the Revised Code;</u>	59501
	59502
<u>(c) A state community college district as defined in section 3358.01 of the Revised Code.</u>	59503
	59504
<u>(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.</u>	59505
	59506
<u>(8) "Obligations" has the meaning as in section 152.09 or 3345.12 of the Revised Code, as the context requires.</u>	59507
	59508
<u>(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the authority proposes to issue obligations under division (G) of section 152.09 of the Revised Code, may adopt a resolution requesting the chancellor to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its</u>	59509
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allocated state share of instruction, for the payment of bond 59520  
service charges on such obligations. 59521

The board of trustees shall deliver to the chancellor a copy 59522  
of the resolution and any additional pertinent information the 59523  
chancellor may require. 59524

The chancellor and the office of budget and management, and 59525  
the authority in the case of obligations to be issued by the 59526  
authority, shall evaluate each request received from a community 59527  
or technical college district under this section. The chancellor, 59528  
with the advice and consent of the director of budget and 59529  
management and the authority in the case of obligations to be 59530  
issued by the authority, shall approve each request if all of the 59531  
following conditions are met: 59532

(1) Approval of the request will enhance the marketability of 59533  
the obligations for which the request is made; 59534

(2) The chancellor and the office of budget and management, 59535  
and the authority in the case of obligations to be issued by the 59536  
authority, have no reason to believe the requesting community or 59537  
technical college district or the community or technical college 59538  
it operates will be unable to pay when due the bond service 59539  
charges on the obligations for which the request is made, and bond 59540  
service charges on those obligations are therefore not anticipated 59541  
to be paid pursuant to this section from the allocated state share 59542  
of instruction for purposes of Section 17 of Article VIII, Ohio 59543  
Constitution. 59544

(3) Any other pertinent conditions established in rules 59545  
adopted under division (H) of this section. 59546

(C) If the chancellor approves the request of a community or 59547  
technical college district to withhold and deposit funds pursuant 59548  
to this section, the chancellor shall enter into a written 59549  
agreement with the district and the primary paying agent or fiscal 59550

agent for the obligations, which agreement shall provide for the 59551  
withholding of funds pursuant to this section for the payment of 59552  
bond service charges on those obligations. The agreement may also 59553  
include both of the following: 59554

(1) Provisions for certification by the district to the 59555  
chancellor, prior to the deadline for payment of the applicable 59556  
bond service charges, whether the district and the community or 59557  
technical college it operates are able to pay those bond service 59558  
charges when due; 59559

(2) Requirements that the district or the community or 59560  
technical college it operates deposits amounts for the payment of 59561  
those bond service charges with the primary paying agent or fiscal 59562  
agent for the obligations prior to the date on which the bond 59563  
service charges are due to the owners or holders of the 59564  
obligations. 59565

(D) Whenever a district or the community or technical college 59566  
it operates notifies the chancellor that it will not be able to 59567  
pay the bond service charges when they are due, subject to the 59568  
withholding provisions of this section, or whenever the applicable 59569  
paying agent or fiscal agent notifies the chancellor that it has 59570  
not timely received from a district or from the college it 59571  
operates the full amount needed for payment of the bond service 59572  
charges when due to the holders or owners of such obligations, the 59573  
chancellor shall immediately contact the district or college and 59574  
the paying agent or fiscal agent to confirm that the district and 59575  
the college are not able to make the required payment by the date 59576  
on which it is due. 59577

If the chancellor confirms that the district and the college 59578  
are not able to make the payment and the payment will not be made 59579  
pursuant to a credit enhancement facility, the chancellor shall 59580  
promptly pay to the applicable primary paying agent or fiscal 59581  
agent the lesser of the amount due for bond service charges or the 59582

amount of the next periodic distribution scheduled to be made to the district or to the college in respect of its allocated state share of instruction. If this amount is insufficient to pay the total amount then due the agent for the payment of bond service charges, the chancellor shall continue to pay to the agent from each periodic distribution thereafter, and until the full amount due the agent for unpaid bond service charges is paid in full, the lesser of the remaining amount due the agent for bond service charges or the amount of the next periodic distribution scheduled to be made to the district or college in respect of its allocated state share of instruction.

(E) The chancellor may make any payments under this section by direct deposit of funds by electronic transfer.

Any amount received by a paying agent or fiscal agent under this section shall be applied only to the payment of bond service charges on the obligations of the community or technical college district or community or technical college subject to this section or to the reimbursement of the provider of a credit enhancement facility that has paid the bond service charges.

(F) The chancellor may make payments under this section to paying agents or fiscal agents during any fiscal biennium of the state only from and to the extent that money is appropriated to the board of regents by the general assembly for distribution during such biennium for the state share of instruction and only to the extent that a portion of the state share of instruction has been allocated to the community or technical college district or community or technical college. Obligations of the authority or of a community or technical college district to which this section is made applicable do not constitute an obligation or a debt or a pledge of the faith, credit, or taxing power of the state, and the holders or owners of those obligations have no right to have excises or taxes levied or appropriations made by the general

assembly for the payment of bond service charges on the 59615  
obligations, and the obligations shall contain a statement to that 59616  
effect. The agreement for or the actual withholding and payment of 59617  
money under this section does not constitute the assumption by the 59618  
state of any debt of a community or technical college district or 59619  
a community or technical college, and bond service charges on the 59620  
related obligations are not anticipated to be paid from the state 59621  
general revenue fund for purposes of Section 17 of Article VIII, 59622  
Ohio Constitution. 59623

(G) In the case of obligations subject to the withholding 59624  
provisions of this section, the issuing community or technical 59625  
college district, or the authority in the case of obligations 59626  
issued by the authority, shall appoint a paying agent or fiscal 59627  
agent who is not an officer or employee of the district or 59628  
college. 59629

(H) The chancellor, with the advice and consent of the office 59630  
of budget and management, may adopt reasonable rules not 59631  
inconsistent with this section for the implementation of this 59632  
section to secure payment of bond service charges on obligations 59633  
issued by a community or technical college district or by the 59634  
authority for the benefit of a community or technical college 59635  
district or the community or technical college it operates. Those 59636  
rules shall include criteria for the evaluation and approval or 59637  
denial of community or technical college district requests for 59638  
withholding under this section. 59639

(I) The authority granted by this section is in addition to 59640  
and not a limitation on any other authorizations granted by or 59641  
pursuant to law for the same or similar purposes. 59642

**Sec. 3333.91.** (A) As used in this section, "bioscience 59643  
sector" includes companies that manufacture medical devices, 59644  
biopharmaceutical products, biofuel, or agricultural bioproducts; 59645



health care service companies; health care organizations; and 59646  
medical research organizations. 59647

(B) The chancellor of the Ohio board of regents shall provide 59648  
grants to entities that satisfy the requirements specified in this 59649  
section to provide training for individuals who are not employed 59650  
in the field of biotechnology or the bioscience sector and wish to 59651  
receive training to be employed in that field or sector. The 59652  
chancellor may provide such grants to entities engaged in any 59653  
other field in which critical demands exist for certain skills. 59654

(C) The chancellor may accept applications for training grant 59656  
funds awarded pursuant to this section from any of the following 59657  
entities: 59658

(1) A municipal corporation that provides any of the training 59659  
programs described in division (D) of this section; 59660

(2) An employer, including an intermediary or a training 59661  
agent of the employer, that provides any of the training programs 59662  
described in division (D) of this section; 59663

(3) Any of the following entities that sponsor multi-company 59664  
employee training projects that offer programs described in 59665  
division (D) of this section if those projects will address common 59666  
training needs identified by employers that elect to participate 59667  
in the project offered by the entity: 59668

(a) Business associations; 59669

(b) Strategic business partnerships; 59670

(c) Institutions of secondary or higher education; 59671

(d) Large manufacturers for supplier network companies; 59672

(e) Agencies of the state or of a political subdivision of 59673  
the state or grant recipients under the federal "Workforce 59674

Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as 59675  
amended. 59676

(D) The chancellor may award grants to eligible applicants 59677  
described in division (C) of this section if in the application, 59678  
the applicant specifies that the money received from the grant 59679  
will be used for employee training programs that include, but are 59680  
not limited to, any of the following: 59681

(1) Training programs that are in response to new or changing 59682  
technology introduced into the workplace; 59683

(2) Job-linked training programs that offer special skills 59684  
for career advancement or that are preparatory for, and lead 59685  
directly to, a job with definite career potential and long-term 59686  
job security; 59687

(3) Training programs that are necessary to implement a total 59688  
quality management system, a total quality improvement system, or 59689  
both within the workplace; 59690

(4) Training related to learning how to operate new machinery 59691  
or equipment; 59692

(5) Training for employees of companies that are expanding 59693  
into new markets or expanding exports from this state and that 59694  
provide jobs in this state; 59695

(6) Basic training, remedial training, or both of employees 59696  
as a prerequisite for other vocational or technical skills 59697  
training or as a condition for sustained employment; 59698

(7) Other training activities, training projects, or both, 59699  
related to the support, development, or evaluation of job training 59700  
programs, activities, and delivery systems, including training 59701  
needs assessment and design. 59702

(E) The chancellor shall use the same competitive process 59703  
established under section 3333.73 of the Revised Code for making 59704

awards under the Ohio co-op/internship program, adapted as 59705  
necessary, to award training grants under this section. 59706

(F) The chancellor shall adopt rules in accordance with 59707  
Chapter 119. of the Revised Code to establish the terms and 59708  
conditions under which a grant may be awarded under this section 59709  
and as necessary to implement this section. The chancellor shall 59710  
include in the rules a requirement that, if an entity that applies 59711  
for a grant awarded under this section is not an employer, the 59712  
entity must specify in the entity's application employers that 59713  
will benefit from the training the entity provides to ensure that 59714  
the training provided satisfies the needs of employers located in 59715  
the area where the entity provides the training programs described 59716  
in division (D) of this section. No grant awarded under this 59717  
section shall be for an amount that exceeds fifty per cent of the 59718  
allowable costs of the training programs described in division (D) 59719  
of this section provided by an entity described in division (C) of 59720  
this section. Under this section, allowable costs include, but are 59721  
not limited to, the following costs: 59722

(1) Administrative costs for tracking, documenting, 59724  
reporting, and processing training funds or project costs; 59725

(2) Costs for developing a curriculum; 59726

(3) Wages for instructors and if the individuals receiving 59727  
training are employed by the employer who offers the program, 59728  
wages for those individuals; 59729

(4) Costs incurred for producing training materials, 59730  
including scrap product costs; 59731

(5) Trainee travel expenses; 59732

(6) Costs for rent, purchase, or lease of training equipment; 59733

(7) Other usual and customary training costs. 59734

(G) An entity described in division (C) of this section shall 59735  
use money received from a grant only for the programs that the 59736  
entity specified in the entity's application in accordance with 59737  
division (D) of this section. A municipal corporation that 59738  
receives a grant under this section may use the money received for 59739  
a training program that also is funded pursuant to the federal 59740  
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, 59741  
as amended. 59742

(H) The chancellor shall adopt rules in accordance with 59743  
Chapter 119. of the Revised Code to establish methods and 59744  
procedures the chancellor shall use to identify transitional jobs 59745  
and to develop and identify training strategies that will enable 59746  
individuals who are not employed in the field of biotechnology or 59747  
the bioscience sector to be employed in that field or sector. 59748

(I) The chancellor shall require an employee of the board of 59749  
regents to conduct at least one on-site visit to monitor the 59750  
application of the grant and compliance with this section and any 59751  
rules the chancellor adopts pursuant to it, either during the 59752  
course of the grant period or within six months after the end of 59753  
the grant period. The employee shall verify that the grantee's 59754  
financial management system is structured to provide for accurate, 59755  
current, and complete disclosure of the financial results of the 59756  
grant program in accordance with all provisions, terms, and 59757  
conditions contained in the grant contract entered into by the 59758  
grantee and the chancellor pursuant to this section and any rules 59759  
the chancellor adopts pursuant to it. 59760

**Sec. 3334.01.** As used in this chapter: 59761

(A) "Aggregate original principal amount" means the aggregate 59762  
of the initial offering prices to the public of college savings 59763  
bonds, exclusive of accrued interest, if any. "Aggregate original 59764  
principal amount" does not mean the aggregate accreted amount 59765

payable at maturity or redemption of such bonds. 59766

(B) "Beneficiary" means: 59767

(1) An individual designated by the purchaser under a tuition 59768  
payment contract or through a scholarship program as the 59769  
individual on whose behalf tuition units purchased under the 59770  
contract or awarded through the scholarship program will be 59771  
applied toward the payment of undergraduate, graduate, or 59772  
professional tuition; or 59773

(2) An individual designated by the contributor under a 59774  
variable college savings program contract as the individual whose 59775  
tuition and other higher education expenses will be paid from a 59776  
variable college savings program account. 59777

(C) "Capital appreciation bond" means a bond for which the 59778  
following is true: 59779

(1) The principal amount is less than the amount payable at 59780  
maturity or early redemption; and 59781

(2) No interest is payable on a current basis. 59782

(D) "Tuition unit" means a credit ~~of the Ohio tuition trust~~ 59783  
~~authority~~ purchased under section 3334.09 of the Revised Code. 59784  
"Tuition unit" includes a tuition credit purchased prior to July 59785  
1, 1994. 59786

(E) "College savings bonds" means revenue and other 59787  
obligations issued on behalf of the state or any agency or issuing 59788  
authority thereof as a zero-coupon or capital appreciation bond, 59789  
and designated as college savings bonds as provided in this 59790  
chapter. "College savings bond issue" means any issue of bonds of 59791  
which any part has been designated as college savings bonds. 59792

(F) "Institution of higher education" means a state 59793  
institution of higher education, a private college, university, or 59794  
other postsecondary institution located in this state that 59795

possesses a certificate of authorization issued ~~by the Ohio board~~ 59796  
~~of regents~~ pursuant to Chapter 1713. of the Revised Code or a 59797  
certificate of registration issued by the state board of career 59798  
colleges and schools under Chapter 3332. of the Revised Code, or 59799  
an accredited college, university, or other postsecondary 59800  
institution located outside this state that is accredited by an 59801  
accrediting organization or professional association recognized by 59802  
the ~~authority~~ chancellor of the Ohio board of regents. To be 59803  
considered an institution of higher education, an institution 59804  
shall meet the definition of an eligible educational institution 59805  
under section 529 of the Internal Revenue Code. 59806

(G) "Issuing authority" means any authority, commission, 59807  
body, agency, or individual empowered by the Ohio Constitution or 59808  
the Revised Code to issue bonds or any other debt obligation of 59809  
the state or any agency or department thereof. "Issuer" means the 59810  
issuing authority or, if so designated under division (B) of 59811  
section 3334.04 of the Revised Code, the treasurer of state. 59812

(H) "Tuition" means the charges imposed to attend an 59813  
institution of higher education as an undergraduate, graduate, or 59814  
professional student and all fees required as a condition of 59815  
enrollment, as determined by the ~~Ohio tuition trust authority~~ 59816  
chancellor. "Tuition" does not include laboratory fees, room and 59817  
board, or other similar fees and charges. 59818

(I) "Weighted average tuition" means the tuition cost 59819  
resulting from the following calculation: 59820

(1) Add the products of the annual undergraduate tuition 59821  
charged to Ohio residents at each four-year state university 59822  
multiplied by that institution's total number of undergraduate 59823  
fiscal year equated students; and 59824

(2) Divide the gross total of the products from division 59825  
(I)(1) of this section by the total number of undergraduate fiscal 59826

year equated students attending four-year state universities. 59827

When making this calculation, the "annual undergraduate 59828  
tuition charged to Ohio residents" shall not incorporate any 59829  
tuition reductions that vary in amount among individual recipients 59830  
and that are awarded to Ohio residents based upon their particular 59831  
circumstances, beyond any minimum amount awarded uniformly to all 59832  
Ohio residents. In addition, any tuition reductions awarded 59833  
uniformly to all Ohio residents shall be incorporated into this 59834  
calculation. 59835

(J) "Zero-coupon bond" means a bond which has a stated 59836  
interest rate of zero per cent and on which no interest is payable 59837  
until the maturity or early redemption of the bond, and is offered 59838  
at a substantial discount from its original stated principal 59839  
amount. 59840

(K) "State institution of higher education" includes the 59841  
state universities listed in section 3345.011 of the Revised Code, 59842  
community colleges created pursuant to Chapter 3354. of the 59843  
Revised Code, university branches created pursuant to Chapter 59844  
3355. of the Revised Code, technical colleges created pursuant to 59845  
Chapter 3357. of the Revised Code, state community colleges 59846  
created pursuant to Chapter 3358. of the Revised Code, and the 59847  
northeastern Ohio universities college of medicine. 59848

(L) "Four-year state university" means those state 59849  
universities listed in section 3345.011 of the Revised Code. 59850

(M) "Principal amount" refers to the initial offering price 59851  
to the public of an obligation, exclusive of the accrued interest, 59852  
if any. "Principal amount" does not refer to the aggregate 59853  
accrued amount payable at maturity or redemption of an 59854  
obligation. 59855

(N) "Scholarship program" means a program registered with the 59856  
~~Ohio tuition trust authority~~ chancellor pursuant to section 59857

3334.17 of the Revised Code. 59858

(O) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 59859  
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(P) "Other higher education expenses" means room and board and books, supplies, equipment, and nontuition-related fees associated with the cost of attendance of a beneficiary at an institution of higher education, but only to the extent that such expenses meet the definition of "qualified higher education expenses" under section 529 of the Internal Revenue Code. "Other higher education expenses" does not include tuition as defined in division (H) of this section. 59861  
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(Q) "Purchaser" means the person signing the tuition payment contract, who controls the account and acquires tuition units for an account under the terms and conditions of the contract. 59869  
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(R) "Contributor" means a person who signs a variable college savings program contract with the ~~Ohio tuition trust authority~~ chancellor and contributes to and owns the account created under the contract. 59872  
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(S) "Contribution" means any payment directly allocated to an account for the benefit of the designated beneficiary of the account. 59876  
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**Sec. 3334.02.** (A) In order to help make higher education affordable and accessible to all citizens of Ohio, to maintain state institutions of higher education by helping to provide a stable financial base to these institutions, to provide the citizens of Ohio with financing assistance for higher education and protection against rising tuition costs, to encourage saving to enhance the ability of citizens of Ohio to obtain financial access to institutions of higher education, to encourage elementary and secondary students in this state to achieve 59879  
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academic excellence, and to promote a well-educated and 59888  
financially secure population to the ultimate benefit of all 59889  
citizens of the state of Ohio, there is hereby created the Ohio 59890  
college savings program. The program shall consist of the issuance 59891  
of college savings bonds and the sale of tuition units. 59892

(B) The provisions of Chapter 1707. of the Revised Code shall 59893  
not apply to tuition units or any agreement or transaction related 59894  
thereto. 59895

(C) To provide the citizens of Ohio with a choice of 59896  
tax-advantaged college savings programs and the opportunity to 59897  
participate in more than one type of college savings program at a 59898  
time, the chancellor of the Ohio tuition trust authority board of 59899  
regents shall establish and administer a variable college savings 59900  
program as a qualified state tuition program under section 529 of 59901  
the Internal Revenue Code. The program shall allow contributors to 59902  
make cash contributions to variable college savings program 59903  
accounts created for the purpose of paying future tuition and 59904  
other higher education expenses and providing variable rates of 59905  
return on contributions. 59906

(D) A person may participate simultaneously in both the Ohio 59907  
college savings program and the variable college savings program. 59908

Sec. 3334.03. (A) The chancellor of the Ohio board of regents 59909  
shall operate programs under this chapter as a qualified state 59910  
tuition program within the meaning of section 529 of the Internal 59911  
Revenue Code. The chancellor's exercise of the chancellor's powers 59912  
under this chapter shall be and is hereby declared to be an 59913  
essential state government function. In exercising powers under 59914  
this chapter, the chancellor is subject to all provisions of law 59915  
generally applicable to state agencies that do not conflict with 59916  
the provisions of this chapter. 59917

(B) The chancellor shall provide the Ohio tuition trust 59918

advisory board with administrative assistance and all necessary 59919  
documentation regarding the chancellor's administration of the 59920  
programs established under this chapter and the costs of that 59921  
administration in order to assist the advisory board in its 59922  
preparation of the annual report required under section 3334.031 59923  
of the Revised Code and its quarterly meetings. 59924

(C) The chancellor may adopt rules establishing advisory 59925  
duties and responsibilities of the advisory board not otherwise 59926  
prescribed by law. 59927

~~Sec. 3334.03~~ 3334.031. (A) ~~There is hereby created the Ohio~~ 59928  
~~tuition trust authority, which shall have the powers enumerated in~~ 59929  
~~this chapter and which shall operate as a qualified state tuition~~ 59930  
~~program within the meaning of section 529 of the Internal Revenue~~ 59931  
~~Code. The exercise by the authority of its powers shall be and is~~ 59932  
~~hereby declared an essential state governmental function. The~~ 59933  
~~authority is subject to all provisions of law generally applicable~~ 59934  
~~to state agencies which do not conflict with the provisions of~~ 59935  
~~this chapter~~ The Ohio tuition trust advisory board is hereby 59936  
established to advise the chancellor of the Ohio board of regents 59937  
on the chancellor's duties and responsibilities under this chapter 59938  
and on other matters established by the chancellor in rules 59939  
adopted under section 3334.03 of the Revised Code. 59940

~~(B) The Ohio tuition trust authority~~ advisory board shall 59941  
submit to the general assembly, in accordance with division (B) of 59942  
section 101.68 of the Revised Code, and to the governor, an annual 59943  
report on the chancellor's administration of the programs 59944  
established under this chapter. 59945

(C) The advisory board shall consist of eleven members, no 59946  
more than six of whom shall be of the same political party. ~~Six~~ 59947  
Seven members shall be appointed by the governor with the advice 59948  
and consent of the senate as follows: one shall represent state 59949

institutions of higher education, one shall represent private 59950  
nonprofit colleges and universities located in Ohio, one shall 59951  
have experience in the field of marketing or public relations, one 59952  
shall have experience in the field of information systems design 59953  
or management, and ~~two~~ three shall have experience in the field of 59954  
banking, investment banking, insurance, or law. Four members shall 59955  
be appointed by the speaker of the house of representatives and 59956  
the president of the senate as follows: the speaker of the house 59957  
of representatives shall appoint one member of the house from each 59958  
political party and the president of the senate shall appoint one 59959  
member of the senate from each political party. ~~The chancellor of~~ 59960  
~~the board of regents shall be an ex officio voting member;~~ 59961  
~~provided, however, that the chancellor may designate a~~ 59962  
~~vice chancellor of the board of regents to serve as the~~ 59963  
~~chancellor's representative. The political party of the chancellor~~ 59964  
~~shall be deemed the political party of the designee for purposes~~ 59965  
~~of determining that no more than six members are of the same~~ 59966  
~~political party.~~ 59967

Initial gubernatorial appointees to the authority advisory 59968  
board shall serve staggered terms, with two terms expiring on 59969  
January 31, 1991, one term expiring on January 31, 1992, and one 59970  
term expiring on January 31, 1993. The governor shall appoint two 59971  
additional members to the authority advisory board no later than 59972  
thirty days after March 30, 1999, and their initial terms shall 59973  
expire January 31, 2002. The governor shall appoint an additional 59974  
member to the advisory board not later than ninety days after the 59975  
effective date of this amendment, and the member's initial term 59976  
shall expire January 31, 2013. Thereafter, terms of office for 59977  
gubernatorial appointees shall be for four years. The initial 59978  
terms of the four legislative members shall expire on January 31, 59979  
1991. Thereafter legislative members shall serve two-year terms, 59980  
provided that legislative members may continue to serve on the 59981  
authority advisory board only if they remain members of the 59982

general assembly. Any vacancy on the ~~authority~~ advisory board 59983  
shall be filled in the same manner as the original appointment, 59984  
except that any person appointed to fill a vacancy shall be 59985  
appointed to the remainder of the unexpired term. Any member is 59986  
eligible for reappointment. 59987

~~(C)~~(D) Any member may be removed by the appointing authority 59988  
for misfeasance, malfeasance, or willful neglect of duty or for 59989  
other cause after notice and a public hearing, unless the notice 59990  
and hearing are waived in writing by the member. Members shall 59991  
serve without compensation but shall receive their reasonable and 59992  
necessary expenses incurred in the conduct of authority business. 59993

~~(D)~~(E) The speaker of the house of representatives and the 59994  
president of the senate shall each designate a member of the 59995  
~~authority~~ advisory board to serve as co-chairpersons. The ~~six~~ 59996  
~~seven~~ gubernatorial appointees ~~and the chancellor of the board of~~ 59997  
~~regents or the chancellor's designee~~ shall serve as the executive 59998  
committee of the ~~authority~~ advisory board, and shall elect an 59999  
executive chairperson from among the executive committee members. 60000  
The ~~authority~~ advisory board and the executive committee may elect 60001  
such other officers as determined by the ~~authority~~ advisory board 60002  
or the executive committee respectively. The ~~authority~~ advisory 60003  
board shall meet at least ~~annually~~ quarterly at the call of either 60004  
co-chairperson and at such other times as either co-chairperson or 60005  
the ~~authority~~ advisory board determines necessary. In the absence 60006  
of both co-chairpersons, the executive chairperson shall serve as 60007  
the presiding officer of the ~~authority~~ advisory board. The 60008  
executive committee shall meet at the call of the executive 60009  
chairperson or as the executive committee determines necessary. 60010  
The ~~authority~~ advisory board may delegate to the executive 60011  
committee such duties and responsibilities as the ~~authority~~ 60012  
advisory board determines appropriate, ~~except that the authority~~ 60013  
~~may not delegate to the executive committee the final~~ 60014

determination of the annual price of a tuition unit, the final 60015  
designation of bonds as college savings bonds, or the employment 60016  
of an executive director of the authority. Upon such delegation, 60017  
the executive committee shall have the authority to act pursuant 60018  
to such delegation without further approval or action by the 60019  
authority advisory board. A majority of the authority advisory 60020  
board shall constitute a quorum of the authority advisory board, 60021  
and the affirmative vote of a majority of the members present 60022  
shall be necessary for any action taken by the authority advisory 60023  
board. A majority of the executive committee shall constitute a 60024  
quorum of the executive committee, and the affirmative vote of a 60025  
majority of the members present shall be necessary for any action 60026  
taken by the executive committee. No vacancy in the membership of 60027  
the authority advisory board or the executive committee shall 60028  
impair the rights of a quorum to exercise all rights and perform 60029  
all duties of the authority advisory board or the executive 60030  
committee, respectively. 60031

Sec. 3334.032. Whenever the term "Ohio tuition trust 60032  
authority" is used, referred to, or designated in any statute, 60033  
rule, contract, grant, or other document, the use, reference, or 60034  
designation shall be construed to mean the "chancellor of the Ohio 60035  
board of regents." 60036

**Sec. 3334.04.** (A) Any bonds authorized for issuance by any 60037  
issuing authority may, with the approval of the chancellor of the 60038  
Ohio ~~tuition trust authority~~ board of regents and at the option 60039  
of the issuing authority, be designated as college savings bonds 60040  
in accordance with this chapter. Bonds so designated shall be 60041  
known as college savings bonds. The issuer shall sell as college 60042  
savings bonds as many bonds from such an issue as is practical. 60043

(B) Issuing authorities designating bonds as a college 60044  
savings bonds issue, with the approval of the authority 60045

chancellor, may delegate to the treasurer of state the powers and 60046  
duties related to the issuance and retirement of the bonds as 60047  
provided by law. The financing costs, including the expenses 60048  
incurred by the treasurer of ~~the~~ state in performing the powers 60049  
and duties, are payable as provided in the bond proceedings from 60050  
the bond proceeds, special funds, or other moneys available. 60051

(C) In connection with the authority granted by division (B) 60052  
of this section, the issuer, with the approval of the ~~authority~~ 60053  
chancellor, may contract for services of financial consultants, 60054  
accounting experts, marketing, remarketing, underwriter and 60055  
administrative agents, and other consultants and independent 60056  
contractors as the issuer determines necessary to carry out such 60057  
powers and duties. 60058

(D) Notwithstanding any limitation to the contrary, college 60059  
savings bonds may be sold at public or private sale in a manner 60060  
which assures, to the extent practicable, the broadest retail 60061  
distribution of the bonds to investors residing in the state. 60062

(E) Holders of college savings bonds have all of the rights 60063  
and remedies accorded to such holders under the provisions of the 60064  
law pursuant to which such bonds are issued, whether or not 60065  
issuance of such bonds has been delegated to the treasurer of 60066  
state pursuant to division (B) of this section. In addition, the 60067  
bond proceedings or other documents pertaining to the bonds may 60068  
contain such covenants of the issuer and other matters deemed 60069  
advisable by the issuer in consultation with the ~~authority~~ 60070  
chancellor, including the terms and conditions for creating and 60071  
maintaining sinking funds, reserve funds, and any other special 60072  
funds as may be created in the bond proceedings separate and apart 60073  
from all other funds and accounts of the state or of the issuing 60074  
authority. 60075

(F) In advertising or promoting the sale of college savings 60076  
bonds, the issuer and the ~~authority~~ chancellor jointly may 60077

encourage purchasers to apply the value at maturity of college 60078  
savings bonds toward the cost of tuition at an institution of 60079  
higher education; however, neither the ~~authority~~ chancellor, the 60080  
treasurer of state, nor the issuing authority or the issuer shall 60081  
provide any guarantee, nor shall any guarantee be inferred, to the 60082  
effect that the value at maturity of the bonds held by a person 60083  
shall be an amount sufficient to pay for the cost of tuition at 60084  
any institution of higher education attended by that person for 60085  
such purposes as ~~he~~ the person determines. 60086

**Sec. 3334.06.** (A) The chancellor of the Ohio ~~tuition trust~~ 60087  
~~authority~~ board of regents shall, after consultation with the 60088  
issuer, develop a plan for the sale of college savings bonds. The 60089  
plan shall include: 60090

(1) An advertising program to inform the public about the 60091  
availability of college savings bonds; 60092

(2) The estimated cost of financing and administering the 60093  
plan; 60094

(3) A description of the ongoing administrative authority and 60095  
responsibility for the plan. 60096

(B) The ~~authority~~ chancellor shall approve the sale of a 60097  
college savings bond issue under division (A) of section 3334.04 60098  
of the Revised Code only after ~~it~~ the chancellor has determined 60099  
that the issuance would comply with section 3334.04 of the Revised 60100  
Code. 60101

(C) The ~~authority~~ chancellor shall cooperate with all state 60102  
issuing authorities in identifying potential bond issues which may 60103  
be appropriate for designation as college savings bonds and shall 60104  
encourage those issuing authorities to participate in the Ohio 60105  
college savings program. 60106

**Sec. 3334.07.** (A) The chancellor of the Ohio ~~tuition trust~~ 60107

~~authority board of regents shall develop a plan for the sale of~~ 60108  
~~tuition units. The Ohio board of regents shall cooperate with the~~ 60109  
~~authority and provide technical assistance upon request.~~ 60110

(B) Annually, the ~~authority~~ chancellor shall determine the 60111  
weighted average tuition of four-year state universities in the 60112  
academic year that begins on or after the first day of August of 60113  
the current calendar year, and shall establish the price of a 60114  
tuition unit in the ensuing sales period. Such price shall be 60115  
based on sound actuarial principles, and shall, to the extent 60116  
actuarially possible, reasonably approximate one per cent of the 60117  
weighted average tuition for that academic year plus the costs of 60118  
administering the program that are in excess of general revenue 60119  
fund appropriations for administrative costs. The sales period to 60120  
which such price applies shall consist of twelve months, and the 60121  
~~authority~~ chancellor by rule shall establish the date on which the 60122  
sales period begins. If circumstances arise during a sales period 60123  
that the ~~authority~~ chancellor determines causes the price of 60124  
tuition units to be insufficient to ensure the actuarial soundness 60125  
of the Ohio tuition trust fund, the ~~authority~~ chancellor may 60126  
adjust the price of tuition units purchased during the remainder 60127  
of the sales period. To promote the purchase of tuition units and 60128  
in accordance with actuarially sound principles, the ~~authority~~ 60129  
chancellor may adjust the sales price as part of incentive 60130  
programs, such as discounting for lump sum purchases and 60131  
multi-year installment plans at a fixed rate of purchase. 60132

**Sec. 3334.08.** (A) Subject to division (B) of this section, in 60133  
addition to any other powers conferred by this chapter, the 60134  
chancellor of the Ohio tuition trust authority board of regents 60135  
may do any of the following: 60136

(1) Impose reasonable residency requirements for 60137  
beneficiaries of tuition units; 60138



(2) Impose reasonable limits on the number of tuition unit participants;	60139 60140
(3) Impose and collect administrative fees and charges in connection with any transaction under this chapter;	60141 60142
(4) Purchase insurance from insurers licensed to do business in this state providing for coverage against any loss in connection with <del>the authority's</del> property, assets, or activities or to further ensure the value of tuition units;	60143 60144 60145 60146
(5) Indemnify or purchase policies of insurance on behalf of <del>members, officers, and</del> employees of the <del>authority</del> <u>chancellor</u> from insurers licensed to do business in this state providing for coverage for any liability incurred in connection with any civil action, demand, or claim against a <del>director, officer, or an</del> employee by reason of an act or omission by the <del>director, officer, or</del> employee that was not manifestly outside the scope of the employment or official duties of the <del>director, officer, or</del> employee or with malicious purpose, in bad faith, or in a wanton or reckless manner;	60147 60148 60149 60150 60151 60152 60153 60154 60155 60156
(6) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of the powers and duties of the <del>authority</del> <u>chancellor</u> ;	60157 60158 60159
(7) Promote, advertise, and publicize the Ohio college savings program and the variable college savings program;	60160 60161
(8) Adopt rules under section 111.15 of the Revised Code for the implementation of the Ohio college savings program;	60162 60163
(9) Contract, for the provision of all or part of the services necessary for the management and operation of the Ohio college savings program and the variable college savings program, with a bank, trust company, savings and loan association, insurance company, or licensed dealer in securities if the bank, company, association, or dealer is authorized to do business in	60164 60165 60166 60167 60168 60169

this state and information about the contract is filed with the 60170  
controlling board pursuant to division (D)(6) of section 127.16 of 60171  
the Revised Code; 60172

(10) Contract for other services, or for goods, needed by the 60173  
~~authority~~ chancellor in the conduct of ~~its~~ the chancellor's 60174  
business under this chapter, including but not limited to credit 60175  
card services; 60176

~~(11) Employ an executive director and other personnel as 60177  
necessary to carry out its responsibilities under this chapter, 60178  
and fix the compensation of these persons. All employees of the 60179  
authority shall be in the unclassified civil service and shall be 60180  
eligible for membership in the public employees retirement system. 60181~~

~~(12)~~ Contract with financial consultants, actuaries, 60182  
auditors, and other consultants as necessary to carry out ~~its~~ the 60183  
chancellor's responsibilities under this chapter; 60184

~~(13)~~(12) Enter into agreements with any agency of the state 60185  
or its political subdivisions or with private employers under 60186  
which an employee may agree to have a designated amount deducted 60187  
in each payroll period from the wages or salary due the employee 60188  
for the purpose of purchasing tuition units pursuant to a tuition 60189  
payment contract or making contributions pursuant to a variable 60190  
college savings program contract; 60191

~~(14)~~(13) Enter into an agreement with the treasurer of state 60192  
under which the treasurer of state will receive, and credit to the 60193  
Ohio tuition trust fund or variable college savings program fund, 60194  
from any bank or savings and loan association authorized to do 60195  
business in this state, amounts that a depositor of the bank or 60196  
association authorizes the bank or association to withdraw 60197  
periodically from the depositor's account for the purpose of 60198  
purchasing tuition units pursuant to a tuition payment contract or 60199  
making contributions pursuant to a variable college savings 60200

program contract;	60201
<del>(15)</del> <u>(14)</u> Solicit and accept gifts, grants, and loans from any person or governmental agency and participate in any governmental program;	60202 60203 60204
<del>(16)</del> <u>(15)</u> Impose limits on the number of units which may be purchased on behalf of or assigned or awarded to any beneficiary and on the total amount of contributions that may be made on behalf of a beneficiary;	60205 60206 60207 60208
<del>(17)</del> <u>(16)</u> Impose restrictions on the substitution of another individual for the original beneficiary under the Ohio college savings program;	60209 60210 60211
<del>(18)</del> <u>(17)</u> Impose a limit on the age of a beneficiary, above which tuition units may not be purchased on behalf of that beneficiary;	60212 60213 60214
<del>(19)</del> <u>(18)</u> Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts;	60215 60216 60217 60218
<del>(20)</del> <u>(19)</u> Determine the other higher education expenses for which tuition units or contributions may be used;	60219 60220
<del>(21)</del> <u>(20)</u> Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination;	60221 60222 60223 60224 60225 60226 60227 60228
<del>(22)</del> <u>(21)</u> Maintain a separate account for each tuition payment or variable college savings program contract;	60229 60230

~~(23)~~(22) Perform all acts necessary and proper to carry out the duties and responsibilities of the ~~authority~~ chancellor pursuant to this chapter.

(B) The ~~authority~~ chancellor shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide taxpayers with the maximum tax advantages and flexibility consistent with section 529 of the Internal Revenue Code and regulations adopted thereunder with regard to disposition of contributions and earnings, designation of beneficiaries, and rollover of account assets to other programs.

(C) Except as otherwise specified in this chapter, the provisions of Chapters 123., 125., and 4117. of the Revised Code shall not apply to the ~~authority. The department of administrative services shall, upon the request of the authority, act as the authority's agent for the purchase of equipment, supplies, insurance, or services, or the performance of administrative services pursuant to Chapter 125. of the Revised Code~~ chancellor's exercise of duties and responsibilities under this chapter.

**Sec. 3334.09.** (A) Except in the case of a scholarship program established in accordance with section 3334.17 of the Revised Code, the chancellor of the Ohio tuition trust authority board of regents may enter into a tuition payment contract with any person for the purchase of tuition units if either the purchaser or the beneficiary is a resident of this state at the time the contract is entered into. A tuition payment contract shall allow any person to purchase tuition units at the price determined by the ~~authority~~ chancellor pursuant to section 3334.07 or 3334.12 of the Revised Code for the year in which the tuition unit is purchased. The purchaser shall name in the payment contract one specific individual as the beneficiary for the tuition units.

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In accordance with rules of the ~~authority~~ chancellor, units  
may be transferred to the credit of another beneficiary and a new  
beneficiary may be substituted for the beneficiary originally  
named in the contract.

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(B) Each tuition unit shall entitle the beneficiary to an  
amount equal to one per cent of the weighted average tuition.

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(C) Nothing in this chapter or in any tuition payment  
contract entered into pursuant to this chapter shall be construed  
as a guarantee by the state, the ~~authority~~ chancellor, or any  
institution of higher education that a beneficiary will be  
admitted to an institution of higher education, or, upon admission  
to an institution of higher education, will be permitted to  
continue to attend or will receive a degree from an institution of  
higher education. Nothing in this chapter or in any tuition  
payment contract entered into pursuant to this chapter shall be  
considered a guarantee that the beneficiary's cost of tuition at  
an institution of higher education other than a state institution  
of higher education will be covered in full by the proceeds of the  
beneficiary's tuition units.

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(D) The following information shall be disclosed in writing  
to each purchaser of tuition units and, where appropriate, to each  
entity establishing a scholarship program under section 3334.17 of  
the Revised Code:

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(1) The terms and conditions for the purchase and use of  
tuition units;

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(2) In the case of a contract described by division (A) of  
this section, any restrictions on the substitution of another  
individual for the original beneficiary and any restrictions on  
the transfer of ownership of units in the payment account;

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(3) The person or entity entitled to terminate the contract;

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(4) The terms and conditions under which the contract may be terminated and the amount of the refund, if any, to which the person or entity terminating the contract, or that person's or entity's designee, is entitled upon termination;

(5) The obligation of the ~~authority~~ chancellor to make payments to a beneficiary, or an institution of higher education on behalf of a beneficiary, under division (B) of this section based upon the number of tuition units purchased on behalf of the beneficiary or awarded to the beneficiary pursuant to a scholarship program;

(6) The method by which tuition units shall be applied toward payment of tuition and other higher education expenses if in any academic term the beneficiary is a part-time student;

(7) The period of time during which a beneficiary may receive benefits under the contract;

(8) The terms and conditions under which money may be wholly or partially withdrawn from the program, including, but not limited to, any reasonable charges and fees that may be imposed for withdrawal;

(9) All other rights and obligations of the purchaser and the ~~authority~~ chancellor, including the provisions of division (A) of section 3334.12 of the Revised Code, and any other terms, conditions, and provisions the ~~authority~~ chancellor considers necessary and appropriate.

(E) A tuition payment contract may provide that the ~~authority~~ chancellor will pay directly to the institution of higher education in which a beneficiary is enrolled during a term the amount represented by the tuition units being used that term.

(F) A tuition payment contract described by division (A) of this section may provide that if the contract has not been terminated or units purchased under the contract have not been

applied toward the payment of tuition or other higher education 60324  
expenses within a specified period of time, the ~~authority~~ 60325  
chancellor may, after making a reasonable effort to locate the 60326  
purchaser of the tuition units, the beneficiary, and any person 60327  
designated in the contract to act on behalf of the purchaser of 60328  
the units or the beneficiary, terminate the contract and retain 60329  
the amounts payable under the contract. 60330

(G) If, at any time after tuition units are purchased on 60331  
behalf of a beneficiary or awarded to a beneficiary or pursuant to 60332  
a scholarship program, the beneficiary becomes a nonresident of 60333  
this state, or, if the beneficiary was not a resident of this 60334  
state at the time the tuition payment contract was entered into, 60335  
the purchaser becomes a nonresident of this state, units purchased 60336  
or awarded while the beneficiary was a resident may be applied on 60337  
behalf of the beneficiary toward the payment of tuition at an 60338  
institution of higher education and other higher education 60339  
expenses in the manner specified in division (B) of this section, 60340  
except that if the beneficiary enrolls in a state institution of 60341  
higher education, the beneficiary shall be responsible for payment 60342  
of all nonresident fees charged to out-of-state residents by the 60343  
institution in which the beneficiary is enrolled. 60344

**Sec. 3334.10.** Divisions (A) and (B) of this section do not 60345  
apply to scholarship programs established under section 3334.17 of 60346  
the Revised Code. 60347

(A) Unless otherwise provided for in the tuition payment 60348  
contract, the purchaser may rollover amounts to another qualified 60349  
tuition program under section 529 of the Internal Revenue Code or 60350  
terminate the contract for any reason by filing written notice 60351  
with the chancellor of the Ohio ~~tuition trust authority~~ board of 60352  
regents. 60353

(1) If the contract is terminated and the beneficiary is 60354

under eighteen years of age, the ~~authority~~ chancellor shall use 60355  
actuarially sound principles to determine the amount of the 60356  
refund. 60357

(2) If the contract is terminated because of the death or 60358  
permanent disability of the beneficiary, the amount of the refund 60359  
shall be equal to the greater of the following: 60360

(a) One per cent of the weighted average tuition in the 60361  
academic year the refund is paid, multiplied by the number of 60362  
tuition units purchased and not used; 60363

(b) The total purchase price of all tuition units purchased 60364  
for the beneficiary and not used. 60365

(3) If all or part of the amount accrued under the contract 60366  
is liquidated for a rollover to another qualified tuition program 60367  
under section 529 of the Internal Revenue Code, the rollover 60368  
amount shall be determined in an actuarially sound manner. 60369

(B) The contributor of a variable college savings program 60370  
account may rollover amounts to another qualified tuition program 60371  
under section 529 of the Internal Revenue Code or terminate the 60372  
account for any reason by filing written notice with the ~~Ohio~~ 60373  
~~tuition trust authority~~ chancellor. 60374

The contributor may receive an amount equal to the account 60375  
balance, less any applicable administrative fees. 60376

(C) A scholarship program may request a refund of tuition 60377  
units in the program's account by filing a written request with 60378  
the ~~authority~~ chancellor. The refund shall be paid to the entity 60379  
that established the scholarship program or, with that entity's 60380  
approval, to the ~~authority~~ chancellor if this is authorized by 60381  
federal tax law. The amount of any refund shall be determined by 60382  
the ~~authority~~ chancellor and shall meet the requirements for 60383  
refunds made on account of scholarships under section 529 of the 60384  
Internal Revenue Code. 60385



(D) The ~~authority~~ chancellor shall maintain a separate 60386  
account for each variable college savings contract entered into 60387  
pursuant to division (A) of section 3334.18 of the Revised Code 60388  
for contributions made on behalf of a beneficiary, showing the 60389  
name of the beneficiary of that contract and the amount of 60390  
contributions made pursuant to that contract. Upon request of any 60391  
beneficiary or contributor, the ~~authority~~ chancellor shall provide 60392  
a statement indicating, in the case of a beneficiary, the amount 60393  
of contributions made pursuant to that contract on behalf of the 60394  
beneficiary, or, in the case of a contributor, contributions made, 60395  
disbursed, or refunded pursuant to that contract. 60396

**Sec. 3334.11.** (A) The assets ~~of the Ohio tuition trust~~ 60397  
~~authority~~ reserved for payment of the obligations ~~of the authority~~ 60398  
pursuant to tuition payment contracts shall be placed in a fund, 60399  
which is hereby created and shall be known as the Ohio tuition 60400  
trust fund. The fund shall be in the custody of the treasurer of 60401  
state, but shall not be part of the state treasury. That portion 60402  
of payments received by the ~~authority~~ chancellor of the Ohio board 60403  
of regents or the treasurer of state from persons purchasing 60404  
tuition units under tuition payment contracts that the ~~authority~~ 60405  
chancellor determines is actuarially necessary for the payment of 60406  
obligations ~~of the authority~~ pursuant to tuition payment 60407  
contracts, all interest and investment income earned by the fund, 60408  
and all other receipts of the ~~authority~~ chancellor from any other 60409  
source that the ~~authority~~ chancellor determines appropriate, shall 60410  
be deposited in the fund. No purchaser or beneficiary of tuition 60411  
units shall have any claim against the funds of any state 60412  
institution of higher education. All investment fees and other 60413  
costs incurred in connection with the exercise of the investment 60414  
powers of the ~~authority~~ chancellor pursuant to divisions (D) and 60415  
(E) of this section shall be paid from the assets of the fund. 60416

(B) Unless otherwise provided by the ~~authority~~ chancellor, 60417

the assets of the Ohio tuition trust fund shall be expended in the 60418  
following order: 60419

(1) To make payments to beneficiaries, or institutions of 60420  
higher education on behalf of beneficiaries, under division (B) of 60421  
section 3334.09 of the Revised Code; 60422

(2) To make refunds as provided in divisions (A) and (C) of 60423  
section 3334.10 of the Revised Code; 60424

(3) To pay the investment fees and other costs of 60425  
administering the fund. 60426

(C)(1) Except as may be provided in an agreement under 60427  
division (A)~~(19)~~(18) of section 3334.08 of the Revised Code, all 60428  
disbursements from the Ohio tuition trust fund shall be made by 60429  
the treasurer of state on order of a designee of the ~~authority~~ 60430  
chancellor. 60431

(2) The treasurer of state shall deposit any portion of the 60432  
Ohio tuition trust fund not needed for immediate use in the same 60433  
manner as state funds are deposited. 60434

(D) The ~~authority~~ chancellor is the trustee of the Ohio 60435  
tuition trust fund. The ~~authority~~ chancellor shall have full power 60436  
to invest the assets of the fund and in exercising this power 60437  
shall be subject to the limitations and requirements contained in 60438  
divisions (K) to (M) of this section and sections 145.112 and 60439  
145.113 of the Revised Code. The evidences of title of all 60440  
investments shall be delivered to the treasurer of state or to a 60441  
qualified trustee designated by the treasurer of state as provided 60442  
in section 135.18 of the Revised Code. Assets of the fund shall be 60443  
administered by the ~~authority~~ chancellor in a manner designed to 60444  
be actuarially sound so that the assets of the fund will be 60445  
sufficient to satisfy the obligations ~~of the authority~~ pursuant to 60446  
tuition payment contracts and defray the reasonable expenses of 60447  
administering the fund. 60448

(E) ~~The public employees retirement board shall, with the approval of the authority, exercise the investment powers of the authority as set forth~~ The chancellor may contract with any business, entity, or government agency to carry out the chancellor's investment powers provided in division (D) of this section ~~until the authority determines that assumption and exercise by the authority of the investment powers is financially and administratively feasible.~~ The investment powers shall be exercised by the ~~public employees retirement board~~ contractor in a manner agreed upon by the ~~authority~~ chancellor that maximizes the return on investment and minimizes the administrative expenses.

(F)(1) The ~~authority~~ chancellor shall maintain a separate account for each tuition payment contract entered into pursuant to division (A) of section 3334.09 of the Revised Code for the purchase of tuition units on behalf of a beneficiary or beneficiaries showing the beneficiary or beneficiaries of that contract and the number of tuition units purchased pursuant to that contract. Upon request of any beneficiary or person who has entered into a tuition payment contract, the ~~authority~~ chancellor shall provide a statement indicating, in the case of a beneficiary, the number of tuition units purchased on behalf of the beneficiary, or in the case of a person who has entered into a tuition payment contract, the number of tuition units purchased, used, or refunded pursuant to that contract. A beneficiary and person that have entered into a tuition payment contract each may file only one request under this division in any year.

(2) The ~~authority~~ chancellor shall maintain an account for each scholarship program showing the number of tuition units that have been purchased for or donated to the program and the number of tuition units that have been used. Upon the request of the entity that established the scholarship program, the ~~authority~~ chancellor shall provide a statement indicating these numbers.

(G) In addition to the Ohio tuition trust fund, there is 60481  
hereby established a reserve fund that shall be in the custody of 60482  
the treasurer of state but shall not be part of the state 60483  
treasury, and shall be known as the Ohio tuition trust reserve 60484  
fund, and an operating fund that shall be part of the state 60485  
treasury, and shall be known as the Ohio tuition trust operating 60486  
fund. That portion of payments received by the ~~authority~~ 60487  
chancellor or the treasurer of state from persons purchasing 60488  
tuition units under tuition payment contracts that the ~~authority~~ 60489  
chancellor determines is not actuarially necessary for the payment 60490  
of obligations ~~of the authority~~ pursuant to tuition payment 60491  
contracts, any interest and investment income earned by the 60492  
reserve fund, any administrative charges and fees imposed by the 60493  
~~authority~~ chancellor on transactions under this chapter or on 60494  
purchasers or beneficiaries of tuition units, and all other 60495  
receipts from any other source that the ~~authority~~ chancellor 60496  
determines appropriate, shall be deposited in the reserve fund to 60497  
pay the operating expenses of the ~~authority~~ chancellor and the 60498  
costs of administering the program. The assets of the reserve fund 60499  
may be invested in the same manner and subject to the same 60500  
limitations set forth in divisions (D), (E), and (K) to (M) of 60501  
this section and sections 145.112 and 145.113 of the Revised Code. 60502  
All investment fees and other costs incurred in connection with 60503  
the exercise of the investment powers shall be paid from the 60504  
assets of the reserve fund. Except as otherwise provided for in 60505  
this chapter, all operating expenses of the ~~authority~~ chancellor 60506  
and costs of administering the program shall be paid from the 60507  
operating fund. The treasurer shall, upon request of the ~~authority~~ 60508  
chancellor, transfer funds from the reserve fund to the operating 60509  
fund as the ~~authority~~ chancellor determines appropriate to pay 60510  
those current operating expenses ~~of the authority~~ and costs of 60511  
administering the program as the ~~authority~~ chancellor designates. 60512  
Any interest or investment income earned on the assets of the 60513

operating fund shall be deposited in the operating fund. 60514

(H) In January of each year the ~~authority~~ chancellor shall 60515  
report to each person who received any payments or refunds under 60516  
this chapter from the ~~authority~~ chancellor during the preceding 60517  
year information relative to the value of the payments or refunds 60518  
to assist in determining that person's tax liability. 60519

(I) The ~~authority~~ chancellor shall report to the tax 60520  
commissioner any information, and at the times, as the tax 60521  
commissioner requires to determine any tax liability that a person 60522  
may have incurred during the preceding year as a result of having 60523  
received any payments or refunds from the ~~authority~~ chancellor. 60524

(J) All records of the ~~authority~~ chancellor indicating the 60525  
identity of purchasers and beneficiaries of tuition units or 60526  
college savings bonds, the number of tuition units purchased, 60527  
used, or refunded under a tuition payment contract, and the number 60528  
of college savings bonds purchased, held, or redeemed are not 60529  
public records within the meaning of section 149.43 of the Revised 60530  
Code. 60531

(K) The ~~authority~~ chancellor and other fiduciaries shall 60532  
discharge their duties with respect to the funds with care, skill, 60533  
prudence, and diligence under the circumstances then prevailing 60534  
that a prudent person acting in a like capacity and familiar with 60535  
such matters would use in the conduct of an enterprise of a like 60536  
character and with like aims; and by diversifying the investments 60537  
of the assets of the funds so as to minimize the risk of large 60538  
losses, unless under the circumstances it is clearly prudent not 60539  
to do so. 60540

To facilitate investment of the funds, the ~~authority~~ 60541  
chancellor may establish a partnership, trust, limited liability 60542  
company, corporation, including a corporation exempt from taxation 60543  
under the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 60544

amended, or any other legal entity authorized to transact business 60545  
in this state. 60546

(L) In exercising ~~its~~ the chancellor's fiduciary 60547  
responsibility with respect to the investment of the assets of the 60548  
funds, it shall be the intent of the ~~authority~~ chancellor to give 60549  
consideration to investments that enhance the general welfare of 60550  
the state and its citizens where the investments offer quality, 60551  
return, and safety comparable to other investments currently 60552  
available to the ~~authority~~ chancellor. In fulfilling this intent, 60553  
equal consideration shall also be given to investments otherwise 60554  
qualifying under this section that involve minority owned and 60555  
controlled firms and firms owned and controlled by women, either 60556  
alone or in joint venture with other firms. 60557

The ~~authority~~ chancellor shall ~~adopt, in regular meeting,~~ 60558  
establish policies, objectives, or criteria for the operation of 60559  
the investment program that include asset allocation targets and 60560  
ranges, risk factors, asset class benchmarks, time horizons, total 60561  
return objectives, and performance evaluation guidelines. In 60562  
~~adopting~~ establishing policies and criteria for the selection of 60563  
agents and investment managers with whom the ~~authority~~ chancellor 60564  
may contract for the administration of the assets of the funds, 60565  
the ~~authority shall give equal consideration to~~ chancellor may set 60566  
aside approximately fifteen per cent of the contracts for minority 60567  
owned and controlled firms, firms owned and controlled by women, 60568  
and ventures involving minority owned and controlled firms and 60569  
firms owned and controlled by women that otherwise meet the 60570  
policies and criteria established by the ~~authority~~ chancellor. 60571  
~~Amendments and additions to the policies and criteria shall be~~ 60572  
~~adopted in regular meeting.~~ The ~~authority~~ chancellor shall publish 60573  
~~its~~ the policies, objectives, and criteria under this provision no 60574  
less often than annually and shall make copies available to 60575  
interested parties. 60576

When reporting on the performance of investments, the 60577  
~~authority~~ chancellor shall comply with the performance 60578  
presentation standards established by the association for 60579  
investment management and research. 60580

(M) All investments shall be purchased at current market 60581  
prices and the evidences of title of the investments shall be 60582  
placed in the hands of the treasurer of state, who is hereby 60583  
designated as custodian thereof, or in the hands of the treasurer 60584  
of state's authorized agent. The treasurer of state or the agent 60585  
shall collect the principal, dividends, distributions, and 60586  
interest thereon as they become due and payable and place them 60587  
when so collected into the custodial funds. 60588

The treasurer of state shall pay for investments purchased by 60589  
the ~~authority~~ chancellor on receipt of written or electronic 60590  
instructions from the ~~authority~~ chancellor or the ~~authority's~~ 60591  
chancellor's designated agent authorizing the purchase and pending 60592  
receipt of the evidence of title of the investment by the 60593  
treasurer of state or the treasurer of state's authorized agent. 60594  
The ~~authority~~ chancellor may sell investments held by the 60595  
~~authority~~ chancellor, and the treasurer of state or the treasurer 60596  
of state's authorized agent shall accept payment from the 60597  
purchaser and deliver evidence of title of the investment to the 60598  
purchaser on receipt of written or electronic instructions from 60599  
the ~~authority~~ chancellor or the ~~authority's~~ chancellor's 60600  
designated agent authorizing the sale, and pending receipt of the 60601  
moneys for the investments. The amount received shall be placed in 60602  
the custodial funds. The ~~authority~~ chancellor and the treasurer of 60603  
state may enter into agreements to establish procedures for the 60604  
purchase and sale of investments under this division and the 60605  
custody of the investments. 60606

No purchase or sale of any investment shall be made under 60607  
this section except as authorized by the ~~authority~~ chancellor. 60608

Any statement of financial position distributed by the authority chancellor shall include fair value, as of the statement date, of all investments held by the authority chancellor under this section.

**Sec. 3334.111.** (A) As used in this section:

(1) "Minority business enterprise" has the meaning defined in section 122.71 of the Revised Code.

(2) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state.

(B) The chancellor of the board of regents shall submit annually to the governor and to the general assembly (under section 101.68 of the Revised Code) a report containing the following information:

(1) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the chancellor contracts;

(2) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the chancellor has contracted;

(3) Efforts by the chancellor to increase utilization of investment managers that are minority business enterprises or women's business enterprises.

**Sec. 3334.12.** Notwithstanding anything to the contrary in sections 3334.07 and 3334.09 of the Revised Code:

(A) Annually, the chancellor of the Ohio ~~tuition trust~~ authority board of regents shall have the actuarial soundness of



the Ohio tuition trust fund evaluated by a nationally recognized 60638  
actuary and shall determine whether additional assets are 60639  
necessary to defray ~~the obligations of the authority~~. If, after 60640  
the ~~authority~~ chancellor sets the price for tuition units, 60641  
circumstances arise that the ~~executive director~~ chancellor 60642  
determines necessitate an additional evaluation of the actuarial 60643  
soundness of the fund, the ~~executive director~~ chancellor shall 60644  
have a nationally recognized actuary conduct the necessary 60645  
evaluation. If the assets of the fund are insufficient to ensure 60646  
the actuarial soundness of the fund, the ~~authority~~ chancellor 60647  
shall adjust the price of subsequent purchases of tuition units to 60648  
the extent necessary to help restore the actuarial soundness of 60649  
the fund. If, at any time, the adjustment is likely, in the 60650  
opinion of the ~~authority~~ chancellor, to diminish the marketability 60651  
of tuition units to an extent that the continued sale of the units 60652  
likely would not restore the actuarial soundness of the fund and 60653  
external economic factors continue to negatively impact the 60654  
soundness of the program, the ~~authority~~ chancellor may suspend 60655  
sales, either permanently or temporarily, of tuition units. During 60656  
any suspension, the ~~authority~~ chancellor shall continue to service 60657  
existing college savings program accounts. 60658

(B) Upon termination of the program or liquidation of the 60659  
Ohio tuition trust fund, the Ohio tuition trust reserve fund, and 60660  
the Ohio tuition trust operating fund, any remaining assets of the 60661  
funds after all obligations of the funds have been satisfied 60662  
pursuant to division (B) of section 3334.11 of the Revised Code 60663  
shall be transferred to the general revenue fund of the state. 60664

(C) The ~~authority~~ chancellor shall prepare and cause to have 60665  
audited an annual financial report on all financial activity of 60666  
the ~~Ohio tuition trust authority~~ chancellor under this chapter 60667  
within ninety days of the end of the fiscal year. The ~~authority~~ 60668  
chancellor shall transmit a copy of the audited financial report 60669

to the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives. Copies of the audited financial report also shall be made available, upon request, to the persons entering into contracts with the ~~authority~~ chancellor and to prospective purchasers of tuition units and prospective contributors to variable college savings program accounts.

**Sec. 3334.16.** The general assembly hereby finds that the prepaid tuition program providing for the sale of tuition ~~credits~~ units by the chancellor of the Ohio ~~tuition trust authority~~ board of regents is an official state function, offered through an agency of this state, which agency receives state appropriations. Therefore, the ~~authority~~ chancellor is directed by the state of Ohio to assume ~~it~~ the program is exempt from federal tax liability.

**Sec. 3334.17.** (A) The state, any political subdivision of the state, and any organization that is exempt from federal income taxation under section 501 (a) and described in section 501 (c)(3) of the Internal Revenue Code, including the chancellor of the Ohio ~~tuition trust authority~~ board of regents if this is authorized under federal tax law, may establish a scholarship program to award scholarships consisting of contributions made to any college savings program for students. Any scholarship program established under this section shall be registered with the ~~authority~~ chancellor. The ~~authority~~ chancellor shall be notified of the name and address of each scholarship beneficiary under the program, the amounts awarded, and the institution of higher education in which the beneficiary is enrolled. Scholarship beneficiaries shall be selected by the entity establishing the scholarship program, in accordance with criteria established by the entity.

(B) Any person or governmental entity may purchase tuition

units on behalf of a scholarship program that is or is to be 60701  
established in accordance with division (A) of this section at the 60702  
same price as is established for the purchase of units for named 60703  
beneficiaries pursuant to this chapter. Tuition units shall have 60704  
the same value to the beneficiary of a scholarship awarded 60705  
pursuant to this section as they would have to any other 60706  
beneficiary pursuant to division (B) of section 3334.09 of the 60707  
Revised Code. 60708

(C) The entity establishing and maintaining a scholarship 60709  
program shall specify whether a scholarship beneficiary may 60710  
receive a refund or payment for the amount awarded under the 60711  
scholarship program directly from the ~~authority~~ chancellor, or 60712  
whether the amount awarded shall be paid by the ~~authority~~ 60713  
chancellor only to the institution of higher education in which 60714  
the student is enrolled. 60715

(D) If a scholarship beneficiary does not use the amount 60716  
awarded within a length of time specified under the scholarship 60717  
program, the amount may be awarded to another beneficiary. 60718

**Sec. 3334.18.** (A) A variable college savings program 60719  
established by the chancellor of the Ohio ~~tuition trust authority~~ 60720  
board of regents shall include provisions for a contract to be 60721  
entered into between a contributor and the ~~authority~~ chancellor 60722  
that will authorize the contributor to open an account for a 60723  
beneficiary and authorize the contributor to substitute a new 60724  
beneficiary for one originally named in the contract, to the 60725  
extent permitted by section 529 of the Internal Revenue Code. 60726

(B) The ~~authority~~ chancellor shall provide adequate 60727  
safeguards to prevent total contributions to a variable college 60728  
savings program account or purchases of tuition units, either 60729  
separately or combined, that are made on behalf of a beneficiary 60730  
from exceeding the amount necessary to provide for the tuition and 60731

other higher education expenses of the beneficiary, consistent 60732  
with the maximum contributions permitted by section 529 of the 60733  
Internal Revenue Code. However, in no event shall contributions or 60734  
purchases exceed the allowable limit for a qualified tuition 60735  
program under section 529 of the Internal Revenue Code. 60736

(C)(1) Participation in the variable college savings program 60737  
does not guarantee that contributions and the investment return on 60738  
contributions, if any, will be adequate to cover future tuition 60739  
and other higher education expenses or that a beneficiary will be 60740  
admitted to or permitted to continue to attend an institution of 60741  
higher education. 60742

(2) Returns on contributors' investments in the variable 60743  
college savings program are not guaranteed by the state and the 60744  
contributors to the variable college savings program assume all 60745  
investment risk, including the potential loss of principal and 60746  
liability for penalties such as those levied for noneducational 60747  
withdrawals. 60748

(3) The state shall have no debt or obligation to any 60749  
contributor, beneficiary, or any other person as a result of the 60750  
establishment of the program, and the state assumes no risk or 60751  
liability for funds invested in the variable college savings 60752  
program. 60753

(4) Informational materials about the variable college 60754  
savings program prepared by the ~~authority~~ chancellor or ~~its~~ the 60755  
chancellor's agents and provided to prospective contributors shall 60756  
state clearly the information set forth in division (C) of this 60757  
section. 60758

**Sec. 3334.19.** (A) The chancellor of the Ohio ~~tuition-trust~~ 60759  
~~authority~~ board of regents shall adopt an investment plan that 60760  
sets forth investment policies and guidelines to be utilized in 60761  
administering the variable college savings program. Except as 60762

provided in section 3334.20 of the Revised Code, the ~~authority~~ chancellor shall contract with one or more insurance companies, banks, or other financial institutions to act as its investment agents and to provide such services as the ~~authority~~ chancellor considers appropriate to the investment plan, including:

(1) Purchase, control, and safekeeping of assets; 60768

(2) Record keeping and accounting for individual accounts and for the program as a whole; 60770

(3) Provision of consolidated statements of account. 60771

(B) The ~~authority~~ chancellor or ~~its~~ the chancellor's investment agents shall maintain a separate account for the beneficiary of each contract entered into under the variable college savings program. If a beneficiary has more than one such account, the ~~authority~~ chancellor or ~~its~~ the chancellor's agents shall track total contributions and earnings and provide a consolidated system of account distributions to institutions of higher education. 60779

(C) The ~~authority~~ chancellor or ~~its~~ the chancellor's investment agents may place assets of the program in savings accounts and may purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the investment plan. 60784

(D) Contributors shall not direct the investment of their contributions under the investment plan. The ~~authority~~ chancellor shall impose other limits on contributors' investment discretion to the extent required under section 529 of the Internal Revenue Code. 60789

(E) The investment agents with which the ~~authority~~ chancellor contracts shall discharge their duties with respect to program funds with the care and diligence that a prudent person familiar with such matters and with the character and aims of the program 60793

would use. 60794

(F) The assets of the program shall be preserved, invested, 60795  
and expended solely for the purposes of this chapter and shall not 60796  
be loaned or otherwise transferred or used by the state for any 60797  
other purpose. This section shall not be construed to prohibit the 60798  
investment agents of the ~~authority~~ chancellor from investing, by 60799  
purchase or otherwise, in bonds, notes, or other obligations of 60800  
the state or any agency or instrumentality of the state. Unless 60801  
otherwise specified by the ~~authority~~ chancellor, assets of the 60802  
program shall be expended in the following order of priority: 60803

(1) To make payments on behalf of beneficiaries; 60804

(2) To make refunds upon termination of variable college 60805  
savings program contracts; 60806

(3) To pay the ~~authority's~~ chancellor's costs of 60807  
administering the program; 60808

(4) To pay or cover any other expenditure or disbursement the 60809  
~~authority~~ chancellor determines necessary or appropriate. 60810

(G) Fees, charges, and other costs imposed or collected by 60811  
the ~~authority~~ chancellor in connection with the variable college 60812  
savings program, including any fees or other payments that the 60813  
~~authority~~ chancellor requires an investment agent to pay to the 60814  
~~authority~~ chancellor, shall be credited to either the variable 60815  
operating fund or the index operating fund at the discretion of 60816  
the ~~authority~~ chancellor. These funds are hereby created in the 60817  
state treasury. Expenses incurred in the administration of the 60818  
variable college savings program, as well as other expenses, 60819  
disbursements, or payments the ~~authority~~ chancellor considers 60820  
appropriate for the benefit of any college savings programs 60821  
administered by the ~~authority~~ chancellor, the state of Ohio and 60822  
its citizens, shall be paid from the variable operating fund or 60823  
the index operating fund at the discretion of the ~~authority~~ 60824

chancellor. 60825

(H) No records ~~of the authority~~ indicating the identity of 60826  
purchasers, contributors, and beneficiaries under the program or 60827  
amounts contributed to, earned by, or distributed from program 60828  
accounts are public records within the meaning of section 149.43 60829  
of the Revised Code. 60830

**Sec. 3334.20.** (A) As used in this section, "state agency" 60831  
means every department, bureau, board, commission, office, or 60832  
other organized body established by the constitution or laws of 60833  
this state for the exercise of state government. 60834

(B) If a condition arises concerning the investment of funds 60835  
received under the variable college savings program and requiring 60836  
an interim period for investment of program funds, which condition 60837  
is determined pursuant to division (D) of this section, the 60838  
chancellor of the Ohio ~~tuition trust authority~~ board of regents 60839  
shall choose the treasurer of state, a state agency having 60840  
investment authority, or an investment agent under contract with 60841  
the ~~authority~~ chancellor to invest program funds pursuant to the 60842  
investment plan established under division (A) of section 3334.19 60843  
of the Revised Code. The treasurer of state, state agency, or 60844  
investment agent chosen by the ~~authority~~ chancellor pursuant to 60845  
this division shall be subject to the requirements and conditions 60846  
that apply to investment agents specified in section 3334.19 of 60847  
the Revised Code. 60848

(C) The ~~authority~~ chancellor shall be the trustee of the 60849  
program. During the interim period, the ~~authority~~ chancellor shall 60850  
receive and hold all payments, deposits, and contributions, as 60851  
well as gifts, bequests, endowments, and federal, state, or local 60852  
grants and any funds from any other source, public or private, and 60853  
all earnings, until disbursed to pay tuition or other higher 60854  
education expenses or refunds pursuant to college savings plans 60855

contracts. The ~~authority~~ chancellor shall keep such funds 60856  
segregated from all other assets ~~of the authority.~~ 60857

(D) The ~~authority~~ chancellor shall adopt rules under section 60858  
111.15 of the Revised Code defining the conditions under which an 60859  
interim investment period is required and this section applies. 60860  
The rules shall include any condition requiring the termination of 60861  
the interim period and the authority to contract with alternative 60862  
investment agents pursuant to section 3334.19 of the Revised Code 60863  
and any other requirements that apply during the interim 60864  
investment period. 60865

(E) When the interim period for investment of program funds 60866  
terminates, the investment agents selected pursuant to section 60867  
3334.19 of the Revised Code for the investment of program funds 60868  
shall have the sole authority to invest program funds pursuant to 60869  
the investment plan established under division (A) of that section 60870  
and shall be subject to that section. 60871

**Sec. 3334.21.** The variable college savings program may be 60872  
terminated by statute or upon the determination of the chancellor 60873  
~~of the Ohio tuition trust authority~~ board of regents that the 60874  
program is not financially feasible. Upon termination, all amounts 60875  
held in program accounts shall be returned to account owners, to 60876  
the extent possible, and any unclaimed assets in the program shall 60877  
be transferred to the unclaimed funds trust fund and disposed of 60878  
in accordance with section 169.05 of the Revised Code. 60879

**Sec. 3345.011.** "State university" means a public institution 60880  
of higher education which is a body politic and corporate. Each of 60881  
the following institutions of higher education shall be recognized 60882  
as a state university: university of Akron, Bowling Green state 60883  
university, Central state university, university of Cincinnati, 60884  
Cleveland state university, Kent state university, Miami 60885



university, Ohio university, Ohio state university, Shawnee state 60886  
university, university of Toledo, Wright state university, and 60887  
Youngstown state university. 60888

"State institution of higher education" means any state 60889  
university or college as defined in division (A)(1) of section 60890  
3345.12 of the Revised Code, community college, state community 60891  
college, university branch established under Chapter 3355. of the 60892  
Revised Code, or technical college. 60893

"University system of Ohio" means the collective group of all 60894  
of the state institutions of higher education. 60895

"Member of the university system of Ohio" means any 60896  
individual state institution of higher education. 60897

**Sec. 3345.12.** (A) As used in this section and sections 60898  
3345.07 and 3345.11 of the Revised Code, in other sections of the 60899  
Revised Code that make reference to this section unless the 60900  
context does not permit, and in related bond proceedings unless 60901  
otherwise expressly provided: 60902

(1) "State university or college" means each of the state 60903  
universities identified in section 3345.011 of the Revised Code 60904  
and the northeastern Ohio universities college of medicine, and 60905  
includes its board of trustees. 60906

(2) "Institution of higher education" or "institution" means 60907  
a state university or college, or a community college district, 60908  
technical college district, university branch district, or state 60909  
community college, and includes the applicable board of trustees 60910  
or, in the case of a university branch district, any other 60911  
managing authority. 60912

(3) "Housing and dining facilities" means buildings, 60913  
structures, and other improvements, and equipment, real estate, 60914  
and interests in real estate therefor, to be used for or in 60915

connection with dormitories or other living quarters and 60916  
accommodations, or related dining halls or other food service and 60917  
preparation facilities, for students, members of the faculty, 60918  
officers, or employees of the institution of higher education, and 60919  
their spouses and families. 60920

(4) "Auxiliary facilities" means buildings, structures, and 60921  
other improvements, and equipment, real estate, and interests in 60922  
real estate therefor, to be used for or in connection with student 60923  
activity or student service facilities, housing and dining 60924  
facilities, dining halls, and other food service and preparation 60925  
facilities, vehicular parking facilities, bookstores, athletic and 60926  
recreational facilities, faculty centers, auditoriums, assembly 60927  
and exhibition halls, hospitals, infirmaries and other medical and 60928  
health facilities, research, and continuing education facilities. 60929

(5) "Education facilities" means buildings, structures, and 60930  
other improvements, and equipment, real estate, and interests in 60931  
real estate therefor, to be used for or in connection with, 60932  
classrooms or other instructional facilities, libraries, 60933  
administrative and office facilities, and other facilities, other 60934  
than auxiliary facilities, to be used directly or indirectly for 60935  
or in connection with the conduct of the institution of higher 60936  
education. 60937

(6) "Facilities" means housing and dining facilities, 60938  
auxiliary facilities, or education facilities, and includes any 60939  
one, part of, or any combination of such facilities, and further 60940  
includes site improvements, utilities, machinery, furnishings, and 60941  
any separate or connected buildings, structures, improvements, 60942  
sites, open space and green space areas, utilities or equipment to 60943  
be used in, or in connection with the operation or maintenance of, 60944  
or supplementing or otherwise related to the services or 60945  
facilities to be provided by, such facilities. 60946

(7) "Obligations" means bonds or notes or other evidences of 60947

obligation, including interest coupons pertaining thereto, 60948  
authorized to be issued under this section or section 3345.07, 60949  
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 60950  
Code. 60951

(8) "Bond service charges" means principal, including any 60952  
mandatory sinking fund or redemption requirements for the 60953  
retirement of obligations or assurances, interest, or interest 60954  
equivalent and other accreted amounts, and any call premium 60955  
required to be paid on obligations or assurances. 60956

(9) "Bond proceedings" means the resolutions, trust 60957  
agreement, indenture, and other agreements and credit enhancement 60958  
facilities, and amendments and supplements to the foregoing, or 60959  
any one or more or combination thereof, authorizing, awarding, or 60960  
providing for the terms and conditions applicable to, or providing 60961  
for the security or liquidity of, obligations or assurances, and 60962  
the provisions contained in those obligations or assurances. 60963

(10) "Costs of facilities" means the costs of acquiring, 60964  
constructing, reconstructing, rehabilitating, remodeling, 60965  
renovating, enlarging, improving, equipping, or furnishing 60966  
facilities, and the financing thereof, including the cost of 60967  
clearance and preparation of the site and of any land to be used 60968  
in connection with facilities, the cost of any indemnity and 60969  
surety bonds and premiums on insurance, all related direct 60970  
administrative expenses and allocable portions of direct costs of 60971  
the institution of higher education or state agency, cost of 60972  
engineering, architectural services, design, plans, specifications 60973  
and surveys, estimates of cost, legal fees, fees and expenses of 60974  
trustees, depositories, bond registrars, and paying agents for the 60975  
obligations, cost of issuance of the obligations and financing 60976  
costs and fees and expenses of financial advisers and consultants 60977  
in connection therewith, interest on the obligations from the date 60978  
thereof to the time when interest is to be covered by available 60979

receipts or other sources other than proceeds of the obligations, 60980  
amounts necessary to establish reserves as required by the bond 60981  
proceedings, costs of audits, the reimbursements of all moneys 60982  
advanced or applied by or borrowed from the institution or others, 60983  
from whatever source provided, including any temporary advances 60984  
from state appropriations, for the payment of any item or items of 60985  
cost of facilities, and all other expenses necessary or incident 60986  
to planning or determining feasibility or practicability with 60987  
respect to facilities, and such other expenses as may be necessary 60988  
or incident to the acquisition, construction, reconstruction, 60989  
rehabilitation, remodeling, renovation, enlargement, improvement, 60990  
equipment, and furnishing of facilities, the financing thereof and 60991  
the placing of them in use and operation, including any one, part 60992  
of, or combination of such classes of costs and expenses. 60993

(11) "Available receipts" means all moneys received by the 60994  
institution of higher education, including income, revenues, and 60995  
receipts from the operation, ownership, or control of facilities 60996  
or entrepreneurial projects, grants, gifts, donations, and pledges 60997  
and receipts therefrom, receipts from fees and charges, and the 60998  
proceeds of the sale of obligations or assurances, including 60999  
proceeds of obligations or assurances issued to refund obligations 61000  
or assurances previously issued, but excluding any special fee, 61001  
and receipts therefrom, charged pursuant to division (D) of 61002  
section 154.21 of the Revised Code. 61003

(12) "Credit enhancement facilities" has the meaning given in 61004  
division (H) of section 133.01 of the Revised Code. 61005

(13) "Financing costs" has the meaning given in division (K) 61006  
of section 133.01 of the Revised Code. 61007

(14) "Interest" or "interest equivalent" has the meaning 61008  
given in division (R) of section 133.01 of the Revised Code. 61009

(15) "Assurances" means bonds, notes, or other evidence of 61010

indebtedness, including interest coupons pertaining thereto, 61011  
authorized to be issued under section 3345.36 of the Revised Code. 61012

(16) "Entrepreneurial project" has the same meaning as in 61013  
section 3345.36 of the Revised Code. 61014

(17) "Costs of entrepreneurial projects" means any costs 61015  
related to the establishment or development of entrepreneurial 61016  
projects pursuant to a resolution adopted under section 3345.36 of 61017  
the Revised Code. 61018

(B) Obligations issued under section 3345.07 or 3345.11 of 61019  
the Revised Code by a state university or college shall be 61020  
authorized by resolution of its board of trustees. Obligations 61021  
issued by any other institution of higher education shall be 61022  
authorized by resolution of its board of trustees, or managing 61023  
directors in the case of certain university branch districts, as 61024  
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 61025  
apply to obligations and assurances. Obligations and assurances 61026  
may be issued to pay costs of facilities or entrepreneurial 61027  
projects even if the institution anticipates the possibility of a 61028  
future state appropriation to pay all or a portion of such costs. 61029

(C) Obligations and assurances shall be secured by a pledge 61030  
of and lien on all or such part of the available receipts of the 61031  
institution of higher education as it provides for in the bond 61032  
proceedings, excluding moneys raised by taxation and state 61033  
appropriations except as permitted by section 3333.90 of the 61034  
Revised Code. Such pledge and lien may be made prior to all other 61035  
expenses, claims, or payments, excepting any pledge of such 61036  
available receipts previously made to the contrary and except as 61037  
provided by any existing restrictions on the use thereof, or such 61038  
pledge and lien may be made subordinate to such other expenses, 61039  
claims, or payments, as provided in the bond proceedings. 61040  
Obligations or assurances may be additionally secured by covenants 61041  
of the institution to make, fix, adjust, collect, and apply such 61042

charges, rates, fees, rentals, and other items of available 61043  
receipts as will produce pledged available receipts sufficient to 61044  
meet bond service charges, reserve, and other requirements 61045  
provided for in the bond proceedings. Notwithstanding this and any 61046  
other sections of the Revised Code, the holders or owners of the 61047  
obligations or assurances shall not be given the right and shall 61048  
have no right to have excises or taxes levied by the general 61049  
assembly for the payment of bond service charges thereon, and each 61050  
such obligation or assurance shall bear on its face a statement to 61051  
that effect and to the effect that the right to such payment is 61052  
limited to the available receipts and special funds pledged to 61053  
such purpose under the bond proceedings. 61054

All pledged available receipts and funds and the proceeds of 61055  
obligations or assurances are trust funds and, subject to the 61056  
provisions of this section and the applicable bond proceedings, 61057  
shall be held, deposited, invested, reinvested, disbursed, 61058  
applied, and used to such extent, in such manner, at such times, 61059  
and for such purposes, as are provided in the bond proceedings. 61060

(D) The bond proceedings for obligations or assurances shall 61061  
provide for the purpose thereof and the principal amount or 61062  
maximum principal amount, and provide for or authorize the manner 61063  
of determining the principal maturity or maturities, the sale 61064  
price including any permitted discount, the interest rate or 61065  
rates, which may be a variable rate or rates, or the maximum 61066  
interest rate, the date of the obligations or assurances and the 61067  
date or dates of payment of interest thereon, their denominations, 61068  
the manner of sale thereof, and the establishment within or 61069  
without the state of a place or places of payment of bond service 61070  
charges. The bond proceedings also shall provide for a pledge of 61071  
and lien on available receipts of the institution of higher 61072  
education as provided in division (C) of this section, and a 61073  
pledge of and lien on such fund or funds provided in the bond 61074

proceedings arising from available receipts, which pledges and 61075  
liens may provide for parity with obligations or assurances 61076  
theretofore or thereafter issued by the institution. The available 61077  
receipts so pledged and thereafter received by the institution and 61078  
the funds so pledged are immediately subject to the lien of such 61079  
pledge without any physical delivery thereof or further act, and 61080  
the lien of any such pledge is valid and binding against all 61081  
parties having claims of any kind against the institution, 61082  
irrespective of whether such parties have notice thereof, and 61083  
shall create a perfected security interest for all purposes of 61084  
Chapter 1309. of the Revised Code, without the necessity for 61085  
separation or delivery of funds or for the filing or recording of 61086  
the bond proceedings by which such pledge is created or any 61087  
certificate, statement, or other document with respect thereto; 61088  
and the pledge of such available receipts and funds shall be 61089  
effective and the money therefrom and thereof may be applied to 61090  
the purposes for which pledged without necessity for any act of 61091  
appropriation. 61092

(E) The bond proceedings may contain additional provisions 61093  
customary or appropriate to the financing or to the obligations or 61094  
assurances or to particular obligations and assurances, including: 61095  
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(1) The acquisition, construction, reconstruction, equipment, 61097  
furnishing, improvement, operation, alteration, enlargement, 61098  
maintenance, insurance, and repair of facilities or 61099  
entrepreneurial projects, and the duties of the institution of 61100  
higher education with reference thereto; 61101

(2) The terms of the obligations or assurances, including 61102  
provisions for their redemption prior to maturity at the option of 61103  
the institution of higher education at such price or prices and 61104  
under such terms and conditions as are provided in the bond 61105  
proceedings; 61106

- (3) Limitations on the purposes to which the proceeds of the obligations or assurances may be applied; 61107  
61108
- (4) The rates or rentals or other charges for the use of or right to use the facilities or entrepreneurial projects financed by the obligations or assurances, or other properties the revenues or receipts from which are pledged to the obligations or assurances, and rules for assuring any applicable use and occupancy thereof, including limitations upon the right to modify such rates, rentals, other charges, or regulations; 61109  
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- (5) The use and expenditure of the pledged available receipts in such manner and to such extent as shall be determined, which may include provision for the payment of the expenses of operation, maintenance, and repair of facilities or entrepreneurial projects so that such expenses, or part thereof, shall be paid or provided as a charge prior or subsequent to the payment of bond service charges and any other payments required to be made by the bond proceedings; 61116  
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- (6) Limitations on the issuance of additional obligations or assurances; 61124  
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- (7) The terms of any trust agreement or indenture securing the obligations or assurances or under which the same may be issued; 61126  
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- (8) The deposit, investment, and application of funds, and the safeguarding of funds on hand or on deposit without regard to Chapter 131. or 135. of the Revised Code, and any bank or trust company or other financial institution that acts as depository of any moneys under the bond proceedings shall furnish such indemnifying bonds or pledge such securities as required by the bond proceedings or otherwise by the institution of higher education; 61129  
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- (9) The binding effect of any or every provision of the bond 61137



proceedings upon such officer, board, commission, authority, 61138  
agency, department, or other person or body as may from time to 61139  
time have the authority under law to take such actions as may be 61140  
necessary to perform all or any part of the duty required by such 61141  
provision; 61142

(10) Any provision that may be made in a trust agreement or 61143  
indenture; 61144

(11) Any other or additional agreements with respect to the 61145  
facilities of the institution of higher education or its 61146  
entrepreneurial projects, their operation, the available receipts 61147  
and funds pledged, and insurance of facilities or entrepreneurial 61148  
projects and of the institution, its officers and employees. 61149

(F) Such obligations or assurances may have the seal of the 61150  
institution of higher education or a facsimile thereof affixed 61151  
thereto or printed thereon and shall be executed by such officers 61152  
as are designated in the bond proceedings, which execution may be 61153  
by facsimile signatures. Any obligations or assurances may be 61154  
executed by an officer who, on the date of execution, is the 61155  
proper officer although on the date of such obligations or 61156  
assurances such person was not the proper officer. In case any 61157  
officer whose signature or a facsimile of whose signature appears 61158  
on any such obligation or assurance ceases to be such officer 61159  
before delivery thereof, such signature or facsimile is 61160  
nevertheless valid and sufficient for all purposes as if the 61161  
person had remained such officer until such delivery; and in case 61162  
the seal of the institution has been changed after a facsimile of 61163  
the seal has been imprinted on such obligations or assurances, 61164  
such facsimile seal continues to be sufficient as to such 61165  
obligations or assurances and obligations or assurances issued in 61166  
substitution or exchange therefor. 61167

(G) All such obligations or assurances are negotiable 61168  
instruments and securities under Chapter 1308. of the Revised 61169

Code, subject to the provisions of the bond proceedings as to 61170  
registration. The obligations or assurances may be issued in 61171  
coupon or in registered form, or both. Provision may be made for 61172  
the registration of any obligations or assurances with coupons 61173  
attached thereto as to principal alone or as to both principal and 61174  
interest, their exchange for obligations or assurances so 61175  
registered, and for the conversion or reconversion into 61176  
obligations or assurances with coupons attached thereto of any 61177  
obligations or assurances registered as to both principal and 61178  
interest, and for reasonable charges for such registration, 61179  
exchange, conversion, and reconversion. 61180

(H) Pending preparation of definitive obligations or 61181  
assurances, the institution of higher education may issue interim 61182  
receipts or certificates which shall be exchanged for such 61183  
definitive obligations or assurances. 61184

(I) Such obligations or assurances may be secured 61185  
additionally by a trust agreement or indenture between the 61186  
institution of higher education and a corporate trustee, which may 61187  
be any trust company or bank having the powers of a trust company 61188  
within or without this state but authorized to exercise trust 61189  
powers within this state. Any such agreement or indenture may 61190  
contain the resolution authorizing the issuance of the obligations 61191  
or assurances, any provisions that may be contained in the bond 61192  
proceedings as authorized by this section, and other provisions 61193  
which are customary or appropriate in an agreement or indenture of 61194  
such type, including: 61195

(1) Maintenance of each pledge, trust agreement, and 61196  
indenture, or other instrument comprising part of the bond 61197  
proceedings until the institution of higher education has fully 61198  
paid the bond service charges on the obligations or assurances 61199  
secured thereby, or provision therefor has been made; 61200

(2) In the event of default in any payments required to be 61201

made by the bond proceedings, or any other agreement of the 61202  
institution of higher education made as a part of the contract 61203  
under which the obligations or assurances were issued, enforcement 61204  
of such payments or agreement by mandamus, the appointment of a 61205  
receiver, suit in equity, action at law, or any combination of the 61206  
foregoing; 61207

(3) The rights and remedies of the holders of obligations or 61208  
assurances and of the trustee, and provisions for protecting and 61209  
enforcing them, including limitations on rights of individual 61210  
holders of obligations or assurances; 61211

(4) The replacement of any obligations or assurances that 61212  
become mutilated or are destroyed, lost, or stolen; 61213

(5) Such other provisions as the trustee and the institution 61214  
of higher education agree upon, including limitations, conditions, 61215  
or qualifications relating to any of the foregoing. 61216

(J) Each duty of the institution of higher education and its 61217  
officers or employees, undertaken pursuant to the bond proceedings 61218  
or any related agreement or lease made under authority of law, is 61219  
hereby established as a duty of such institution, and of each such 61220  
officer or employee having authority to perform such duty, 61221  
specially enjoined by law resulting from an office, trust, or 61222  
station within the meaning of section 2731.01 of the Revised Code. 61223  
The persons who are at the time the members of the board of 61224  
trustees or the managing directors of the institution or its 61225  
officers or employees are not liable in their personal capacities 61226  
on such obligations or assurances, or lease, or other agreement of 61227  
the institution. 61228

(K) The authority to issue obligations or assurances includes 61229  
authority to: 61230

(1) Issue obligations or assurances in the form of bond 61231  
anticipation notes and to renew them from time to time by the 61232

issuance of new notes. Such notes are payable solely from the 61233  
available receipts and funds that may be pledged to the payment of 61234  
such bonds, or from the proceeds of such bonds or renewal notes, 61235  
or both, as the institution of higher education provides in its 61236  
resolution authorizing such notes. Such notes may be additionally 61237  
secured by covenants of the institution to the effect that it will 61238  
do such or all things necessary for the issuance of such bonds or 61239  
renewal notes in appropriate amount, and either exchange such 61240  
bonds or renewal notes therefor or apply the proceeds thereof to 61241  
the extent necessary, to make full payment of the bond service 61242  
charges on such notes at the time or times contemplated, as 61243  
provided in such resolution. Subject to the provisions of this 61244  
division, all references to obligations or assurances in this 61245  
section apply to such anticipation notes. 61246

(2) Issue obligations or assurances to refund, including 61247  
funding and retirement of, obligations or assurances previously 61248  
issued to pay costs of facilities or entrepreneurial projects. 61249  
Such obligations or assurances may be issued in amounts sufficient 61250  
for payment of the principal amount of the obligations or 61251  
assurances to be so refunded, any redemption premiums thereon, 61252  
principal maturities of any obligations or assurances maturing 61253  
prior to the redemption of any other obligations or assurances on 61254  
a parity therewith to be so refunded, interest accrued or to 61255  
accrue to the maturity date or dates of redemption of such 61256  
obligations or assurances, and any expenses incurred or to be 61257  
incurred in connection with such refunding or the issuance of the 61258  
obligations or assurances. 61259

(L) Obligations and assurances are lawful investments for 61260  
banks, societies for savings, savings and loan associations, 61261  
deposit guarantee associations, trust companies, trustees, 61262  
fiduciaries, insurance companies, including domestic for life and 61263  
domestic not for life, trustees or other officers having charge of 61264

sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund, the administrator of workers' compensation in accordance with the investment policy approved by the bureau of workers' compensation board of directors pursuant to section 4121.12 of the Revised Code, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any state agency with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

(M) All facilities or entrepreneurial projects purchased, acquired, constructed, or owned by an institution of higher education, or financed in whole or in part by obligations or assurances issued by an institution, and used for the purposes of the institution or other publicly owned and controlled college or university, is public property used exclusively for a public purpose, and such property and the income therefrom is exempt from all taxation and assessment within this state, including ad valorem and excise taxes. The obligations or assurances, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, are at all times free from taxation within the state. The transfer of tangible personal property by lease under authority of this section or section 3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code is not a sale as used in Chapter 5739. of the Revised Code.

(N) The authority granted by this section is cumulative with the authority granted to institutions of higher education under Chapter 154. of the Revised Code, and nothing in this section impairs or limits the authority granted by Chapter 154. of the Revised Code. In any lease, agreement, or commitment made by an

institution of higher education under Chapter 154. of the Revised Code, it may agree to restrict or subordinate any pledge it may thereafter make under authority of this section.

(O) Title to lands acquired under this section and sections 3345.07 and 3345.11 of the Revised Code by a state university or college shall be taken in the name of the state.

(P) Except where costs of facilities or entrepreneurial projects are to be paid in whole or in part from funds appropriated by the general assembly, section 125.81 of the Revised Code and the requirement for certification with respect thereto under section 153.04 of the Revised Code do not apply to such facilities or entrepreneurial projects.

(Q) A state university or college may sell or lease lands or interests in land owned by it or by the state for its use, or facilities authorized to be acquired or constructed by it under section 3345.07 or 3345.11 of the Revised Code, to permit the purchasers or lessees thereof to acquire, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, or maintain and operate thereon and to provide by lease or otherwise to such institution, facilities authorized in section 3345.07 or 3345.11 of the Revised Code or entrepreneurial projects authorized under section 3345.36 of the Revised Code. Such land or interests therein shall be sold for such appraised value, or leased, and on such terms as the board of trustees determines. All deeds or other instruments relating to such sales or leases shall be executed by such officer of the state university or college as the board of trustees designates. The state university or college shall hold, invest, or use the proceeds of such sales or leases for the same purposes for which proceeds of borrowings may be used under sections 3345.07 and 3345.11 of the Revised Code or, if the proceeds relate to the sale or lease of entrepreneurial projects, for purposes of section

3345.36 of the Revised Code. 61329

(R) An institution of higher education may pledge available 61330  
receipts, to the extent permitted by division (C) of this section 61331  
with respect to obligations, to secure the payments to be made by 61332  
it under any lease, lease with option to purchase, or 61333  
lease-purchase agreement authorized under this section or section 61334  
3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 61335  
3358.10 of the Revised Code. 61336

**Sec. 3345.32.** (A) As used in this section: 61337

(1) "State university or college" means the institutions 61338  
described in section 3345.27 of the Revised Code and the 61339  
northeastern Ohio universities college of medicine. 61340

(2) "Resident" has the meaning specified by rule of the 61341  
chancellor of the Ohio board of regents. 61342

(3) "Statement of selective service status" means a statement 61343  
certifying one of the following: 61344

(a) That the individual filing the statement has registered 61345  
with the selective service system in accordance with the "Military 61346  
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 61347  
amended; 61348

(b) That the individual filing the statement is not required 61349  
to register with the selective service for one of the following 61350  
reasons: 61351

(i) The individual is under eighteen or over twenty-six years 61352  
of age. 61353

(ii) The individual is on active duty with the armed forces 61354  
of the United States other than for training in a reserve or 61355  
national guard unit. 61356

(iii) The individual is a nonimmigrant alien lawfully in the 61357

United States in accordance with section 101 (a)(15) of the 61358  
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 61359

(iv) The individual is not a citizen of the United States and 61360  
is a permanent resident of the Trust Territory of the Pacific 61361  
Islands or the Northern Mariana Islands. 61362

(4) "Institution of higher education" means any eligible 61363  
institution approved by the United States department of education 61364  
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 61365  
amended, or any institution whose students are eligible for 61366  
financial assistance under any of the programs described by 61367  
division (E) of this section. 61368

(B) The chancellor shall, by rule, specify the form of 61369  
statements of selective service status to be filed in compliance 61370  
with divisions (C) to (F) of this section. Each statement of 61371  
selective service status shall contain a section wherein a male 61372  
student born after December 31, 1959, certifies that the student 61373  
has registered with the selective service system in accordance 61374  
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 61375  
App. 453, as amended. For those students not required to register 61376  
with the selective service, as specified in divisions (A)(2)(b)(i) 61377  
to (iv) of this section, a section shall be provided on the 61378  
statement of selective service status for the certification of 61379  
nonregistration and for an explanation of the reason for the 61380  
exemption. The chancellor may require that such statements be 61381  
accompanied by documentation specified by rule of the chancellor. 61382  
61383

(C) A state university or college that enrolls in any course, 61384  
class, or program a male student born after December 31, 1959, who 61385  
has not filed a statement of selective service status with the 61386  
university or college shall, regardless of the student's 61387  
residency, charge the student any tuition surcharge charged 61388  
students who are not residents of this state. 61389



(D) No male born after December 31, 1959, shall be eligible 61390  
to receive any loan, grant, scholarship, or other financial 61391  
assistance for educational expenses granted under section 3315.33, 61392  
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, ~~3333.27~~, 3333.391, 61393  
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 61394  
award under the choose Ohio first scholarship program established 61395  
under section 3333.61 of the Revised Code, or financed by an award 61396  
under the Ohio co-op/internship program established under section 61397  
3333.72 of the Revised Code, unless that person has filed a 61398  
statement of selective service status with that person's 61399  
institution of higher education. 61400

(E) If an institution of higher education receives a 61401  
statement from an individual certifying that the individual has 61402  
registered with the selective service system in accordance with 61403  
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 61404  
453, as amended or that the individual is exempt from registration 61405  
for a reason other than that the individual is under eighteen 61406  
years of age, the institution shall not require the individual to 61407  
file any further statements. If it receives a statement certifying 61408  
that the individual is not required to register because the 61409  
individual is under eighteen years of age, the institution shall 61410  
require the individual to file a new statement of selective 61411  
service status each time the individual seeks to enroll for a new 61412  
academic term or makes application for a new loan or loan 61413  
guarantee or for any form of financial assistance for educational 61414  
expenses, until it receives a statement certifying that the 61415  
individual has registered with the selective service system or is 61416  
exempt from registration for a reason other than that the 61417  
individual is under eighteen years of age. 61418

**Sec. 3345.36.** (A) For purposes of this section: 61419

(1) "Entrepreneurial project" means an effort to develop or 61420

commercialize technology through research or technology transfer 61421  
or investment of real or personal property, or both, including 61422  
undivided and other interests therein, acquired by gift or 61423  
purchase, constructed, reconstructed, enlarged, improved, 61424  
furnished, or equipped, or any combination thereof, by an 61425  
institution of higher education or by others. 61426

(2) "Governmental agency" has the same meaning as in section 61427  
166.01 of the Revised Code. 61428

(3) "Person" means individuals or entities engaged in 61429  
industry, commerce, distribution, or research. 61430

(4) "Institution of higher education" has the same meaning as 61431  
in section 3345.12 of the Revised Code. 61432

(5) "Stock or other ownership" means equity or other 61433  
ownership rights held or received in return for the grant of 61434  
rights to intellectual property developed by an institution of 61435  
higher education. "Stock or other ownership" excludes equity or 61436  
other ownership rights held or received in return for the 61437  
investment of money. 61438

(B) To create or preserve jobs and employment opportunities 61439  
and to improve the economic welfare of the people of the state 61440  
pursuant to Section 13 of Article VIII, Ohio Constitution, it is 61441  
hereby declared to be the public policy of the state for 61442  
institutions of higher education to facilitate and assist with 61443  
establishing and developing entrepreneurial projects or to assist 61444  
and cooperate with any governmental agency in achieving such 61445  
purpose. An entrepreneurial project is hereby determined to 61446  
qualify as property, structures, equipment, and facilities 61447  
described in Section 13 of Article VIII, Ohio Constitution. 61448

In furtherance of such public policy, and pursuant to Section 61449  
13 of Article VIII, Ohio Constitution, a board of trustees of an 61450  
institution of higher education may do any of the following by 61451

resolution: 61452

(1) Enter into an agreement with persons and with 61453  
governmental agencies to induce such persons to acquire, 61454  
construct, reconstruct, rehabilitate, renovate, enlarge, improve, 61455  
equip, furnish, or otherwise develop entrepreneurial projects; 61456

(2) Acquire stock or other ownership in an entrepreneurial 61457  
project or a legal entity formed in connection with an 61458  
entrepreneurial project; 61459

(3) Make or guarantee loans and borrow money and issue bonds, 61460  
notes, or other evidence of indebtedness to provide moneys for the 61461  
acquisition, construction, enlargement, improvement, equipment, 61462  
maintenance, repair, or operation of entrepreneurial projects, 61463  
provided that such bonds, notes, or other evidence of indebtedness 61464  
shall not constitute debt for which the full faith and credit of 61465  
the state or an instrumentality or political subdivision of the 61466  
state may be pledged and moneys raised by taxation shall not be 61467  
obligated or pledged for their repayment. 61468

**Sec. 3345.61.** As used in this section and sections 3345.62 to 61469  
3345.66 of the Revised Code: 61470

(A) "Avoided capital costs" means a measured reduction in the 61471  
cost of future equipment or other capital purchases that results 61472  
from implementation of one or more energy or water conservation 61473  
measures, when compared to an established baseline for previous 61474  
such cost. 61475

(B) "Board of trustees of a state institution of higher 61476  
education" means the board of trustees of a state institution of 61477  
higher education as defined in section 3345.011 of the Revised 61478  
Code. 61479

~~(B)~~(C) "Energy conservation measure" means an installation or 61480  
modification of an installation in, or a remodeling of, an 61481

existing building in order to reduce energy consumption ~~and~~ 61482  
~~operating costs~~. The term includes any of the following: 61483

(1) Installation or modification of insulation in the 61484  
building structure and systems within the building; 61485

(2) Installation or modification of a storm ~~windows and doors~~ 61486  
window or door, a multiglazed ~~windows and doors~~ window or door, 61487  
~~and or a~~ heat absorbing or heat reflective glazed and coated 61488  
window and door ~~systems~~ system; installation of additional 61489  
glazing; ~~reductions~~ a reduction in glass area; ~~and or~~ other window 61490  
~~and or~~ door system ~~modifications~~ modification that ~~reduce~~ reduces 61491  
energy consumption and operating costs; 61492

(3) Installation or modification of an automatic energy 61493  
control ~~systems~~ system; 61494

(4) Replacement or modification of a heating, ventilating, or 61495  
air conditioning ~~systems~~ system; 61496

(5) Application of caulking and weatherstripping; 61497

(6) Replacement or modification of a lighting ~~fixtures~~ 61498  
fixture to increase the energy efficiency of the system without 61499  
increasing the overall illumination of a facility, unless such 61500  
increase in illumination is necessary to conform to the applicable 61501  
state or local building code for the proposed lighting system; 61502

(7) Installation or modification of an energy recovery 61503  
~~systems~~ system; 61504

(8) Installation or modification of cogeneration systems that 61505  
produce steam or forms of energy such as heat, as well as 61506  
electricity, for use primarily within a building or complex of 61507  
buildings; 61508

(9) Any other modification, installation, or remodeling 61509  
approved by the board of trustees of a state institution of higher 61510  
education as an energy conservation measure for one or more 61511

buildings owned by the institution. 61512

~~(C)~~(D) "Energy saving measure" means the acquisition and 61513  
installation, by purchase, lease, lease-purchase, lease with an 61514  
option to buy, or installment purchase, of an energy conservation 61515  
measure and any attendant architectural and engineering consulting 61516  
services. 61517

(E) "Energy, water, or wastewater cost savings" means a 61518  
measured reduction in, as applicable, the cost of fuel, energy or 61519  
water consumption, wastewater production, or stipulated operation 61520  
or maintenance resulting from the implementation of one or more 61521  
energy or water conservation measures, when compared to an 61522  
established baseline for previous such costs, respectively. 61523

(F) "Operating cost savings" means a measured reduction in 61524  
the cost of stipulated operation or maintenance created by the 61525  
installation of new equipment or implementation of a new service, 61526  
when compared with an established baseline for previous such 61527  
stipulated costs. 61528

(G) "Water conservation measure" means an installation or 61529  
modification of an installation in, or a remodeling of, an 61530  
existing building or the surrounding grounds in order to reduce 61531  
water consumption. The term includes any of the following: 61532

(1) Water-conserving fixture, appliance, or equipment, or the 61533  
substitution of a nonwater-using fixture, appliance, or equipment; 61534

(2) Water-conserving, landscape irrigation equipment; 61535

(3) Landscaping measure that reduces storm water runoff 61536  
demand and capture and hold applied water and rainfall, including 61537  
landscape contouring such as the use of a berm, swale, or terrace 61538  
and including the use of a soil amendment, including compost, that 61539  
increases the water-holding capacity of the soil; 61540

(4) Rainwater harvesting equipment or equipment to make use 61541

of water collected as part of a storm water system installed for 61542  
water quality control; 61543

(5) Equipment for recycling or reuse of water originating on 61544  
the premises or from another source, including treated, municipal 61545  
effluent; 61546

(6) Equipment needed to capture water for nonpotable uses 61547  
from any nonconventional, alternate source, including air 61548  
conditioning condensate or gray water; 61549

(7) Any other modification, installation, or remodeling 61550  
approved by the board of trustees of a state institution of higher 61551  
education, as defined in section 3345.011 of the Revised Code, as 61552  
a water conservation measure for one or more buildings or the 61553  
surrounding grounds owned by the institution. 61554

(H) "Water saving measure" means the acquisition and 61555  
installation, by the purchase, lease, lease-purchase, lease with 61556  
an option to buy, or installment purchases of a water conservation 61557  
measure and any attendant architectural and engineering consulting 61558  
services. 61559

**Sec. 3345.62.** The board of trustees of a state institution of 61560  
higher education may contract with an energy or water services 61561  
company, architect, professional engineer, contractor, or other 61562  
person experienced in the design and implementation of energy or 61563  
water conservation measures for a report containing an analysis 61564  
and recommendations pertaining to the implementation of energy or 61565  
water conservation measures that would ~~significantly reduce result~~ 61566  
in energy consumption and, water, or wastewater cost savings, 61567  
operating costs in buildings owned by cost savings, or avoided 61568  
capital costs for the institution. The report shall include 61569  
estimates of all costs of such installations, including the costs 61570  
of design, engineering, installation, maintenance, repairs, and 61571  
debt service, and estimates of the ~~amounts by which~~ energy 61572

~~consumption and, water, or wastewater cost savings, operating~~ 61573  
~~costs would be reduced~~ cost savings, and avoided capital costs 61574  
created. 61575

**Sec. 3345.63.** If the board of trustees of a state institution 61576  
of higher education wishes to enter into a contract, other than an 61577  
installment payment contract provided under section 3345.64 of the 61578  
Revised Code, to implement one or more energy or water saving 61579  
measures, the board may proceed under the applicable competitive 61580  
bidding requirements in Chapter 153. or section 3354.16, 3355.12, 61581  
3357.16, or 3358.10 of the Revised Code or, notwithstanding those 61582  
requirements, may enter into such a contract as provided in 61583  
section 3345.65 of the Revised Code. 61584

**Sec. 3345.64.** In accordance with this section, the board of 61585  
trustees of a state institution of higher education may enter into 61586  
an installment payment contract for the implementation of one or 61587  
more energy or water saving measures. Any such contract shall be 61588  
subject to the competitive bidding requirements of Chapter 153. or 61589  
section 3354.16, 3355.12, 3357.16, or 3358.10 of the Revised Code, 61590  
as applicable to each such board, except as follows: 61591

(A) If the board does not exempt the entire installment 61592  
payment contract from the applicable competitive bidding 61593  
requirements pursuant to division (B) of this section, the 61594  
provisions of the contract dealing with interest charges and 61595  
financing terms shall not be subject to the applicable competitive 61596  
bidding requirements. Each such contract shall require repayment 61597  
on the following terms: 61598

(1) Not less than one-~~tenth~~ fifteenth of the costs of the 61599  
contract shall be paid within two years from the date of purchase; 61600

(2)~~(a)~~ The remaining balance of the costs of the contract, ~~in~~ 61601  
~~the case of an installment payment contract for a cogeneration~~ 61602

~~system described in division (B)(8) of section 3345.61 of the Revised Code, shall be paid within five fifteen years from the date of purchase;~~ 61603  
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~~(b) The remaining balance of the costs of the contract, in the case of an installment payment contract for an energy saving measure that is not a cogeneration system, shall be paid within ten years from the date of purchase.~~ 61606  
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(B) The board by majority vote may exempt from the applicable competitive bidding requirements an entire installment payment contract for the implementation of energy or water saving measures pursuant to this section and instead of those requirements shall enter into the contract as provided in section 3345.65 of the Revised Code. 61610  
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**Sec. 3345.65.** To enter into a contract under this section pursuant to section 3345.63 or division (B) of section 3345.64 of the Revised Code, a board of trustees of a state institution of higher education shall request proposals from at least three parties for the implementation of energy or water saving measures. Prior to providing any interested party a copy of any such request, the board shall advertise, in a newspaper of general circulation in the county where the contract is to be performed, its intent to request proposals for the implementation of energy or water saving measures. The notice shall invite interested parties to submit proposals for consideration and shall be published at least thirty days prior to the date for accepting proposals. 61616  
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Upon receiving the proposals, the board shall analyze them. After considering the cost estimates of each proposal, how qualified each party submitting a proposal is to implement its proposal, and the institution's ability to pay for each with current revenues or by financing the cost of each, the board may 61629  
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select one or more proposals or, instead, reject all proposals. In 61634  
selecting proposals, the board shall select the proposal or 61635  
proposals most likely to result in the greatest savings when the 61636  
cost of the proposal is compared to the ~~reduced energy and, water,~~ 61637  
or wastewater cost savings, operating cost savings, and avoided 61638  
capital costs that will result from implementing the proposal. 61639

No board shall award a contract to implement energy or water 61640  
saving measures under this section unless the board finds that ~~one~~ 61641  
~~or both of the following circumstances exists, as applicable:~~ 61642

~~(A) In the case of a contract for a cogeneration system 61643  
described in division (B)(8) of section 3345.61 of the Revised 61644  
Code, the cost of the contract is not likely to exceed the amount 61645  
of money the board would save in energy and, water, or wastewater 61646  
savings, operating cost savings, and avoided capital costs over no 61647  
more than ~~five~~ fifteen years;~~ 61648

~~(B) In the case of any contract for any energy saving measure 61649  
other than a cogeneration system, the cost of the contract is not 61650  
likely to exceed the amount of money the board would save in 61651  
energy and operating costs over no more than ten years. 61652~~

**Sec. 3345.66.** The board of trustees of a state institution of 61653  
higher education may issue notes of the institution signed by the 61654  
~~chairman~~ chairperson and treasurer or other chief fiscal officer 61655  
of the board and specifying the terms of the purchase and securing 61656  
the payments provided in section 3345.64 of the Revised Code, 61657  
payable at the times provided and bearing interest at a rate not 61658  
exceeding a rate determined under section 9.95 of the Revised 61659  
Code. The notes may contain an option for prepayment and are not 61660  
subject to Chapter 133. of the Revised Code. Revenues derived from 61661  
any source, other than money appropriated by the general assembly, 61662  
that may be used for the purpose of ~~conserving~~ implementing energy 61663  
or water saving measures or for defraying the current operating 61664

expenses of the institution may be pledged to the payment of 61665  
interest and the retirement of such notes. The notes may be sold 61666  
at private sale or given to the contractor under the installment 61667  
payment contract authorized by section 3345.64 of the Revised 61668  
Code. 61669

**Sec. 3349.242.** Any agreement authorized by section 3349.241 61670  
of the Revised Code may provide for the amounts of such 61671  
participation by such school district or districts in the 61672  
development, maintenance, and operation of such municipal 61673  
university, but no funds granted to school districts under Chapter 61674  
3306. or 3317. of the Revised Code shall be used for such 61675  
purposes. By the terms of any such agreement the school district 61676  
or districts and their residents shall be entitled to the 61677  
educational advantages of said municipal university at the same 61678  
rate of tuition, fees, and other charges as are provided for the 61679  
residents of the municipal corporation in which such municipal 61680  
university is situated. 61681

**Sec. 3353.09.** (A) Not later than January 1, 2010, the eTech 61682  
Ohio commission shall develop and implement a state technology 61683  
plan to create an aligned educational technology system that spans 61684  
preschool to postsecondary education and complies with federal 61685  
mandates. The commission periodically shall modify the plan as it 61686  
determines necessary. 61687

(B) Upon request of the commission, the state board of 61688  
education shall assist in the commission's development and 61689  
modification of the state technology plan. 61690

**Sec. 3353.20.** (A) The eTech Ohio commission shall develop and 61691  
implement an interactive distance learning pilot project to 61692  
provide, beginning with the 2009-2010 school year, access to at 61693  
least three interactive distance learning courses in each school 61694

year free of charge for all high schools operated by school districts. The courses offered shall include two advanced placement courses and one foreign language course. 61695  
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The commission shall do all of the following: 61698

(1) Contract for the development and offering of interactive distance learning courses; 61699  
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(2) Produce and broadcast the courses offered by the pilot project; 61701  
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(3) Provide the funds for schools to purchase video conferencing telecommunications equipment and connectivity devices, if necessary, so that the schools may participate in the pilot project; 61703  
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(4) Assist schools in arranging for the purchase and installation of telecommunications equipment and connectivity devices, if necessary, so that the schools may participate in the pilot project; 61707  
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(5) Pay, for up to one school year, the cost of upgrading internet service for schools that currently have a connection not faster than 1.544 megabits per second; 61711  
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(6) Offer training in the use of the telecommunications equipment necessary to participate in the pilot project; 61714  
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(7) Administer and oversee the operation of the pilot project. 61716  
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(B) The department of education, in consultation with the chancellor of the Ohio board of regents, shall select courses to be offered by the pilot project and shall develop the standards for the curriculum of each course selected. 61718  
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(C) The commission and the department jointly, and in consultation with the chancellor, shall select the teachers to 61722  
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develop and teach the courses offered by the pilot project. 61724

(D) The commission, the department, and the chancellor jointly shall notify schools of and promote participation in the pilot project. 61725  
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(E) Each high school shall determine the manner in which and facilities at which students may participate in courses consistent with specifications for technology and connectivity required by the commission. 61728  
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(F) The grade for a student enrolled in a course offered through the pilot project shall be assigned by the course teacher and shall be transmitted to the student's high school. 61732  
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(G) Not later than December 31, 2010, the superintendent of public instruction, the chancellor, and the commission shall submit to the governor and the general assembly, in accordance with section 101.68 of the Revised Code, a formative evaluation of the implementation and results of and legislative recommendations for changes in the pilot project. 61735  
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**Sec. 3354.24.** (A) The provisions of this section prevail over conflicting provisions of this chapter; however, except as otherwise provided in this section, the eastern gateway community college district and its board of trustees shall comply with the provisions of this chapter. 61741  
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(B) The territory of Columbiana, Mahoning, and Trumbull counties is hereby added to the territory of the community college district of Jefferson county, creating a new community college district to replace the former community college district of Jefferson county. The district created under this section shall be known as and operate under the name of "eastern gateway community college district," and its charter shall be amended to this name. The Jefferson county campus is hereby part of the eastern gateway 61746  
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community college district and shall remain in operation unless 61754  
otherwise specified by the board of trustees of the community 61755  
college. 61756

The eastern gateway community college district is divided 61757  
into two taxing subdistricts, one consisting of the territory of 61758  
Jefferson county, and the other consisting of the territories of 61759  
Columbiana, Mahoning, and Trumbull counties. 61760

(C) On the effective date of this section as enacted by H.B. 61761  
1 of the 128th general assembly, the government of the eastern 61762  
gateway community college district shall be vested in a board of 61763  
eleven trustees to be appointed by the governor, with the advice 61764  
and consent of the senate. The board of trustees of the former 61765  
community college district of Jefferson county is abolished on 61766  
that date. 61767

The governor shall appoint the members of the board of 61768  
trustees of the eastern gateway community college district as 61769  
successors to the board of trustees of Jefferson community college 61770  
as follows: Three members of the board of trustees shall be 61771  
residents of Jefferson county. (The initial Jefferson county 61772  
members shall be members of the board of trustees of the former 61773  
community college district of Jefferson county, as it existed 61774  
before the effective date of this section.) Eight members of the 61775  
board of trustees shall be residents of Columbiana, Mahoning, and 61776  
Trumbull counties. 61777

The initial board of trustees shall be appointed within 61778  
ninety days after the effective date of this section for terms as 61779  
follows: Of the trustees who are residents of Jefferson county, 61780  
one trustee shall be appointed for a one-year term, one trustee 61781  
shall be appointed for a three-year term, and one trustee shall be 61782  
appointed for a five-year term. Of the trustees who are residents 61783  
of Columbiana, Mahoning, and Trumbull counties, one trustee shall 61784  
be appointed for a one-year term, two trustees shall be appointed 61785

for two-year terms, two trustees shall be appointed for three-year terms, two trustees shall be appointed for four-year terms, and one trustee shall be appointed for a five-year term. 61786  
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At the conclusion of each initial term, the term of office of each trustee shall be five years, each term ending on the same day of the same month of the year as did the term that it succeeds. 61789  
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Each trustee shall hold office from the date of the trustee's appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring before the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of that term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. 61792  
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If a vacancy occurs and the Jefferson county tax levy is no longer in place or a conversion under division (H) of this section has occurred, the governor shall fill the vacancy with a person residing within the eastern gateway community college district. 61801  
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(D) The board of trustees of the eastern gateway community college district shall continue to comply with division (G) of section 3354.09 of the Revised Code regarding tuition for students who are residents of Ohio but not residents of the district, and for students who are nonresidents of Ohio. The tuition rate shall be based on the student's county of residence and shall apply to all eastern gateway community college district classes in all district locations. Except as provided in division (F)(3) of this section, students who are residents of Columbiana, Mahoning, or Trumbull county shall continue to be charged tuition at the same rate as Ohio residents who are not residents of the district. 61805  
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(E)(1) Except as provided in divisions (E)(2) and (3) of this 61816

section, each member of the board of trustees shall have full 61817  
voting rights on all matters that come before the board. 61818

(2) The three trustees representing Jefferson county shall 61819  
have sole authority to vote on the following matters: 61820

(a) The Jefferson county tax levy; 61821

(b) The expenditure of revenue from that tax levy; 61822

(c) Levy-subsidized tuition rates. 61823

(3) The voting restrictions under division (E)(2) of this 61824  
section apply until the electors of the Columbiana, Mahoning, and 61825  
Trumbull county taxing subdistrict approve a tax levy under 61826  
division (F)(3) of this section that is equivalent to the tax levy 61827  
approved by the electors of Jefferson county for the support of 61828  
the former community college district of Jefferson county on the 61829  
effective date of this section. For the purposes of this division, 61830  
the tax levy is an equivalent tax levy if either: 61831

(a) In the first tax year for which the tax is collected, it 61832  
yields revenue per capita equal to or greater than the yield per 61833  
capita of levies of the community college district in effect that 61834  
year in Jefferson county, as jointly determined by the county 61835  
auditors of Jefferson, Columbiana, Mahoning, and Trumbull 61836  
counties; or 61837

(b) In the first tax year for which the tax is collected, the 61838  
effective tax rate of the tax is equal to or greater than the 61839  
effective tax rate of levies of the community college district in 61840  
effect that tax year in Jefferson county, as jointly determined by 61841  
the county auditors of Jefferson, Columbiana, Mahoning, and 61842  
Trumbull counties. 61843

As used in this division, "effective tax rate" means the 61844  
quotient obtained by dividing the total taxes charged and payable 61845  
for a taxing subdistrict for a tax year after the reduction 61846

prescribed by section 319.301 of the Revised Code but before the 61847  
reduction prescribed by section 319.302 or 323.152 of the Revised 61848  
Code, by the taxable value for the taxing subdistrict for that tax 61849  
year. 61850

(F)(1) For each taxing subdistrict of the eastern gateway 61851  
community college district, the board of trustees may propose to 61852  
levy a tax in accordance with the procedures prescribed in section 61853  
3354.12 of the Revised Code, except the following terms used in 61854  
that section shall have the meanings given them in this section: 61855

(a) "District" and "community college district" mean the 61856  
appropriate taxing subdistrict defined in this section; 61857

(b) "Board of trustees of the community college district" 61858  
means the board of trustees for the entire eastern gateway 61859  
community college district. That board of trustees may propose 61860  
separate levies for either of the two taxing subdistricts. 61861

(c) "Tax duplicate" means the tax duplicate of only the 61862  
appropriate taxing subdistrict and not the tax duplicate of the 61863  
entire eastern gateway community college district. 61864

(2) The board of trustees may propose to levy a tax on 61865  
taxable property in Jefferson county to be voted on by the 61866  
electors of Jefferson county as provided in division (F)(1) of 61867  
this section. An affirmative vote by a majority of the electors of 61868  
the subdistrict voting on the question is necessary for passage. 61869  
Any money raised by a tax levied by the former community college 61870  
district of Jefferson county or a subsequent tax levied in 61871  
Jefferson county in accordance with division (F)(1) of this 61872  
section shall be used solely for the benefit of Jefferson county 61873  
residents attending the eastern gateway community college in the 61874  
form of student tuition subsidies, student scholarships, and 61875  
instructional facilities, equipment, and support services located 61876  
within Jefferson county, or for any purpose approved by the 61877



electors. Such amounts shall be deposited into a separate fund of 61878  
the taxing subdistrict, and shall be budgeted separately. 61879

(3) The board of trustees may propose to levy a tax on 61880  
taxable property in Columbiana, Mahoning, and Trumbull counties to 61881  
be voted on by the electors of the counties as provided in 61882  
division (F)(1) of this section. An affirmative vote by a majority 61883  
of the electors of the subdistrict voting on the question is 61884  
necessary for passage. Any amounts raised by such a tax in the tax 61885  
subdistrict shall be used solely for the benefit of residents of 61886  
the subdistrict attending the eastern gateway community college in 61887  
the form of student tuition subsidies, student scholarships, and 61888  
instructional facilities, equipment, and support services located 61889  
within Columbiana, Mahoning, and Trumbull counties, or for any 61890  
purpose approved by the electors. Amounts collected shall be 61891  
deposited into a separate fund from all other revenues collected 61892  
by each taxing subdistrict. 61893

The board of trustees may adjust the rate of tuition charged 61894  
to each taxing subdistrict's residents to an amount commensurate 61895  
with the amount of tax the board of trustees dedicates for 61896  
instructional and general services provided to the residents of 61897  
the subdistrict. 61898

(G) The board of trustees of the eastern gateway community 61899  
college district may issue bonds in accordance with section 61900  
3354.11 of the Revised Code, but the board may limit the question 61901  
of approval of the issue of those bonds to the electors of only 61902  
one of the two taxing subdistricts, in which case the board also 61903  
may limit the use of the property or improvements to the residents 61904  
of that subdistrict. 61905

(H) If the tax levy in Jefferson county expires, is not 61906  
renewed, or is not approved by the electors of Jefferson county 61907  
and the other taxing subdistrict does not levy a tax for the 61908  
purposes of this section, the board of trustees of the eastern 61909

gateway community college district shall submit a proposal to the 61910  
chancellor of the board of regents to convert to a state community 61911  
college and, upon the chancellor's approval of the proposal, enter 61912  
into a transition agreement with the chancellor following the 61913  
procedures set forth in section 3358.05 of the Revised Code for a 61914  
technical college district. 61915

**Sec. 3365.01.** As used in this chapter: 61916

(A) "College" means any state-assisted college or university 61917  
described in section 3333.041 of the Revised Code, any nonprofit 61918  
institution holding a certificate of authorization pursuant to 61919  
Chapter 1713. of the Revised Code, any private institution exempt 61920  
from regulation under Chapter 3332. of the Revised Code as 61921  
prescribed in section 3333.046 of the Revised Code, and any 61922  
institution holding a certificate of registration from the state 61923  
board of career colleges and schools and program authorization for 61924  
an associate or bachelor's degree program issued under section 61925  
3332.05 of the Revised Code. 61926

(B) "School district," except as specified in division (G) of 61927  
this section, means any school district to which a student is 61928  
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 61929  
the Revised Code and does not include a joint vocational or 61930  
cooperative education school district. 61931

(C) "Parent" has the same meaning as in section 3313.64 of 61932  
the Revised Code. 61933

(D) "Participant" means a student enrolled in a college under 61934  
the post-secondary enrollment options program established by this 61935  
chapter. 61936

(E) "Secondary grade" means the ninth through twelfth grades. 61937

(F) "School foundation payments" means the amount required to 61938  
be paid to a school district for a fiscal year under ~~Chapter~~ 61939

Chapters 3306. and 3317. of the Revised Code. 61940

(G) "~~Tuition base~~" means, ~~with respect to a participant's~~ 61941  
~~school district, the sum of the formula amount plus the per pupil~~ 61942  
~~amount of the base funding supplements specified in divisions~~ 61943  
~~(C)(1) to (4) of section 3317.012, as defined in section 3317.02~~ 61944  
of the Revised Code. 61945

~~The participant's "school district" in the case of a~~ 61946  
~~participant enrolled in a community school shall be the school~~ 61947  
~~district in which the student is entitled to attend school under~~ 61948  
~~section 3313.64 or 3313.65 of the Revised Code.~~ 61949

(H) "Educational program" means enrollment in one or more 61950  
school districts, in a nonpublic school, or in a college under 61951  
division (B) of section 3365.04 of the Revised Code. 61952

(I) "Nonpublic school" means a chartered or nonchartered 61953  
school for which minimum standards are prescribed by the state 61954  
board of education pursuant to division (D) of section 3301.07 of 61955  
the Revised Code. 61956

(J) "School year" means the year beginning on the first day 61957  
of July and ending on the thirtieth day of June. 61958

(K) "Community school" means any school established pursuant 61959  
to Chapter 3314. of the Revised Code that includes secondary 61960  
grades. 61961

(L) "STEM school" means a science, technology, engineering, 61962  
and mathematics school established under Chapter 3326. of the 61963  
Revised Code. 61964

**Sec. 3365.04.** The rules adopted under section 3365.02 of the 61965  
Revised Code shall provide for students to enroll in courses under 61966  
either of the following options: 61967

(A) The student may elect at the time of enrollment to be 61968  
responsible for payment of all tuition and the cost of all 61969

textbooks, materials, and fees associated with the course. The 61970  
college shall notify the student about payment of tuition and fees 61971  
in the customary manner followed by the college. A student 61972  
electing this option also shall elect, at the time of enrollment, 61973  
whether to receive only college credit or high school credit and 61974  
college credit for the course. 61975

(1) The student may elect to receive only college credit for 61976  
the course. Except as provided in section 3365.041 of the Revised 61977  
Code, if the student successfully completes the course, the 61978  
college shall award the student full credit for the course, but 61979  
the board of education, community school governing authority, STEM 61980  
school, or nonpublic participating school shall not award the high 61981  
school credit. 61982

(2) The student may elect to receive both high school credit 61983  
and college credit for the course. Except as provided in section 61984  
3365.041 of the Revised Code, if the student successfully 61985  
completes the course, the college shall award the student full 61986  
credit for the course and the board of education, community school 61987  
governing authority, STEM school, or nonpublic school shall award 61988  
the student high school credit. 61989

(B) The student may elect at the time of enrollment for each 61990  
course to have the college reimbursed under section 3365.07 of the 61991  
Revised Code or as provided in alternative funding agreements 61992  
entered into under rules adopted under section 3365.12 of the 61993  
Revised Code. Except as provided in section 3365.041 of the 61994  
Revised Code, if the student successfully completes the course, 61995  
the college shall award the student full credit for the course, 61996  
the board of education, community school governing authority, STEM 61997  
school, or nonpublic school shall award the student high school 61998  
credit, and the college shall be reimbursed in accordance with 61999  
section 3365.07 of the Revised Code or alternative funding 62000  
agreements entered into under rules adopted under section 3365.12 62001

of the Revised Code. 62002

When determining a school district's formula ADM under 62003  
section 3317.03 of the Revised Code, the time a participant is 62004  
attending courses under division (A) of this section shall be 62005  
considered as time the participant is not attending or enrolled in 62006  
school anywhere, and the time a participant is attending courses 62007  
under division (B) of this section shall be considered as time the 62008  
participant is attending or enrolled in the district's schools. 62009

**Sec. 3365.041.** (A) When a school district superintendent, the 62010  
governing authority of a community school, or the chief 62011  
administrative officer of a STEM school expels a student under 62012  
division (B) of section 3313.66 of the Revised Code, the district 62013  
superintendent, governing authority, or chief administrative 62014  
officer shall send a written notice of the expulsion to any 62015  
college in which the expelled student is enrolled under section 62016  
3365.03 of the Revised Code at the time the expulsion is imposed. 62017  
The notice shall indicate the date the expulsion is scheduled to 62018  
expire. The notice also shall indicate whether the district board 62019  
of education, community school governing authority, or the STEM 62020  
school has adopted a policy under section 3313.613 of the Revised 62021  
Code to deny high school credit for post-secondary courses taken 62022  
during an expulsion. If the expulsion is extended under division 62023  
(F) of section 3313.66 of the Revised Code, the district 62024  
superintendent, community school governing authority, or STEM 62025  
school chief administrative officer shall notify the college of 62026  
the extension. 62027

(B) A college may withdraw its acceptance under section 62028  
3365.03 of the Revised Code of a student who is expelled from 62029  
school under division (B) of section 3313.66 of the Revised Code. 62030  
As provided in section 3365.03 of the Revised Code, regardless of 62031  
whether the college withdraws its acceptance of the student for 62032

the college term in which the student is expelled, the student is 62033  
ineligible to enroll in a college under that section for 62034  
subsequent college terms during the period of the expulsion, 62035  
unless the student enrolls in another school district or community 62036  
school, or a participating nonpublic school during that period. 62037

If a college withdraws its acceptance of an expelled student 62038  
who elected either option of division (A)(1) or (2) of section 62039  
3365.04 of the Revised Code, the college shall refund tuition and 62040  
fees paid by the student in the same proportion that it refunds 62041  
tuition and fees to students who voluntarily withdraw from the 62042  
college at the same time in the term. 62043

If a college withdraws its acceptance of an expelled student 62044  
who elected the option of division (B) of section 3365.04 of the 62045  
Revised Code, the school district, community school, or STEM 62046  
school shall not award high school credit for the college courses 62047  
in which the student was enrolled at the time the college withdrew 62048  
its acceptance, and any reimbursement under section 3365.07 of the 62049  
Revised Code or through alternative funding agreements entered 62050  
into under rules adopted under section 3365.12 of the Revised Code 62051  
for the student's attendance prior to the withdrawal shall be the 62052  
same as would be paid for a student who voluntarily withdrew from 62053  
the college at the same time in the term. If the withdrawal 62054  
results in the college's receiving no reimbursement, the college 62055  
may require the student to return or pay for the textbooks and 62056  
materials it provided the student free of charge under section 62057  
3365.08 of the Revised Code. 62058

(C) When a student who elected the option of division (B) of 62059  
section 3365.04 of the Revised Code is expelled under division (B) 62060  
of section 3313.66 of the Revised Code from a school district, 62061  
community school, or STEM school that has adopted a policy under 62062  
section 3313.613 of the Revised Code, that election is 62063  
automatically revoked for all college courses in which the student 62064

is enrolled during the college term in which the expulsion is 62065  
imposed. Any reimbursement under section 3365.07 of the Revised 62066  
Code or through alternative funding agreements entered into under 62067  
rules adopted under section 3365.12 of the Revised Code for the 62068  
student's attendance prior to the expulsion shall be the same as 62069  
would be paid for a student who voluntarily withdrew from the 62070  
college at the same time in the term. If the revocation results in 62071  
the college's receiving no reimbursement, the college may require 62072  
the student to return or pay for the textbooks and materials it 62073  
provided the student free of charge under section 3365.08 of the 62074  
Revised Code. 62075

No later than five days after receiving an expulsion notice 62076  
from the superintendent of a district, the governing authority of 62077  
a community school, or the chief administrative officer of a STEM 62078  
school that has adopted a policy under section 3313.613 of the 62079  
Revised Code, the college shall send a written notice to the 62080  
expelled student that the student's election of division (B) of 62081  
section 3365.04 of the Revised Code is revoked. If the college 62082  
elects not to withdraw its acceptance of the student, the student 62083  
shall pay all applicable tuition and fees for the college courses 62084  
and shall pay for the textbooks and materials that the college 62085  
provided under section 3365.08 of the Revised Code. 62086

**Sec. 3365.07.** (A) The rules adopted under section 3365.02 of 62087  
the Revised Code shall specify a method for each of the following: 62088

(1) Determining, with respect to any participant, the 62089  
percentage of a full-time educational program constituted by the 62090  
participant's total educational program. That percentage shall be 62091  
the participant's full-time equivalency percentage for purposes of 62092  
the computation required by division (B)(1) of this section. 62093

(2) In the case of a participant who is not enrolled in a 62094  
participating nonpublic school, determining the percentage of a 62095

participant's school day during which the participant is	62096
participating in each of the following:	62097
(a) Programs provided by the city, local, or exempted village	62098
school district, a community school, or a STEM school;	62099
(b) Programs provided by a joint vocational school district;	62100
(c) Programs provided by a college under division (B) of	62101
section 3365.04 of the Revised Code.	62102
The sum of divisions (A)(2)(a) to (c) of this section shall equal	62103
one hundred per cent.	62104
(3) In the case of a participant who is not enrolled in a	62105
participating nonpublic school, determining the percentage of a	62106
participant's enrollment that shall be deemed to be enrollment in	62107
a joint vocational school district and the percentage that shall	62108
be deemed to be enrollment in a city, local, or exempted village	62109
school district. The sum of such percentages shall equal one	62110
hundred per cent.	62111
(4) In the case of a participant who is enrolled in a	62112
participating nonpublic school, determining the percentage of a	62113
participant's school day during which the participant is	62114
participating in programs provided by a college under division (B)	62115
of section 3365.04 of the Revised Code.	62116
(B) Each July, <u>unless provided otherwise in an alternative</u>	62117
<u>funding agreement entered into under rules adopted under section</u>	62118
<u>3365.12 of the Revised Code</u> , the department of education shall pay	62119
each college for any participant enrolled in the college in the	62120
prior school year under division (B) of section 3365.04 of the	62121
Revised Code an amount computed as follows:	62122
(1) Multiply the tuition base by the participant's full-time	62123
equivalency percentage and multiply the resulting amount by a	62124
percentage equal to the percentage of the participant's school day	62125



apportioned to the college under division (A)(2)(c) or (4) of this section, as applicable. 62126  
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(2) Pay the college the lesser of: 62128

(a) The amount computed under division (B)(1) of this section; 62129  
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(b) The actual costs that would have been the responsibility of the participant had the participant elected to enroll under division (A) of section 3365.04 of the Revised Code, as verified by the department, of tuition, textbooks, materials, and fees directly related to any courses elected by the participant during the prior school year under division (B) of section 3365.04 of the Revised Code. 62131  
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(C) The department shall not reimburse any college for any course taken by a participant under division (A) of section 3365.04 of the Revised Code. 62138  
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(D) If the participant was not enrolled in a participating nonpublic school, the amount paid under division (B) of this section for each participant shall be subtracted from the school foundation payments made to the participant's school district or, if the participant was enrolled in a community school or a STEM school, from the payments made to the participant's school under section 3314.08 or 3326.33 of the Revised Code. If the participant was enrolled in a joint vocational school district, a portion of the amount shall be subtracted from the payments to the joint vocational school district and a portion shall be subtracted from the payments to the participant's city, local, or exempted village school district. The amount of the payment subtracted from the city, local, or exempted village school district shall be computed as follows: 62141  
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(1) Add the following: 62155

(a) The percentage of the participant's enrollment in the 62156

school district, determined under division (A)(3) of this section; 62157  
and 62158

(b) Twenty-five per cent times the percentage of the 62159  
participant's enrollment in the joint vocational school district, 62160  
determined under division (A)(3) of this section. 62161

(2) Multiply the sum obtained under division (D)(1) of this 62162  
section by the amount computed under division (B)(2) of this 62163  
section. 62164

The balance of the payment shall be subtracted from the joint 62165  
vocational district's school foundation payments. 62166

(E) If the participant was enrolled in a participating 62167  
nonpublic school, the amount paid under division (B) of this 62168  
section shall be subtracted from moneys set aside by the general 62169  
assembly for such purpose from funds appropriated for the purposes 62170  
of section 3317.06 of the Revised Code. 62171

**Sec. 3365.08.** (A) A college that expects to receive or 62172  
receives reimbursement under section 3365.07 of the Revised Code 62173  
or through alternative funding agreements entered into under rules 62174  
adopted under section 3365.12 of the Revised Code shall furnish to 62175  
a participant all textbooks and materials directly related to a 62176  
course taken by the participant under division (B) of section 62177  
3365.04 of the Revised Code. No college shall charge such 62178  
participant for tuition, textbooks, materials, or other fees 62179  
directly related to any such course. 62180

(B) No student enrolled under this chapter in a course for 62181  
which credit toward high school graduation is awarded shall 62182  
receive direct financial aid through any state or federal program. 62183

(C) If a school district provides transportation for resident 62184  
school students in grades eleven and twelve under section 3327.01 62185  
of the Revised Code, a parent of a pupil enrolled in a course 62186

under division (A)(2) or (B) of section 3365.04 of the Revised Code may apply to the board of education for full or partial reimbursement for the necessary costs of transporting the student between the secondary school the student attends and the college in which the student is enrolled. Reimbursement may be paid solely from funds received by the district under ~~division (D) of section 3317.022~~ 3306.12 of the Revised Code. The state board of education shall establish guidelines, based on financial need, under which a district may provide such reimbursement.

(D) If a community school provides or arranges transportation for its pupils in grades nine through twelve under section 3314.091 of the Revised Code, a parent of a pupil of the community school who is enrolled in a course under division (A)(2) or (B) of section 3365.04 of the Revised Code may apply to the governing authority of the community school for full or partial reimbursement of the necessary costs of transporting the student between the community school and the college. The governing authority may pay the reimbursement in accordance with the state board's rules adopted under division (C) of this section solely from funds paid to it under section 3314.091 of the Revised Code.

**Sec. 3365.09.** Section 3365.07 ~~and~~, divisions (A) and (C) of section 3365.08, and agreements entered into under rules adopted under section 3365.12 of the Revised Code do not apply to any college course in which a student is enrolled if during the term such student is enrolled in the college course the student is also a full-time student in the student's district, community school, STEM school, or nonpublic school. The rules adopted under section 3365.02 of the Revised Code shall prescribe a method for determining whether a student is enrolled full-time in the student's district, community school, STEM school, or nonpublic school.

Sec. 3365.10. As used in this section, the "base amount" for 62218  
any school year is one million dollars. "Full-time equivalency 62219  
percentage" and "percentage of the school day" enrolled in college 62220  
shall be determined under the rules described by divisions (A)(1) 62221  
and (4) of section 3365.07 of the Revised Code or the rules 62222  
adopted under section 3365.12 of the Revised Code. 62223

(A) Each nonpublic school student who wishes to become a 62224  
participant in any school year shall send to the department of 62225  
education a copy of ~~his~~ the student's acceptance from a college 62226  
and an application. The application shall be made on forms 62227  
provided by the state board and shall include information about 62228  
the student's proposed participation, including the school year in 62229  
which ~~he~~ the student wishes to participate; the semesters or terms 62230  
the student wishes to enroll during such year; the student's 62231  
expected full-time equivalency percentage for each such semester 62232  
or term; and the percentage of the school day each such semester 62233  
or term that the student expects to be enrolled in programs 62234  
provided by a college under division (B) of section 3365.04 of the 62235  
Revised Code. The department shall mark each application with the 62236  
date and time of receipt. 62237

(B) Calculations involving applications under this division 62238  
shall be made in the order in which the applications are received. 62239

Upon receipt of an application under division (A) of this 62240  
section, the department shall calculate the amount the college 62241  
would be paid under division (B) of section 3365.07 of the Revised 62242  
Code or through alternative funding agreements entered into under 62243  
rules adopted under section 3365.12 of the Revised Code for the 62244  
student's expected participation. ~~The~~ For calculations made under 62245  
division (B) of section 3365.07 of the Revised Code, the 62246  
department shall subtract each such calculated amount from the 62247  
base amount for that year, or the amount remaining for that year 62248

after the subtraction from the base amount of amounts previously 62249  
calculated under this division as a result of prior applications 62250  
for participation in that year, whichever is the lesser amount. 62251

(C) If such a subtraction under division (B) of this section 62252  
results in a positive number, the department shall notify the 62253  
applicant within three weeks of the receipt of ~~his~~ the application 62254  
that ~~he~~ such applicant may participate in the post-secondary 62255  
enrollment options program to the extent indicated in the 62256  
application. 62257

(D) If such a subtraction under division (B) of this section 62258  
results in a negative number, the department shall, within one 62259  
week of the receipt of such application, notify the applicant, the 62260  
applicant's nonpublic school, and the college accepting the 62261  
applicant that funds will not be available for the applicant's 62262  
participation in the program during the year for which the 62263  
application was made. The department shall also notify all 62264  
applicants whose applications for that year are subsequently 62265  
received, their nonpublic schools, and the colleges accepting them 62266  
of the same fact. 62267

(E) No applicant receiving notification under division (D) of 62268  
this section may become a participant under division (B) of 62269  
section 3365.04 of the Revised Code for the year for which ~~he~~ the 62270  
applicant applied and no college shall be paid under division (B) 62271  
of section 3365.07 of the Revised Code or through alternative 62272  
funding agreements entered into under rules adopted under section 62273  
3365.12 of the Revised Code for participation by any such 62274  
applicant in such year. 62275

Sec. 3365.12. The superintendent of public instruction and 62276  
the chancellor of the Ohio board of regents jointly may adopt 62277  
rules in accordance with Chapter 119. of the Revised Code 62278  
permitting a board of education of a school district or joint 62279

vocational school district, governing authority of a community 62280  
school, governing body of a STEM school, or governing authority of 62281  
a participating nonpublic school to enter into an agreement with a 62282  
college or university to use an alternate funding formula to 62283  
calculate, or an alternate method to transmit, the amount the 62284  
college or university would be paid for a student participating in 62285  
a program under this chapter, including the program known as 62286  
seniors to sophomores. 62287

Rules adopted under this section may include, but need not be 62288  
limited to, any of the following alternative funding options: 62289

(A) Direct payment of funds necessary to support students 62290  
participating in a program under this chapter, including the 62291  
seniors to sophomores program, by the school district, joint 62292  
vocational school district, community school, STEM school, or any 62293  
combination thereof, to the college or university in which the 62294  
student enrolled; 62295

(B) Alternate funding formulas to calculate the amount of 62296  
money to be paid to colleges for participants; 62297

(C) A negotiated amount to be paid, as agreed by the school 62298  
district, joint vocational school district, community school, or 62299  
STEM school and the college or university. 62300

**Sec. 3375.79.** There is hereby created in the state treasury 62301  
the Bill and Melinda Gates foundation grant fund consisting of 62302  
Bill and Melinda Gates foundation grants awarded to the state 62303  
library of Ohio. The state library board shall use the fund for 62304  
the improvement of public library services, interlibrary 62305  
cooperation, or other library purposes. All investment earnings of 62306  
the fund shall be credited to the fund. 62307

**Sec. 3501.17.** (A) The expenses of the board of elections 62308

shall be paid from the county treasury, in pursuance of 62309  
appropriations by the board of county commissioners, in the same 62310  
manner as other county expenses are paid. If the board of county 62311  
commissioners fails to appropriate an amount sufficient to provide 62312  
for the necessary and proper expenses of the board of elections 62313  
pertaining to the conduct of elections, the board of elections may 62314  
apply to the court of common pleas within the county, which shall 62315  
fix the amount necessary to be appropriated and the amount shall 62316  
be appropriated. Payments shall be made upon vouchers of the board 62317  
of elections certified to by its chairperson or acting chairperson 62318  
and the director or deputy director, upon warrants of the county 62319  
auditor. 62320

The board of elections shall not incur any obligation 62321  
involving the expenditure of money unless there are moneys 62322  
sufficient in the funds appropriated therefor to meet the 62323  
obligation. If the board of elections requests a transfer of funds 62324  
from one of its appropriation items to another, the board of 62325  
county commissioners shall adopt a resolution providing for the 62326  
transfer except as otherwise provided in section 5705.40 of the 62327  
Revised Code. The expenses of the board of elections shall be 62328  
apportioned among the county and the various subdivisions as 62329  
provided in this section, and the amount chargeable to each 62330  
subdivision shall be withheld by the auditor from the moneys 62331  
payable thereto at the time of the next tax settlement. At the 62332  
time of submitting budget estimates in each year, the board of 62333  
elections shall submit to the taxing authority of each 62334  
subdivision, upon the request of the subdivision, an estimate of 62335  
the amount to be withheld from the subdivision during the next 62336  
fiscal year. 62337

(B) Except as otherwise provided in division (F) of this 62338  
section, the compensation of the members of the board of elections 62339  
and of the director, deputy director, and regular employees in the 62340

board's offices, other than compensation for overtime worked; the 62341  
expenditures for the rental, furnishing, and equipping of the 62342  
office of the board and for the necessary office supplies for the 62343  
use of the board; the expenditures for the acquisition, repair, 62344  
care, and custody of the polling places, booths, guardrails, and 62345  
other equipment for polling places; the cost of tally sheets, 62346  
maps, flags, ballot boxes, and all other permanent records and 62347  
equipment; the cost of all elections held in and for the state and 62348  
county; and all other expenses of the board which are not 62349  
chargeable to a political subdivision in accordance with this 62350  
section shall be paid in the same manner as other county expenses 62351  
are paid. 62352

(C) The compensation of judges of elections and intermittent 62353  
employees in the board's offices; the cost of renting, moving, 62354  
heating, and lighting polling places and of placing and removing 62355  
ballot boxes and other fixtures and equipment thereof, including 62356  
voting machines, marking devices, and automatic tabulating 62357  
equipment; the cost of printing and delivering ballots, cards of 62358  
instructions, registration lists required under section 3503.23 of 62359  
the Revised Code, and other election supplies, including the 62360  
supplies required to comply with division (H) of section 3506.01 62361  
of the Revised Code; the cost of contractors engaged by the board 62362  
to prepare, program, test, and operate voting machines, marking 62363  
devices, and automatic tabulating equipment; and all other 62364  
expenses of conducting primaries and elections in the odd-numbered 62365  
years shall be charged to the subdivisions in and for which such 62366  
primaries or elections are held. The charge for each primary or 62367  
general election in odd-numbered years for each subdivision shall 62368  
be determined in the following manner: first, the total cost of 62369  
all chargeable items used in conducting such elections shall be 62370  
ascertained; second, the total charge shall be divided by the 62371  
number of precincts participating in such election, in order to 62372  
fix the cost per precinct; third, the cost per precinct shall be 62373



prorated by the board of elections to the subdivisions conducting 62374  
elections for the nomination or election of offices in such 62375  
precinct; fourth, the total cost for each subdivision shall be 62376  
determined by adding the charges prorated to it in each precinct 62377  
within the subdivision. 62378

(D) The entire cost of special elections held on a day other 62379  
than the day of a primary or general election, both in 62380  
odd-numbered or in even-numbered years, shall be charged to the 62381  
subdivision. Where a special election is held on the same day as a 62382  
primary or general election in an even-numbered year, the 62383  
subdivision submitting the special election shall be charged only 62384  
for the cost of ballots and advertising. Where a special election 62385  
is held on the same day as a primary or general election in an 62386  
odd-numbered year, the subdivision submitting the special election 62387  
shall be charged for the cost of ballots and advertising for such 62388  
special election, in addition to the charges prorated to such 62389  
subdivision for the election or nomination of candidates in each 62390  
precinct within the subdivision, as set forth in the preceding 62391  
paragraph. 62392

(E) Where a special election is held on the day specified by 62393  
division (E) of section 3501.01 of the Revised Code for the 62394  
holding of a primary election, for the purpose of submitting to 62395  
the voters of the state constitutional amendments proposed by the 62396  
general assembly, and a subdivision conducts a special election on 62397  
the same day, the entire cost of the special election shall be 62398  
divided proportionally between the state and the subdivision based 62399  
upon a ratio determined by the number of issues placed on the 62400  
ballot by each, except as otherwise provided in division (G) of 62401  
this section. Such proportional division of cost shall be made 62402  
only to the extent funds are available for such purpose from 62403  
amounts appropriated by the general assembly to the secretary of 62404  
state. If a primary election is also being conducted in the 62405

subdivision, the costs shall be apportioned as otherwise provided 62406  
in this section. 62407

(F) When a precinct is open during a general, primary, or 62408  
special election solely for the purpose of submitting to the 62409  
voters a statewide ballot issue, the state shall bear the entire 62410  
cost of the election in that precinct and shall reimburse the 62411  
county for all expenses incurred in opening the precinct. 62412

(G)(1) The state shall bear the entire cost of advertising in 62413  
newspapers statewide ballot issues, explanations of those issues, 62414  
and arguments for or against those issues, as required by Section 62415  
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 62416  
and any other section of law. Appropriations made to the 62417  
controlling board shall be used to reimburse the secretary of 62418  
state for all expenses the secretary of state incurs for such 62419  
advertising under division (G) of section 3505.062 of the Revised 62420  
Code. 62421

(2) There is hereby created in the state treasury the 62422  
statewide ballot advertising fund. The fund shall receive 62423  
transfers approved by the controlling board, and shall be used by 62424  
the secretary of state to pay the costs of advertising state 62425  
ballot issues as required under division (G)(1) of this section. 62426  
Any such transfers may be requested from and approved by the 62427  
controlling board prior to placing the advertising, in order to 62428  
facilitate timely provision of the required advertising. 62429

(H) The cost of renting, heating, and lighting registration 62430  
places; the cost of the necessary books, forms, and supplies for 62431  
the conduct of registration; and the cost of printing and posting 62432  
precinct registration lists shall be charged to the subdivision in 62433  
which such registration is held. 62434

(I) At the request of a majority of the members of the board 62435  
of elections, the board of county commissioners may, by 62436

resolution, establish an elections revenue fund. Except as 62437  
otherwise provided in this division, the purpose of the fund shall 62438  
be to accumulate revenue withheld by or paid to the county under 62439  
this section for the payment of any expense related to the duties 62440  
of the board of elections specified in section 3501.11 of the 62441  
Revised Code, upon approval of a majority of the members of the 62442  
board of elections. The fund shall not accumulate any revenue 62443  
withheld by or paid to the county under this section for the 62444  
compensation of the members of the board of elections or of the 62445  
director, deputy director, or other regular employees in the 62446  
board's offices, other than compensation for overtime worked. 62447

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 62448  
Revised Code, the board of county commissioners may, by 62449  
resolution, transfer money to the elections revenue fund from any 62450  
other fund of the political subdivision from which such payments 62451  
lawfully may be made. Following an affirmative vote of a majority 62452  
of the members of the board of elections, the board of county 62453  
commissioners may, by resolution, rescind an elections revenue 62454  
fund established under this division. If an elections revenue fund 62455  
is rescinded, money that has accumulated in the fund shall be 62456  
transferred to the county general fund. 62457

(J) As used in this section: 62458

(1) "Political subdivision" and "subdivision" mean any board 62459  
of county commissioners, board of township trustees, legislative 62460  
authority of a municipal corporation, board of education, or any 62461  
other board, commission, district, or authority that is empowered 62462  
to levy taxes or permitted to receive the proceeds of a tax levy, 62463  
regardless of whether the entity receives tax settlement moneys as 62464  
described in division (A) of this section; 62465

(2) "Statewide ballot issue" means any ballot issue, whether 62466  
proposed by the general assembly or by initiative or referendum, 62467  
that is submitted to the voters throughout the state. 62468

**Sec. 3701.024.** (A)(1) Under a procedure established in rules 62469  
adopted under section 3701.021 of the Revised Code, the department 62470  
of health shall determine the amount each county shall provide 62471  
annually for the program for medically handicapped children, based 62472  
on a proportion of the county's total general property tax 62473  
duplicate, not to exceed one-tenth of a mill, and charge the 62474  
county for any part of expenses incurred under the program for 62475  
diagnostic and treatment services on behalf of medically 62476  
handicapped children having legal settlement in the county that is 62477  
not paid from federal funds or through the medical assistance 62478  
program established under section 5111.01 of the Revised Code. The 62479  
department shall not charge the county for expenses exceeding the 62480  
difference between the amount determined under division (A)(1) of 62481  
this section and any amounts retained under divisions (A)(2) and 62482  
(3) of this section. 62483

All amounts collected by the department under division (A)(1) 62484  
of this section shall be deposited into the state treasury to the 62485  
credit of the medically handicapped children-county assessment 62486  
fund, which is hereby created. The fund shall be used by the 62487  
department to comply with sections 3701.021 to 3701.028 of the 62488  
Revised Code. 62489

(2) The department, in accordance with rules adopted under 62490  
section 3701.021 of the Revised Code, may allow each county to 62491  
retain up to ten per cent of the amount determined under division 62492  
(A)(1) of this section to provide funds to city or general health 62493  
districts of the county with which the districts shall provide 62494  
service coordination, public health nursing, or transportation 62495  
services for medically handicapped children. 62496

(3) In addition to any amount retained under division (A)(2) 62497  
of this section, the department, in accordance with rules adopted 62498  
under section 3701.021 of the Revised Code, may allow counties 62499

that it determines have significant numbers of potentially 62500  
eligible medically handicapped children to retain an amount equal 62501  
to the difference between: 62502

(a) Twenty-five per cent of the amount determined under 62503  
division (A)(1) of this section; 62504

(b) Any amount retained under division (A)(2) of this 62505  
section. 62506

Counties shall use amounts retained under division (A)(3) of 62507  
this section to provide funds to city or general health districts 62508  
of the county with which the districts shall conduct outreach 62509  
activities to increase participation in the program for medically 62510  
handicapped children. 62511

(4) Prior to any increase in the millage charged to a county, 62512  
the public health council shall hold a public hearing on the 62513  
proposed increase and shall give notice of the hearing to each 62514  
board of county commissioners that would be affected by the 62515  
increase at least thirty days prior to the date set for the 62516  
hearing. Any county commissioner may appear and give testimony at 62517  
the hearing. Any increase in the millage any county is required to 62518  
provide for the program for medically handicapped children shall 62519  
be determined, and notice of the amount of the increase shall be 62520  
provided to each affected board of county commissioners, no later 62521  
than the first day of June of the fiscal year next preceding the 62522  
fiscal year in which the increase will take effect. 62523

(B) Each board of county commissioners shall establish a 62524  
medically handicapped children's fund and shall appropriate 62525  
thereto an amount, determined in accordance with division (A)(1) 62526  
of this section, for the county's share in providing medical, 62527  
surgical, and other aid to medically handicapped children residing 62528  
in such county and for the purposes specified in divisions (A)(2) 62529  
and (3) of this section. Each county shall use money retained 62530

under divisions (A)(2) and (3) of this section only for the 62531  
purposes specified in those divisions. 62532

Sec. 3701.0211. (A) There is hereby created the hemophilia 62533  
advisory council in the department of health. The council shall 62534  
consist of the following members: 62535

(1) The following nonvoting members: 62536

(a) The director of health or the director's designee; 62537

(b) The superintendent of insurance or the superintendent's 62538  
designee; 62539

(c) A representative of the department of job and family 62540  
services. 62541

(2) The following voting members, to be appointed by the 62542  
governor with the advice and consent of the senate: 62543

(a) Two individuals authorized under Chapter 4731. of the 62544  
Revised Code to practice medicine and surgery or osteopathic 62545  
medicine and surgery who are currently treating patients with 62546  
hemophilia or related bleeding disorders, one of whom specializes 62547  
in pediatrics and one of whom specializes in the treatment of 62548  
adults; 62549

(b) An individual licensed under Chapter 4723. of the Revised 62550  
Code to practice nursing who is currently treating patients with 62551  
hemophilia or related bleeding disorders; 62552

(c) An individual licensed under Chapter 4757. of the Revised 62553  
Code as an independent social worker or social worker who is 62554  
currently treating patients with hemophilia or related bleeding 62555  
disorders; 62556

(d) A representative of a federally funded hemophilia 62557  
treatment center; 62558

(e) A representative of a health insuring corporation that 62559

holds a certificate of authority issued under Chapter 1751. of the 62560  
Revised Code or a company authorized under Chapter 3923. of the 62561  
Revised Code to do the business of sickness and accident insurance 62562  
in this state; 62563

(f) A representative of an Ohio chapter of the national 62564  
hemophilia foundation that serves the community of persons with 62565  
hemophilia and related bleeding disorders; 62566

(g) An adult with hemophilia or caregiver of an adult with 62567  
hemophilia; 62568

(h) A caregiver of a minor with hemophilia; 62569

(i) A person with a bleeding disorder other than hemophilia 62570  
or caregiver of a person with a bleeding disorder other than 62571  
hemophilia; 62572

(j) A person with hemophilia who is a member of the Amish 62573  
sect or a health professional currently treating persons with 62574  
hemophilia who are members of the Amish sect. 62575

(B) Not later than ninety days after the effective date of 62576  
this section, the governor shall make initial appointments to the 62577  
council. Of the initial appointments, four shall be for terms 62578  
ending two years after the effective date of this section, four 62579  
shall be for terms ending three years after that date, and three 62580  
shall be for terms ending four years after that date. Thereafter, 62581  
terms of office shall be two years, with each term ending on the 62582  
same day of the same month as the term it succeeds. Each member 62583  
shall hold office from the date of appointment until the end of 62584  
the term for which the member was appointed. Members may be 62585  
reappointed. 62586

Vacancies shall be filled in the same manner as original 62587  
appointments. Any member appointed to fill a vacancy occurring 62588  
prior to the expiration of the term for which the member's 62589  
predecessor was appointed shall hold office for the remainder of 62590

that term. A member shall continue in office subsequent to the 62591  
expiration date of the member's term until the member's successor 62592  
takes office or until a period of sixty days has elapsed, 62593  
whichever occurs first. 62594

(C) The voting members shall elect from among the council's 62595  
members a chairperson who shall serve a one-year term. The council 62596  
shall meet at the call of the chairperson, but not less than four 62597  
times each year. A majority of the members of the council 62598  
constitutes a quorum. 62599

(D) Members shall serve without compensation, but may be 62600  
reimbursed for actual and necessary expenses incurred in the 62601  
performance of their duties. 62602

(E) The council shall advise the director of health on all of 62603  
the following: 62604

(1) Reviewing the impact of changes to both of the following: 62605

(a) Existing programs for persons with hemophilia and related 62606  
bleeding disorders; 62607

(b) Existing policies for persons with hemophilia and related 62608  
bleeding disorders. 62609

(2) Developing standards of care and standards of treatment 62610  
for persons with hemophilia and related bleeding disorders; 62611

(3) Developing programs of care and programs of treatment for 62612  
persons with hemophilia and related bleeding disorders, including 62613  
self-administration of medication, home care, medical and dental 62614  
procedures, and techniques designed to provide maximum control 62615  
over bleeding episodes; 62616

(4) Reviewing data and making recommendations regarding the 62617  
ability of persons with hemophilia and related bleeding disorders 62618  
to obtain appropriate health insurance coverage and access to 62619  
appropriate care; 62620



(5) Coordinating with other state agencies and private organizations to develop community-based initiatives to increase awareness of hemophilia and related bleeding disorders.

(F) The council shall annually submit to the governor and general assembly a report with recommendations on increasing access to care and treatment and obtaining appropriate health insurance coverage for persons with hemophilia and related bleeding disorders.

**Sec. 3701.045.** (A) The department of health, in consultation with the children's trust fund board established under section 3109.15 of the Revised Code and any bodies acting as child fatality review boards on ~~the effective date of this section~~ October 5, 2000, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for child fatality review boards to follow in conducting a review of the death of a child. The rules shall do all of the following:

(1) Establish the format for the annual reports required by section 307.626 of the Revised Code;

(2) Establish guidelines for a child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(3) Establish guidelines for a child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of

information that would permit a person's identity to be 62651  
ascertained; 62652

(5) Establish guidelines, materials, and training to help 62653  
educate members of child fatality review boards about the purpose 62654  
of the review process and the confidentiality of the information 62655  
described in section 307.629 of the Revised Code and to make them 62656  
aware that such information is not a public record under section 62657  
149.43 of the Revised Code. 62658

(B) On or before the thirtieth day of September of each year, 62659  
the department of health and the children's trust fund board 62660  
jointly shall prepare and publish a report organizing and setting 62661  
forth the data from the department of health child death review 62662  
database or the national child death review database, data in all 62663  
the reports provided by child fatality review boards in their 62664  
annual reports for the previous calendar year, ~~and recommending~~ 62665  
recommendations for any changes to law and policy that might 62666  
prevent future deaths. The department and the children's trust 62667  
fund board jointly shall provide a copy of the report to the 62668  
governor, the speaker of the house of representatives, the 62669  
president of the senate, the minority leaders of the house of 62670  
representatives and the senate, each county or regional child 62671  
fatality review board, and each county or regional family and 62672  
children first council. 62673

**Sec. 3701.07.** (A) The public health council shall adopt rules 62674  
in accordance with Chapter 119. of the Revised Code defining and 62675  
classifying hospitals and dispensaries and providing for the 62676  
reporting of information by hospitals and dispensaries. Except as 62677  
otherwise provided in the Revised Code, the rules providing for 62678  
the reporting of information shall not require inclusion of any 62679  
confidential patient data or any information concerning the 62680  
financial condition, income, expenses, or net worth of the 62681

facilities other than that financial information already contained 62682  
in those portions of the medicare or medicaid cost report that is 62683  
necessary for the department of health to certify the per diem 62684  
cost under section 3701.62 of the Revised Code. The rules may 62685  
require the reporting of information in the following categories: 62686

(1) Information needed to identify and classify the 62687  
institution; 62688

(2) Information on facilities and type and volume of services 62689  
provided by the institution; 62690

(3) The number of beds listed by category of care provided; 62691

(4) The number of licensed or certified professional 62692  
employees by classification; 62693

(5) The number of births that occurred at the institution the 62694  
previous calendar year; 62695

(6) Any other information that the council considers relevant 62696  
to the safety of patients served by the institution. 62697

Every hospital and dispensary, public or private, annually 62698  
shall register with and report to the department of health. 62699  
Reports shall be submitted in the manner prescribed in rules 62700  
adopted under this division. 62701

(B) Every governmental entity or private nonprofit 62702  
corporation or association whose employees or representatives are 62703  
defined as residents' rights advocates under divisions (E)(1) and 62704  
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 62705  
the Revised Code shall register with the department of health on 62706  
forms furnished by the director of health and shall provide such 62707  
reasonable identifying information as the director may prescribe. 62708

The department shall compile a list of the governmental 62709  
entities, corporations, or associations registering under this 62710  
division and shall update the list annually. Copies of the list 62711

shall be made available to nursing home administrators as defined 62712  
in division (C) of section 3721.10 of the Revised Code and to 62713  
adult care facility managers as defined in section 3722.01 of the 62714  
Revised Code. 62715

~~(C) Every governmental entity or private nonprofit 62716  
corporation or association whose employees or representatives act 62717  
as residents' rights advocates for community alternative homes 62718  
pursuant to section 3724.08 of the Revised Code shall register 62719  
with the department of health on forms furnished by the director 62720  
of health and shall provide such reasonable identifying 62721  
information as the director may prescribe. 62722~~

~~The department shall compile a list of the governmental 62723  
entities, corporations, and associations registering under this 62724  
division and shall update the list annually. Copies of the list 62725  
shall be made available to operators or residence managers of 62726  
community alternative homes as defined in section 3724.01 of the 62727  
Revised Code. 62728~~

Sec. 3701.136. (A) There is hereby created the sickle cell 62729  
anemia advisory committee. The committee shall assist the director 62730  
of health in fulfilling the director's duties under section 62731  
3701.131 of the Revised Code. 62732

(B) The director shall appoint five members to the committee 62733  
who are familiar with sickle cell anemia, including researchers, 62734  
health care professionals, and persons personally affected by 62735  
sickle cell anemia. 62736

Not later than ninety days after the effective date of this 62737  
section, the director shall make initial appointments to the 62738  
committee. Of the initial appointments, one shall be for a term 62739  
ending one year after the effective date of this section, two 62740  
shall be for terms ending two years after that date, and two shall 62741  
be for terms ending three years after that date. Thereafter, terms 62742

of office shall be three years, with each term ending on the same 62743  
day of the same month as did the term that it succeeds. Each 62744  
member shall hold office from the date of appointment until the 62745  
end of the term for which the member was appointed. Members may be 62746  
reappointed. 62747

Vacancies shall be filled in the same manner as original 62748  
appointments. Any member appointed to fill a vacancy occurring 62749  
prior to the expiration of the term for which the member's 62750  
predecessor was appointed shall hold office for the remainder of 62751  
that term. A member shall continue in office subsequent to the 62752  
expiration date of the member's term until the member's successor 62753  
takes office or until a period of sixty days has elapsed, 62754  
whichever occurs first. 62755

Members of the committee shall serve without compensation, 62756  
but may be reimbursed for actual and necessary expenses incurred 62757  
in the performance of their duties. 62758

(C) The committee shall annually select from among its 62759  
members a chairperson. The committee shall meet at the call of the 62760  
chairperson, but not less than twice each year. A majority of the 62761  
members of the committee constitutes a quorum. 62762

**Sec. 3701.344.** As used in this section and sections 3701.345, 62763  
3701.346, and 3701.347 of the Revised Code: 62764

(A) "Private water system" means any water system for the 62765  
provision of water for human consumption, if such system has fewer 62766  
than fifteen service connections and does not regularly serve an 62767  
average of at least twenty-five individuals daily at least sixty 62768  
days out of the year. A private water system includes any well, 62769  
spring, cistern, pond, or hauled water and any equipment for the 62770  
collection, transportation, filtration, disinfection, treatment, 62771  
or storage of such water extending from and including the source 62772  
of the water to the point of discharge from any pressure tank or 62773

other storage vessel; to the point of discharge from the water 62774  
pump where no pressure tank or other storage vessel is present; 62775  
or, in the case of multiple service connections serving more than 62776  
one dwelling, to the point of discharge from each service 62777  
connection. ~~A private~~ "Private water system" does not include the 62778  
water service line extending from the point of discharge to a 62779  
structure. 62780

(B) Notwithstanding section 3701.347 of the Revised Code and 62781  
subject to division (C) of this section, rules adopted by the 62782  
public health council regarding private water systems shall 62783  
provide for the following: 62784

(1) Except as otherwise provided in this division, boards of 62785  
health of city or general health districts shall be given the 62786  
exclusive power to establish fees in accordance with section 62787  
3709.09 of the Revised Code for administering and enforcing such 62788  
rules. Such fees shall establish a different rate for 62789  
administering and enforcing the rules relative to private water 62790  
systems serving single-family dwelling houses and nonsingle-family 62791  
dwelling houses. Except for an amount established by the public 62792  
health council, pursuant to division (B)(5) of this section, for 62793  
each new private water system installation, no portion of any fee 62794  
for administering and enforcing such rules shall be returned to 62795  
the department of health. If the director of health determines 62796  
that a board of health of a city or general health district is 62797  
unable to administer and enforce a private water system program in 62798  
the district, the director shall administer and enforce such a 62799  
program in the district and establish fees for such administration 62800  
and enforcement. 62801

(2) Boards of health of city or general health districts 62802  
shall be given the exclusive power to determine the number of 62803  
inspections necessary for determining the safe drinking 62804  
characteristics of a private water system. 62805

(3) Private water systems contractors, as a condition of doing business in this state, shall annually register with, and comply with surety bonding requirements of, the department of health. No such contractor shall be permitted to register if ~~he~~ the contractor fails to comply with all applicable rules adopted by the public health council and the board of health of the city or general health district. The annual registration fee for private water systems contractors shall be sixty-five dollars. The public health council, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the annual registration fee. Before January 1, 1993, the fee shall not be increased by more than fifty per cent of the amount prescribed by this section.

(4) Boards of health of city or general health districts subject to such rules of the public health council shall have the option of determining whether bacteriological examinations shall be performed at approved laboratories of the state or at approved private laboratories.

(5) The public health council may establish fees for each new private water system installation, which shall be collected by the appropriate ~~city or general health district~~ board of health and ~~returned~~ transmitted to the ~~department~~ director of health pursuant to section 3709.092 of the Revised Code.

(6) All fees ~~collected~~ received by the director of health under divisions (B)(1), (3), and (5) of this section shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use in the administration and enforcement of sections 3701.344 to 3701.347 of the Revised Code and the rules pertaining to private water systems adopted under those sections or section 3701.34 of the Revised Code.

(C) To the extent that rules adopted under division (B) of this section require health districts to follow specific

procedures or use prescribed forms, no such procedure or form 62838  
shall be implemented until it is approved by majority vote of an 62839  
approval board of health commissioners, hereby created. Members of 62840  
the board shall be the officers of the association of Ohio health 62841  
commissioners, or any successor organization, and membership on 62842  
the board shall be coterminous with holding an office of the 62843  
association. No health district is required to follow a procedure 62844  
or use a form required by a rule adopted under division (B) of 62845  
this section without the approval of the board. 62846

(D) A board of health shall collect well log filing fees on 62847  
behalf of the division of soil and water resources in the 62848  
department of natural resources in accordance with section 1521.05 62849  
of the Revised Code and rules adopted under it. The fees shall be 62850  
submitted to the division quarterly as provided in those rules. 62851  
62852

**Sec. 3701.611.** (A) The governor shall create the help me grow 62853  
advisory council in accordance with 20 U.S.C. 1441, which shall 62854  
serve as the state interagency coordinating council, as described 62855  
in 20 U.S.C. 1441. Members of the council shall reasonably 62856  
represent the population of this state. The governor shall appoint 62857  
as a member of the council a representative of a board of health 62858  
of a city or general health district or an authority having the 62859  
duties of a board of health under section 3709.05 of the Revised 62860  
Code. 62861

The governor shall appoint one of the council members to 62862  
serve as chairperson of the council, or the governor may delegate 62863  
appointment of the chairperson to the council. No member of the 62864  
council representing the department of health shall serve as 62865  
chairperson. 62866

(B) The council shall meet at least once in each quarter of 62867  
the calendar year. The chairperson may call additional meetings if 62868



necessary. 62869

(C) A member of the council shall not vote on any matter that is likely to provide a direct financial benefit to that member or otherwise be a conflict of interest. 62870  
62871  
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(D) The governor may reimburse members of the council for actual and necessary expenses incurred in the performance of their official duties, including child care for the parent representatives described in 20 U.S.C. 1441(b)(1)(A). The governor also may compensate members of the council who are not employed or who must forfeit wages from other employment when performing official council business. 62873  
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(E) The department of health shall serve as the "lead agency," as described by 20 U.S.C. 1435(a)(10). 62880  
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(F) The help me grow advisory council shall do all of the following: 62882  
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(1) Advise and assist the department of health in the performance of the responsibilities described in 20 U.S.C. 1435(a)(10), including the following: 62884  
62885  
62886

(a) Identification of the sources of fiscal and other support for services for early intervention programs; 62887  
62888

(b) Assignment of financial responsibility to the appropriate agency, in accordance with 20 U.S.C. 1437(a)(2); 62889  
62890

(c) Promotion of formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services and procedures for resolving disputes; 62891  
62892  
62893

(2) Advise and assist the department of health in the preparation and amendment of applications related to the department of health's responsibilities described in 20 U.S.C. 1435(a)(10); 62894  
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62896  
62897

(3) Advise and assist the department of education regarding 62898

the transition of toddlers with disabilities to preschool and 62899  
other appropriate services; 62900

(4) Prepare and submit an annual report to the governor, 62901  
before the thirtieth day of September, on the status of early 62902  
intervention programs for infants and toddlers with disabilities 62903  
and their families operated within this state during the most 62904  
recent fiscal year. 62905

(G) The help me grow advisory council may advise and assist 62906  
the department of health and the department of education regarding 62907  
the provision of appropriate services for children age five and 62908  
younger. The council may advise appropriate agencies about the 62909  
integration of services for infants and toddlers with 62910  
disabilities, and at-risk infants and toddlers and their families, 62911  
regardless of whether at-risk infants and toddlers are eligible 62912  
for early intervention services. 62913

**Sec. 3701.78.** (A) There is hereby created the commission on 62914  
minority health, consisting of ~~eighteen~~ twenty-one members. The 62915  
governor shall appoint to the commission nine members from among 62916  
health researchers, health planners, and health professionals. The 62917  
governor also shall appoint two members who are representatives of 62918  
the lupus awareness and education program. The speaker of the 62919  
house of representatives shall appoint to the commission two 62920  
members of the house of representatives, not more than one of whom 62921  
is a member of the same political party, and the president of the 62922  
senate shall appoint to the commission two members of the senate, 62923  
not more than one of whom is a member of the same political party. 62924  
The directors of health, mental health, mental retardation and 62925  
developmental disabilities, alcohol and drug addiction services, 62926  
and job and family services, or their designees, and the 62927  
superintendent of public instruction, or the superintendent's 62928  
designee, shall be members of the commission. The commission shall 62929

elect a chairperson from among its members. Of the members 62930  
appointed by the governor, five shall be appointed to initial 62931  
terms of one year, and four shall be appointed to initial terms of 62932  
two years. Thereafter, all members appointed by the governor shall 62933  
be appointed to terms of two years. All members of the commission 62934  
appointed by the speaker of the house of representatives or the 62935  
president of the senate shall be nonvoting members of the 62936  
commission and be appointed within thirty days after the 62937  
commencement of the first regular session of each general 62938  
assembly, and shall serve until the expiration of the session of 62939  
the general assembly during which they were appointed. Members of 62940  
the commission shall serve without compensation, but shall be 62941  
reimbursed for the actual and necessary expenses they incur in the 62942  
performance of their official duties. 62943

(B) The commission shall promote health and the prevention of 62944  
disease among members of minority groups. Each year the commission 62945  
shall distribute grants from available funds to community-based 62946  
health groups to be used to promote health and the prevention of 62947  
disease among members of minority groups. As used in this 62948  
division, "minority group" means any of the following economically 62949  
disadvantaged groups: Blacks, American Indians, Hispanics, and 62950  
Orientals. The commission shall adopt and maintain rules pursuant 62951  
to Chapter 119. of the Revised Code to provide for the 62952  
distribution of these grants. No group shall qualify to receive a 62953  
grant from the commission unless it receives at least twenty per 62954  
cent of its funds from sources other than grants distributed under 62955  
this section. 62956

(C) The commission may appoint such employees as it considers 62957  
necessary to carry out its duties under this section. The 62958  
department of health shall provide office space for the 62959  
commission. 62960

(D) The commission shall meet at the call of its chairperson 62961

to conduct its official business. A majority of the voting members 62962  
of the commission constitute a quorum. The votes of at least eight 62963  
voting members of the commission are necessary for the commission 62964  
to take any official action or to approve the distribution of 62965  
grants under this section. 62966

**Sec. 3701.84.** The department of health may prepare a plan to 62967  
reduce tobacco use by Ohioans, with emphasis on reducing the use 62968  
of tobacco by youth, minority and regional populations, pregnant 62969  
women, and others who may be disproportionately affected by the 62970  
use of tobacco. The plan may provide for periodic surveys to 62971  
measure tobacco use and behavior toward tobacco use by Ohioans. If 62972  
the department prepares a plan, copies of the plan shall be 62973  
available to the public. 62974

The plan may also describe youth tobacco consumption 62975  
prevention programs to be eligible for consideration for grants 62976  
from the department and may set forth the criteria by which 62977  
applications for grants for such programs will be considered by 62978  
the department. Programs eligible for consideration may include: 62979

(A) Media campaigns directed to youth to prevent underage 62980  
tobacco consumption; 62981

(B) School-based education programs to prevent youth tobacco 62982  
consumption; 62983

(C) Community-based youth programs involving youth tobacco 62984  
consumption prevention through general youth development; 62985

(D) Retailer education and compliance efforts to prevent 62986  
youth tobacco consumption; 62987

(E) Mentoring programs designed to prevent or reduce tobacco 62988  
use by students. 62989

Pursuant to the plan, the department may carry out, or 62990  
provide funding for private or public agencies to carry out, 62991

research and programs related to tobacco use prevention and 62992  
cessation. If the department provides such funding, the department 62993  
shall establish an objective process to determine which research 62994  
and program proposals to fund. When appropriate, proposals for 62995  
research shall be peer-reviewed. No program shall be carried out 62996  
or funded by the department unless there is research that 62997  
indicates that the program is likely to achieve the results 62998  
desired. All research and programs funded by the department shall 62999  
be goal-oriented and independently and objectively evaluated 63000  
annually on whether it is meeting its goals. The department shall 63001  
contract for such evaluations and shall adopt rules under Chapter 63002  
119. of the Revised Code regarding conflicts of interest in the 63003  
research and programs it funds. 63004

The department may form a nonprofit corporation pursuant to 63005  
Chapter 1702. of the Revised Code for the purpose of raising money 63006  
to aid the department pursuant to this section. 63007

The department shall endeavor to coordinate its research and 63008  
programs with the efforts of other agencies of this state to 63009  
reduce tobacco use by Ohioans. Any state agency that conducts a 63010  
survey that measures tobacco use or behavior toward tobacco use by 63011  
Ohioans shall share the results of the survey with the department. 63012

The department may adopt rules under Chapter 119. of the 63013  
Revised Code as necessary to implement this section. 63014

**Sec. 3702.51.** As used in sections 3702.51 to 3702.62 of the 63015  
Revised Code: 63016

(A) "Applicant" means any person that submits an application 63017  
for a certificate of need and who is designated in the application 63018  
as the applicant. 63019

(B) "Person" means any individual, corporation, business 63020  
trust, estate, firm, partnership, association, joint stock 63021

company, insurance company, government unit, or other entity. 63022

(C) "Certificate of need" means a written approval granted by 63023  
the director of health to an applicant to authorize conducting a 63024  
reviewable activity. 63025

(D) "Health service area" means a geographic region 63026  
designated by the director of health under section 3702.58 of the 63027  
Revised Code. 63028

(E) "Health service" means a clinically related service, such 63029  
as a diagnostic, treatment, rehabilitative, or preventive service. 63030

(F) "Health service agency" means an agency designated to 63031  
serve a health service area in accordance with section 3702.58 of 63032  
the Revised Code. 63033

(G) "Health care facility" means: 63034

(1) A hospital registered under section 3701.07 of the 63035  
Revised Code; 63036

(2) A nursing home licensed under section 3721.02 of the 63037  
Revised Code, or by a political subdivision certified under 63038  
section 3721.09 of the Revised Code; 63039

(3) A county home or a county nursing home as defined in 63040  
section 5155.31 of the Revised Code that is certified under Title 63041  
XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 63042  
U.S.C.A. 301, as amended; 63043

(4) A freestanding dialysis center; 63044

(5) A freestanding inpatient rehabilitation facility; 63045

(6) An ambulatory surgical facility; 63046

(7) A freestanding cardiac catheterization facility; 63047

(8) A freestanding birthing center; 63048

(9) A freestanding or mobile diagnostic imaging center; 63049

(10) A freestanding radiation therapy center. 63050

A health care facility does not include the offices of 63051  
private physicians and dentists whether for individual or group 63052  
practice, residential facilities licensed under section 5123.19 of 63053  
the Revised Code, or an institution for the sick that is operated 63054  
exclusively for patients who use spiritual means for healing and 63055  
for whom the acceptance of medical care is inconsistent with their 63056  
religious beliefs, accredited by a national accrediting 63057  
organization, exempt from federal income taxation under section 63058  
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 63059  
U.S.C.A. 1, as amended, and providing twenty-four hour nursing 63060  
care pursuant to the exemption in division (E) of section 4723.32 63061  
of the Revised Code from the licensing requirements of Chapter 63062  
4723. of the Revised Code. 63063

(H) "Medical equipment" means a single unit of medical 63064  
equipment or a single system of components with related functions 63065  
that is used to provide health services. 63066

(I) "Third-party payer" means a health insuring corporation 63067  
licensed under Chapter 1751. of the Revised Code, a health 63068  
maintenance organization as defined in division (K) of this 63069  
section, an insurance company that issues sickness and accident 63070  
insurance in conformity with Chapter 3923. of the Revised Code, a 63071  
state-financed health insurance program under Chapter 3701., 63072  
4123., or 5111. of the Revised Code, or any self-insurance plan. 63073

(J) "Government unit" means the state and any county, 63074  
municipal corporation, township, or other political subdivision of 63075  
the state, or any department, division, board, or other agency of 63076  
the state or a political subdivision. 63077

(K) "Health maintenance organization" means a public or 63078  
private organization organized under the law of any state that is 63079  
qualified under section 1310(d) of Title XIII of the "Public 63080

Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 63081

(L) "Existing health care facility" means either of the 63082  
following: 63083

(1) A health care facility that is licensed or otherwise 63084  
authorized to operate in this state in accordance with applicable 63085  
law, including a county home or a county nursing home that is 63086  
certified as of February 1, 2008, under Title XVIII or Title XIX 63087  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 63088  
as amended, is staffed and equipped to provide health care 63089  
services, and is actively providing health services; 63090

(2) A health care facility that is licensed or otherwise 63091  
authorized to operate in this state in accordance with applicable 63092  
law, including a county home or a county nursing home that is 63093  
certified as of February 1, 2008, under Title XVIII or Title XIX 63094  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 63095  
as amended, or that has beds registered under section 3701.07 of 63096  
the Revised Code as skilled nursing beds or long-term care beds 63097  
and has provided services for at least three hundred sixty-five 63098  
consecutive days within the twenty-four months immediately 63099  
preceding the date a certificate of need application is filed with 63100  
the director of health. 63101

(M) "State" means the state of Ohio, including, but not 63102  
limited to, the general assembly, the supreme court, the offices 63103  
of all elected state officers, and all departments, boards, 63104  
offices, commissions, agencies, institutions, and other 63105  
instrumentalities of the state of Ohio. "State" does not include 63106  
political subdivisions. 63107

(N) "Political subdivision" means a municipal corporation, 63108  
township, county, school district, and all other bodies corporate 63109  
and politic responsible for governmental activities only in 63110  
geographic areas smaller than that of the state to which the 63111



sovereign immunity of the state attaches. 63112

(O) "Affected person" means: 63113

(1) An applicant for a certificate of need, including an 63114  
applicant whose application was reviewed comparatively with the 63115  
application in question; 63116

(2) The person that requested the reviewability ruling in 63117  
question; 63118

(3) Any person that resides or regularly uses health care 63119  
facilities within the geographic area served or to be served by 63120  
the health care services that would be provided under the 63121  
certificate of need or reviewability ruling in question; 63122

(4) Any health care facility that is located in the health 63123  
service area where the health care services would be provided 63124  
under the certificate of need or reviewability ruling in question; 63125

(5) Third-party payers that reimburse health care facilities 63126  
for services in the health service area where the health care 63127  
services would be provided under the certificate of need or 63128  
reviewability ruling in question; 63129

(6) Any other person who testified at a public hearing held 63130  
under division (B) of section 3702.52 of the Revised Code or 63131  
submitted written comments in the course of review of the 63132  
certificate of need application in question. 63133

(P) "Osteopathic hospital" means a hospital registered under 63134  
section 3701.07 of the Revised Code that advocates osteopathic 63135  
principles and the practice and perpetuation of osteopathic 63136  
medicine by doing any of the following: 63137

(1) Maintaining a department or service of osteopathic 63138  
medicine or a committee on the utilization of osteopathic 63139  
principles and methods, under the supervision of an osteopathic 63140  
physician; 63141

(2) Maintaining an active medical staff, the majority of which is comprised of osteopathic physicians; 63142  
63143

(3) Maintaining a medical staff executive committee that has osteopathic physicians as a majority of its members. 63144  
63145

(Q) "Ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code. 63146  
63147

(R) ~~Except as otherwise provided in division (T) of this section, and until the termination date specified in section 3702.511 of the Revised Code, "reviewable activity" means any of the following:~~ 63148  
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63151

~~(1) The addition by any person of any of the following health services, regardless of the amount of operating costs or capital expenditures:~~ 63152  
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63154

~~(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;~~ 63155  
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~~(b) A cardiac catheterization service;~~ 63161

~~(c) An open heart surgery service;~~ 63162

~~(d) Any new, experimental medical technology that is designated by rule of the public health council.~~ 63163  
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~~(2) The acceptance of high risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this section in effect immediately prior to April 20, 1995;~~ 63165  
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63169

~~(3)(a) The establishment, development, or construction of a new health care facility other than a new long term care facility~~ 63170  
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<del>or a new hospital;</del>	63172
<del>(b) The establishment, development, or construction of a new hospital or the relocation of an existing hospital;</del>	63173 63174
<del>(c) The relocation of hospital beds, other than long term care, perinatal, or pediatric intensive care beds, into or out of a rural area.</del>	63175 63176 63177
<del>(4)(a) The replacement of an existing hospital;</del>	63178
<del>(b) The replacement of an existing hospital obstetric or newborn care unit or freestanding birthing center.</del>	63179 63180
<del>(5)(a) The renovation of a hospital that involves a capital expenditure, obligated on or after June 30, 1995, of five million dollars or more, not including expenditures for equipment, staffing, or operational costs. For purposes of division (R)(5)(a) of this section, a capital expenditure is obligated:</del>	63181 63182 63183 63184 63185
<del>(i) When a contract enforceable under Ohio law is entered into for the construction, acquisition, lease, or financing of a capital asset;</del>	63186 63187 63188
<del>(ii) When the governing body of a hospital takes formal action to commit its own funds for a construction project undertaken by the hospital as its own contractor;</del>	63189 63190 63191
<del>(iii) In the case of donated property, on the date the gift is completed under applicable Ohio law.</del>	63192 63193
<del>(b) The renovation of a hospital obstetric or newborn care unit or freestanding birthing center that involves a capital expenditure of five million dollars or more, not including expenditures for equipment, staffing, or operational costs.</del>	63194 63195 63196 63197
<del>(6) Any change in the health care services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, if the change is made prior to</del>	63198 63199 63200 63201

~~the date the activity for which the certificate was issued ceases to be a reviewable activity;~~ 63202  
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~~(7) Any of the following changes in perinatal bed capacity or pediatric intensive care bed capacity:~~ 63204  
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~~(a) An increase in bed capacity;~~ 63206

~~(b) A change in service or service level designation of newborn care beds or obstetric beds in a hospital or freestanding birthing center, other than a change of service that is provided within the service level designation of newborn care or obstetric beds as registered by the department of health;~~ 63207  
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~~(c) A relocation of perinatal or pediatric intensive care beds from one physical facility or site to another, excluding the relocation of beds within a hospital or freestanding birthing center or the relocation of beds among buildings of a hospital or freestanding birthing center at the same site.~~ 63212  
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~~(8) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need;~~ 63217  
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~~(9) Any transfer of a certificate of need issued prior to April 20, 1995, from the person to whom it was issued to another person before the project that constitutes a reviewable activity is completed, any agreement that contemplates the transfer of a certificate of need issued prior to that date upon completion of the project, and any transfer of the controlling interest in an entity that holds a certificate of need issued prior to that date. However, the transfer of a certificate of need issued prior to that date or agreement to transfer such a certificate of need from the person to whom the certificate of need was issued to an affiliated or related person does not constitute a reviewable transfer of a certificate of need for the purposes of this division, unless the transfer results in a change in the person that holds the ultimate controlling interest in the certificate of~~ 63219  
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need.	63233
<del>(10)(a) The acquisition by any person of any of the following</del>	63234
<del>medical equipment, regardless of the amount of operating costs or</del>	63235
<del>capital expenditure:</del>	63236
<del>(i) A cobalt radiation therapy unit;</del>	63237
<del>(ii) A linear accelerator;</del>	63238
<del>(iii) A gamma knife unit.</del>	63239
<del>(b) The acquisition by any person of medical equipment with a</del>	63240
<del>cost of two million dollars or more. The cost of acquiring medical</del>	63241
<del>equipment includes the sum of the following:</del>	63242
<del>(i) The greater of its fair market value or the cost of its</del>	63243
<del>lease or purchase;</del>	63244
<del>(ii) The cost of installation and any other activities</del>	63245
<del>essential to the acquisition of the equipment and its placement</del>	63246
<del>into service.</del>	63247
<del>(11) The addition of another cardiac catheterization</del>	63248
<del>laboratory to an existing cardiac catheterization service.</del>	63249
<del>(S) Except as provided in division (T)(S) of this section,</del>	63250
<del>"reviewable activity" also means any of the following activities,</del>	63251
<del>none of which are subject to a termination date:</del>	63252
<del>(1) The establishment, development, or construction of a new</del>	63253
<del>long-term care facility;</del>	63254
<del>(2) The replacement of an existing long-term care facility;</del>	63255
<del>(3) The renovation of a long-term care facility that involves</del>	63256
<del>a capital expenditure of two million dollars or more, not</del>	63257
<del>including expenditures for equipment, staffing, or operational</del>	63258
<del>costs;</del>	63259
<del>(4) <u>Any</u> <u>Either</u> of the following changes in long-term care bed</del>	63260
<del>capacity:</del>	63261

(a) An increase in bed capacity;	63262
(b) A relocation of beds from one physical facility or site to another, excluding the relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;	63263 63264 63265 63266
<del>(c) A recategorization of hospital beds registered under section 3701.07 of the Revised Code from another registration category to skilled nursing beds or long term care beds.</del>	63267 63268 63269
(5) Any change in the health services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need concerning long-term care beds was granted, if the change is made within five years after the implementation of the reviewable activity for which the certificate was granted;	63270 63271 63272 63273 63274 63275
(6) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;	63276 63277 63278
<del>(7) Any transfer of a certificate of need that concerns long term care beds and was issued prior to April 20, 1995, from the person to whom it was issued to another person before the project that constitutes a reviewable activity is completed, any agreement that contemplates the transfer of such a certificate of need upon completion of the project, and any transfer of the controlling interest in an entity that holds such a certificate of need. However, the transfer of a certificate of need that concerns long term care beds and was issued prior to April 20, 1995, or agreement to transfer such a certificate of need from the person to whom the certificate was issued to an affiliated or related person does not constitute a reviewable transfer of a certificate of need for purposes of this division, unless the transfer results in a change in the person that holds the ultimate controlling</del>	63279 63280 63281 63282 63283 63284 63285 63286 63287 63288 63289 63290 63291 63292

<del>interest in the certificate of need.</del>	63293
<del>(T)</del> (S) "Reviewable activity" does not include any of the	63294
following activities:	63295
(1) Acquisition of computer hardware or software;	63296
(2) Acquisition of a telephone system;	63297
(3) Construction or acquisition of parking facilities;	63298
(4) Correction of cited deficiencies that are in violation of	63299
federal, state, or local fire, building, or safety laws and rules	63300
and that constitute an imminent threat to public health or safety;	63301
(5) Acquisition of an existing health care facility that does	63302
not involve a change in the number of the beds, by service, or in	63303
the number or type of health services;	63304
(6) Correction of cited deficiencies identified by	63305
accreditation surveys of the joint commission on accreditation of	63306
healthcare organizations or of the American osteopathic	63307
association;	63308
(7) Acquisition of medical equipment to replace the same or	63309
similar equipment for which a certificate of need has been issued	63310
if the replaced equipment is removed from service;	63311
(8) Mergers, consolidations, or other corporate	63312
reorganizations of health care facilities that do not involve a	63313
change in the number of beds, by service, or in the number or type	63314
of health services;	63315
(9) Construction, repair, or renovation of bathroom	63316
facilities;	63317
(10) Construction of laundry facilities, waste disposal	63318
facilities, dietary department projects, heating and air	63319
conditioning projects, administrative offices, and portions of	63320
medical office buildings used exclusively for physician services;	63321

(11) Acquisition of medical equipment to conduct research 63322  
required by the United States food and drug administration or 63323  
clinical trials sponsored by the national institute of health. Use 63324  
of medical equipment that was acquired without a certificate of 63325  
need under division ~~(T)~~(S)(11) of this section and for which 63326  
premarket approval has been granted by the United States food and 63327  
drug administration to provide services for which patients or 63328  
reimbursement entities will be charged shall be a reviewable 63329  
activity. 63330

(12) Removal of asbestos from a health care facility. 63331

Only that portion of a project that meets the requirements of 63332  
this division ~~(T) of this section~~ is not a reviewable activity. 63333

~~(U)~~(T) "Small rural hospital" means a hospital that is 63334  
located within a rural area, has fewer than one hundred beds, and 63335  
to which fewer than four thousand persons were admitted during the 63336  
most recent calendar year. 63337

~~(V)~~(U) "Children's hospital" means any of the following: 63338

(1) A hospital registered under section 3701.07 of the 63339  
Revised Code that provides general pediatric medical and surgical 63340  
care, and in which at least seventy-five per cent of annual 63341  
inpatient discharges for the preceding two calendar years were 63342  
individuals less than eighteen years of age; 63343

(2) A distinct portion of a hospital registered under section 63344  
3701.07 of the Revised Code that provides general pediatric 63345  
medical and surgical care, has a total of at least one hundred 63346  
fifty registered pediatric special care and pediatric acute care 63347  
beds, and in which at least seventy-five per cent of annual 63348  
inpatient discharges for the preceding two calendar years were 63349  
individuals less than eighteen years of age; 63350

(3) A distinct portion of a hospital, if the hospital is 63351  
registered under section 3701.07 of the Revised Code as a 63352



children's hospital and the children's hospital meets all the 63353  
requirements of division ~~(V)~~(U)(1) of this section. 63354

~~(W)~~(V) "Long-term care facility" means any of the following: 63355

(1) A nursing home licensed under section 3721.02 of the 63356  
Revised Code or by a political subdivision certified under section 63357  
3721.09 of the Revised Code; 63358

(2) The portion of any facility, including a county home or 63359  
county nursing home, that is certified as a skilled nursing 63360  
facility or a nursing facility under Title XVIII or XIX of the 63361  
"Social Security Act"; 63362

(3) The portion of any hospital that contains beds registered 63363  
under section 3701.07 of the Revised Code as skilled nursing beds 63364  
or long-term care beds. 63365

~~(X)~~(W) "Long-term care bed" means a bed in a long-term care 63366  
facility. 63367

~~(Y)~~ "Perinatal bed" means a bed in a hospital that is 63368  
registered under section 3701.07 of the Revised Code as a newborn 63369  
care bed or obstetric bed, or a bed in a freestanding birthing 63370  
center. 63371

~~(Z)~~(X) "Freestanding birthing center" means any facility in 63372  
which deliveries routinely occur, regardless of whether the 63373  
facility is located on the campus of another health care facility, 63374  
and which is not licensed under Chapter 3711. of the Revised Code 63375  
as a level one, two, or three maternity unit or a limited 63376  
maternity unit. 63377

~~(AA)~~(Y)(1) "Reviewability ruling" means a ruling issued by 63378  
the director of health under division (A) of section 3702.52 of 63379  
the Revised Code as to whether a particular proposed project is or 63380  
is not a reviewable activity. 63381

(2) "Nonreviewability ruling" means a ruling issued under 63382

that division that a particular proposed project is not a 63383  
reviewable activity. 63384

~~(BB)~~(Z)(1) "Metropolitan statistical area" means an area of 63385  
this state designated a metropolitan statistical area or primary 63386  
metropolitan statistical area in United States office of 63387  
management and budget bulletin no. 93-17, June 30, 1993, and its 63388  
attachments. 63389

(2) "Rural area" means any area of this state not located 63390  
within a metropolitan statistical area. 63391

~~(CC)~~(AA) "County nursing home" has the same meaning as in 63392  
section 5155.31 of the Revised Code. 63393

**Sec. 3702.52.** The director of health shall administer a state 63394  
certificate of need program in accordance with sections 3702.51 to 63395  
3702.62 of the Revised Code and rules adopted under those 63396  
sections. 63397

(A) The director shall issue rulings on whether a particular 63398  
proposed project is a reviewable activity. The director shall 63399  
issue a ruling not later than forty-five days after receiving a 63400  
request for a ruling accompanied by the information needed to make 63401  
the ruling. If the director does not issue a ruling in that time, 63402  
the project shall be considered to have been ruled not a 63403  
reviewable activity. 63404

(B) The director shall review applications for certificates 63405  
of need. Each application shall be submitted to the director on 63406  
forms prescribed by the director, shall include all information 63407  
required by rules adopted under division (B) of section 3702.57 of 63408  
the Revised Code, and shall be accompanied by the application fee 63409  
established in rules adopted under division (G) of that section. 63410

Application fees received by the director under this division 63411  
shall be deposited into the state treasury to the credit of the 63412

certificate of need fund, which is hereby created. The director 63413  
shall use the fund only to pay the costs of administering sections 63414  
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised 63415  
Code and rules adopted under those sections. 63416

The director shall mail to the applicant a written notice 63417  
that the application meets the criteria for a complete application 63418  
specified in rules adopted under section 3702.57 of the Revised 63419  
Code, or a written request for additional information, not later 63420  
than thirty days after receiving an application or a response to 63421  
an earlier request for information. The director shall not make 63422  
more than two requests for additional information. 63423

The director may conduct a public informational hearing in 63424  
the course of reviewing any application for a certificate of need, 63425  
and shall conduct one if requested to do so by any affected person 63426  
not later than fifteen days after the director mails the notice 63427  
that the application is complete. The hearing shall be conducted 63428  
in the community in which the activities authorized by the 63429  
certificate of need would be carried out. Any affected person may 63430  
testify at the hearing. The director may, with the health service 63431  
agency's consent, designate a health service agency to conduct the 63432  
hearing. 63433

Except during a public hearing or as necessary to comply with 63434  
a subpoena issued under division ~~(F)~~(E) of this section, after a 63435  
notice of completeness has been received, no person shall make 63436  
revisions to information that was submitted to the director before 63437  
the director mailed the notice of completeness or knowingly 63438  
discuss in person or by telephone the merits of the application 63439  
with the director. A person may supplement an application after a 63440  
notice of completeness has been received by submitting clarifying 63441  
information to the director. If one or more persons request a 63442  
meeting in person or by telephone, the director shall make a 63443  
reasonable effort to invite interested parties to the meeting or 63444

conference call. 63445

(C) All of the following apply to the process of granting or 63446  
denying a certificate of need: 63447

(1) If the project proposed in a certificate of need 63448  
application meets all of the applicable certificate of need 63449  
criteria for approval under sections 3702.51 to 3702.62 of the 63450  
Revised Code and the rules adopted under those sections, the 63451  
director shall grant a certificate of need for all or part of the 63452  
entire project that is the subject of the application ~~immediately~~ 63453  
~~after both of the following conditions are met:~~ 63454

~~(a) The board of trustees of the health service agency of the 63455  
health service area in which the reviewable activity is proposed 63456  
to be conducted recommends, prior to the deadline specified in 63457  
division (C)(4) of this section or any extension of it under 63458  
division (C)(5) of this section, that the certificate of need be 63459  
granted;~~ 63460

~~(b) The director does not receive any written objections to 63461  
the application from any affected person by the thirtieth day 63462  
after the director mails the notice of completeness by the 63463  
applicable deadline specified in division (C)(4) of this section 63464  
or any extension of it under division (C)(5) of this section. 63465~~

(2) ~~In the case of certificate of need applications under 63466  
comparative review, if the projects proposed in the applications 63467  
meet all of the applicable certificate of need criteria for 63468  
approval under sections 3702.51 to 3702.62 of the Revised Code and 63469  
the rules adopted under those sections, the director shall grant 63470  
certificates of need for the entire projects that are the subject 63471  
of the applications immediately after both of the following 63472  
conditions are met:~~ 63473

~~(a) The board of trustees of the health service agency of 63474  
each health service area in which the reviewable activities are 63475~~

~~proposed to be conducted recommends, prior to the deadline 63476  
specified in division (C)(4) of this section or any extension of 63477  
it under division (C)(5) of this section, that certificates of 63478  
need be granted for each of the reviewable activities to be 63479  
conducted in its health service area; 63480~~

~~(b) The director does not receive any written objections to 63481  
any of the applications from any affected person by the thirtieth 63482  
day after the director mails the last notice of completeness. 63483~~

~~The The director's grant of a certificate of need under 63484  
division (C)(1) or (2) of this section does not affect, and sets 63485  
no precedent for, the director's decision to grant or deny other 63486  
applications for similar reviewable activities proposed to be 63487  
conducted in the same or different health service areas. 63488~~

(3) If the director receives written objections to an 63489  
application from any affected person by the thirtieth day after 63490  
mailing the notice of completeness, ~~regardless of the health 63491  
service agency's recommendation,~~ the director shall notify the 63492  
applicant and assign a hearing examiner to conduct an adjudication 63493  
hearing concerning the application in accordance with Chapter 119. 63494  
of the Revised Code. In the case of applications under comparative 63495  
review, if the director receives written objections to any of the 63496  
applications from any affected person by the thirtieth day after 63497  
the director mails the last notice of completeness, ~~regardless of 63498  
the health service agencies' recommendation,~~ the director shall 63499  
notify all of the applicants and appoint a hearing examiner to 63500  
conduct a consolidated adjudication hearing concerning the 63501  
applications in accordance with Chapter 119. of the Revised Code. 63502  
The hearing examiner shall be employed by or under contract with 63503  
the department of health. 63504

The adjudication hearings may be conducted in the health 63505  
service area in which the reviewable activity is proposed to be 63506  
conducted. Consolidated adjudication hearings for applications in 63507

comparative review may be conducted in the geographic region in 63508  
which all of the reviewable activities will be conducted. The 63509  
applicant, the director, and the affected persons that filed 63510  
objections to the application shall be parties to the hearing. If 63511  
none of the affected persons that submitted written objections to 63512  
the application appears or prosecutes the hearing, the hearing 63513  
examiner shall dismiss the hearing and the director shall grant a 63514  
certificate of need for all or part of the ~~entire~~ project that is 63515  
the subject of the application if the proposed project meets all 63516  
of the applicable certificate of need criteria for approval under 63517  
sections 3702.51 to 3702.62 of the Revised Code and the rules 63518  
adopted under those sections. The affected persons bear the burden 63519  
of proving by a preponderance of evidence that the project is not 63520  
needed or that granting the certificate would not be in accordance 63521  
with sections 3702.51 to 3702.62 of the Revised Code or the rules 63522  
adopted under those sections. 63523

(4) Except as provided in ~~divisions~~ division (C)~~(1) and~~ 63524  
~~(2)(5)~~ of this section, the director shall grant or deny 63525  
certificate of need applications for which an adjudication hearing 63526  
is not conducted under division (C)(3) of this section not later 63527  
than sixty days after mailing the notice of completeness or, in 63528  
the case of an application proposing addition of long-term care 63529  
beds, not later than sixty days after such other time as is 63530  
specified in rules adopted under section 3702.57 of the Revised 63531  
Code. ~~The~~ Except as provided in division (C)(5) of this section, 63532  
the director shall grant or deny certificate of need applications 63533  
for which an adjudication hearing is conducted under division 63534  
(C)(3) of this section not later than thirty days after the 63535  
expiration of the time for filing objections to the report and 63536  
recommendation of the hearing examiner under section 119.09 of the 63537  
Revised Code. The director shall base decisions concerning 63538  
applications for which an adjudication hearing is conducted under 63539  
division (C)(3) of this section on the report and recommendations 63540

of the hearing examiner. 63541

(5) Except as otherwise provided in division (C)~~(1), (2), or~~ 63542  
(6) of this section, the director or the applicant may extend the 63543  
deadline prescribed in division (C)(4) of this section once, for 63544  
no longer than thirty days, by written notice before the end of 63545  
the ~~original thirty day period~~ deadline prescribed by division 63546  
(C)(4) of this section. An extension by the director under 63547  
division (C)(5) of this section shall apply to all applications 63548  
that are in comparative review. 63549

(6) No applicant in a comparative review may extend the 63550  
deadline specified in division (C)(4) of this section. 63551

~~(7) Except as provided in divisions (C)(1) and (2) of this~~ 63552  
~~section, the director may grant a certificate of need for all or~~ 63553  
~~part of the project that is the subject of an application.~~ If the 63554  
director does not grant or deny the certificate by the applicable 63555  
deadline specified in division (C)(4) of this section or any 63556  
extension of it under division (C)(5) of this section, the 63557  
certificate shall be considered to have been granted. 63558

(8) In granting a certificate of need, the director shall 63559  
specify as the maximum capital expenditure the certificate holder 63560  
may obligate under the certificate a figure equal to one hundred 63561  
ten per cent of the approved project cost. 63562

(9) In granting a certificate of need, the director may grant 63563  
the certificate with conditions that must be met by the holder of 63564  
the certificate. 63565

(D) The director shall monitor the activities of persons 63566  
granted certificates of need ~~concerning long term care beds~~ during 63567  
the period beginning with the granting of the certificate of need 63568  
and ending five years after implementation of the activity for 63569  
which the certificate was granted. 63570

~~In the case of any other certificate of need, the director~~ 63571

~~shall monitor the activities of persons granted certificates of need during the period beginning with the granting of the certificate of need and ending when the activity for which the certificate was granted ceases to be a reviewable activity in accordance with section 3702.511 of the Revised Code.~~

(E) When reviewing applications for certificates of need or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas duces tecum to compel the production of documents relevant to review of the application or monitoring of the activities. In addition, the director or the director's designee, which may include a health service agency, may visit the sites where the activities are or will be conducted.

(F) The director may withdraw certificates of need.

(G) The director shall conduct, on a regular basis, health system data collection and analysis activities and prepare reports. The director shall make recommendations based upon these activities to the public health council concerning the adoption of appropriate rules under section 3702.57 of the Revised Code. All health care facilities and other health care providers shall submit to the director, upon request, any information that is necessary to conduct reviews of certificate of need applications and to develop recommendations for criteria for reviews, and that is prescribed by rules adopted under division (H) of section 3702.57 of the Revised Code.

(H) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of health care facilities administered by religious organizations, and the special needs and circumstances of ~~children's hospitals,~~ inner city ~~hospitals,~~ and ~~small rural hospitals~~ communities.



**Sec. 3702.524.** (A) Except as provided in division (B) ~~or (C)~~ 63604  
of this section, a certificate of need granted on or after April 63605  
20, 1995, is not transferable prior to the completion of the 63606  
reviewable activity for which it was granted. If any person 63607  
holding a certificate of need issued on or after that date 63608  
transfers the certificate of need to another person before the 63609  
reviewable activity is completed, or enters into an agreement that 63610  
contemplates the transfer of the certificate of need on the 63611  
completion of the reviewable activity, the certificate of need is 63612  
void. If the controlling interest in an entity that holds a 63613  
certificate of need issued on or after that date is transferred 63614  
prior to the completion of the reviewable activity, the 63615  
certificate of need is void. 63616

(B) Division (A) of this section does not prohibit the 63617  
transfer of a certificate of need issued on or after April 20, 63618  
1995, between affiliated or related persons, as defined in rules 63619  
adopted under section 3702.57 of the Revised Code, if the transfer 63620  
does not result in a change in the person that holds the ultimate 63621  
controlling interest, as defined in the rules, in the certificate 63622  
of need. 63623

The transfer of a health care facility after the completion 63624  
of a reviewable activity for which a certificate of need was 63625  
issued on or after April 20, 1995, is not a transfer of the 63626  
certificate of need, unless the facility is transferred pursuant 63627  
to an agreement entered into prior to the completion of the 63628  
reviewable activity. 63629

~~(C) Division (A) of this section does not apply to a transfer 63630  
of a certificate of need that meets all of the following 63631  
conditions: 63632~~

~~(1) The certificate of need is transferred for no more than 63633  
the amount of money the person transferring the certificate 63634~~

~~expended for reasonable and necessary expenses incurred in 63635  
applying for and obtaining the certificate; 63636~~

~~(2) The person holding the certificate of need is unable to 63637  
complete the reviewable activity for which it was issued due to 63638  
circumstances beyond the person's control, including zoning 63639  
restrictions, natural disasters, or comparable events; 63640~~

~~(3) The director, after reviewing documentation supplied by 63641  
the person transferring the certificate of need, certifies in 63642  
writing prior to the transfer that the transfer meets the 63643  
conditions specified in divisions (C)(1) and (2) of this section. 63644~~

~~If the person that acquires a certificate of need under this 63645  
division intends to implement the project other than in 63646  
substantial compliance with the approved application for the 63647  
certificate, that change is a reviewable activity for which the 63648  
person must obtain another certificate of need. 63649~~

**Sec. 3702.525.** (A) Not later than twenty-four months after 63650  
the date the director of health mails the notice that the 63651  
certificate of need has been granted or, if the grant or denial of 63652  
the certificate of need is appealed under section 3702.60 of the 63653  
Revised Code, not later than twenty-four months after issuance of 63654  
an order granting the certificate that is not subject to further 63655  
appeal, each person holding a certificate of need granted on or 63656  
after April 20, 1995, shall: 63657

(1) If the project for which the certificate of need was 63658  
granted primarily involves construction and is to be financed 63659  
primarily through external borrowing of funds, secure financial 63660  
commitment for the stated purpose of developing the project and 63661  
commence construction that continues uninterrupted except for 63662  
interruptions or delays that are unavoidable due to reasons beyond 63663  
the person's control, including labor strikes, natural disasters, 63664  
material shortages, or comparable events; 63665

(2) If the project for which the certificate of need was granted primarily involves construction and is to be financed primarily internally, receive formal approval from the holder's board of directors or trustees or other governing authority to commit specified funds for implementation of the project and commence construction that continues uninterrupted except for interruptions or delays that are unavoidable due to reasons beyond the person's control, including labor strikes, natural disasters, material shortages, or comparable events;

(3) If the project for which the certificate of need was granted primarily involves acquisition of medical equipment, enter into a contract to purchase or lease the equipment and to accept the equipment at the site for which the certificate was granted;

(4) If the project for which the certificate of need was granted involves no capital expenditure or only minor renovations to existing structures, provide the health service or activity by the means specified in the approved application for the certificate;

(5) If the project for which the certificate of need was granted primarily involves leasing a building or space that requires only minor renovations to the existing space, execute a lease and provide the health service or activity by the means specified in the approved application for the certificate;

(6) If the project for which the certificate of need was granted primarily involves leasing a building or space that has not been constructed or requires substantial renovations to existing space, commence construction for the purpose of implementing the reviewable activity that continues uninterrupted except for interruptions or delays that are unavoidable due to reasons beyond the person's control, including labor strikes, natural disasters, material shortages, or comparable events.

(B) The twenty-four-month period specified in division (A) of 63697  
this section shall not be extended by any means, including the 63698  
~~transfer of a certificate of need under division (C) of section~~ 63699  
~~3702.524 of the Revised Code or~~ granting of a subsequent or 63700  
replacement certificate of need. Each person holding a certificate 63701  
of need granted on or after April 20, 1995, shall provide the 63702  
director of health documentation of compliance with that division 63703  
not later than the earlier of thirty days after complying with 63704  
that division or five days after the twenty-four-month period 63705  
expires. Not later than the earlier of fifteen days after 63706  
receiving the documentation or fifteen days after the 63707  
twenty-four-month period expires, the director shall send by 63708  
certified mail a notice to the holder of the certificate of need 63709  
specifying whether the holder has complied with division (A) of 63710  
this section. 63711

(C) Notwithstanding division (B) of this section, the 63712  
twenty-four-month period specified in division (A) of this section 63713  
shall be extended for an additional twenty-four months for any 63714  
certificate of need granted for the purchase and relocation of 63715  
licensed nursing home beds on February 26, 1999. 63716

(D) A certificate of need granted on or after April 20, 1995, 63717  
expires, regardless of whether the director sends a notice under 63718  
division (B) of this section, if the holder fails to comply with 63719  
division (A) or (C) of this section or to provide information 63720  
under division (B) of this section as necessary for the director 63721  
to determine compliance. 63722

**Sec. 3702.53.** (A) No person shall carry out any reviewable 63723  
activity unless a certificate of need for such activity has been 63724  
granted under sections 3702.51 to 3702.62 of the Revised Code or 63725  
the person is exempted by division ~~(T)~~(S) of section 3702.51 or 63726  
section ~~3702.527, 3702.528, 3702.529,~~ 3702.5210~~,~~ or 3702.62 of the 63727

Revised Code from the requirement that a certificate of need be 63728  
obtained. No person shall carry out any reviewable activity if a 63729  
certificate of need authorizing that activity has been withdrawn 63730  
by the director of health under section 3702.52 or 3702.526 of the 63731  
Revised Code. No person shall carry out a reviewable activity if 63732  
the certificate of need authorizing that activity is void pursuant 63733  
to section 3702.524 of the Revised Code or has expired pursuant to 63734  
section 3702.525 of the Revised Code. 63735

(B) No person shall separate portions of any proposal for any 63736  
reviewable activity to evade the requirements of sections 3702.51 63737  
to 3702.62 of the Revised Code. 63738

(C) No person granted a certificate of need shall carry out 63739  
the reviewable activity authorized by the certificate of need 63740  
other than in substantial accordance with the approved application 63741  
for the certificate of need. 63742

**Sec. 3702.532.** When the director of health determines that a 63743  
person has violated section 3702.53 of the Revised Code, the 63744  
director shall send a notice to the person by certified mail, 63745  
return receipt requested, specifying the activity constituting the 63746  
violation and the penalties imposed under section 3702.54, or 63747  
3702.541, ~~or 3702.542~~ of the Revised Code. 63748

**Sec. 3702.54.** Except as provided in ~~sections~~ section 3702.541 63749  
~~and 3702.542 and former section 3702.543~~ of the Revised Code, 63750  
divisions (A) and (B) of this section apply when the director of 63751  
health determines that a person has violated section 3702.53 of 63752  
the Revised Code. 63753

(A) The director shall impose a civil penalty on the person 63754  
in an amount equal to the greatest of the following: 63755

(1) Three thousand dollars; 63756

(2) Five per cent of the operating cost of the activity that 63757

constitutes the violation during the period of time it was 63758  
conducted in violation of section 3702.53 of the Revised Code; 63759

(3) ~~Two~~ If a certificate of need was granted, two per cent of 63760  
the total approved capital cost associated with implementation of 63761  
the activity for which the certificate of need was granted. 63762

In no event, however, shall the penalty exceed two hundred 63763  
fifty thousand dollars. 63764

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 63765  
the director shall refuse to accept for review any application for 63766  
a certificate of need filed by or on behalf of the person, or any 63767  
successor to the person or entity related to the person, for a 63768  
period of not less than one year and not more than three years 63769  
after the director mails the notice of the director's 63770  
determination under section 3702.532 of the Revised Code or, if 63771  
the determination is appealed under section 3702.60 of the Revised 63772  
Code, the issuance of the order upholding the determination that 63773  
is not subject to further appeal. In determining the length of 63774  
time during which applications will not be accepted, the director 63775  
may consider any of the following: 63776

(a) The nature and magnitude of the violation; 63777

(b) The ability of the person to have averted the violation; 63778

(c) Whether the person disclosed the violation to the 63779  
director before the director commenced his investigation; 63780

(d) The person's history of compliance with sections 3702.51 63781  
to 3702.62 and the rules adopted under section 3702.57 of the 63782  
Revised Code; 63783

(e) Any community hardship that may result from refusing to 63784  
accept future applications from the person. 63785

(2) Notwithstanding the one-year minimum imposed by division 63786  
(B)(1) of this section, the director may establish a period of 63787

less than one year during which the director will refuse to accept 63788  
certificate of need applications if, after reviewing all 63789  
information available to the director, the director determines and 63790  
expressly indicates in the notice mailed under section 3702.532 of 63791  
the Revised Code that refusing to accept applications for a longer 63792  
period would result in hardship to the community in which the 63793  
person provides health services. The director's finding of 63794  
community hardship shall not affect the granting or denial of any 63795  
future certificate of need application filed by the person. 63796

**Sec. 3702.544.** Each person required by section 3702.54~~7~~ or 63797  
3702.541~~7~~, ~~or 3702.542~~, ~~or former section 3702.543~~ of the Revised 63798  
Code to pay a civil penalty shall do so not later than sixty days 63799  
after receiving the notice mailed under section 3702.532 of the 63800  
Revised Code or, if the person appeals under section 3702.60 of 63801  
the Revised Code the director of health's determination that a 63802  
violation has occurred, not later than sixty days after the 63803  
issuance of an order upholding the director's determination that 63804  
is not subject to further appeal. The civil penalties shall be 63805  
paid to the director. The director shall deposit them into the 63806  
certificate of need fund created by section 3702.52 of the Revised 63807  
Code. 63808

**Sec. 3702.55.** ~~Except as provided in section 3702.542 of the~~ 63809  
~~Revised Code,~~ a A person that the director of health determines 63810  
has violated section 3702.53 of the Revised Code shall cease 63811  
conducting the activity that constitutes the violation or 63812  
utilizing the equipment or facility resulting from the violation 63813  
not later than thirty days after the person receives the notice 63814  
mailed under section 3702.532 of the Revised Code or, if the 63815  
person appeals the director's determination under section 3702.60 63816  
of the Revised Code, thirty days after the person receives an 63817  
order upholding the director's determination that is not subject 63818

to further appeal. ~~A person that applies for a certificate of need  
as described in section 3702.542 of the Revised Code shall cease  
conducting the activity or using the equipment or facility in  
accordance with the timetable established by the director of  
health under that section.~~ 63819  
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If any person determined to have violated section 3702.53 of 63824  
the Revised Code fails to cease conducting an activity or using 63825  
equipment or a facility as required by this section ~~or a timetable~~ 63826  
~~established under section 3702.542 of the Revised Code,~~ or if the 63827  
person continues to seek payment or reimbursement for services 63828  
rendered or costs incurred in conducting the activity as 63829  
prohibited by section 3702.56 of the Revised Code, in addition to 63830  
the penalties imposed under section 3702.54, or 3702.541, ~~or~~ 63831  
~~3702.542 or former section 3702.543~~ of the Revised Code: 63832

(A) The director of health may refuse to include any beds 63833  
involved in the activity in the bed capacity of a hospital for 63834  
purposes of registration under section 3701.07 of the Revised 63835  
Code; 63836

(B) The director of health may refuse to license, or may 63837  
revoke a license or reduce bed capacity previously granted to, a 63838  
hospice care program under section 3712.04 of the Revised Code; a 63839  
nursing home, rest home, or home for the aging under section 63840  
3721.02 of the Revised Code; or any beds within any of those 63841  
facilities that are involved in the activity; 63842

(C) A political subdivision certified under section 3721.09 63843  
of the Revised Code may refuse to license, or may revoke a license 63844  
or reduce bed capacity previously granted to, a nursing home, rest 63845  
home, or home for the aging, or any beds within any of those 63846  
facilities that are involved in the activity; 63847

(D) The director of mental health may refuse to license under 63848  
section 5119.20 of the Revised Code, or may revoke a license or 63849



reduce bed capacity previously granted to, a hospital receiving 63850  
mentally ill persons or beds within such a hospital that are 63851  
involved in the activity; 63852

(E) The department of job and family services may refuse to 63853  
enter into a provider agreement that includes a facility, beds, or 63854  
services that result from the activity. 63855

**Sec. 3702.57.** (A) The public health council shall adopt rules 63856  
establishing procedures and criteria for reviews of applications 63857  
for certificates of need and issuance, denial, or withdrawal of 63858  
certificates. 63859

~~(1) The rules shall require that, in addition to any other 63860  
applicable review requirements of sections 3702.51 to 3702.62 of 63861  
the Revised Code and rules adopted thereunder, any application for 63862  
a certificate of need from an osteopathic hospital be reviewed on 63863  
the basis of the need for and the availability in the community of 63864  
services and hospitals for osteopathic physicians and their 63865  
patients, and in terms of its impact on existing and proposed 63866  
institutional training programs for doctors of osteopathy and 63867  
doctors of medicine at the student, internship, and residency 63868  
training levels. 63869~~

~~(2)~~ In adopting rules that establish criteria for reviews of 63870  
applications of certificates of need, the council shall consider 63871  
the availability of and need for long-term care beds to provide 63872  
care and treatment to persons diagnosed as having traumatic brain 63873  
injuries and shall prescribe criteria for reviewing applications 63874  
that propose to add long-term care beds to provide care and 63875  
treatment to persons diagnosed as having traumatic brain injuries. 63876

~~(3)~~(2) The criteria for reviews of applications for 63877  
certificates of need shall relate to the need for the reviewable 63878  
activity and shall pertain to all of the following matters: 63879

(a) The impact of the reviewable activity on the cost and 63880  
quality of health services in the relevant geographic area, 63881  
including, but not limited, to the historical and projected 63882  
utilization of the services to which the application pertains and 63883  
the effect of the reviewable activity on utilization of other 63884  
providers of similar services; 63885

(b) The quality of the services to be provided as the result 63886  
of the activity, as evidenced by the historical performance of the 63887  
persons that will be involved in providing the services and by the 63888  
provisions that are proposed in the application to ensure quality, 63889  
including but not limited to adequate available personnel, 63890  
available ancillary and support services, available equipment, 63891  
size and configuration of physical plant, and relations with other 63892  
providers; 63893

(c) The impact of the reviewable activity on the availability 63894  
and accessibility of the type of services proposed in the 63895  
application to the population of the relevant geographic area, and 63896  
the level of access to the services proposed in the application 63897  
that will be provided to medically underserved individuals such as 63898  
recipients of public assistance and individuals who have no health 63899  
insurance or whose health insurance is insufficient; 63900

(d) The activity's short- and long-term financial feasibility 63901  
and cost-effectiveness, the impact of the activity on the 63902  
applicant's costs and charges, and a comparison of the applicant's 63903  
costs and charges with those of providers of similar services in 63904  
the applicant's proposed service area; 63905

(e) The advantages, disadvantages, and costs of alternatives 63906  
to the reviewable activity; 63907

(f) The impact of the activity on all other providers of 63908  
similar services in the health service area or other relevant 63909  
geographic area, including the impact on their utilization, market 63910

share, and financial status; 63911

(g) The historical performance of the applicant and related 63912  
or affiliated parties in complying with previously granted 63913  
certificates of need and any applicable certification, 63914  
accreditation, or licensure requirements; 63915

(h) The relationship of the activity to the current edition 63916  
of the state health resources plan issued under section 3702.521 63917  
of the Revised Code; 63918

(i) The historical performance of the applicant and related 63919  
or affiliated parties in providing cost-effective health care 63920  
services; 63921

(j) The special needs and circumstances of the applicant or 63922  
population proposed to be served by the proposed project, 63923  
including research activities, prevalence of particular diseases, 63924  
unusual demographic characteristics, cost-effective contractual 63925  
affiliations, and other special circumstances; 63926

(k) The appropriateness of the zoning status of the proposed 63927  
site of the activity; 63928

(l) The participation by the applicant in research conducted 63929  
by the United States food and drug administration or clinical 63930  
trials sponsored by the national institutes of health. 63931

~~(4)~~(3) The criteria for reviews of applications shall include 63932  
a formula for determining each county's long-term care bed need 63933  
for purposes of section 3702.593 of the Revised Code and may 63934  
include other formulas for determining need for beds ~~and services~~. 63935  
63936

~~(a) The criteria prescribing formulas shall not, either by~~ 63937  
~~themselves or in conjunction with any established occupancy~~ 63938  
~~guidelines, require, as a condition of being granted a certificate~~ 63939  
~~of need, that a hospital reduce its complement of registered beds~~ 63940

~~or discontinue any service that is not related to the service or  
project for which the certificate of need is sought.~~ 63941  
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~~(b) With respect to applications to conduct reviewable  
activities that are affected directly by the inpatient occupancy  
of a health care facility, including addition, relocation, or  
recategorization of beds or renovation or other construction  
activities relating to inpatient services, the rules shall  
prescribe criteria for determining whether the scope of the  
proposed project is appropriate in light of the historical and  
reasonably projected occupancy rates for the beds related to the  
project.~~ 63943  
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~~(c) Any rules prescribing criteria that establish ratios of  
beds, services, or equipment to population shall specify the bases  
for establishing the ratios or mitigating factors or exceptions to  
the ratios.~~ 63952  
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63954  
63955

(B) The council shall adopt rules specifying all of the 63956  
following: 63957

(1) Information that must be provided in applications for 63958  
certificates of need, which shall include a plan for obligating 63959  
the capital expenditure or implementing the proposed project on a 63960  
timely basis in accordance with section 3702.525 of the Revised 63961  
Code; 63962

(2) Procedures for reviewing applications for completeness of 63963  
information; 63964

(3) Criteria for determining that the application is 63965  
complete. 63966

(C) The council shall adopt rules specifying requirements 63967  
that holders of certificates of need must meet in order for the 63968  
certificates to remain valid and establishing definitions and 63969  
requirements for obligation of capital expenditures and 63970  
implementation of projects authorized by certificates of need. 63971

(D) The council shall adopt rules establishing criteria and 63972  
procedures under which the director of health may withdraw a 63973  
certificate of need if the holder fails to meet requirements for 63974  
continued validity of the certificate. 63975

(E) The council shall adopt rules establishing procedures 63976  
under which the department of health shall monitor project 63977  
implementation activities of holders of certificates of need. The 63978  
rules adopted under this division also may establish procedures 63979  
for monitoring implementation activities of persons that have 63980  
received nonreviewability rulings. 63981

(F) The council shall adopt rules establishing procedures 63982  
under which the director of health shall review certificates of 63983  
need whose holders exceed or appear likely to exceed an 63984  
expenditure maximum specified in a certificate. 63985

(G) The council shall adopt rules establishing certificate of 63986  
need application fees sufficient to pay the costs incurred by the 63987  
department for administering sections 3702.51 to 3702.62 of the 63988  
Revised Code and to pay health service agencies for the functions 63989  
they perform under division (D)(5) of section 3702.58 of the 63990  
Revised Code. Unless rules are adopted under this division 63991  
establishing different application fees, the application fee for a 63992  
project not involving a capital expenditure shall be three 63993  
thousand dollars and the application fee for a project involving a 63994  
capital expenditure shall be nine-tenths of one per cent of the 63995  
capital expenditure proposed subject to a minimum of three 63996  
thousand dollars and a maximum of twenty thousand dollars. 63997

(H) The council shall adopt rules specifying information that 63998  
is necessary to conduct reviews of certificate of need 63999  
applications and to develop recommendations for criteria for 64000  
reviews that health care facilities and other health care 64001  
providers are to submit to the director under division (G) of 64002  
section 3702.52 of the Revised Code. 64003

(I) The council shall adopt rules defining "affiliated person," "related person," and "ultimate controlling interest" for purposes of section 3702.524 of the Revised Code. 64004  
64005  
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(J) The council shall adopt rules prescribing requirements for holders of certificates of need to demonstrate to the director under section 3702.526 of the Revised Code that reasonable progress is being made toward completion of the reviewable activity and establishing standards by which the director shall determine whether reasonable progress is being made. 64007  
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~~(K) The council shall adopt rules defining high risk cardiac catheterization patients. High risk patients shall include patients with significant ischemic syndromes or unstable myocardial infarction, patients who need intervention such as angioplasty or bypass surgery, patients who may require difficult or complex catheterization procedures such as transeptal assessment of valvular dysfunction, patients with critical aortic stenosis or congestive heart failure, and other patients specified by the council.~~ 64013  
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~~(L)~~ The public health council shall adopt all rules under divisions (A) to ~~(K)~~(J) of this section in accordance with Chapter 119. of the Revised Code. The council may adopt other rules as necessary to carry out the purposes of sections 3702.51 to 3702.62 of the Revised Code. 64022  
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**Sec. 3702.59.** ~~(A) Notwithstanding any conflicting provision of sections 3702.51 to 3702.62 of the Revised Code, other than the provisions of sections 3702.5210, 3702.5211, 3702.5212, and 3702.5213 of the Revised Code, both of the following apply under the certificate of need program:~~ 64027  
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~~(1) Divisions (B) to (E) of this section apply to the review of certificate of need applications during the period beginning July 1, 1993, and ending June 30, 2009.~~ 64032  
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~~(2) Beginning July 1, 2009, the director of health shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need to recategorize hospital beds as described in section 3702.522 of the Revised Code.~~

~~(B)(1) Except as provided in division (B)(2) of this section, the director of health shall neither grant nor deny any application for a certificate of need submitted prior to July 1, 1993, if the application was for any of the following and the director had not issued a written decision concerning the application prior to that date:~~

~~(a) Approval of beds in a new health care facility or an increase of beds in an existing health care facility, if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;~~

~~(b) Approval of beds in a new county home or new county nursing home as defined in section 5155.31 of the Revised Code, or an increase of beds in an existing county home or existing county nursing home, if the beds are proposed to be certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;~~

~~(c) Recategorization of hospital beds as described in section 3702.522 of the Revised Code, an increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long term care beds or skilled nursing facility beds, or a recategorization of hospital beds that would result in an increase of beds registered pursuant to that section as long term care beds or skilled nursing facility beds.~~

~~On July 1, 1993, the director shall return each such application to the applicant and, notwithstanding section 3702.52 of the Revised Code regarding the uses of the certificate of need~~

~~fund, shall refund to the applicant the application fee paid under 64066  
that section. Applications returned under division (B)(1) of this 64067  
section may be resubmitted in accordance with section 3702.52 of 64068  
the Revised Code no sooner than July 1, 2009. 64069~~

~~(2) The director shall continue to review and shall issue a 64070  
decision regarding any application submitted prior to July 1, 64071  
1993, to increase beds for either of the purposes described in 64072  
division (B)(1)(a) or (b) of this section if the proposed increase 64073  
in beds is attributable solely to a replacement or relocation of 64074  
existing beds within the same county. The director shall authorize 64075  
under such an application no additional beds beyond those being 64076  
replaced or relocated. 64077~~

~~(C)(1) Except as provided in division (C)(2) of this section, 64078  
the director, during the period beginning July 1, 1993, and ending 64079  
June 30, 2009, shall not accept for review under section 3702.52 64080  
of the Revised Code any application for a certificate of need for 64081  
any of the purposes described in divisions (B)(1)(a) to (c) of 64082  
this section. 64083~~

~~(2)(a) The director of health shall accept for review any 64084  
application for either of the purposes described in division 64085  
(B)(1)(a) or (b) of this section if the proposed increase in beds 64086  
is attributable solely to a replacement or relocation of existing 64087  
beds from an existing health care facility within the same county. 64088  
The director shall authorize under such an application no 64089  
additional beds beyond those being replaced or relocated 64090  
certificate of need applications as provided in sections 3702.592 64091  
and 3702.593 of the Revised Code. 64092~~

~~(B) The director shall not approve an application for a 64093  
certificate of need for addition of long-term care beds to an 64094  
existing health care facility by relocation of beds or for the 64095  
development of a new health care facility by relocation of beds 64096  
unless all of the following conditions are met: 64097~~



~~(i)~~(1) The existing health care facility ~~to~~ in which the beds are being ~~relocated~~ placed has no waivers for life safety code deficiencies, no state fire code violations, and no state building code violations, or the project identified in the application proposes to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the existing health care facility ~~to~~ in which the beds are being ~~relocated~~ placed;

~~(ii)~~(2) During the sixty-month period preceding the filing of the application, no notice of proposed revocation of the facility's license was issued under section 3721.03 of the Revised Code to the operator of the existing facility ~~to~~ in which the beds are being ~~relocated~~ placed or to any health care facility owned or operated by the applicant or any principal participant in the same corporation or other business;

~~(iii)~~(3) Neither the existing health care facility ~~to~~ in which the beds are being ~~relocated~~ placed nor any health care facility owned or operated by the applicant or any principal participant in the same corporation or other business has had a long-standing pattern of violations of this chapter or Chapter 3721. of the Revised Code or deficiencies that caused one or more residents physical, emotional, mental, or psychosocial harm.

~~(b)~~(C) The director also shall accept for review any application for the conversion of infirmary beds to long-term care beds if the infirmary meets all of the following conditions:

~~(i)~~(1) Is operated exclusively by a religious order;

~~(ii)~~(2) Provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related;

~~(iii)~~(3) Was providing care exclusively to members of such a

religious order on January 1, 1994. 64129

~~(D) The director shall issue a decision regarding any case 64130  
remanded by a court as the result of a decision issued by the 64131  
director prior to July 1, 1993, to grant, deny, or withdraw a 64132  
certificate of need for any of the purposes described in divisions 64133  
(B)(1)(a) to (c) of this section. 64134~~

~~(E) The director shall not project the need for beds listed 64135  
in division (B)(1) of this section for the period beginning July 64136  
1, 1993, and ending June 30, 2009 At no time shall individuals 64137  
other than those described in division (C)(2) of this section be 64138  
admitted to a facility to use beds for which a certificate of need 64139  
is approved under this division. 64140~~

**Sec. 3702.592.** (A) The director of health shall accept, for 64141  
review under section 3702.52 of the Revised Code, certificate of 64142  
need applications for any of the following purposes if the 64143  
proposed increase in beds is attributable solely to a replacement 64144  
or relocation of existing beds from an existing health care 64145  
facility within the same county: 64146

(1) Approval of beds in a new health care facility or an 64147  
increase of beds in an existing health care facility if the beds 64148  
are proposed to be licensed as nursing home beds under Chapter 64149  
3721. of the Revised Code; 64150

(2) Approval of beds in a new county home or new county 64151  
nursing home, or an increase of beds in an existing county home or 64152  
existing county nursing home if the beds are proposed to be 64153  
certified as skilled nursing facility beds under the medicare 64154  
program, Title XVIII of the "Social Security Act," 49 Stat. 286 64155  
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 64156  
the medicaid program, Title XIX of the "Social Security Act," 49 64157  
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 64158

(3) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds; 64159  
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(4) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as special skilled nursing beds that were originally authorized by and operate in accordance with section 3702.522 of the Revised Code. 64161  
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(B) The director shall accept applications described in division (A) of this section at any time. 64165  
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**Sec. 3702.593.** (A) At the times specified in this section, the director of health shall accept, for review under section 3702.52 of the Revised Code, certificate of need applications for any of the following purposes if the proposed increase in beds is attributable solely to relocation of existing beds from an existing health care facility in a county with excess beds to a health care facility in a county in which there are fewer long-term care beds than the county's bed need: 64167  
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(1) Approval of beds in a new health care facility or an increase of beds in an existing health care facility if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code; 64175  
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(2) Approval of beds in a new county home or new county nursing home, or an increase of beds in an existing county home or existing county nursing home if the beds are proposed to be certified as skilled nursing facility beds under the medicare program, Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1395, as amended, or nursing facility beds under the medicaid program, Title XIX of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1396, as amended; 64179  
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(3) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds. 64187  
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<u>(B) For the purpose of implementing this section, the</u>	64189
<u>director shall do all of the following:</u>	64190
<u>(1) Determine the long-term care bed supply for each county,</u>	64191
<u>which shall consist of all of the following:</u>	64192
<u>(a) Nursing home beds licensed under Chapter 3721. of the</u>	64193
<u>Revised Code;</u>	64194
<u>(b) Beds certified as skilled nursing facility beds under the</u>	64195
<u>medicare program or nursing facility beds under the medicaid</u>	64196
<u>program;</u>	64197
<u>(c) Beds in a county home or county nursing home that are</u>	64198
<u>certified under section 5155.38 of the Revised Code as having been</u>	64199
<u>in operation on July 1, 1993, and are eligible for licensure as</u>	64200
<u>nursing home beds;</u>	64201
<u>(d) Beds held as approved long-term care beds under a</u>	64202
<u>certificate of need approved by the director.</u>	64203
<u>(2) Determine the long-term care bed occupancy rate for the</u>	64204
<u>state at the time the determination is made;</u>	64205
<u>(3) Not later than April 1, 2010, and every four years</u>	64206
<u>thereafter, for each county determine, using the formula developed</u>	64207
<u>in rules adopted under section 3702.57 of the Revised Code, and</u>	64208
<u>publish on the department of health's web site, the county's bed</u>	64209
<u>need by identifying the number of long-term beds that would be</u>	64210
<u>needed in the county for the statewide occupancy rate for a</u>	64211
<u>projected population aged sixty-five and older to be ninety-five</u>	64212
<u>per cent.</u>	64213
<u>(C) The director's consideration of a certificate of need</u>	64214
<u>that would increase the number of beds in a county shall be</u>	64215
<u>consistent with the county's bed need determined under division</u>	64216
<u>(B) of this section except as follows:</u>	64217
<u>(1) If a county's occupancy rate is less than eighty-five per</u>	64218

cent, the county shall be considered to have no need for 64219  
additional beds. 64220

(2) Even if a county is determined not to need any additional 64221  
long-term care beds, the director may approve an increase in beds 64222  
equal to up to ten per cent of the county's bed supply if the 64223  
county's occupancy rate is greater than ninety-five per cent. 64224

(D) Applications made under this section shall be subject to 64225  
comparative review. The period for each comparative review process 64226  
shall be four years with the first period beginning July 1, 2010, 64227  
and ending June 30, 2014. 64228

Certificate of need applications shall be accepted and 64229  
reviewed from the first day of the period through the thirtieth 64230  
day of April of the following year, which shall be the initial 64231  
phase of the review period. If the director determines that there 64232  
will be acceptance and review of additional certificate of need 64233  
applications, the second phase of the review period shall begin on 64234  
the first day of July of the third year of the review period. The 64235  
second phase shall be limited to acceptance and review of 64236  
applications for redistribution of beds made available pursuant to 64237  
division (G)(2) of this section. During the period between the 64238  
first and second phases of the review period, the director shall 64239  
act in accordance with division (H) of this section. 64240

(E) The director shall consider certificate of need 64241  
applications in accordance with all of the following: 64242

(1) The number of beds approved for a county shall include 64243  
only beds available for relocation from another county and shall 64244  
not exceed the bed need of the receiving county; 64245

(2) The director shall consider the existence of community 64246  
resources serving persons who are age sixty-five or older or 64247  
disabled that are demonstrably effective in providing alternatives 64248  
to long-term care facility placement. 64249

(3) The director shall approve relocation of beds from a county only if, after the relocation, the number of beds remaining in the county will exceed the county's bed need by at least one hundred beds; 64250  
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(4) The director shall approve relocation of beds from a health care facility only if, after the relocation, the number of beds within a fifteen mile radius of the facility is at least equal to the state bed need rate. 64254  
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(F) In determining which applicants should receive preference in the comparative review process, the director shall consider all of the following: 64258  
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(1) Whether the beds will be part of a continuing care retirement community; 64261  
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(2) Whether the beds will serve an underserved population, such as low-income individuals, individuals with disabilities, or individuals who are members of racial or ethnic minority groups; 64263  
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(3) Whether the project in which the beds will be included will provide alternatives to institutional care, such as adult day-care, home health care, respite or hospice care, mobile meals, residential care, independent living, or congregate living services; 64266  
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(4) Whether the health care facility's owner or operator will participate in medicaid waiver programs for alternatives to institutional care; 64271  
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(5) Whether the project in which the beds will be included will reduce alternatives to institutional care by converting residential care beds or other alternative care beds to long-term care beds; 64274  
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(6) Whether the facility in which the beds will be placed has positive resident and family satisfaction surveys; 64278  
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(7) Whether the facility in which the beds will be placed has fewer than fifty long-term care beds; 64280  
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(8) Whether the health care facility in which the beds will be placed is located within the service area of a hospital and is designed to accept patients for rehabilitation after an in-patient hospital stay; 64282  
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(9) Whether the health care facility in which the beds will be placed is or proposes to become a nurse aide training and testing site; 64286  
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(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the health care facility in which the beds will be placed. 64289  
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(G)(1) When a certificate of need application is approved during the initial phase of a review period, on completion of the project under which the beds are relocated, that number of beds shall cease to be operated in the health care facility from which they were relocated and, if the licensure or certification of those beds cannot be or is not transferred to the facility to which the beds are relocated, the licensure or certification shall be surrendered. 64292  
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(2) In addition to the actions required by division (G)(1) of this section, the health care facility from which the beds were relocated shall reduce the number of beds operated in the facility by a number of beds equal to at least ten per cent of the number of beds relocated and shall surrender the licensure or certification of those beds. This reduction shall be made not later than the completion date of the project for which the beds were relocated. 64300  
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(H)(1) Once approval of certificate of need applications in the first phase of a review period is complete, the director shall make a new determination of the bed need for each county by 64308  
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reducing the county's bed need by the number of beds approved for relocation to the county. The new bed-need determination shall be made not later than the first day of April of the third year of the review period. 64311  
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(2) The director may publish on the department's web site the remaining bed need for counties that will be considered for redistribution of beds that, in accordance with division (G)(2) of this section, have ceased or will cease to be operated. The director shall base the determination of whether to include a county on all of the following: 64315  
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(a) The statewide number of beds that, in accordance with division (G)(2) of this section, have ceased or will cease to be operated; 64321  
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(b) The county's remaining bed need; 64324

(c) The county's bed occupancy rate. 64325

(I) If the director publishes the remaining bed need for a county under division (H)(2) of this section, the director may, beginning on the first day of the second phase of the review period, accept certificate of need applications for redistribution to health care facilities in that county of beds that have ceased or will cease operation in accordance with division (G)(2) of this section. The total number of beds approved for redistribution in the second phase of a review period shall not exceed the number that have ceased or will cease operation in accordance with division (G)(2) of this section. Beds that are not approved for redistribution during the second phase of a review period shall not be available for redistribution at any future time. 64326  
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**Sec. 3702.60.** (A) Any affected person may appeal a reviewability ruling issued on or after April 20, 1995, to the 64339  
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director of health in accordance with Chapter 119. of the Revised 64341  
Code, and the director shall provide an adjudication hearing in 64342  
accordance with that chapter. An affected person may appeal the 64343  
director's ruling in the adjudication hearing to the tenth 64344  
district court of appeals. 64345

(B) The certificate of need applicant or another affected 64346  
person may appeal to the director in accordance with Chapter 119. 64347  
of the Revised Code a decision issued by the director on or after 64348  
April 20, 1995, to grant or deny a certificate of need application 64349  
for which an adjudication hearing was not conducted under section 64350  
3702.52 of the Revised Code, and the director shall provide an 64351  
adjudication hearing in accordance with that chapter. The 64352  
certificate of need applicant or an affected person that was a 64353  
party to and participated in an adjudication hearing conducted 64354  
under this division or section 3702.52 of the Revised Code may 64355  
appeal to the tenth district court of appeals the decision issued 64356  
by the director following the adjudication hearing. No person may 64357  
appeal to the director or a court the director's granting of a 64358  
certificate of need prior to June 30, 1995, under the version of 64359  
section 3702.52 of the Revised Code in effect immediately prior to 64360  
that date due to failure to submit timely written objections, no 64361  
person may appeal to the director or a court the director's 64362  
granting of a certificate of need under division (C)(1) ~~or (2)~~ of 64363  
section 3702.52 of the Revised Code. 64364

(C) The certificate of need holder may appeal to the director 64365  
in accordance with Chapter 119. of the Revised Code a decision 64366  
issued by the director under section 3702.52 or 3702.526 of the 64367  
Revised Code on or after April 20, 1995, to withdraw a certificate 64368  
of need, and the director shall provide an adjudication hearing in 64369  
accordance with that chapter. The person may appeal the director's 64370  
ruling in the adjudication hearing to the tenth district court of 64371  
appeals. 64372

(D) Any person determined by the director to have violated section 3702.53 of the Revised Code may appeal that determination, or the penalties imposed under section 3702.54, or 3702.541, ~~or 3702.542 or former section 3702.543~~ of the Revised Code, to the director in accordance with Chapter 119. of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(E) Each person appealing under this section to the director shall file with the director, not later than thirty days after the decision, ruling, or determination of the director was mailed, a notice of appeal designating the decision, ruling, or determination appealed from.

(F) Each person appealing under this section to the tenth district court of appeals shall file with the court, not later than thirty days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable

diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (F)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.

(G) The court may award reasonable attorney's fees against the appellant if it determines that the appeal was frivolous. Sections 119.092, 119.093, and 2335.39 of the Revised Code do not apply to adjudication hearings under this section or section 3702.52 of the Revised Code and judicial appeals under this section.

(H) No person may intervene in an appeal brought under this section.

**Sec. 3702.61.** In addition to the sanctions imposed under sections 3702.54, 3702.541, ~~3702.542~~, and 3702.55 ~~and former section 3702.543~~ of the Revised Code, if any person violates section 3702.53 of the Revised Code, the attorney general may commence necessary legal proceedings in the court of common pleas of Franklin county to enjoin the person from such violation until the requirements of sections 3702.51 to 3702.62 of the Revised Code have been satisfied. At the request of the director of health, the attorney general shall commence any necessary

proceedings. The court has jurisdiction to grant and, on a showing 64436  
of a violation, shall grant appropriate injunctive relief. 64437

**Sec. 3702.87.** The director of health shall designate, as 64438  
dental health resource shortage areas, areas in this state that 64439  
experience special dental health problems and dentist practice 64440  
patterns that limit access to dental care. The designations shall 64441  
be made by rule and may apply to a geographic area, one or more 64442  
facilities within a particular area, or a population group within 64443  
a particular area. The director shall consider for designation as 64444  
a dental health resource shortage area, any area in this state 64445  
that has been designated by the United States secretary of health 64446  
and human services as a health professional shortage area under 64447  
Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 64448  
42 U.S.C. 201, as amended. 64449

**Sec. 3702.89.** (A) An individual who ~~is~~ will not ~~receiving~~ 64450  
~~national health service corps tuition or student~~ have an 64451  
outstanding obligation for dental service to the federal 64452  
government, a state, or other entity at the time of participation 64453  
in the dentist loan repayment assistance program and meets one of 64454  
the following requirements may apply for participation in the 64455  
dentist loan repayment program: 64456

(1) The applicant is a dental student enrolled in the final 64457  
year of dental college. 64458

(2) The applicant is a dental resident in the final year of 64459  
residency. 64460

(3) The applicant ~~has been engaged in the~~ holds a valid 64461  
license to practice of dentistry for not more than three years 64462  
~~prior to submitting the application issued under Chapter 4715. of~~ 64463  
the Revised Code. 64464

(B) An application for participation in the dentist loan 64465

repayment program shall be submitted to the director of health on 64466  
a form the director shall prescribe. The following information 64467  
shall be included or supplied: 64468

(1) The applicant's name, permanent address or address at 64469  
which the applicant is currently residing if different from the 64470  
permanent address, and telephone number; 64471

(2) The dental college the applicant attended or is attending 64472  
~~or attended~~, dates of attendance, and verification of attendance; 64473

(3) If the applicant has completed a dental residency program 64474  
or is a dental resident, the facility or institution ~~at which~~ 64475  
where the dental residency was completed or is being performed, 64476  
and, if completed, the date of completion; 64477

(4) A summary and verification of the educational expenses 64478  
for which the applicant seeks reimbursement under the program; 64479

(5) If the applicant is a dentist, verification of the 64480  
applicant's license issued under Chapter 4715. of the Revised Code 64481  
to practice dentistry and proof of good standing; 64482

(6) Verification of the applicant's United States citizenship 64483  
or status as a legal alien. 64484

**Sec. 3702.90.** If funds are available in the dentist loan 64485  
repayment fund created under section 3702.95 of the Revised Code 64486  
and the general assembly has appropriated the funds for the 64487  
program, the director of health shall approve an applicant for 64488  
participation in the program on finding in accordance with the 64489  
priorities established under section 3702.88 of the Revised Code 64490  
that the applicant is eligible for participation and is needed in 64491  
a dental health resource shortage area. 64492

On approving an application, the director shall notify and 64493  
enter into discussions with the applicant. The object of the 64494  
discussions is to facilitate recruitment of the applicant to a 64495

site within a dental health resource shortage area at which, 64496  
according to the priorities established under section 3702.88 of 64497  
the Revised Code, the applicant is needed. ~~The director may pay~~ 64498  
~~the costs incurred by the applicant and the applicant's spouse for~~ 64499  
~~travel, meals, and lodging in making one visit to one dental~~ 64500  
~~health resource shortage area. The director may also refer an~~ 64501  
~~applicant to the Ohio dental association for assistance in being~~ 64502  
~~recruited to a site within a dental health resource shortage area~~ 64503  
~~at which the applicant will agree to be placed.~~ 64504

If the director and applicant agree on the applicant's 64505  
placement at a particular site within a dental health resource 64506  
shortage area, the applicant shall sign and deliver to the 64507  
director a letter of intent agreeing to that placement. 64508

**Sec. 3702.91.** (A) An individual who has signed a letter of 64509  
intent under section 3702.90 of the Revised Code may enter into a 64510  
contract with the director of health for participation in the 64511  
dentist loan repayment program. ~~A lending institution~~ The 64512  
dentist's employer or other funding source may also be a party to 64513  
the contract. 64514

(B) The contract shall include all of the following 64515  
obligations: 64516

(1) The individual agrees to provide dental services in the 64517  
dental health resource shortage area identified in the letter of 64518  
intent for at least ~~one year~~ two years. 64519

(2) When providing dental services in the dental health 64520  
resource shortage area, the individual agrees to do all of the 64521  
following: 64522

(a) Provide dental services for a minimum of forty hours per 64523  
week; 64524

(b) Provide dental services without regard to a patient's 64525

ability to pay; 64526

(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the department of job and family services for participation in the medicaid program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide dental services to medicaid recipients. 64527  
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(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code ~~up to but not exceeding twenty thousand dollars per year of service.~~ 64533  
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(4) The individual agrees to pay the department of health ~~the following as damages~~ an amount established by rules adopted under section 3702.86 of the Revised Code, if the individual fails to complete the service obligation agreed to under division (B)(1) of this section. 64540  
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~~(a) If the failure occurs during the first two years of the service obligation, three times the total amount the department has agreed to repay under division (B)(3) of this section;~~ 64545  
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~~(b) If the failure occurs after the first two years of the service obligation, three times the amount the department is still obligated to repay under division (B)(3) of this section.~~ 64548  
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(C) The contract may include any other terms agreed upon by the parties, ~~including an assignment to the department of health of the individual's duty to pay the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code. If the department assumes the individual's duty to pay a loan, the~~ 64551  
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~~contract shall set forth the total amount of principal and interest to be paid, an amortization schedule, and the amount of each payment to be made under the schedule.~~ 64557  
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(D) Not later than the thirty-first day of January of each year, the department of health shall mail to each individual to whom or on whose behalf repayment is made under the dentist loan repayment program a statement showing the amount of principal and interest repaid by the department pursuant to the contract in the preceding year. The statement shall be sent by ordinary mail with address correction and forwarding requested in the manner prescribed by the United States postal service. 64560  
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**Sec. 3702.92.** There is hereby created the dentist loan repayment advisory board. The board shall consist of the following members: 64568  
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(A) ~~One member~~ Two members of the house of representatives, one from each political party, appointed by the speaker of the house of representatives; 64571  
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64573

(B) ~~One member~~ Two members of the senate, one from each political party, appointed by the president of the senate; 64574  
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(C) A representative of the board of regents, appointed by the chancellor; 64576  
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(D) The director of health or an employee of the department of health designated by the director; 64578  
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(E) ~~Three~~ Four representatives of the dental profession, appointed by the governor from persons nominated by the Ohio dental association. 64580  
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Terms of office of the appointed members shall be two years, with each term commencing on the twenty-eighth day of January and ending on the twenty-seventh day of January of the second year after appointment. The governor ~~shall appoint the dental~~ 64583  
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~~profession representatives not later than ninety days after 64587  
October 29, 2003. The terms of all members shall commence 64588  
ninety one days after October 29, 2003. Of the initial 64589  
appointments made by the governor, two shall serve a term of one 64590  
year and one shall serve a term of two years. The initial 64591  
appointment made by the, speaker of the house of representatives 64592  
shall be for a term of one year. The initial appointment made by 64593  
the, and president of the senate shall be for a term of two years 64594  
make each of their respective appointments not later than the 64595  
twenty-seventh day of January of the year in which the term of the 64596  
member being appointed is to commence. Each member shall hold 64597  
office from the date of appointment until the end of the term for 64598  
which the member was appointed, except that a legislative member 64599  
ceases to be a member of the board on ceasing to be a member of 64600  
the general assembly. No person shall be appointed to the board 64601  
for more than two consecutive terms. 64602~~

Vacancies shall be filled in the manner prescribed for the 64603  
original appointment. A member appointed to fill a vacancy 64604  
occurring prior to the expiration of the term for which the 64605  
member's predecessor was appointed shall hold office for the 64606  
remainder of that term. A member shall continue in office 64607  
subsequent to the expiration of the member's term until a 64608  
successor takes office or until sixty days have elapsed, whichever 64609  
occurs first. ~~No person shall be appointed to the board for more 64610  
than two consecutive terms. Thereafter, terms of office shall be 64611  
two years. Each member shall hold office from the date of 64612  
appointment until the end of the term for which the member was 64613  
appointed, except that a legislative member ceases to be a member 64614  
of the board on ceasing to be a member of the general assembly. 64615~~

The governor, speaker, or president may remove a member for 64616  
whom the governor, speaker, or president was the appointing 64617  
authority, for misfeasance, malfeasance, or willful neglect of 64618

duty. 64619

The board shall designate a member to serve as chairperson of 64620  
the board. 64621

The board shall meet at least once annually. The chairperson 64622  
shall call special meetings as needed or upon the request of four 64623  
members. 64624

~~Four~~ Six members of the board constitute a quorum to transact 64625  
and vote on all business coming before the board. 64626

Members of the board shall serve without compensation, ~~but~~ 64627  
~~may be reimbursed for reasonable and necessary expenses incurred~~ 64628  
~~in the discharge of their duties.~~ 64629

The department of health shall provide the board with staff 64630  
assistance as requested by the board. 64631

**Sec. 3702.93.** The dentist loan repayment advisory board shall 64632  
determine the amounts that will be paid as loan repayments on 64633  
behalf of participants in the dentist loan repayment program. ~~No~~ 64634  
In the first and second years, no repayment shall exceed ~~twenty~~ 64635  
twenty-five thousand dollars in any each year, ~~except that if. In~~ 64636  
the third and fourth years, no repayment shall exceed thirty-five 64637  
thousand dollars in each year. If, however, a repayment results in 64638  
an increase in the participant's federal, state, or local income 64639  
tax liability, the department of health, at the participant's 64640  
request and with the approval of the director of health, may 64641  
reimburse the participant for the increased tax liability, 64642  
regardless of the amount of the repayment in that year. ~~Total~~ 64643  
~~repayment on behalf of a participant shall not exceed eighty~~ 64644  
~~thousand dollars over the time of participation in the program.~~ 64645

**Sec. 3702.94.** The dentist loan repayment advisory board, 64646  
annually on or before the first day of March, shall submit a 64647  
report to the governor and general assembly describing the 64648

operations of the dentist loan repayment program during the 64649  
previous calendar year. The report shall include information about 64650  
all of the following: 64651

(A) The number of requests received by the director of health 64652  
that a particular area be designated as a dental health resource 64653  
shortage area; 64654

(B) The areas that have been designated as dental health 64655  
resource shortage areas and the priorities that have been assigned 64656  
to them; 64657

(C) The number of applicants for participation in the dentist 64658  
loan repayment program; 64659

(D) The number of dentists assigned to dental health resource 64660  
shortage areas and the payments made on behalf of those dentists 64661  
under the dentist loan repayment program; 64662

(E) The dental health resource shortage areas that have not 64663  
been matched with all of the dentists they need; 64664

(F) The number of dentists failing to complete their service 64665  
obligations, the amount of damages owed, and the amount of damages 64666  
collected. 64667

**Sec. 3703.01.** (A) Except as otherwise provided in this 64668  
section, the division of ~~industrial compliance~~ labor in the 64669  
department of commerce shall do all of the following: 64670

(1) Inspect all nonresidential buildings within the meaning 64671  
of section 3781.06 of the Revised Code; 64672

(2) Condemn all unsanitary or defective plumbing that is 64673  
found in connection with those places; 64674

(3) Order changes in plumbing necessary to insure the safety 64675  
of the public health. 64676

(B)(1)(a) The division of ~~industrial compliance~~ labor, boards 64677

of health of city and general health districts, and county 64678  
building departments shall not inspect plumbing or collect fees 64679  
for inspecting plumbing in particular types of buildings in any 64680  
municipal corporation that is certified by the board of building 64681  
standards under section 3781.10 of the Revised Code to exercise 64682  
enforcement authority for plumbing in those types of buildings. 64683

(b) The division shall not inspect plumbing or collect fees 64684  
for inspecting plumbing in particular types of buildings in any 64685  
health district that employs one or more plumbing inspectors 64686  
certified pursuant to division (D) of this section to enforce 64687  
Chapters 3781. and 3791. of the Revised Code and the rules adopted 64688  
pursuant to those chapters relating to plumbing in those types of 64689  
buildings. 64690

(c) The division shall not inspect plumbing or collect fees 64691  
for inspecting plumbing in particular types of buildings in any 64692  
health district where the county building department is authorized 64693  
to inspect those types of buildings pursuant to a contract 64694  
described in division (C)(1) of this section. 64695

(d) The division shall not inspect plumbing or collect fees 64696  
for inspecting plumbing in particular types of buildings in any 64697  
health district where the board of health has entered into a 64698  
contract with the board of health of another district to conduct 64699  
inspections pursuant to division (C)(2) of this section. 64700

(2) No county building department shall inspect plumbing or 64701  
collect fees for inspecting plumbing in any type of building in a 64702  
health district unless the department is authorized to inspect 64703  
that type of building pursuant to a contract described in division 64704  
(C)(1) of this section. 64705

(3) No municipal corporation shall inspect plumbing or 64706  
collect fees for inspecting plumbing in types of buildings for 64707  
which it is not certified by the board of building standards under 64708

section 3781.10 of the Revised Code to exercise enforcement authority. 64709  
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(4) No board of health of a health district shall inspect plumbing or collect fees for inspecting plumbing in types of buildings for which it does not have a plumbing inspector certified pursuant to division (D) of this section. 64711  
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(C)(1) The board of health of a health district may enter into a contract with a board of county commissioners to authorize the county building department to inspect plumbing in buildings within the health district. The contract may designate that the department inspect either residential or nonresidential buildings, as those terms are defined in section 3781.06 of the Revised Code, or both types of buildings, so long as the department employs or contracts with a plumbing inspector certified pursuant to division (D) of this section to inspect the types of buildings the contract designates. The board of health may enter into a contract regardless of whether the health district employs any certified plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code. 64715  
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(2) The board of health of a health district, regardless of whether it employs any certified plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code, may enter into a contract with the board of health of another health district to authorize that board to inspect plumbing in buildings within the contracting board's district. The contract may designate the inspection of either residential or nonresidential buildings as defined in section 3781.06 of the Revised Code, or both types of buildings, so long as the board that performs the inspections employs a plumbing inspector certified pursuant to division (D) of this section to inspect the types of buildings the contract designates. 64728  
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(D) The superintendent of ~~industrial compliance~~ labor shall 64740

adopt rules prescribing minimum qualifications based on education, 64741  
training, experience, or demonstrated ability, that the 64742  
superintendent shall use in certifying or recertifying plumbing 64743  
inspectors to do plumbing inspections for health districts and 64744  
county building departments that are authorized to perform 64745  
inspections pursuant to a contract under division (C)(1) of this 64746  
section, and for continuing education of plumbing inspectors. 64747  
Those minimum qualifications shall be related to the types of 64748  
buildings for which a person seeks certification. 64749

(E) The superintendent may enter into reciprocal 64750  
registration, licensure, or certification agreements with other 64751  
states and other agencies of this state relative to plumbing 64752  
inspectors if both of the following apply: 64753

(1) The requirements for registration, licensure, or 64754  
certification of plumbing inspectors under the laws of the other 64755  
state or laws administered by the other agency are substantially 64756  
equal to the requirements the superintendent adopts under division 64757  
(D) of this section for certifying plumbing inspectors. 64758

(2) The other state or agency extends similar reciprocity to 64759  
persons certified under this chapter. 64760

(F) The superintendent may select and contract with one or 64761  
more persons to do all of the following regarding examinations for 64762  
certification of plumbing inspectors: 64763

(1) Prepare, administer, score, and maintain the 64764  
confidentiality of the examination; 64765

(2) Maintain responsibility for all expenses required to 64766  
comply with division (F)(1) of this section; 64767

(3) Charge each applicant a fee for administering the 64768  
examination in an amount the superintendent authorizes; 64769

(4) Design the examination for certification of plumbing 64770

inspectors to determine an applicant's competence to inspect plumbing. 64771  
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(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters. 64773  
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(H) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to be a menace to the public health. 64777  
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**Sec. 3703.03.** In the administration of sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code, the division of ~~industrial compliance~~ labor shall enforce rules governing plumbing adopted by the board of building standards under authority of sections 3781.10 and 3781.11 of the Revised Code, and register those persons engaged in or at the plumbing business. 64781  
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Plans and specifications for all plumbing to be installed in or for buildings coming within such sections shall be submitted to and approved by the division before the contract for plumbing is let. 64787  
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**Sec. 3703.04.** The superintendent of ~~industrial compliance~~ labor shall appoint such number of plumbing inspectors as is required. The inspectors shall be practical plumbers with at least seven years' experience, and skilled and well-trained in matters pertaining to sanitary regulations concerning plumbing work. 64791  
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**Sec. 3703.05.** Plumbing inspectors employed by the division of ~~industrial compliance~~ labor assigned to the enforcement of sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code may, between sunrise and sunset, enter any building where there is good 64796  
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and sufficient reason to believe that the sanitary condition of 64800  
the premises endangers the public health, for the purpose of 64801  
making an inspection to ascertain the condition of the premises. 64802

**Sec. 3703.06.** When any building is found to be in a sanitary 64803  
condition or when changes which are ordered, under authority of 64804  
this chapter, in the plumbing, drainage, or ventilation have been 64805  
made, and after a thorough inspection and approval by the 64806  
superintendent of ~~industrial compliance~~ labor, the superintendent 64807  
shall issue a certificate, which shall be posted in a conspicuous 64808  
place for the benefit of the public at large. Upon notification by 64809  
the superintendent, the certificate shall be revoked for any 64810  
violation of those sections. 64811

**Sec. 3703.07.** No plumbing work shall be done in any building 64812  
or place coming within the jurisdiction of the division of 64813  
~~industrial compliance~~ labor, except in cases of repairs or leaks 64814  
in existing plumbing, until a permit has been issued by the 64815  
division. 64816

Before granting such permit, an application shall be made by 64817  
the owner of the property or by the person, firm, or corporation 64818  
which is to do the work. The application shall be made on a form 64819  
prepared by the division for the purpose, and each application 64820  
shall be accompanied by a fee of twenty-seven dollars, and an 64821  
additional fee of seven dollars for each trap, vented fixture, 64822  
appliance, or device. Each application also shall be accompanied 64823  
by a plan approval fee of eighteen dollars for work containing one 64824  
through twenty fixtures; thirty-six dollars for work containing 64825  
twenty-one through forty fixtures; and fifty-four dollars for work 64826  
containing forty-one or more fixtures. 64827

Whenever a reinspection is made necessary by the failure of 64828  
the applicant or plumbing contractor to have the work ready for 64829



inspection when so reported, or by reason of faulty or improper 64830  
installation, the person shall pay a fee of forty-five dollars for 64831  
each reinspection. 64832

All fees collected pursuant to this section shall be paid 64833  
into the state treasury to the credit of the ~~industrial compliance~~ 64834  
labor operating fund created in section 121.084 of the Revised 64835  
Code. 64836

The superintendent of ~~industrial compliance~~ labor, by rule 64837  
adopted in accordance with Chapter 119. of the Revised Code, may 64838  
increase the fees required by this section and may establish fees 64839  
to pay the costs of the division to fulfill its duties established 64840  
by this chapter, including, but not limited to, fees for 64841  
administering a program for continuing education for, and 64842  
certifying and recertifying plumbing inspectors. The fees shall 64843  
bear some reasonable relationship to the cost of administering and 64844  
enforcing the provisions of this chapter. 64845

**Sec. 3703.08.** Any owner, agent, or manager of a building in 64846  
which an inspection is made by the division of ~~industrial~~ 64847  
~~compliance~~ labor, a board of health of a health district, or a 64848  
certified department of building inspection of a municipal 64849  
corporation or a county shall have the entire system of drainage 64850  
and ventilation repaired, as the division, board of health, or 64851  
department of building inspection directs by its order. After due 64852  
notice to repair that work is given, the owner, agent, or manager 64853  
shall notify the public authority that issued the order when the 64854  
work is ready for its inspection. No person shall fail to have the 64855  
work ready for inspection at the time specified in the notice. 64856  
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**Sec. 3703.10.** All prosecutions and proceedings by the 64858  
division of ~~industrial compliance~~ labor for the violation of 64859

sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code, or for 64860  
the violation of any of the orders or rules of the division under 64861  
those sections, shall be instituted by the superintendent of 64862  
~~industrial compliance labor~~ labor. All fines or judgments collected by 64863  
the division shall be paid into the state treasury to the credit 64864  
of the ~~industrial compliance labor~~ labor operating fund created by 64865  
section 121.084 of the Revised Code. 64866

The superintendent, the board of health of a general or city 64867  
health district, or any person charged with enforcing the rules of 64868  
the division adopted under sections 3703.01 to ~~3703.09~~ 3703.08 of 64869  
the Revised Code may petition the court of common pleas for 64870  
injunctive or other appropriate relief requiring any person 64871  
violating a rule adopted or order issued by the superintendent 64872  
under those sections to comply with the rule or order. The court 64873  
of common pleas of the county in which the offense is alleged to 64874  
be occurring may grant injunctive or other appropriate relief. 64875

The superintendent may do all of the following: 64876

(A) Deny an applicant certification as a plumbing inspector; 64877

(B) Suspend or revoke the certification of a plumbing 64878  
inspector; 64879

(C) Examine any certified plumbing inspector under oath; 64880

(D) Examine the records and books of any certified plumbing 64881  
inspector if the superintendent finds the material to be examined 64882  
relevant to a determination described in division (A), (B), or (C) 64883  
of this section. 64884

**Sec. 3703.21.** (A) Within ninety days after ~~the effective date~~ 64885  
~~of this section~~ September 16, 2004, the superintendent of ~~the~~ 64886  
~~division of industrial compliance labor~~ labor shall appoint a backflow 64887  
advisory board consisting of not more than ten members, who shall 64888  
serve at the pleasure of the superintendent. The superintendent 64889

shall appoint a representative from the plumbing section of the 64890  
division of ~~industrial compliance~~ labor, three representatives 64891  
recommended by the plumbing administrator of the division of 64892  
~~industrial compliance~~ labor, a representative of the drinking 64893  
water program of the Ohio environmental protection agency, three 64894  
representatives recommended by the director of environmental 64895  
protection, and not more than two members who are not employed by 64896  
the plumbing or water industry. 64897

The board shall advise the superintendent on matters 64898  
pertaining to the training and certification of backflow 64899  
technicians. 64900

(B) The superintendent shall adopt rules in accordance with 64901  
Chapter 119. of the Revised Code to provide for the certification 64902  
of backflow technicians. The rules shall establish all of the 64903  
following requirements, specifications, and procedures: 64904

(1) Requirements and procedures for the initial certification 64905  
of backflow technicians, including eligibility criteria and 64906  
application requirements and fees; 64907

(2) Specifications concerning and procedures for taking 64908  
examinations required for certification as a backflow technician, 64909  
including eligibility criteria to take the examination and 64910  
application requirements and fees for taking the examination; 64911

(3) Specifications concerning and procedures for renewing a 64912  
certification as a backflow technician, including eligibility 64913  
criteria, application requirements, and fees for renewal; 64914

(4) Specifications concerning and procedures for both of the 64915  
following: 64916

(a) Approval of training agencies authorized to teach 64917  
required courses to candidates for certification as backflow 64918  
technicians or continuing education courses to certified backflow 64919

technicians; 64920

(b) Renewal of the approval described in division (B)(4)(a) 64921  
of this section. 64922

(5) Education requirements that candidates for initial 64923  
certification as backflow technicians must satisfy and continuing 64924  
education requirements that certified backflow technicians must 64925  
satisfy; 64926

(6) Grounds and procedures for denying, suspending, or 64927  
revoking certification, or denying the renewal of certification, 64928  
as a backflow technician; 64929

(7) Procedures for issuing administrative orders for the 64930  
remedy of any violation of this section or any rule adopted 64931  
pursuant to division (B) of this section, including, but not 64932  
limited to, procedures for assessing a civil penalty authorized 64933  
under division (D) of this section; 64934

(8) Any provision the superintendent determines is necessary 64935  
to administer or enforce this section. 64936

(C) No individual shall engage in the installation, testing, 64937  
or repair of any isolation backflow prevention device unless that 64938  
individual possesses a valid certification as a backflow 64939  
technician. This division does not apply with respect to the 64940  
installation, testing, or repair of any containment backflow 64941  
prevention device. 64942

(D) Whoever violates division (C) of this section or any rule 64943  
adopted pursuant to division (B) of this section shall pay a civil 64944  
penalty of not more than five thousand dollars for each day that 64945  
the violation continues. The superintendent may, by order, assess 64946  
a civil penalty under this division, or may request the attorney 64947  
general to bring a civil action to impose the civil penalty in the 64948  
court of common pleas of the county in which the violation 64949  
occurred or where the violator resides. 64950

(E) Any action taken under a rule adopted pursuant to 64951  
division (B)(6) of this section is subject to the appeal process 64952  
of Chapter 119. of the Revised Code. An administrative order 64953  
issued pursuant to rules adopted under division (B)(7) of this 64954  
section and an appeal to that type of administrative order shall 64955  
be executed in accordance with Chapter 119. of the Revised Code. 64956

(F) As used in this section: 64957

(1) "Isolation backflow prevention device" means a device for 64958  
the prevention of the backflow of liquids, solids, or gases that 64959  
is regulated by the building code adopted pursuant to section 64960  
3781.10 of the Revised Code and rules adopted pursuant to this 64961  
section. 64962

(2) "Containment backflow prevention device" means a device 64963  
for the prevention of the backflow of liquids, solids, or gases 64964  
that is installed by the supplier of, or as a requirement of, any 64965  
public water system as defined in division (A) of section 6109.01 64966  
of the Revised Code. 64967

**Sec. 3703.99.** Whoever violates sections 3703.01 to ~~3703.09~~ 64968  
~~3703.08~~ of the Revised Code, or any rule the division of 64969  
~~industrial compliance labor~~ is required to enforce under such 64970  
sections, shall be fined not less than ten nor more than one 64971  
hundred dollars or imprisoned for not less than ten nor more than 64972  
ninety days, or both. No person shall be imprisoned under this 64973  
section for the first offense, and the prosecution always shall be 64974  
as for a first offense unless the affidavit upon which the 64975  
prosecution is instituted contains the allegation that the offense 64976  
is a second or repeated offense. 64977

**Sec. 3704.14.** (A) ~~The director of environmental protection~~ 64978  
~~shall continue to implement an enhanced motor vehicle inspection~~ 64979  
~~and maintenance program for a period of two years beginning on~~ 64980

January 1, 2006, and ending on December 31, 2007, in counties in 64981  
which a motor vehicle inspection and maintenance program is 64982  
federally mandated. The program shall be substantially similar to 64983  
the enhanced program implemented in those counties under a 64984  
contract that is scheduled to expire on December 31, 2005. The (1) 64985  
If the director of environmental protection determines that 64986  
implementation of a motor vehicle inspection and maintenance 64987  
program is necessary for the state to effectively comply with the 64988  
federal Clean Air Act after June 30, 2009, the director may 64989  
provide for the implementation of the program in those counties in 64990  
this state in which such a program is federally mandated. Upon 64991  
making such a determination, the director of environmental 64992  
protection may request the director of administrative services to 64993  
extend the terms of the contract that was entered into under the 64994  
authority of Section 7 of Am. Sub. H.B. 24 of the 127th general 64995  
assembly. Upon receiving the request, the director of 64996  
administrative services shall extend the contract, beginning on 64997  
July 1, 2009, in accordance with this section. The contract shall 64998  
be extended for a period of up to six months with the contractor 64999  
who conducted the motor vehicle inspection and maintenance program 65000  
under that contract. 65001

(2) Prior to the expiration of the contract extension that is 65002  
authorized by division (A)(1) of this section, the director of 65003  
environmental protection may request the director of 65004  
administrative services to enter into a contract with a vendor to 65005  
operate a motor vehicle inspection and maintenance program in each 65006  
county in this state in which such a program is federally mandated 65007  
through June 30, 2011, with an option for the state to renew the 65008  
contract through June 30, 2012. The contract shall ensure that the 65009  
motor vehicle inspection and maintenance program achieve at least 65010  
the same ozone precursor reductions as achieved by the program 65011  
operated under the authority of the contract that was extended 65012

under division (A)(1) of this section. The director of 65013  
administrative services shall select a vendor through a 65014  
competitive selection process in compliance with Chapter 125. of 65015  
the Revised Code. 65016

(3) A motor vehicle inspection and maintenance program 65017  
operated under this section shall comply with division (B) of this 65018  
section. The director of environmental protection shall administer 65019  
the motor vehicle inspection and maintenance program operated 65020  
under this section. 65021

(B) The motor vehicle inspection and maintenance program 65022  
authorized by this section, at a minimum, shall do all of the 65023  
following: 65024

(1) Comply with the federal Clean Air Act; 65025

~~(2) Provide for the extension of a contract for a period of~~ 65026  
~~two years, beginning on January 1, 2006, and ending on December~~ 65027  
~~31, 2007, with the contractor who conducted the enhanced motor~~ 65028  
~~vehicle inspection and maintenance program in those federally~~ 65029  
~~mandated counties pursuant to a contract entered into under former~~ 65030  
~~section 3704.14 of the Revised Code as that section existed prior~~ 65031  
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 65032  
~~General Assembly;~~ 65033

~~(3)~~ Provide for the issuance of inspection certificates; 65034

~~(4)~~(3) Provide for a new car exemption for motor vehicles 65035  
four years old or newer and provide that a new motor vehicle is 65036  
exempt for four years regardless of whether legal title to the 65037  
motor vehicle is transferred during that period. 65038

~~(B)~~(C) The director of environmental protection shall not 65039  
implement a motor vehicle inspection and maintenance program in 65040  
any county other than a county in which a motor vehicle inspection 65041  
and maintenance program is federally mandated. 65042

~~(C)~~(D) The director of environmental protection shall adopt 65043  
rules in accordance with Chapter 119. of the Revised Code that the 65044  
director determines are necessary to implement this section. The 65045  
director may continue to implement and enforce rules pertaining to 65046  
the ~~enhanced~~ motor vehicle inspection and maintenance program 65047  
previously implemented under former section 3704.14 of the Revised 65048  
Code as that section existed prior to its repeal and reenactment 65049  
by Am. Sub. H.B. 66 of the 126th general assembly, provided that 65050  
the rules do not conflict with this section. 65051

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~~(D)~~(E) There is hereby created in the state treasury the 65053  
~~motor vehicle inspection and maintenance~~ auto emissions test fund, 65054  
which shall consist of money ~~received by the director of~~ 65055  
environmental protection from any ~~fees for inspections that are~~ 65056  
established in rules adopted cash transfers, state and local 65057  
grants, and other contributions that are received for the purpose 65058  
of funding the program established under this section. The 65059  
director shall use money in the fund solely for the 65060  
implementation, supervision, administration, operation, and 65061  
enforcement of the ~~enhanced~~ motor vehicle inspection and 65062  
maintenance program established under this section. Money in the 65063  
fund shall not be used for either of the following: 65064

(1) To pay for the inspection costs incurred by a motor 65065  
vehicle dealer so that the dealer may provide inspection 65066  
certificates to an individual purchasing a motor vehicle from the 65067  
dealer when that individual resides in a county that is subject to 65068  
the motor vehicle inspection and maintenance program; 65069

(2) To provide payment for more than one free passing 65070  
emissions inspection or a total of three emissions inspections for 65071  
a motor vehicle in any three-hundred-sixty-five day period. The 65072  
owner or lessee of a motor vehicle is responsible for inspection 65073  
fees that are related to emissions inspections beyond one free 65074



passing emissions inspection or three total emissions inspections 65075  
in any three-hundred-sixty-five day period. Inspection fees that 65076  
are charged by a contractor conducting emissions inspections under 65077  
a motor vehicle inspection and maintenance program shall be 65078  
approved by the director of environmental protection. 65079

~~(E)~~(F) The ~~enhanced~~ motor vehicle inspection and maintenance 65080  
program established under this section expires ~~on December 31,~~ 65081  
~~2007,~~ upon the termination of all contracts entered into under 65082  
this section and shall not be ~~continued~~ implemented beyond ~~that~~ 65083  
the final date on which termination occurs unless otherwise 65084  
federally mandated. 65085

**Sec. 3704.144.** Gifts, grants, and contributions for the 65086  
purpose of adding pollution control equipment to diesel-powered 65087  
school buses, including contributions that are made pursuant to 65088  
the settlement of an administrative action or civil action that is 65089  
brought at the request of the director of environmental protection 65090  
pursuant to Chapter 3704., 3714., 3734., 6109., or 6111. of the 65091  
Revised Code, shall be credited to the clean diesel school bus 65092  
fund, which is hereby created in the state treasury. The director 65093  
shall use money credited to the fund to make grants to school 65094  
districts in the state and to county boards of mental retardation 65095  
and developmental disabilities for the purpose of adding pollution 65096  
control equipment to diesel-powered school buses and to pay the 65097  
environmental protection agency's costs incurred in administering 65098  
this section. In addition, the director may use money credited to 65099  
the fund to make grants to school districts and to county boards 65100  
of mental retardation and developmental disabilities for the 65101  
purpose of maintaining pollution control equipment that is 65102  
installed on diesel-powered school buses and to pay the additional 65103  
cost incurred by a school district or a county board for using 65104  
ultra-low sulfur diesel fuel instead of diesel fuel for the 65105  
operation of diesel-powered school buses. 65106

In making grants under this section, the director shall give 65107  
priority to school districts and to county boards of mental 65108  
retardation and developmental disabilities that are located in a 65109  
county that is designated as nonattainment by the United States 65110  
environmental protection agency for the fine particulate national 65111  
ambient air quality standard under the federal Clean Air Act. In 65112  
addition, the director may give a higher priority to a school 65113  
district or a county board of mental retardation and developmental 65114  
disabilities that employs additional measures that reduce air 65115  
pollution from the district's or the county board's school bus 65116  
fleet. 65117

The director shall adopt rules establishing procedures and 65118  
requirements that are necessary to implement this section, 65119  
including procedures and requirements governing applications for 65120  
grants. 65121

**Sec. 3705.24.** (A)(1) The public health council shall, in 65122  
accordance with section 111.15 of the Revised Code, adopt rules 65123  
prescribing fees for the following items or services provided by 65124  
the state office of vital statistics: 65125

(a) Except as provided in division (A)(4) of this section: 65126

(i) A certified copy of a vital record or a certification of 65127  
birth; 65128

(ii) A search by the office of vital statistics of its files 65129  
and records pursuant to a request for information, regardless of 65130  
whether a copy of a record is provided; 65131

(iii) A copy of a record provided pursuant to a request; 65132

(b) Replacement of a birth certificate following an adoption, 65133  
legitimation, paternity determination or acknowledgement, or court 65134  
order; 65135

(c) Filing of a delayed registration of a vital record; 65136

(d) Amendment of a vital record that is requested later than one year after the filing date of the vital record; 65137  
65138

(e) Any other documents or services for which the public health council considers the charging of a fee appropriate. 65139  
65140

(2) Fees prescribed under division (A)(1)(a) of this section shall not be less than ~~seven~~ twelve dollars. 65141  
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(3) Fees prescribed under division (A)(1) of this section shall be collected in addition to any fees required by sections 3109.14 and 3705.242 of the Revised Code. 65143  
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(4) Fees prescribed under division (A) of this section shall not apply to certifications issued under division (H) of this section or copies provided under section 3705.241 of the Revised Code. 65146  
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(B) In addition to the fees prescribed under division (A) of this section or section 3709.09 of the Revised Code, the office of vital statistics or the board of health of a city or general health district shall charge a five-dollar fee for each certified copy of a vital record and each certification of birth. This fee shall be deposited in the general operations fund created under section 3701.83 of the Revised Code and be used to support the operations, the modernization, and the automation of the vital records program in this state. A board of health shall forward all fees collected under this division to the department of health not later than thirty days after the end of each calendar quarter. 65150  
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(C) Except as otherwise provided in division (H) of this section, and except as provided in section 3705.241 of the Revised Code, fees collected by the director of health under sections 3705.01 to 3705.29 of the Revised Code shall be paid into the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. Except as provided 65162  
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in division (B) or (I) of this section, money generated by the fees shall be used only for administration and enforcement of this chapter and the rules adopted under it. Amounts submitted to the department of health for copies of vital records or services in excess of the fees imposed by this section shall be dealt with as follows:

(1) An overpayment of two dollars or less shall be retained by the department and deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(2) An overpayment in excess of two dollars shall be returned to the person who made the overpayment.

(D) If a local registrar is a salaried employee of a city or a general health district, any fees the local registrar receives pursuant to section 3705.23 of the Revised Code shall be paid into the general fund of the city or the health fund of the general health district.

Each local registrar of vital statistics, or each health district where the local registrar is a salaried employee of the district, shall be entitled to a fee for each birth, fetal death, death, or military service certificate properly and completely made out and registered with the local registrar or district and correctly copied and forwarded to the office of vital statistics in accordance with the population of the primary registration district at the last federal census. The fee for each birth, fetal death, death, or military service certificate shall be:

(1) In primary registration districts of over two hundred fifty thousand, twenty cents;

(2) In primary registration districts of over one hundred twenty-five thousand and less than two hundred fifty thousand, sixty cents;

(3) In primary registration districts of over fifty thousand 65199  
and less than one hundred twenty-five thousand, eighty cents; 65200

(4) In primary registration districts of less than fifty 65201  
thousand, one dollar. 65202

(E) The director of health shall annually certify to the 65203  
county treasurers of the several counties the number of birth, 65204  
fetal death, death, and military service certificates registered 65205  
from their respective counties with the names of the local 65206  
registrars and the amounts due each registrar and health district 65207  
at the rates fixed in this section. Such amounts shall be paid by 65208  
the treasurer of the county in which the registration districts 65209  
are located. No fees shall be charged or collected by registrars 65210  
except as provided by this chapter and section 3109.14 of the 65211  
Revised Code. 65212

(F) A probate judge shall be paid a fee of fifteen cents for 65213  
each certified abstract of marriage prepared and forwarded by the 65214  
probate judge to the department of health pursuant to section 65215  
3705.21 of the Revised Code. The fee shall be in addition to the 65216  
fee paid for a marriage license and shall be paid by the 65217  
applicants for the license. 65218

(G) The clerk of a court of common pleas shall be paid a fee 65219  
of one dollar for each certificate of divorce, dissolution, and 65220  
annulment of marriage prepared and forwarded by the clerk to the 65221  
department pursuant to section 3705.21 of the Revised Code. The 65222  
fee for the certified abstract of divorce, dissolution, or 65223  
annulment of marriage shall be added to the court costs allowed in 65224  
these cases. 65225

(H) The fee for an heirloom certification of birth issued 65226  
pursuant to division (B)(2) of section 3705.23 of the Revised Code 65227  
shall be an amount prescribed by rule by the director of health 65228  
plus any fee required by section 3109.14 of the Revised Code. In 65229

setting the amount of the fee, the director shall establish a 65230  
surcharge in addition to an amount necessary to offset the expense 65231  
of processing heirloom certifications of birth. The fee prescribed 65232  
by the director of health pursuant to this division shall be 65233  
deposited into the state treasury to the credit of the heirloom 65234  
certification of birth fund which is hereby created. Money 65235  
credited to the fund shall be used by the office of vital 65236  
statistics to offset the expense of processing heirloom 65237  
certifications of birth. However, the money collected for the 65238  
surcharge, subject to the approval of the controlling board, shall 65239  
be used for the purposes specified by the family and children 65240  
first council pursuant to section 121.37 of the Revised Code. 65241

(I) Four dollars of each fee collected by the director of 65242  
health or the board of health of a city or general health district 65243  
for an item or service described in division (A)(1)(a) of this 65244  
section shall be transferred to the office of vital statistics not 65245  
later than thirty days after the end of each calendar quarter. 65246

**Sec. 3706.04.** The Ohio air quality development authority may: 65247  
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(A) Adopt bylaws for the regulation of its affairs and the 65249  
conduct of its business; 65250

(B) Adopt an official seal; 65251

(C) Maintain a principal office and suboffices at such places 65252  
within the state as it designates; 65253

(D) Sue and plead in its own name; be sued and impleaded in 65254  
its own name with respect to its contracts or torts of its 65255  
members, employees, or agents acting within the scope of their 65256  
employment, or to enforce its obligations and covenants made under 65257  
sections 3706.05, 3706.07, and 3706.12 of the Revised Code. Any 65258  
such actions against the authority shall be brought in the court 65259

of common pleas of the county in which the principal office of the 65260  
authority is located, or in the court of common pleas of the 65261  
county in which the cause of action arose, provided such county is 65262  
located within this state, and all summonses, exceptions, and 65263  
notices of every kind shall be served on the authority by leaving 65264  
a copy thereof at the principal office with the person in charge 65265  
thereof or with the secretary-treasurer of the authority. 65266

(E) Make loans and grants to governmental agencies for the 65267  
acquisition or construction of air quality projects by any such 65268  
governmental agency and adopt rules and procedures for making such 65269  
loans and grants; 65270

(F) Acquire, construct, reconstruct, enlarge, improve, 65271  
furnish, equip, maintain, repair, operate, lease or rent to, or 65272  
contract for operation by, a person or governmental agency, air 65273  
quality projects, and establish rules for the use of such 65274  
projects; 65275

(G) Make available the use or services of any air quality 65276  
project to one or more persons, one or more governmental agencies, 65277  
or any combination thereof; 65278

(H) Issue air quality revenue bonds and notes and air quality 65279  
revenue refunding bonds of the state, payable solely from revenues 65280  
as provided in section 3706.05 of the Revised Code, unless the 65281  
bonds be refunded by refunding bonds, for the purpose of paying 65282  
any part of the cost of one or more air quality projects or parts 65283  
thereof; 65284

(I) Acquire by gift or purchase, hold, and dispose of real 65285  
and personal property in the exercise of the powers of the 65286  
authority and the performance of its duties under this chapter; 65287

(J) Acquire, in the name of the state, by purchase or 65288  
otherwise, on such terms and in such manner as the authority finds 65289  
proper, or by the exercise of the right of condemnation in the 65290

manner provided by section 3706.17 of the Revised Code, such 65291  
public or private lands, including public parks, playgrounds, or 65292  
reservations, or parts thereof or rights therein, rights-of-way, 65293  
property, rights, easements, and interests as it finds necessary 65294  
for carrying out this chapter, but excluding the acquisition by 65295  
the exercise of the right of condemnation of any air quality 65296  
facility owned by any person or governmental agency; and 65297  
compensation shall be paid for public or private lands so taken; 65298

(K) Make and enter into all contracts and agreements and 65299  
execute all instruments necessary or incidental to the performance 65300  
of its duties and the execution of its powers under this chapter. 65301

(1) When the cost under any such contract or agreement, other 65302  
than compensation for personal services, involves an expenditure 65303  
of more than two thousand dollars, the authority shall make a 65304  
written contract with the lowest responsive and responsible 65305  
bidder, in accordance with section 9.312 of the Revised Code, 65306  
after advertisement for not less than two consecutive weeks in a 65307  
newspaper of general circulation in Franklin county, and in such 65308  
other publications as the authority determines, which notice shall 65309  
state the general character of the work and the general character 65310  
of the materials to be furnished, the place where plans and 65311  
specifications therefor may be examined, and the time and place of 65312  
receiving bids; provided, that a contract or lease for the 65313  
operation of an air quality project constructed and owned by the 65314  
authority or an agreement for cooperation in the acquisition or 65315  
construction of an air quality project pursuant to section 3706.12 65316  
of the Revised Code or any contract for the construction of an air 65317  
quality project that is to be leased by the authority to, and 65318  
operated by, persons who are not governmental agencies and the 65319  
cost of such project is to be amortized exclusively from rentals 65320  
or other charges paid to the authority by persons who are not 65321  
governmental agencies is not subject to the foregoing requirements 65322



and the authority may enter into such contract, lease, or 65323  
agreement pursuant to negotiation and upon such terms and 65324  
conditions and for such period as it finds to be reasonable and 65325  
proper in the circumstances and in the best interests of proper 65326  
operation or of efficient acquisition or construction of such 65327  
project. 65328

(2) Each bid for a contract for the construction, demolition, 65329  
alteration, repair, or reconstruction of an improvement shall 65330  
contain the full name of every person interested in it and meet 65331  
the requirements of section 153.54 of the Revised Code. 65332

(3) Each bid for a contract except as provided in division 65333  
(K)(2) of this section shall contain the full name of every person 65334  
interested in it and shall be accompanied by a sufficient bond or 65335  
certified check on a solvent bank that if the bid is accepted a 65336  
contract will be entered into and the performance thereof secured. 65337

(4) The authority may reject any and all bids. 65338

(5) A bond with good and sufficient surety, approved by the 65339  
authority, shall be required of every contractor awarded a 65340  
contract except as provided in division (K)(2) of this section, in 65341  
an amount equal to at least fifty per cent of the contract price, 65342  
conditioned upon the faithful performance of the contract. 65343

(L) Employ managers, superintendents, and other employees and 65344  
retain or contract with consulting engineers, financial 65345  
consultants, accounting experts, architects, attorneys, and such 65346  
other consultants and independent contractors as are necessary in 65347  
its judgment to carry out this chapter, and fix the compensation 65348  
thereof. All expenses thereof shall be payable solely from the 65349  
proceeds of air quality revenue bonds or notes issued under this 65350  
chapter, from revenues, or from funds appropriated for such 65351  
purpose by the general assembly. 65352

(M) Receive and accept from any federal agency, subject to 65353

the approval of the governor, grants for or in aid of the 65354  
construction of any air quality project or for research and 65355  
development with respect to air quality facilities, and receive 65356  
and accept aid or contributions from any source of money, 65357  
property, labor, or other things of value, to be held, used, and 65358  
applied only for the purposes for which such grants and 65359  
contributions are made; 65360

(N) Engage in research and development with respect to air 65361  
quality facilities; 65362

(O) Purchase fire and extended coverage and liability 65363  
insurance for any air quality project and for the principal office 65364  
and suboffices of the authority, insurance protecting the 65365  
authority and its officers and employees against liability for 65366  
damage to property or injury to or death of persons arising from 65367  
its operations, and any other insurance the authority may agree to 65368  
provide under any resolution authorizing its air quality revenue 65369  
bonds or in any trust agreement securing the same; 65370

(P) Charge, alter, and collect rentals and other charges for 65371  
the use or services of any air quality project as provided in 65372  
section 3706.13 of the Revised Code; 65373

(Q) Develop energy initiatives, projects, and policy for the 65374  
state in accordance with section 3706.35 of the Revised Code; 65375

(R) Provide coverage for its employees under Chapters 145., 65376  
4123., and 4141. of the Revised Code; 65377

~~(R)~~(S) Do all acts necessary or proper to carry out the 65378  
powers expressly granted in this chapter. 65379

Any instrument by which real property is acquired pursuant to 65380  
this section shall identify the agency of the state that has the 65381  
use and benefit of the real property as specified in section 65382  
5301.012 of the Revised Code. 65383

Sec. 3706.25. As used in sections 3706.25 to 3706.30 of the Revised Code:

(A) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users including, but not limited to, advanced energy resources and renewable energy resources. "Advanced energy project" includes any project described in division (A), (B), or (C) of section 4928.621 of the Revised Code.

(B) "Advanced energy resource" means any of the following:

(1) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(2) Any distributed generation system consisting of customer cogeneration of electricity and thermal output simultaneously, primarily to meet the energy needs of the customer's facilities;

(3) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(4) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(5) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to, advanced stoker technology, and advanced fluidized bed gasification technology, that results in measurable greenhouse gas emissions reductions as calculated pursuant to the United States environmental protection agency's waste reduction model (WARM);

(6) Methane gas emitted from an operating or abandoned coal mine.

(C) "Renewable energy resource" means solar photovoltaic or solar thermal energy, wind energy, power produced by a hydroelectric facility, geothermal energy, fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion, biomass energy, biologically derived methane gas, or energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors. "Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; storage facility that will promote the better utilization of a renewable energy resource that primarily generates off peak; or distributed generation system used by a customer to generate electricity from any such energy. As used in this division, "hydroelectric facility" means a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state and meets all of the following

standards: 65446

(1) The facility provides for river flows that are not 65447  
detrimental for fish, wildlife, and water quality, including 65448  
seasonal flow fluctuations as defined by the applicable licensing 65449  
agency for the facility. 65450

(2) The facility demonstrates that it complies with the water 65451  
quality standards of this state, which compliance may consist of 65452  
certification under Section 401 of the "Clean Water Act of 1977," 65453  
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 65454  
not contributed to a finding by this state that the river has 65455  
impaired water quality under Section 303(d) of the "Clean Water 65456  
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 65457  
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(3) The facility complies with mandatory prescriptions 65459  
regarding fish passage as required by the federal energy 65460  
regulatory commission license issued for the project, regarding 65461  
fish protection for riverine, anadromous, and catadromus fish. 65462

(4) The facility complies with the recommendations of the 65463  
Ohio environmental protection agency and with the terms of its 65464  
federal energy regulatory commission license regarding watershed 65465  
protection, mitigation, or enhancement, to the extent of each 65466  
agency's respective jurisdiction over the facility. 65467

(5) The facility complies with provisions of the "Endangered 65468  
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 65469  
amended. 65470

(6) The facility does not harm cultural resources of the 65471  
area. This can be shown through compliance with the terms of its 65472  
federal energy regulatory commission license or, if the facility 65473  
is not regulated by that commission, through development of a plan 65474  
approved by the Ohio historic preservation office, to the extent 65475  
it has jurisdiction over the facility. 65476

(7) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(8) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

Sec. 3706.35. The Ohio air quality development authority shall establish the energy strategy development program for the purpose of developing energy initiatives, projects, and policy for the state. Issues addressed by such initiatives, projects, and policy shall not be limited to those governed by this chapter.

There is hereby created in the state treasury the energy strategy development fund. The fund shall consist of money credited to it and money obtained for advanced energy projects from federal or private grants, loans, or other sources. Money in the fund shall be used to carry out the purposes of the program. Interest earned on the money in the fund shall be credited to the general revenue fund.

**Sec. 3709.09.** (A) The board of health of a city or general health district may, by rule, establish a uniform system of fees to pay the costs of any services provided by the board.

The fee for issuance of a certified copy of a vital record or a certification of birth shall not be less than the fee prescribed for the same service under division (A)(1) of section 3705.24 of the Revised Code and shall include the fees required by division

(B) of section 3705.24 and section 3109.14 of the Revised Code. 65507

Fees for services provided by the board for purposes 65508  
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 65509  
3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall 65510  
be established in accordance with rules adopted under division (B) 65511  
of this section. The district advisory council, in the case of a 65512  
general health district, and the legislative authority of the 65513  
city, in the case of a city health district, may disapprove any 65514  
fee established by the board of health under this division, and 65515  
any such fee, as disapproved, shall not be charged by the board of 65516  
health. 65517

(B) The public health council shall adopt rules under section 65518  
111.15 of the Revised Code that establish fee categories and a 65519  
uniform ~~methodologies~~ methodology for use in calculating the costs 65520  
of services provided for purposes specified in sections 3701.344, 65521  
3711.10, 3718.06, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04 65522  
of the Revised Code. In adopting the rules, the public health 65523  
council shall consider recommendations it receives from advisory 65524  
boards established either by statute or the director of health for 65525  
entities subject to the fees. 65526

(C) ~~At least thirty days prior to establishing a~~ Except when 65527  
a board of health establishes a fee by adopting a rule as an 65528  
emergency measure, the board of health shall hold a public hearing 65529  
regarding each proposed fee for a service provided by the board 65530  
for a purpose specified in section 3701.344, 3711.10, 3718.06, 65531  
3729.07, 3730.03, 3733.04, 3733.25, or 3749.04 of the Revised 65532  
Code, ~~a board of health shall notify any entity that would be~~ 65533  
~~affected by the proposed fee of the amount of the proposed fee.~~ If 65534  
a public hearing is held, at least twenty days prior to the public 65535  
hearing the board shall give written notice of the hearing to each 65536  
entity affected by the proposed fee. The notice shall be mailed to 65537  
the last known address of each entity and shall specify the date, 65538

time, and place of the hearing and the amount of the proposed fee. 65539  
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(D) If a fee established under this section is not received 65541  
by the end of the last day on which it is due, the board of health 65542  
shall assess a penalty. The amount of the penalty shall be equal 65543  
to the greater of the following amounts: 65544

(1) Twenty-five per cent of the fee; 65545

(2) Ten per cent of the fee multiplied by the number of weeks 65546  
that have elapsed since the payment was due. 65547

(E) All rules adopted by a board of health under this section 65548  
shall be adopted, recorded, and certified as are ordinances of 65549  
municipal corporations and the record thereof shall be given in 65550  
all courts the same effect as is given such ordinances, but the 65551  
advertisements of such rules shall be by publication in one 65552  
newspaper of general circulation within the health district. 65553  
Publication shall be made once a week for two consecutive weeks 65554  
and such rules shall take effect and be in force ten days from the 65555  
date of the first publication. 65556

**Sec. 3709.092.** (A) A board of health of a city or general 65557  
health district shall transmit to the director of health all fees 65558  
or additional amounts that the public health council requires to 65559  
be collected under sections 3701.344, 3718.06, 3729.07, 3733.04, 65560  
3733.25, and 3749.04 of the Revised Code. The fees and amounts 65561  
shall be transmitted according to the following schedule: 65562

(1) For fees and amounts received by the board on or after 65563  
the first day of January but not later than the thirty-first day 65564  
of March, transmit the fees and amounts not later than the 65565  
fifteenth day of May; 65566

(2) For fees and amounts received by the board on or after 65567  
the first day of April but not later than the thirtieth day of 65568



June, transmit the fees and amounts not later than the fifteenth day of August; 65569  
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(3) For fees and amounts received by the board on or after the first day of July but not later than the thirtieth day of September, transmit the fees and amounts not later than the fifteenth day of November; 65571  
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(4) For fees and amounts received by the board on or after the first day of October but not later than the thirty-first day of December, transmit the fees and amounts not later than the fifteenth day of February of the following year. 65575  
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(B) The director shall deposit the fees and amounts received under this section into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. Each amount shall be used solely for the purpose for which it was collected. 65579  
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**Sec. 3710.01.** As used in this chapter: 65584

(A) "Asbestos" means the asbestiform varieties of chrysotile or serpentine, amosite or cummingtonitegrunerite, crocidolite or riebeckite, actinolite, tremolite, and anthophyllite. 65585  
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(B) "Asbestos hazard abatement activity" means any activity involving the removal, renovation, enclosure, repair, ~~or~~ encapsulation, or operation and maintenance of reasonably related friable asbestos-containing materials in an amount greater than fifty three linear feet or fifty three square feet. "~~Asbestos hazard abatement activity~~" ~~also includes any such activity involving such asbestos containing materials in an amount of fifty linear or fifty square feet or less if, when combined with any other reasonably related activity in terms of time and location of the activity, the total amount is in an amount greater than fifty linear or fifty square feet.~~ 65588  
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(C) "Asbestos hazard abatement contractor" means a business 65599  
entity or public entity that engages in or intends to engage in 65600  
asbestos hazard abatement ~~activities~~ projects and that employs or 65601  
supervises one or more asbestos hazard abatement specialists for 65602  
asbestos hazard abatement activities. "Asbestos hazard abatement 65603  
contractor" does not mean an employee of an asbestos hazard 65604  
abatement contractor, a general contractor who subcontracts to an 65605  
asbestos hazard abatement contractor an asbestos hazard abatement 65606  
~~activity~~ project, or any individual who engages in an asbestos 65607  
hazard abatement ~~activity~~ project in ~~his~~ the individual's own 65608  
home. 65609

(D) "Asbestos hazard abatement project" means one or more 65610  
asbestos hazard abatement activities ~~that are~~ the sum total of 65611  
which is in an amount greater than fifty linear feet or fifty 65612  
square feet of friable asbestos-containing materials and that is 65613  
conducted by one asbestos hazard abatement contractor ~~and that are~~ 65614  
~~reasonably related to each other.~~ "Asbestos hazard abatement 65615  
project" also includes any such activity involving such friable 65616  
asbestos-containing materials in an amount of fifty linear feet or 65617  
fifty square feet or less if, when combined with any other 65618  
reasonably related activity in terms of time or location of the 65619  
activity, the total amount is in an amount greater than fifty 65620  
linear feet or fifty square feet. 65621

(E) "Asbestos hazard abatement specialist" means a person 65622  
with responsibility for the oversight or supervision of asbestos 65623  
hazard abatement activities, including asbestos hazard abatement 65624  
project managers, hazard abatement project supervisors and 65625  
foremen, and employees of school districts or other governmental 65626  
or public entities who coordinate or directly supervise or oversee 65627  
asbestos hazard abatement activities performed by school district, 65628  
governmental, or other public employees in school district, 65629  
governmental, or other public buildings. 65630

(F) "Asbestos hazard evaluation specialist" means a person 65631  
responsible for the inspection, identification, detection, and 65632  
assessment of asbestos-containing materials or suspect 65633  
asbestos-containing materials, the determination of appropriate 65634  
response actions, or the preparation of asbestos management plans 65635  
for the purpose of protecting the public health from the hazards 65636  
associated with exposure to asbestos, including the performance of 65637  
air and bulk sampling. This category of specialists includes 65638  
inspectors, management planners, health professionals, industrial 65639  
hygienists, private consultants, or other individuals involved in 65640  
asbestos risk identification or assessment or regulatory 65641  
activities. 65642

(G) "Business entity" means a partnership, firm, association, 65643  
corporation, sole proprietorship, or other business concern. 65644

(H) "Public entity" means the state or any of its political 65645  
subdivisions or any agency or instrumentality of either. 65646

(I) "License" means a document issued by the department of 65647  
health to a business entity or public entity affirming that the 65648  
entity has met the requirements set forth in this chapter to 65649  
engage in asbestos hazard abatement ~~activities~~ projects as an 65650  
asbestos hazard abatement contractor. 65651

(J) "Certificate" means: 65652

(1) A document issued by the department to an individual 65653  
affirming that the individual has successfully completed the 65654  
training and other requirements set forth in this chapter to 65655  
qualify as an asbestos hazard abatement specialist, an asbestos 65656  
hazard evaluation specialist, an asbestos hazard abatement worker, 65657  
an asbestos hazard abatement project designer, an asbestos hazard 65658  
abatement air-monitoring technician, an approved asbestos hazard 65659  
training provider, or other category of asbestos hazard specialist 65660  
that the public health council establishes by rule; or 65661

(2) A document issued by a training institution in accordance 65662  
with rules adopted by the public health council affirming that an 65663  
individual has successfully completed the instruction required in 65664  
all categories as provided in sections 3710.07 and 3710.10 of the 65665  
Revised Code. 65666

(K) "Person" means any individual, business entity, 65667  
governmental body, or other public or private entity. 65668

(L) "Encapsulate" means to coat, bind, or resurface 65669  
asbestos-containing materials on walls, ceilings, pipes, or other 65670  
structures to prevent friable asbestos from becoming airborne. 65671

(M) "Friable asbestos-containing material" means any material 65672  
that contains more than one per cent asbestos ~~by weight~~ as 65673  
determined using the methods specified in 40 C.F.R. Part 763, 65674  
Subpart E, Appendix E, Section 1, "Polarized Light Microscopy," 65675  
and that can be crumbled, pulverized, or reduced to powder, when 65676  
dry, by hand pressure. "Friable asbestos-containing material" 65677  
includes previously non-friable material after that material 65678  
becomes damaged to the extent that, when dry, it may be crumbled, 65679  
pulverized, or reduced to powder by hand pressure. 65680

(N) "Enclosure" means the permanent confinement of friable 65681  
asbestos-containing materials with an airtight barrier in an area 65682  
not used as an air plenum. 65683

(O) "Renovation" means the removal or stripping of friable 65684  
asbestos-containing materials used on any pipe, duct, boiler, 65685  
tank, reactor, turbine, furnace, or load supporting member. 65686

(P) "Asbestos hazard abatement worker" means the person 65687  
responsible in a nonsupervisory capacity for the performance of an 65688  
asbestos hazard abatement activity. 65689

(Q) "Asbestos hazard abatement project designer" means the 65690  
person responsible for the oversight of an asbestos hazard 65691  
abatement activity or the determination of the workscope, work 65692

sequence, or performance standards for an asbestos hazard 65693  
abatement activity, including preparation of specifications, 65694  
plans, and contract documents. 65695

(R) "Director" means the director of health or ~~his~~ the 65696  
director's authorized representative. 65697

(S) "Clearance air sampling" means an air sampling performed 65698  
after the completion of any asbestos hazard abatement ~~activity~~ 65699  
project and prior to the reoccupation of the contained work area 65700  
by the public and conducted for the purpose of protecting the 65701  
public from the health hazards associated with exposure to friable 65702  
asbestos-containing material. 65703

(T) "Asbestos hazard abatement air-monitoring technician" 65704  
means the person who is responsible for environmental monitoring 65705  
or work area clearance air sampling, including air monitoring 65706  
performed to determine completion of response actions under the 65707  
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 65708  
States environmental protection agency pursuant to the "Asbestos 65709  
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 65710  
2970. "Asbestos hazard abatement air-monitoring technician" does 65711  
not mean an industrial hygienist ~~or industrial hygienist in~~ 65712  
~~training~~, certified by the American board of industrial hygiene. 65713

**Sec. 3710.04.** (A) To qualify for an asbestos hazard abatement 65714  
contractor's license, a business entity or public entity shall 65715  
meet the requirements of this section. 65716

(B) Each employee or agent of the business entity or public 65717  
entity applying for a license who will come in contact with 65718  
asbestos or will be responsible for an asbestos hazard abatement 65719  
~~project activity~~ shall do both of the following: 65720

(1) Be familiar with all applicable state and federal 65721  
standards for asbestos hazard abatement projects; 65722

(2) Have successfully completed the course of instruction on asbestos hazard abatement activities, for their particular certification, approved by the department of health pursuant to section 3710.10 of the Revised Code, have passed an examination approved by the department, and demonstrate to the department that ~~he~~ the employee or agent is capable of complying with all applicable standards of this state, the United States environmental protection agency, and the United States occupational safety and health administration.

(C) A business entity or public entity applying for an asbestos hazard abatement contractor's license shall, in addition to the other requirements of this section, provide at least one asbestos hazard abatement specialist, certified pursuant to this chapter and the rules of the public health council adopted pursuant thereto, for each asbestos hazard abatement project, and demonstrate to the satisfaction of the department that ~~he~~ all of the following apply to the applicant:

(1) ~~Has~~ The applicant has access to at least one asbestos disposal site approved by the Ohio environmental protection agency that is sufficient for the deposit of all asbestos waste that ~~he~~ the applicant will generate during the term of the license;

(2) ~~Is~~ The applicant is sufficiently qualified to safely remove asbestos, demonstrated by reliability as an asbestos hazard abatement contractor, possesses a work program that prevents the contamination or recontamination of the environment and protects the public health from the hazards of exposure to asbestos, possesses evidence of certification of each individual employee or agent who will be responsible for others who may come in contact with friable asbestos-containing materials, possesses evidence of training of workers required by section 3710.07 of the Revised Code, and has prior successful experience in asbestos hazard abatement projects or equivalent qualifications as determined by

rule by the public health council; 65755

(3) ~~Possesses~~ The applicant possesses a worker protection 65756  
program consistent with requirements established by the public 65757  
health council if the contractor is a public entity, and a worker 65758  
protection program consistent with the requirements of the United 65759  
States occupational safety and health administration if the 65760  
contractor is a business entity; 65761

(4) ~~Is~~ The applicant is registered as a business entity with 65762  
the secretary of state. 65763

(D) No applicant for licensure as an asbestos hazard 65764  
abatement contractor, in order to meet the requirements of this 65765  
chapter, shall list an employee of another contractor. 65766

(E) The business entity or public entity shall meet any other 65767  
standards that the public health council, by rule, sets. 65768

(F) Nothing in this chapter or the rules adopted pursuant 65769  
thereto relating to asbestos hazard abatement project designers 65770  
shall be interpreted as authorizing or permitting an individual 65771  
who is certified as an asbestos hazard abatement project designer 65772  
to perform the services of a registered architect or professional 65773  
engineer unless that person is registered under Chapter 4703. or 65774  
4733. of the Revised Code to perform such services. 65775

**Sec. 3710.05.** (A) Except as otherwise provided in this 65776  
chapter, no person shall engage in any asbestos hazard abatement 65777  
activities in this state unless licensed or certified pursuant to 65778  
this chapter. 65779

(B) To apply for licensure as an asbestos hazard abatement 65780  
contractor or certification as an asbestos hazard abatement 65781  
specialist, an asbestos hazard evaluation specialist, an asbestos 65782  
hazard abatement project designer, or an asbestos hazard abatement 65783  
air-monitoring technician, a person shall do all of the following: 65784

(1) Submit a completed application to the department of health, on a form provided by the department;	65785 65786
(2) Pay the requisite fee as provided in division (D) of this section;	65787 65788
(3) Submit any other information the public health council by rule requires.	65789 65790
(C) The application form for a business entity or public entity applying for an asbestos hazard abatement contractor's license shall include all of the following:	65791 65792 65793
(1) A description of the protective clothing and respirators that the public entity will use to comply with rules adopted by the public health council and that the business entity will use to comply with requirements of the United States occupational safety and health administration;	65794 65795 65796 65797 65798
(2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public health from the hazards associated with exposure to asbestos;	65799 65800 65801 65802 65803
(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;	65804 65805
(4) A description of the site decontamination procedures that the business entity or public entity will use;	65806 65807
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	65808 65809
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	65810 65811
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public	65812 65813 65814



health from the hazards of exposure to asbestos;	65815
(8) A description of the final clean-up procedures that the business entity or public entity will use;	65816 65817
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	65818 65819
(10) The federal tax identification number of the business entity or the public entity.	65820 65821
(D) The fees to be charged to each public entity and business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are <u>as follows</u> :	65822 65823 65824 65825 65826
(1) Seven hundred fifty dollars for asbestos hazard abatement contractors;	65827 65828
(2) Two hundred dollars for asbestos hazard abatement project designers;	65829 65830
(3) Fifty dollars for asbestos hazard abatement workers;	65831
(4) Two hundred dollars for asbestos hazard abatement specialists;	65832 65833
(5) Two hundred dollars for asbestos hazard evaluation specialists; <del>and</del>	65834 65835
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	65836 65837
(E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement <del>activities</del> <u>projects</u> solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health	65838 65839 65840 65841 65842 65843 65844

administration and provided further that all persons employed by 65845  
the business entity on the ~~activity~~ project meet the requirements 65846  
of this chapter. 65847

**Sec. 3710.051.** No ~~person~~ asbestos hazard abatement contractor 65848  
shall enter into an agreement to perform any aspect of an asbestos 65849  
hazard abatement project unless the agreement is written and 65850  
contains at least all of the following: 65851

(A) A requirement that all persons working on the project are 65852  
licensed or certified by the department of health as required by 65853  
this chapter; 65854

(B) A requirement that all project clearance levels and 65855  
sampling be in accordance with the public health council rules; 65856

(C) A requirement that all clearance air-monitoring be 65857  
conducted by asbestos hazard abatement air-monitoring technicians 65858  
or asbestos hazard evaluation specialists certified by the 65859  
department. 65860

**Sec. 3710.06.** (A) Within fifteen business days after 65861  
receiving an application, the department of health shall 65862  
acknowledge receipt of the application and notify the applicant of 65863  
any deficiency in the application. Within sixty calendar days 65864  
after receiving a completed application, including all additional 65865  
information requested by the department, the department shall 65866  
issue a license or certificate or deny the application. The 65867  
department shall issue only one license or certificate that is in 65868  
effect at one time to a business entity and its principal officers 65869  
and a public entity and its principal officers. 65870

(B)(1) The department shall deny an application if it 65871  
determines that the applicant has not demonstrated the ability to 65872  
comply fully with all applicable federal and state requirements 65873  
and all requirements, procedures, and standards established by the 65874

public health council in this chapter. 65875

(2) The department shall deny any application for an asbestos 65876  
hazard abatement contractor's license if the applicant or an 65877  
officer or employee of the applicant has been convicted of a 65878  
felony or found liable in a civil proceeding under any state or 65879  
federal law designed to protect the environment. 65880

(3) The department shall send all denials of an application 65881  
by certified mail to the applicant. If the department receives a 65882  
timely request for a hearing from the applicant, as provided in 65883  
division (D) of section 3710.13 of the Revised Code, the 65884  
department shall hold a hearing in accordance with Chapter 119. of 65885  
the Revised Code. 65886

(C) In an emergency that results from a sudden, unexpected 65887  
event that is not a planned asbestos hazard abatement project, the 65888  
department may waive the requirements for a license ~~or~~ 65889  
~~certificate~~. For the purposes of this division, "emergency" 65890  
includes operations necessitated by nonroutine failures of 65891  
equipment or by actions of fire and emergency medical personnel 65892  
pursuant to duties within their official capacities. Any person 65893  
who performs an asbestos hazard abatement ~~activity~~ project under 65894  
emergency conditions shall notify the director within three days 65895  
after performance thereof. 65896

(D) Each license or certificate issued under this chapter 65897  
expires one year after the date of issue, but each licensee or 65898  
certificate holder may apply to the department for the extension 65899  
of ~~his~~ the holder's license or certificate under the standard 65900  
renewal procedures of Chapter 4745. of the Revised Code. 65901

To qualify for renewal of a license or certificate issued 65902  
under this chapter, each licensee or certificate holder shall send 65903  
the appropriate renewal fee set forth in division (D) of section 65904  
3710.05 of the Revised Code or as adopted by rule by the public 65905

health council pursuant to division (A)(4) of section 3710.02 of the Revised Code. 65906  
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Certificate holders also shall successfully complete an annual renewal course approved by the department pursuant to section 3710.10 of the Revised Code. 65908  
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(E) The department may charge a fee in addition to those specified in division (D) of section 3710.05 of the Revised Code or in rule of the public health council pursuant to division (A)(4) of section 3710.02 of the Revised Code if the licensee or certificate holder applies for renewal after the expiration thereof or requests a reissuance of any license or certificate, provided that no such fee shall exceed the original fees by more than fifty per cent. 65911  
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**Sec. 3710.07.** (A) Prior to engaging in any asbestos hazard abatement project, an asbestos hazard abatement contractor shall do all of the following: 65919  
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(1) Prepare a written respiratory protection program as defined by the public health council pursuant to rule, and make the program available to the department of health, and workers at the job site if the contractor is a public entity or prepare a written respiratory protection program, consistent with 29 C.F.R. 1910.134 and make the program available to the department, and workers at the job site if the contractor is a business entity; 65922  
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(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be physically capable of working while wearing a respirator; 65929  
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(3) Ensure that each of the contractor's employees or agents who will come in contact with asbestos-containing materials or will be responsible for an asbestos hazard abatement project 65933  
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receives the appropriate certification or licensure required by 65936  
this chapter and completes both of the following training courses: 65937

(a) An initial course approved by the department pursuant to 65938  
section 3710.10 of the Revised Code, completed before engaging in 65939  
any asbestos hazard abatement ~~project~~ activity; and 65940

(b) An annual review course approved by the department 65941  
pursuant to section 3710.10 of the Revised Code. 65942

(B) After obtaining or renewing a license, an asbestos hazard 65943  
abatement contractor shall notify the department, on a form 65944  
approved by the director of health, at least ten business days 65945  
before beginning each asbestos hazard abatement project conducted 65946  
during the term of the contractor's license. 65947

(C) In addition to any other fee imposed under this chapter, 65948  
an asbestos hazard abatement contractor shall pay, at the time of 65949  
providing notice under division (B) of this section, the 65950  
department a fee of sixty-five dollars for each asbestos hazard 65951  
abatement project conducted. 65952

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor 65953  
engaging in any asbestos hazard abatement project shall, during 65954  
the course of the project: 65955

(1) Conduct each project in a manner that is in compliance 65956  
with the requirements the director of environmental protection 65957  
adopts pursuant to section 3704.03 of the Revised Code and the 65958  
asbestos requirements of the United States occupational safety and 65959  
health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 65960

(2) Comply with all applicable rules adopted by the public 65961  
health council pursuant to section 3710.02 of the Revised Code. 65962

(B) An asbestos hazard abatement contractor that is a public 65963  
entity shall: 65964

(1) Provide workers with protective clothing and equipment 65965

and ensure that the workers involved in any asbestos hazard abatement project use the items properly. Protective clothing and equipment shall include:

(a) Respirators approved by the national institute of occupational safety and health. These respirators shall be fit tested in accordance with requirements of the United States occupational safety and health administration set forth in 29 C.F.R. ~~1926.58(h)~~ 1926.1101(h). At the request of an employee, the asbestos hazard abatement contractor shall provide the employee with a powered air purifying respirator, in which case, the testing requirements of division (B)(1)(a) of this section do not apply.

(b) Items required by the public health council by rule as provided in division (A)(7) of section 3710.02 of the Revised Code.

(2) Comply with all applicable standards of conduct and requirements adopted by the public health council and the director of health pursuant to section 3710.02 of the Revised Code.

(C) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement ~~project~~ activity shall, during the course of the ~~project~~ activity do all of the following:

(1) Conduct each ~~project~~ activity in a manner that will meet decontamination procedures, project containment procedures, and asbestos fiber dispersal methods as provided in division (A)(6) of section 3710.02 of the Revised Code;

(2) Ensure that workers utilize, handle, remove, and dispose of the disposable clothing provided by abatement contractors in a manner that will prevent contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos;

(3) Ensure that workers utilize protective clothing and

equipment and comply with the applicable health and safety 65997  
standards set forth in division (A) of this section ~~3710.08 of the~~ 65998  
~~Revised Code;~~ 65999

(4) Ensure that there is no smoking, eating, or drinking in 66000  
the work area; 66001

(5) Comply with all applicable standards of conduct and 66002  
requirements adopted by the public health council and director of 66003  
health pursuant to section 3710.02 of the Revised Code. 66004

(D) An asbestos hazard evaluation specialist engaged in the 66005  
identification, detection, and assessment of asbestos-containing 66006  
materials, the determination of appropriate response actions, or 66007  
other activities associated with an abatement project or the 66008  
preparation of management plans, shall comply with the applicable 66009  
standards of conduct and requirements adopted by the public health 66010  
council and the director of health pursuant to section 3710.02 of 66011  
the Revised Code. 66012

(E) Every asbestos hazard abatement worker shall comply with 66013  
all applicable standards adopted by the public health council 66014  
pursuant to section 3710.02 of the Revised Code. 66015

~~(F) The department may, on a case by case basis, approve an 66016  
alternative to the worker protection requirements of divisions 66017  
(A), (B), and (C) of this section for an asbestos hazard abatement 66018  
project conducted by a public entity, provided that the asbestos 66019  
hazard abatement contractor submits the alternative procedure to 66020  
the department in writing and demonstrates to the satisfaction of 66021  
the department that the proposed alternative procedure provides 66022  
equivalent worker protection. 66023~~

**Sec. 3710.12.** Subject to the hearing provisions of this 66024  
chapter, the department of health may deny, suspend, or revoke any 66025  
license or certificate, or renewal thereof, if the licensee or 66026

certificate holder does or is doing one of the following: 66027

(A) Fraudulently or deceptively obtains or attempts to obtain 66028  
a license or certificate; 66029

(B) Fails at any time to meet the qualifications for a 66030  
license or certificate; 66031

(C) Is violating or threatening to violate any provisions of 66032  
one of the following: 66033

(1) This chapter or the rules of the public health council or 66034  
director of health adopted pursuant thereto; 66035

(2) The "National Emission Standard for Hazardous Air 66036  
Pollutants" regulations of the United States environmental 66037  
protection agency as the regulations pertain to asbestos; ~~or~~ 66038

(3) The regulations of the United States occupational safety 66039  
and health administration as the regulations pertain to asbestos; 66040

(4) The regulations set forth in 40 C.F.R. Part 763 that were 66041  
adopted by the United States environmental protection agency 66042  
pursuant to Title II of the "Toxic Substances Control Act," Pub. 66043  
L. No. 94-469, 90 Stat. 2003, as amended by the "Asbestos Hazard 66044  
Emergency Response Act of 1986," Pub. L. No. 99-519, 100 Stat. 66045  
2970. 66046

**Sec. 3710.13.** (A) Except as otherwise provided in Chapter 66047  
119. of the Revised Code or this section, before the department of 66048  
health takes any action under section 3710.12 of the Revised Code, 66049  
it shall give the licensee or certificate holder against whom 66050  
action is contemplated an opportunity for a hearing. 66051

Except as otherwise provided in this section, the department 66052  
shall give notice and hold the hearing in accordance with Chapter 66053  
119. of the Revised Code. 66054

(B) The department, without notice or hearing and in 66055



accordance with the rules of the public health council, may issue 66056  
an order requiring any action necessary to meet a public health 66057  
emergency involving asbestos. Any person to whom an order is 66058  
directed shall immediately comply with the order. Upon application 66059  
to the director of health, the person shall be afforded a hearing 66060  
as soon as possible, but no more than twenty days after receipt of 66061  
the application by the director. 66062

(C) If the director determines, pursuant to division (B) of 66063  
this section, that a public health emergency exists, ~~he~~ the 66064  
director may order, without a hearing, the denial, suspension, or 66065  
revocation of any license or certificate issued under this chapter 66066  
of the parties involved, provided that an opportunity for a 66067  
hearing is provided to the affected party as soon as reasonably 66068  
possible. 66069

(D) All proceedings under this chapter are subject to Chapter 66070  
119. of the Revised Code, except that: 66071

(1) Upon the request of a licensee or certificate holder, the 66072  
location of an adjudicatory hearing is the county seat of the 66073  
county in which the licensee or certificate holder conducts 66074  
business. 66075

(2) The director shall notify, by certified mail or personal 66076  
delivery, a licensee or certificate holder that ~~he~~ the licensee or 66077  
certificate holder is entitled to a hearing if ~~he~~ the licensee or 66078  
certificate holder requests it, in writing, within ten business 66079  
days of the time that ~~he~~ the licensee or certificate holder 66080  
receives the notice. If the licensee or certificate holder 66081  
requests such a hearing, the director shall set the hearing date 66082  
no later than ten business days after the director receives the 66083  
request. 66084

(3) The director shall not apply for or receive a 66085  
postponement or continuation of an adjudication hearing. If a 66086

licensee or certificate holder requests a postponement or 66087  
continuation of an adjudication hearing, the director only shall 66088  
grant the request if the licensee or certificate holder 66089  
demonstrates extreme hardship in complying with the hearing date. 66090  
If the director grants a postponement or continuation on the 66091  
grounds of extreme hardship, the director shall include in the 66092  
record of the case, the nature and cause of the extreme hardship. 66093

(4) In lieu of an adjudicatory hearing required by this 66094  
chapter, a licensee or certificate holder, by no later than the 66095  
date set for a hearing pursuant to division (A)~~(3)~~(2) of this 66096  
section, may by written request to the director, request that the 66097  
matter be resolved by the licensee or certificate holder 66098  
submitting documents, papers, and other written evidence to the 66099  
director to support ~~his~~ the licensee's or certificate holder's 66100  
claim. 66101

(5) If the director appoints a referee or an examiner to 66102  
conduct a hearing, all of the following apply: 66103

(a) The examiner or referee shall serve, by certified mail 66104  
and within three business days of the conclusion of the hearing, a 66105  
copy of the written adjudication report and ~~his~~ the referee's or 66106  
examiner's recommendations, on the director and the affected 66107  
licensee or certificate holder or the licensee's or certificate 66108  
holder's attorney or other representative of record. 66109

(b) The licensee or certificate holder, within three business 66110  
days of receipt of the report under division (D)(5)(a) of this 66111  
section, may file with the director written objections to the 66112  
report and recommendations. 66113

(c) The director shall consider any objections received under 66114  
division (D)(5)(b) of this section prior to approving, modifying, 66115  
or disapproving the report and recommendations. Within six 66116  
business days of receiving the report under division (D)(5)(a) of 66117

this section, the director shall serve ~~his~~ the director's order, 66118  
by certified mail or personal delivery, on the affected licensee 66119  
or certificate holder or the licensee's or certificate holder's 66120  
attorney or other representative of record. 66121

(6) If the director conducts an adjudicatory hearing under 66122  
this chapter, ~~he~~ the director shall serve ~~his~~ the director's 66123  
decision, by certified mail or personal delivery and within three 66124  
business days of the conclusion of the hearing, on the affected 66125  
licensee or certificate holder or the licensee's or certificate 66126  
holder's attorney or other representative of record. 66127

(7) If no hearing is held, the director shall issue an order, 66128  
by certified mail or personal delivery and within three business 66129  
days of the last date possible for a hearing, based upon the 66130  
record available to ~~him~~ the director, to the affected licensee or 66131  
certificate holder or the licensee's or certificate holder's 66132  
attorney or other representative of record. 66133

(8) A licensee or certificate holder shall file a notice of 66134  
appeal to an adverse adjudication decision within fifteen days 66135  
after receipt of the director's order. 66136

**Sec. 3710.141.** The director of health may issue an order 66137  
requiring any action necessary to meet a public health emergency 66138  
involving asbestos. Any unlicensed or uncertified person to whom 66139  
an order is directed shall comply immediately with the order. If 66140  
immediate action to comply with the order and correct the 66141  
emergency is not taken, the attorney general at the request of the 66142  
director may commence a civil action for civil penalties and 66143  
injunctions in accordance with section 3710.14 of the Revised 66144  
Code. 66145

**Sec. 3712.01.** As used in this chapter: 66146

(A) "Hospice care program" means a coordinated program of 66147

home, outpatient, and inpatient care and services that is operated 66148  
by a person or public agency and that provides the following care 66149  
and services to hospice patients, including services as indicated 66150  
below to hospice patients' families, through a medically directed 66151  
interdisciplinary team, under interdisciplinary plans of care 66152  
established pursuant to section 3712.06 of the Revised Code, in 66153  
order to meet the physical, psychological, social, spiritual, and 66154  
other special needs that are experienced during the final stages 66155  
of illness, dying, and bereavement: 66156

(1) Nursing care by or under the supervision of a registered 66157  
nurse; 66158

(2) Physical, occupational, or speech or language therapy, 66159  
unless waived by the department of health pursuant to rules 66160  
adopted under division (A) of section 3712.03 of the Revised Code; 66161

(3) Medical social services by a social worker under the 66162  
direction of a physician; 66163

(4) Services of a home health aide; 66164

(5) Medical supplies, including drugs and biologicals, and 66165  
the use of medical appliances; 66166

(6) Physician's services; 66167

(7) Short-term inpatient care, including both palliative and 66168  
respite care and procedures; 66169

(8) Counseling for hospice patients and hospice patients' 66170  
families; 66171

(9) Services of volunteers under the direction of the 66172  
provider of the hospice care program; 66173

(10) Bereavement services for hospice patients' families. 66174

(B) "Hospice patient" means a patient who has been diagnosed 66175  
as terminally ill, has an anticipated life expectancy of six 66176  
months or less, and has voluntarily requested and is receiving 66177

care from a person or public agency licensed under this chapter to 66178  
provide a hospice care program. 66179

(C) "Hospice patient's family" means a hospice patient's 66180  
immediate family members, including a spouse, brother, sister, 66181  
child, or parent, and any other relative or individual who has 66182  
significant personal ties to the patient and who is designated as 66183  
a member of the patient's family by mutual agreement of the 66184  
patient, the relative or individual, and the patient's 66185  
interdisciplinary team. 66186

(D) "Interdisciplinary team" means a working unit composed of 66187  
professional and lay persons that includes at least a physician, a 66188  
registered nurse, a social worker, a member of the clergy or a 66189  
counselor, and a volunteer. 66190

(E) "Palliative care" means treatment for a patient with a 66191  
serious or life-threatening illness directed at controlling pain, 66192  
relieving other symptoms, and ~~focusing on the special needs~~ 66193  
enhancing the quality of life of a hospice ~~the~~ patient and the 66194  
hospice patient's family ~~as they experience the stress of the~~ 66195  
~~dying process~~ rather than treatment aimed at investigation and 66196  
~~intervention~~ for the purpose of cure ~~or prolongation of life.~~ 66197  
Nothing in this section shall be interpreted to mean that 66198  
palliative care can be provided only as a component of a hospice 66199  
care program. 66200

(F) "Physician" means a person authorized under Chapter 4731. 66201  
of the Revised Code to practice medicine and surgery or 66202  
osteopathic medicine and surgery. 66203

(G) "Attending physician" means the physician identified by 66204  
the hospice patient or the hospice patient's family as having 66205  
primary responsibility for the hospice patient's medical care. 66206

(H) "Registered nurse" means a person registered under 66207  
Chapter 4723. of the Revised Code to practice professional 66208

nursing. 66209

(I) "Social worker" means a person licensed under Chapter 66210  
4757. of the Revised Code to practice as a social worker or 66211  
independent social worker. 66212

**Sec. 3712.03.** (A) In accordance with Chapter 119. of the 66213  
Revised Code, the public health council shall adopt, and may amend 66214  
and rescind, rules: 66215

(1) Providing for the licensing of persons or public agencies 66216  
providing hospice care programs within this state by the 66217  
department of health and for the suspension and revocation of 66218  
licenses; 66219

(2) Establishing a license fee and license renewal fee ~~not~~ 66220  
~~to, neither of which shall, except as provided in division (B) of~~ 66221  
~~this section,~~ exceed ~~three~~ six hundred dollars. The fees shall 66222  
cover the three-year period during which an existing license is 66223  
valid as provided in division (B) of section 3712.04 of the 66224  
Revised Code. 66225

(3) Establishing an inspection fee not to exceed, except as 66226  
provided in division (B) of this section, one thousand seven 66227  
hundred fifty dollars; 66228

(4) Establishing requirements for hospice care program 66229  
facilities and services; 66230

(5) Providing for a waiver of the requirement for the 66231  
provision of physical, occupational, or speech or language therapy 66232  
contained in division (A)(2) of section 3712.01 of the Revised 66233  
Code when the requirement would create a hardship because such 66234  
therapy is not readily available in the geographic area served by 66235  
the provider of a hospice care program; 66236

(6) Providing for the granting of licenses to provide hospice 66237  
care programs to persons and public agencies that are accredited 66238

or certified to provide such programs by an entity whose standards 66239  
for accreditation or certification equal or exceed those provided 66240  
for licensure under this chapter and rules adopted under it; ~~and~~ 66241

(7) Establishing interpretive guidelines for each rule. 66242

(B) Subject to the approval of the controlling board, the 66243  
public health council may establish fees in excess of the maximum 66244  
amounts ~~provided by sections 3712.01 and 3712.03 to 3712.06 of the~~ 66245  
~~Revised Code~~ specified in this section, provided that the fees do 66246  
not exceed those amounts by greater than fifty per cent. 66247

(C) The department of health shall: 66248

(1) Grant, suspend, and revoke licenses for hospice care 66249  
programs in accordance with this chapter and rules adopted under 66250  
it; 66251

(2) Make such inspections as are necessary to determine 66252  
whether hospice care program facilities and services meet the 66253  
requirements of this chapter and rules adopted under it; and 66254

(3) Implement and enforce this chapter and rules adopted 66255  
under it. 66256

**Sec. 3713.01.** As used in sections 3713.01 to 3713.10 of the 66257  
Revised Code: 66258

(A) "Person" has the same meaning as used in division (C) of 66259  
section 1.59 of the Revised Code and also means any limited 66260  
company, limited liability partnership, joint stock company, or 66261  
other association. 66262

(B) "Bedding" means any upholstered furniture, any mattress, 66263  
upholstered spring, comforter, bolster, pad, cushion, pillow, 66264  
mattress protector, quilt, and any other upholstered article, to 66265  
be used for sleeping, resting, or reclining purposes, and any 66266  
glider, hammock, or other substantially similar article that is 66267  
wholly or partly upholstered. 66268

(C) "Secondhand" means any article, or material, or portion thereof of which prior use has been made in any manner whatsoever.

(D) "Remade, repaired, or renovated articles not for sale" means any article that is remade, repaired, or renovated for and is returned to the owner for the owner's own use.

(E) "Sale," "sell," or "sold" shall, in the corresponding tense, mean sell, offer to sell, or deliver or consign in sale, or possess with intent to sell, or deliver in sale.

(F) "Upholstered furniture" means any article of furniture wholly or partly stuffed or filled with material and that is used or intended for use for sitting, resting, or reclining purposes.

(G) "Stuffed toy" means any article intended for use as a plaything or for an educational or recreational purpose that is wholly or partially stuffed with material.

(H) "Tag" or "label" means any material prescribed by the superintendent of ~~industrial compliance~~ labor to be attached to an article that contains information required under this chapter.

**Sec. 3713.02.** (A) Except as provided in section 3713.05 of the Revised Code, no person shall import, manufacture, renovate, wholesale, or reupholster stuffed toys or articles of bedding in this state without first registering to do so with the superintendent of ~~industrial compliance~~ labor in accordance with section 3713.05 of the Revised Code.

(B) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is not labeled in accordance with section 3713.08 of the Revised Code.

(C) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is falsely



labeled. 66299

(D) No person shall sell or offer for sale any secondhand 66300  
article of bedding or any secondhand stuffed toy that has not been 66301  
sanitized in accordance with section 3713.08 of the Revised Code. 66302

(E) The possession of any article of bedding or stuffed toy 66303  
in the course of business by a person required to obtain 66304  
registration under this chapter, or by that person's agent or 66305  
servant shall be prima-facie evidence of the person's intent to 66306  
sell the article of bedding or stuffed toy. 66307

**Sec. 3713.03.** The superintendent of ~~industrial compliance~~ 66308  
labor in the department of commerce shall administer and enforce 66309  
this chapter. 66310

**Sec. 3713.04.** (A) In accordance with Chapter 119. of the 66311  
Revised Code, the superintendent of ~~industrial compliance~~ labor 66312  
shall: 66313

(1) Adopt rules pertaining to the definition, name, and 66314  
description of materials necessary to carry out this chapter; 66315

(2) Determine the testing standards, fees, and charges to be 66316  
paid for making any test or analysis required pursuant to section 66317  
3713.08 of the Revised Code. 66318

(B) In accordance with Chapter 119. of the Revised Code, the 66319  
superintendent may adopt rules regarding the following: 66320

(1) Establishing an initial application fee or an annual 66321  
registration renewal fee not more than fifty per cent higher than 66322  
the fees set forth in section 4713.05 of the Revised Code; 66323

(2) Establishing standards, on a reciprocal basis, for the 66324  
acceptance of labels and laboratory analyses from other states 66325  
where the labeling requirements and laboratory analysis standards 66326  
are substantially equal to the requirements of this state, 66327

provided the other state extends similar reciprocity to labels and 66328  
laboratory analysis conducted under this chapter; 66329

(3) Any other rules necessary to administer and carry out 66330  
this chapter. 66331

(C) The superintendent may do any of the following: 66332

(1) Issue administrative orders, conduct hearings, and take 66333  
all actions necessary under the authority of Chapter 119. of the 66334  
Revised Code for the administration of this chapter. The authority 66335  
granted under this division shall include the authority to 66336  
suspend, revoke, or deny registration under this chapter. 66337

(2) Establish and maintain facilities within the department 66338  
of commerce to make tests and analysis of materials used in the 66339  
manufacture of bedding and stuffed toys. The superintendent also 66340  
may designate established laboratories in various sections of the 66341  
state that are qualified to make these tests. If the 66342  
superintendent exercises this authority, the superintendent shall 66343  
adopt rules to determine the fees and charges to be paid for 66344  
making the tests or analyses authorized under this section. 66345

(3) Exercise such other powers and duties as are necessary to 66346  
carry out the purpose and intent of this chapter. 66347

**Sec. 3713.05.** (A) Applications to register to import, 66348  
manufacture, renovate, wholesale, make, or reupholster stuffed 66349  
toys or bedding in this state shall be made in writing on forms 66350  
provided by the superintendent of ~~industrial-compliance~~ labor. The 66351  
application shall be accompanied by a registration fee of fifty 66352  
dollars per person unless the applicant engages only in 66353  
renovation, in which case the registration fee shall be 66354  
thirty-five dollars. 66355

(B) Upon receipt of the application and the appropriate fee, 66356  
the superintendent shall register the applicant and assign a 66357

registration number to the registrant. 66358

(C) Notwithstanding section 3713.02 of the Revised Code and 66359  
division (A) of this section, the following are exempt from 66360  
registration: 66361

(1) An organization described in section 501(c)(3) of the 66362  
"Internal Revenue Code of 1986," and exempt from income tax under 66363  
section 501(a) of that code and that is operated exclusively to 66364  
provide recreation or social services; 66365

(2) A person who is not regularly engaged in the business of 66366  
manufacturing, making, wholesaling, or importing stuffed toys but 66367  
who manufactures or makes stuffed toys as a leisure pursuit and 66368  
who sells one hundred or fewer stuffed toys within one calendar 66369  
year; 66370

(3) A person who is not regularly engaged in the business of 66371  
manufacturing, making, wholesaling, or importing quilts, 66372  
comforters, pillows, or cushions, but who manufactures or makes 66373  
these items as a leisure pursuit and who sells five or fewer 66374  
quilts, ten or fewer comforters, or twenty or fewer pillows or 66375  
cushions within one calendar year. 66376

(D) Notwithstanding division (C)(2) or (3) of this section, a 66377  
person exempt under that division must attach a label to each 66378  
stuffed toy that contains all of the following information: 66379

(1) The person's name and address; 66380

(2) A statement that the person is not registered by the 66381  
state of Ohio; 66382

(3) A statement that the contents of the product have not 66383  
been inspected. 66384

**Sec. 3713.06.** (A) Any person required to register under 66385  
division (A) of section 3713.02 of the Revised Code who imports 66386  
bedding or stuffed toys into this state for retail sale or use in 66387

this state and any person required to register under division (A) 66388  
of section 3713.02 of the Revised Code who manufactures bedding or 66389  
stuffed toys in this state for retail sale or use in this state 66390  
shall submit a report to the superintendent of ~~industrial~~ 66391  
~~compliance~~ labor, in a form and manner prescribed by the 66392  
superintendent. The form shall be submitted once every six months 66393  
and shall show the total number of items of bedding or stuffed 66394  
toys imported into this state or manufactured in this state. Each 66395  
report shall be accompanied by a fee of four cents for each item 66396  
of bedding or stuffed toy imported into this state or manufactured 66397  
in this state. 66398

(B) Every importer, manufacturer, or wholesaler of stuffed 66399  
toys or articles of bedding, and every mobile home and 66400  
recreational vehicle dealer, conversion van dealer, secondhand 66401  
dealer, and auction house shall retain records, designated by the 66402  
superintendent in rule, for the time period established in rule. 66403

(C) Every importer, manufacturer, or wholesaler of stuffed 66404  
toys or articles of bedding, and every mobile home and 66405  
recreational vehicle dealer, conversion van dealer, secondhand 66406  
dealer, and auction house shall make sufficient investigation of 66407  
its records to ensure that the information reported to the 66408  
superintendent under division (A) of this section is accurate. 66409

**Sec. 3713.07.** (A) Registration obtained under this chapter 66410  
expires annually on the last day of the month in the month that 66411  
the registration was obtained. The superintendent of ~~industrial~~ 66412  
~~compliance~~ labor shall renew the registration in accordance with 66413  
Chapter 4745. of the Revised Code. 66414

(B) Failure on the part of any registrant to renew 66415  
registration prior to its expiration, when notified as required in 66416  
this section, shall not deprive the person of the right to renewal 66417  
within the ninety days that follow expiration, but the fee to be 66418

paid for renewal after its expiration shall be one hundred dollars 66419  
plus the standard registration fee for the registrant. 66420

(C) If a registrant fails to renew registration within ninety 66421  
days of the date that it expired, the former registrant shall 66422  
comply with the registration requirements under section 3713.05 of 66423  
the Revised Code to obtain valid registration. 66424

**Sec. 3713.08.** (A) All persons required to register under 66425  
division (A) of section 3713.02 of the Revised Code manufacturing, 66426  
making, or wholesaling bedding or stuffed toys, or both, that are 66427  
sold or offered for sale shall have the material content of their 66428  
products tested and analyzed at an established laboratory 66429  
designated by the superintendent of ~~industrial compliance~~ labor 66430  
before the bedding or stuffed toys are sold or offered for sale. 66431

(B) Every stuffed toy or item of bedding sold or offered for 66432  
sale shall have a label affixed to it that reports the contents of 66433  
the stuffed toy or bedding material in conformity with 66434  
requirements established by the superintendent, a registration 66435  
number, and any other identifying information as required by the 66436  
superintendent. 66437

(C) The seller of any secondhand articles of bedding or 66438  
stuffed toys shall sanitize all items in accordance with rules 66439  
established by the superintendent prior to the sale of or the 66440  
offering for sale of any secondhand articles. 66441

(D) This section does not apply to any of the following: 66442

(1) Persons who meet the qualifications of division (C)(2) or 66443  
(3) of section 3713.05 of the Revised Code; 66444

(2) The sale of furniture more than fifty years old; 66445

(3) The sale of furniture from the home of the owner directly 66446  
to the purchaser. 66447

**Sec. 3713.09.** (A) The superintendent of ~~industrial compliance~~ 66448  
labor may appoint inspectors and periodically inspect and 66449  
investigate any establishment where bedding or stuffed toys are 66450  
manufactured, made, remade, renovated, repaired, sanitized, sold, 66451  
or offered for sale, or where previously used material is 66452  
processed for use in the manufacture of bedding or stuffed toys. 66453

(1) Each inspector shall make a written report to the 66454  
superintendent of each examination and inspection complete with 66455  
the inspector's findings and recommendations. Inspectors may place 66456  
"off sale" any article of bedding or stuffed toy offered for sale, 66457  
or found in the possession of any person with the intent to sell, 66458  
in violation of section 3713.02 of the Revised Code. Inspectors 66459  
shall perform other duties related to inspection and examination 66460  
as prescribed by the superintendent. 66461

(2) When articles are placed "off sale" under division (A)(1) 66462  
of this section, they shall be tagged, and the tag shall not be 66463  
removed except by an authorized representative of the division of 66464  
~~industrial compliance~~ labor after the violator demonstrates to the 66465  
satisfaction of the superintendent proof of compliance with the 66466  
requirements of section 3713.08 of the Revised Code. 66467

(B)(1) When an inspector has cause to believe that any 66468  
bedding or stuffed toy is not tagged or labeled in accordance with 66469  
section 3713.08 of the Revised Code, the inspector may open any 66470  
seam of the bedding or stuffed toy in question to examine the 66471  
material used or contained within it and take a reasonable amount 66472  
of the material for testing and analysis and, if necessary, 66473  
examine any and all purchase records in order to determine the 66474  
contents or the kind of material used in the bedding or stuffed 66475  
toy in question. An inspector may seize and hold evidence of any 66476  
article of bedding, stuffed toy, or material manufactured, made, 66477  
possessed, renovated, remade, or repaired, sold, or offered for 66478

sale contrary to this chapter. 66479

(2) Immediately after seizing articles believed to be in 66480  
violation of this chapter, the inspector immediately shall report 66481  
the seizure to the superintendent. The superintendent shall hold a 66482  
hearing in accordance with Chapter 119. of the Revised Code or 66483  
make a ruling in the matter. If the superintendent finds that the 66484  
article of bedding, stuffed toy, or material is not in violation 66485  
of this chapter, the superintendent shall order the item or items 66486  
returned to the owner. If the superintendent finds a violation of 66487  
this chapter, the superintendent may do either of the following: 66488

(a) Return the articles to the owner for proper treatment, 66489  
tagging or labeling, or other action as ordered by the 66490  
superintendent, subject to the requirement that the articles be 66491  
reinspected at cost to the owner, prior to being sold or offered 66492  
for sale; 66493

(b) Report the violation to the appropriate prosecuting 66494  
attorney or city law director. 66495

(C) The superintendent, at reasonable times and upon 66496  
reasonable notice, may examine or cause to be examined the records 66497  
of any importer, manufacturer, or wholesaler of stuffed toys or 66498  
articles of bedding, mobile home and recreational vehicle dealer, 66499  
conversion van dealer, secondhand dealer, or auction house to 66500  
determine compliance with this chapter. The superintendent may 66501  
enter into contracts, pursuant to procedures prescribed by the 66502  
superintendent, with persons to examine these records to determine 66503  
compliance with this chapter. These persons may collect and remit 66504  
to the superintendent any amounts due under this chapter. 66505

(D) Records audited pursuant to division (C) of this section 66506  
are confidential and shall not be disclosed except as required by 66507  
section 149.43 of the Revised Code, or as the superintendent finds 66508  
necessary for the proper administration of this chapter. 66509

(E) In the case of any investigation or examination, or both, 66510  
that requires investigation or examination outside of this state 66511  
of any importer, manufacturer, or wholesaler of stuffed toys or 66512  
articles of bedding, or of any mobile home or recreational vehicle 66513  
dealer, conversion van dealer, secondhand dealer, or auction 66514  
house, the superintendent may require the investigated or examined 66515  
person to pay the actual expense of the investigation or 66516  
examination. The superintendent shall provide an itemized 66517  
statement of actual expenses to the investigated or examined 66518  
person. 66519

(F) Whenever the superintendent has reason to believe, from 66520  
the superintendent's own information, upon complaint, or 66521  
otherwise, that any person has engaged in, is engaging in, or is 66522  
about to engage in any practice prohibited by this chapter, or 66523  
when the superintendent has reason to believe that it is necessary 66524  
for public health and safety, the superintendent may do any of the 66525  
following: 66526

(1) Investigate violations of this chapter, and for that 66527  
purpose, may subpoena witnesses in connection with the 66528  
investigation. The superintendent may make application to the 66529  
appropriate court of common pleas for an order enjoining the 66530  
violation of this chapter, and upon a showing by the 66531  
superintendent that any registrant or person acting in a manner 66532  
that requires registration has violated or is about to violate 66533  
this chapter, an injunction, restraining order, or other order as 66534  
may be appropriate shall be granted by the court. 66535

(2) Compel by subpoena the attendance of witnesses to testify 66536  
in relation to any matter over which the superintendent has 66537  
jurisdiction and that is the subject of inquiry and investigation 66538  
by the superintendent, and require the production of any book, 66539  
paper, or document pertaining to the matter. In case any person 66540  
fails to file any statement or report, obey any subpoena, give 66541



testimony, or produce any books, records, or papers as required by 66542  
a subpoena, the court of common pleas of any county in the state, 66543  
upon application made to it by the superintendent, shall compel 66544  
obedience by attachment proceedings for contempt. 66545

(3) Suspend or revoke the registration of any importer, 66546  
manufacturer, or wholesaler of stuffed toys or articles of 66547  
bedding, mobile home or recreational vehicle dealer, conversion 66548  
van dealer, secondhand dealer, or auction house; 66549

(4) Submit evidence of the violation or violations to any 66550  
city prosecutor, city director of law, or prosecuting attorney 66551  
with authority to prosecute. If the city prosecutor, city director 66552  
of law, or prosecuting attorney with authority to prosecute fails 66553  
to prosecute, the superintendent shall submit the evidence to the 66554  
attorney general who may proceed with the prosecution. 66555

**Sec. 3713.10.** All money collected under this chapter shall be 66556  
deposited into the state treasury to the credit of the ~~industrial~~ 66557  
~~compliance labor~~ operating fund created under section 121.084 of 66558  
the Revised Code. 66559

**Sec. 3714.07.** (A)(1) For the purpose of assisting boards of 66560  
health and the environmental protection agency in administering 66561  
and enforcing this chapter and rules adopted under it, there is 66562  
hereby levied on the disposal of construction and demolition 66563  
debris at a construction and demolition debris facility that is 66564  
licensed under this chapter or at a solid waste facility that is 66565  
licensed under Chapter 3734. of the Revised Code a fee of thirty 66566  
cents per cubic yard or sixty cents per ton, as applicable. 66567

(2) The owner or operator of a construction and demolition 66568  
debris facility or a solid waste facility shall determine if cubic 66569  
yards or tons will be used as the unit of measurement. In 66570  
estimating the fee based on cubic yards, the owner or operator 66571

shall utilize either the maximum cubic yard capacity of the 66572  
container, or the hauling volume of the vehicle, that transports 66573  
the construction and demolition debris to the facility or the 66574  
cubic yards actually logged for disposal by the owner or operator 66575  
in accordance with rules adopted under section 3714.02 of the 66576  
Revised Code. If basing the fee on tonnage, the owner or operator 66577  
shall use certified scales to determine the tonnage of 66578  
construction and demolition debris that is transported to the 66579  
facility for disposal. 66580

(3) The owner or operator of a construction and demolition 66581  
debris facility or a solid waste facility shall collect the fee 66582  
levied under division (A) of this section as a trustee for the 66583  
health district having jurisdiction over the facility, if that 66584  
district is on the approved list under section 3714.09 of the 66585  
Revised Code, or for the state. The owner or operator shall 66586  
prepare and file with the appropriate board of health or the 66587  
director of environmental protection monthly returns indicating 66588  
the total volume or weight, as applicable, of construction and 66589  
demolition debris received for disposal at the facility and the 66590  
total amount of money required to be collected on the construction 66591  
and demolition debris disposed of during that month. Not later 66592  
than thirty days after the last day of the month to which the 66593  
return applies, the owner or operator shall mail to the board of 66594  
health or the director the return for that month together with the 66595  
money required to be collected on the construction and demolition 66596  
debris disposed of during that month or may submit the return and 66597  
money electronically in a manner approved by the director. The 66598  
owner or operator may request, in writing, an extension of not 66599  
more than thirty days after the last day of the month to which the 66600  
return applies. A request for extension may be denied. If the 66601  
owner or operator submits the money late, the owner or operator 66602  
shall pay a penalty of ten per cent of the amount of the money due 66603  
for each month that it is late. 66604

(4) Of the money that is collected from a construction and demolition debris facility or a solid waste facility on a per cubic yard or per ton basis under this section, a board of health shall transmit three cents per cubic yard or six cents per ton, as applicable, to the director not later than forty-five days after the receipt of the money. The money retained by a board of health under this section shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce this chapter and rules adopted under it.

The director shall transmit all money received from the boards of health of health districts under this section and all money from the disposal fee collected by the director under this section to the treasurer of state to be credited to the construction and demolition debris facility oversight fund, which is hereby created in the state treasury. The fund shall be administered by the director, and money credited to the fund shall be used exclusively for the administration and enforcement of this chapter and rules adopted under it.

(B) The board of health of a health district or the director may enter into an agreement with the owner or operator of a construction and demolition debris facility or a solid waste facility for the quarterly payment of the money collected from the disposal fee. The board of health shall notify the director of any such agreement. Not later than forty-five days after receipt of the quarterly payment, the board of health shall transmit the amount established in division (A)(4) of this section to the director. The money retained by the board of health shall be deposited in the special fund of the district as required under that division. Upon receipt of the money from a board of health, the director shall transmit the money to the treasurer of state to be credited to the construction and demolition debris facility oversight fund.

(C) If a construction and demolition debris facility or a solid waste facility is located within the territorial boundaries of a municipal corporation or the unincorporated area of a township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee required to be paid by the facility under division (A) of this section for the same purposes that a municipal corporation or township may levy a fee under division (C) of section 3734.57 of the Revised Code.

The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money collected from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money collected from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.

Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as

appropriate, shall maintain separate records of the money received 66669  
under this division. 66670

The legislative authority of a municipal corporation or 66671  
township may cease collecting money under this division by 66672  
repealing the ordinance or resolution that was enacted or adopted 66673  
under this division. 66674

The director shall adopt rules in accordance with Chapter 66675  
119. of the Revised Code establishing requirements for prorating 66676  
the amount of the fee that may be appropriated under this division 66677  
by a municipal corporation or township in which only a portion of 66678  
a construction and demolition debris facility is located within 66679  
the territorial boundaries of the municipal corporation or 66680  
township. 66681

(D) The board of county commissioners of a county in which a 66682  
construction and demolition debris facility or a solid waste 66683  
facility is located may appropriate up to three cents per cubic 66684  
yard or up to six cents per ton of the disposal fee required to be 66685  
paid by the facility under division (A) of this section for the 66686  
same purposes that a solid waste management district may levy a 66687  
fee under division (B) of section 3734.57 of the Revised Code. 66688

The board of county commissioners may appropriate the money 66689  
from the fee by adopting a resolution establishing the amount of 66690  
the fee to be appropriated. Upon doing so, the board of county 66691  
commissioners shall mail a certified copy of the resolution to the 66692  
board of health of the health district in which the construction 66693  
and demolition debris facility or the solid waste facility is 66694  
located or, if the facility is located in a health district that 66695  
is not on the approved list under section 3714.09 of the Revised 66696  
Code, to the director. Upon receipt of the copy of the resolution 66697  
and not later than forty-five days after receipt of money 66698  
collected from the fee, the board of health or the director, as 66699  
applicable, shall transmit to the treasurer of the county that 66700

portion of the money collected from the disposal fee by the owner 66701  
or operator of the facility that is required by the resolution to 66702  
be paid to that county. 66703

Money received by a county treasurer under this division 66704  
shall be paid into the general fund of the county. The county 66705  
treasurer shall maintain separate records of the money received 66706  
under this division. 66707

A board of county commissioners may cease collecting money 66708  
under this division by repealing the resolution that was adopted 66709  
under this division. 66710

(E)(1) This section does not apply to the disposal of 66711  
construction and demolition debris at a solid waste facility that 66712  
is licensed under Chapter 3734. of the Revised Code if there is no 66713  
construction and demolition debris facility licensed under this 66714  
chapter within thirty-five miles of the solid waste facility as 66715  
determined by a facility's property boundaries. 66716

(2) This section does not apply to the disposal of 66717  
construction and demolition debris at a solid waste facility that 66718  
is licensed under Chapter 3734. of the Revised Code if the owner 66719  
or operator of the facility chooses to collect fees on the 66720  
disposal of the construction and demolition debris that are 66721  
identical to the fees that are collected under Chapters 343. and 66722  
3734. of the Revised Code on the disposal of solid wastes at that 66723  
facility. 66724

(3) This section does not apply to the disposal of source 66725  
separated materials that are exclusively composed of reinforced or 66726  
nonreinforced concrete, asphalt, clay tile, building or paving 66727  
brick, or building or paving stone at a construction and 66728  
demolition debris facility that is licensed under this chapter 66729  
when either of the following applies: 66730

(a) The materials are placed within the limits of 66731

construction and demolition debris placement at the facility as 66732  
specified in the license issued to the facility under section 66733  
3714.06 of the Revised Code, are not placed within the unloading 66734  
zone of the facility, and are used as a fire prevention measure in 66735  
accordance with rules adopted by the director under section 66736  
3714.02 of the Revised Code. 66737

(b) The materials are not placed within the unloading zone of 66738  
the facility or within the limits of construction and demolition 66739  
debris placement at the facility as specified in the license 66740  
issued to the facility under section 3714.06 of the Revised Code, 66741  
but are used as fill material, either alone or in conjunction with 66742  
clean soil, sand, gravel, or other clean aggregates, in legitimate 66743  
fill operations for construction purposes at the facility or to 66744  
bring the facility up to a consistent grade. 66745

(F) Notwithstanding any provision of law to the contrary, the 66746  
fee levied under this section applies to the disposal of asbestos 66747  
and asbestos-containing materials or products at a construction 66748  
and demolition debris facility that is licensed under this 66749  
chapter. 66750

**Sec. 3714.073.** (A) In addition to the fee levied under 66751  
division (A)(1) of section 3714.07 of the Revised Code, beginning 66752  
July 1, ~~2005~~ 2009, there is hereby levied on the disposal of 66753  
construction and demolition debris at a construction and 66754  
demolition debris facility that is licensed under this chapter or 66755  
at a solid waste facility that is licensed under Chapter 3734. of 66756  
the Revised Code the following fees: 66757

(1) A fee of ~~twelve~~ one dollar and ~~one-half~~ twenty-five cents 66758  
per cubic yard or ~~twenty-five~~ two dollars and fifty cents per ton, 66759  
as applicable, the proceeds of which shall be deposited in the 66760  
state treasury to the credit of the soil and water conservation 66761  
district assistance fund created in section 1515.14 of the Revised 66762

Code; 66763

(2) A fee of thirty-seven and one-half cents per cubic yard 66764  
or seventy-five cents per ton, as applicable, the proceeds of 66765  
which shall be deposited in the state treasury to the credit of 66766  
the recycling and litter prevention fund created in section 66767  
1502.02 of the Revised Code. 66768

(B) The owner or operator of a construction and demolition 66769  
debris facility or a solid waste facility, as a trustee of the 66770  
state, shall collect the fees levied under this section and remit 66771  
the money from the fees in the manner that is established in 66772  
divisions (A)(2) and (3) of section 3714.07 of the Revised Code 66773  
for the fee that is levied under division (A)(1) of that section 66774  
and may enter into an agreement for the quarterly payment of the 66775  
fees in the manner established in division (B) of that section for 66776  
the quarterly payment of the fee that is levied under division 66777  
(A)(1) of that section. 66778

(C) The money that is collected from a construction and 66779  
demolition debris facility or a solid waste facility and remitted 66780  
to a board of health or the director of environmental protection, 66781  
as applicable, pursuant to this section shall be transmitted by 66782  
the board or director to the treasurer of state not later than 66783  
forty-five days after the receipt of the money to be credited to 66784  
the soil and water conservation district assistance fund or the 66785  
recycling and litter prevention fund, as applicable. 66786

(D) This section does not apply to the disposal of 66787  
construction and demolition debris at a solid waste facility that 66788  
is licensed under Chapter 3734. of the Revised Code if the owner 66789  
or operator of the facility chooses to collect fees on the 66790  
disposal of the construction and demolition debris that are 66791  
identical to the fees that are collected under Chapters 343. and 66792  
3734. of the Revised Code on the disposal of solid wastes at that 66793  
facility. 66794



(E) This section does not apply to the disposal of source  
separated materials that are exclusively composed of reinforced or  
nonreinforced concrete, asphalt, clay tile, building or paving  
brick, or building or paving stone at a construction and  
demolition debris facility that is licensed under this chapter  
when either of the following applies:

(1) The materials are placed within the limits of  
construction and demolition debris placement at the facility as  
specified in the license issued to the facility under section  
3714.06 of the Revised Code, are not placed within the unloading  
zone of the facility, and are used as a fire prevention measure in  
accordance with rules adopted by the director under section  
3714.02 of the Revised Code.

(2) The materials are not placed within the unloading zone of  
the facility or within the limits of construction and demolition  
debris placement at the facility as specified in the license  
issued to the facility under section 3714.06 of the Revised Code,  
but are used as fill material, either alone or in conjunction with  
clean soil, sand, gravel, or other clean aggregates, in legitimate  
fill operations for construction purposes at the facility or to  
bring the facility up to a consistent grade.

(F) Notwithstanding any provision of law to the contrary, the  
fees levied under this section apply to the disposal of asbestos  
and asbestos-containing materials or products at a construction  
and demolition debris facility that is licensed under this  
chapter.

**Sec. 3715.041.** (A)(1) As used in this section, "food  
processing establishment" has the same meaning as in section  
3715.021 of the Revised Code.

(2) A person that operates a food processing establishment  
shall register the establishment annually with the director of

agriculture. The person shall submit an application for 66826  
registration or renewal on a form prescribed and provided by the 66827  
director. Except as provided in division (H) of this section, an 66828  
application for registration or renewal shall be accompanied by a 66829  
registration fee in an amount established in rules adopted under 66830  
this section. If a person files an application for registration on 66831  
or after the first day of August of any year, the fee shall be 66832  
one-half of the annual registration fee. 66833

(B)(1) The director shall inspect the food processing 66834  
establishment for which an application for initial registration 66835  
has been submitted. If, upon inspection, the director finds that 66836  
the establishment is in compliance with this section and section 66837  
3715.021 or 3715.60, applicable provisions of section 3715.52, or 66838  
Chapter 911., 913., 915., or 925. of the Revised Code, as 66839  
applicable, or applicable rules adopted under those sections or 66840  
chapters, the director shall issue a certificate of registration 66841  
to the food processing establishment. A food processing 66842  
establishment registration expires on the thirty-first day of 66843  
January and is valid until that date unless it is suspended or 66844  
revoked under this section. 66845

(2) A person that is operating a food processing 66846  
establishment on the effective date of this section shall apply to 66847  
the director for a certificate of registration not later than 66848  
ninety days after the effective date of this section. If an 66849  
application is not filed with the director or postmarked on or 66850  
before ninety days after the effective date of this section, the 66851  
director shall assess a late fee in an amount established in rules 66852  
adopted under this section. 66853

(C)(1) A food processing establishment registration may be 66854  
renewed by the director. A person seeking registration renewal 66855  
shall submit an application for renewal to the director not later 66856  
than the thirty-first day of January. The director shall issue a 66857

renewed certificate of registration on receipt of a complete 66858  
renewal application except as provided in division (C)(2) of this 66859  
section. 66860

(2) If a renewal application is not filed with the director 66861  
or postmarked on or before the thirty-first day of January, the 66862  
director shall assess a late fee in an amount established in rules 66863  
adopted under this section. The director shall not renew the 66864  
registration until the applicant pays the late fee. 66865

(D) A copy of the food processing establishment registration 66866  
certificate shall be conspicuously displayed in an area of the 66867  
establishment to which customers of the establishment have access. 66868

(E) Except for a food processing establishment that is 66870  
operating in a home prior to the effective date of this section, 66871  
no food processing establishment shall be operated in a home. If a 66872  
food processing establishment that is operating in a home prior to 66873  
the effective date of this section increases its existing 66874  
operating capacity or transfers ownership, the person operating 66875  
the food processing establishment or to whom ownership of the 66876  
establishment will be transferred shall apply for a food 66877  
processing establishment registration under this section. 66878

(F)(1) The director or the director's designee may issue an 66879  
order suspending or revoking a food processing establishment 66880  
registration upon determining that the registration holder is in 66881  
violation of this section or section 3715.021 or 3715.60, 66882  
applicable provisions of section 3715.52, or Chapter 911., 913., 66883  
915., or 925. of the Revised Code, as applicable, or applicable 66884  
rules adopted under those sections or chapters. Except as provided 66885  
in division (F)(2) of this section, a registration shall not be 66886  
suspended or revoked until the registration holder is provided an 66887  
opportunity to appeal the suspension or revocation in accordance 66888  
with Chapter 119. of the Revised Code. 66889

(2) If the director determines that a food processing establishment presents an immediate danger to the public health, the director may issue an order immediately suspending the establishment's registration without affording the registration holder an opportunity for a hearing. The director then shall afford the registration holder a hearing in accordance with Chapter 119. of the Revised Code not later than ten days after the date of suspension. 66890  
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66892  
66893  
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(G) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following: 66898  
66899

(1) The amount of the registration fee that must be submitted with an application for a food processing establishment registration and with an application for renewal; 66900  
66901  
66902

(2) The amount of the late fee that is required in division (B)(2) of this section; 66903  
66904

(3) The amount of the fee for the late renewal of a food processing establishment registration that is required in division (C)(2) of this section; 66905  
66906  
66907

(4) Any other procedures and requirements that are necessary to administer and enforce this section. 66908  
66909

(H) The following are not required to pay any registration fee that is otherwise required in this section: 66910  
66911

(1) Home bakeries registered under section 911.02 of the Revised Code; 66912  
66913

(2) Canneries licensed under section 913.02 of the Revised Code; 66914  
66915

(3) Soft drink plants licensed under section 913.23 of the Revised Code; 66916  
66917

(4) Cold-storage warehouses licensed under section 915.02 of the Revised Code; 66918  
66919

(5) Persons licensed under section 915.15 of the Revised Code; 66920  
66921

(6) Persons that are engaged in egg production and that maintain annually five hundred or fewer laying hens. 66922  
66923

(J) All money that is collected under this section shall be credited to the food safety fund created in section 915.24 of the Revised Code. 66924  
66925  
66926

**Sec. 3717.07.** (A) For purposes of establishing a licensing fee under sections 3717.25 and 3717.45 of the Revised Code, all of the following apply: 66927  
66928  
66929

(1) The director of agriculture and the public health council shall adopt rules establishing a uniform methodologies methodology for use in calculating the costs of licensing retail food establishments in the categories specified by the director and. 66930  
66931  
66932  
66933

(2) The public health council shall adopt rules establishing a uniform methodology for use in calculating the costs of licensing food service operations in the categories specified by the council. In 66934  
66935  
66936  
66937

(3) In adopting the rules, the director of agriculture and the public health council shall consider any recommendations received from advisory boards or other entities representing the interests of retail food establishments and food service operations. 66938  
66939  
66940  
66941  
66942

(B) The rules shall include provisions that do all of the following: 66943  
66944

(1) Provide for calculations to be made according to fiscal years rather than licensing periods; 66945  
66946

(2) Limit the direct costs that may be attributed to the use of sanitarians by establishing appropriate statewide averages that may not be exceeded; 66947  
66948  
66949

(3) Limit the indirect costs that may be included in the calculation of fees to an amount that does not exceed thirty per cent of the cost of the licensing program;

(4) Provide for a proportionate reduction in the fees to be charged if a licensor included anticipated costs in the immediately preceding calculation of licensing fees and the total amount of the anticipated costs was not incurred;

(5) Provide for a proportionate reduction in the fees to be charged if it is discovered through an audit by the auditor of state or through any other means that the licensor has charged or is charging a licensing fee that exceeds the amount that should have been charged;

(6) Provide for a twenty per cent reduction in the fees to be charged when the reduction is imposed as a penalty under division (C) of section 3717.071 of the Revised Code;

(7) With regard to any fees charged for licensing vending machine locations, the rules shall prohibit a licensor from increasing fees by a percentage of increase over the previous year's fee that exceeds the percentage of increase in the consumer price index for all urban consumers (United States city average, all items), prepared by the United States department of labor, bureau of labor statistics, for the immediately preceding calendar year.

**Sec. 3717.23.** (A) Each person or government entity seeking a retail food establishment license or the renewal of a license shall apply to the appropriate licensor on a form provided by the licensor. A licensor shall use a form prescribed and furnished to the licensor by the director of agriculture or a form prescribed by the licensor that has been approved by the director. The applicant shall include with the application all information necessary for the licensor to process the application, as

requested by the licensor. 66981

An application for a retail food establishment license, other 66982  
than an application for a mobile retail food establishment 66983  
license, shall be submitted to the licensor for the health 66984  
district in which the retail food establishment is located. An 66985  
application for a mobile retail food establishment license shall 66986  
be submitted to the licensor for the health district in which the 66987  
applicant's business headquarters are located, or, if the 66988  
headquarters are located outside this state, to the licensor for 66989  
the district where the applicant will first operate in this state. 66990

(B) The licensor shall review all applications received. The 66991  
licensor shall issue a license for a new retail food establishment 66992  
when the applicant submits a complete application and the licensor 66993  
determines that the applicant meets all other requirements of this 66994  
chapter and the rules adopted under it for receiving the license. 66995  
The licensor shall issue a renewed license on receipt of a 66996  
complete renewal application. 66997

The licensor shall issue licenses for retail food 66998  
establishments on forms prescribed and furnished by the director 66999  
of agriculture. If the license is for a mobile retail food 67000  
establishment, the licensor shall post the establishment's layout, 67001  
equipment, and items to be sold on the back of the license. 67002

A mobile retail food establishment license issued by one 67003  
licensor shall be recognized by all other licensors in this state. 67004

(C)(1) A retail food establishment license expires at the end 67005  
of the licensing period for which the license is issued, except as 67006  
follows: 67007

(a) A license issued to a new retail food establishment after 67008  
the first day of December does not expire until the end of the 67009  
licensing period next succeeding issuance of the license. 67010

(b) A temporary retail food establishment license expires at 67011

the end of the period for which it is issued. 67012

(2) All retail food establishment licenses remain valid until 67013  
scheduled to expire unless earlier suspended or revoked under 67014  
section 3717.29 or 3717.30 of the Revised Code. 67015

(D) A retail food establishment license may be renewed, 67016  
except that a temporary retail food establishment license is not 67017  
renewable. A person or government entity seeking license renewal 67018  
shall submit an application for renewal to the licensor not later 67019  
than the first day of March, except in the case of a mobile or 67020  
seasonal retail food establishment, when the renewal application 67021  
shall be submitted before commencing operation in a new licensing 67022  
period. A licensor may renew a license prior to the first day of 67023  
March or the first day of operation in a new licensing period, but 67024  
not before the first day of February immediately preceding the 67025  
licensing period for which the license is being renewed. 67026

If a person or government entity does not file a renewal 67027  
application with the licensor postmarked on or before the first 67028  
day of March or, in the case of a mobile or seasonal retail food 67029  
establishment, the first day of operation in a new licensing 67030  
period, the licensor shall assess a penalty if the licensor 67031  
charges a license renewal fee. The amount of the penalty shall be 67032  
the ~~lesser of fifty dollars or greater of~~ twenty-five per cent of 67033  
the renewal fee ~~charged for renewing the license, if the licensor~~ 67034  
~~charges renewal fees or ten per cent of the renewal fee multiplied~~ 67035  
by the number of weeks that have elapsed since payment of the fee 67036  
was due. If an applicant is subject to a penalty, the licensor 67037  
shall not renew the license until the applicant pays the penalty. 67038

(E)(1) A licensor may issue not more than ten temporary 67039  
retail food establishment licenses per licensing period to the 67040  
same person or government entity to operate at different events 67041  
within the licensor's jurisdiction. For each particular event, a 67042  
licensor may issue only one temporary retail food establishment 67043



license to the same person or government entity. 67044

(2) A licensor may issue a temporary retail food 67045  
establishment license to operate for more than five consecutive 67046  
days if both of the following apply: 67047

(a) The establishment will be operated at an event organized 67048  
by a county agricultural society or independent agricultural 67049  
society organized under Chapter 1711. of the Revised Code. 67050

(b) The person who will receive the license is a resident of 67051  
the county or one of the counties for which the agricultural 67052  
society was organized. 67053

(3) A person may be granted only one temporary retail food 67054  
establishment license per licensing period pursuant to division 67055  
(E)(2) of this section. 67056

(F) The licensor may place restrictions or conditions on a 67057  
retail food establishment license, based on the equipment or 67058  
facilities of the establishment, limiting the types of food that 67059  
may be stored, processed, prepared, manufactured, or otherwise 67060  
held or handled for retail sale. Limitations pertaining to a 67061  
mobile retail food establishment shall be posted on the back of 67062  
the license. 67063

(G) The person or government entity holding a license for a 67064  
retail food establishment shall display the license for that 67065  
retail food establishment at all times at the licensed location. 67066

(H) With the assistance of the department of agriculture, the 67067  
licensor, to the extent practicable, shall computerize the process 67068  
for licensing retail food establishments. 67069

**Sec. 3717.25.** (A) A licensor may charge fees for issuing and 67070  
renewing retail food establishment licenses. Any licensing fee 67071  
charged shall be used solely for the administration and 67072  
enforcement of the provisions of this chapter and the rules 67073

adopted under it applicable to retail food establishments. 67074

Any licensing fee charged under this section shall be based 67075  
on the licensor's costs of regulating retail food establishments, 67076  
as determined according to the uniform ~~methodologies~~ methodology 67077  
established under section 3717.07 of the Revised Code. If the 67078  
licensor is a board of health, a fee may be disapproved by the 67079  
district advisory council in the case of a general health district 67080  
or the legislative authority of the city in the case of a city 67081  
health district. A disapproved fee shall not be charged by the 67082  
board of health. 67083

~~At least thirty days prior to establishing~~ Except when a 67084  
licensing fee is established as an emergency measure, the licensor 67085  
shall hold a public hearing regarding the proposed fee. ~~At~~ If a 67086  
public hearing is held, at least thirty ~~thirty~~ twenty days prior to the 67087  
public hearing, the licensor shall give written notice of the 67088  
hearing to each person or government entity holding a retail food 67089  
establishment license that may be affected by the proposed fee. 67090  
The notice shall be mailed to the last known address of the 67091  
licensee and shall specify the date, time, and place of the 67092  
hearing and the amount of the proposed fee. On request, the 67093  
licensor shall provide the completed uniform methodology used in 67094  
the calculation of the licensor's costs and the proposed fee. 67095

(B) In addition to licensing fees, a licensor may charge fees 67096  
for any of the following: 67097

(1) Review of facility layout and equipment specifications 67098  
pertaining to retail food establishments, other than mobile and 67099  
temporary retail food establishments; 67100

(2) Any necessary collection and bacteriological examination 67101  
of samples from retail food establishments or similar services 67102  
specified in rules adopted under this chapter by the director of 67103  
agriculture; 67104

(3) Attendance at a course of study offered by the licensor 67105  
in food protection as it pertains to retail food establishments, 67106  
if the course is approved under section 3717.09 of the Revised 67107  
Code. 67108

(C)(1) The director may determine by rule an amount to be 67109  
collected from applicants for retail food establishment licenses 67110  
for use by the director in administering and enforcing the 67111  
provisions of this chapter and the rules adopted under it 67112  
applicable to retail food establishments. Licensors shall collect 67113  
the amount prior to issuing an applicant's new or renewed license. 67114  
If a licensing fee is charged under this section, the licensor 67115  
shall collect the amount at the same time the fee is collected. 67116  
Licensors are not required to provide notice or hold public 67117  
hearings regarding amounts to be collected ~~under this division~~. 67118

~~Not later than sixty days after the last day of the month in 67119  
which a license is issued, the 67120~~

(2) A licensor shall certify the amount collected under ~~this 67121  
division (C)(1) of this section~~ and transmit the amount to the 67122  
treasurer of state. All according to the following schedule: 67123

(a) For amounts received by the licensor on or after the 67124  
first day of January but not later than the thirty-first day of 67125  
March, transmit the amounts not later than the fifteenth day of 67126  
May; 67127

(b) For amounts received by the licensor on or after the 67128  
first day of April but not later than the thirtieth day of June, 67129  
transmit the amounts not later than the fifteenth day of August; 67130

(c) For amounts received by the licensor on or after the 67131  
first day of July but not later than the thirtieth day of 67132  
September, transmit the amounts not later than the fifteenth day 67133  
of November; 67134

(d) For amounts received by the licensor on or after the 67135

first day of October but not later than the thirty-first day of 67136  
December, transmit the amounts not later than the fifteenth day of 67137  
February of the following year. 67138

(3) All amounts received shall be deposited into the food 67139  
safety fund created in section 915.24 of the Revised Code. The 67140  
director shall use the amounts solely for the administration and 67141  
enforcement of the provisions of this chapter and the rules 67142  
adopted under it applicable to retail food establishments. 67143

(4) When adopting rules regarding the amounts collected under 67144  
this division, the director shall make available during the rule 67145  
making process the current and projected expenses of administering 67146  
and enforcing the provisions of this chapter and the rules adopted 67147  
under it applicable to retail food establishments and the total of 67148  
all amounts that have been deposited in the food safety fund 67149  
pursuant to ~~this~~ division (C)(3) of this section. 67150

**Sec. 3717.43.** (A) Each person or government entity requesting 67151  
a food service operation license or the renewal of a license shall 67152  
apply to the appropriate licensor on a form provided by the 67153  
licensor. Licensors shall use a form prescribed and furnished to 67154  
the licensor by the director of health or a form prescribed by the 67155  
licensor that has been approved by the director. The applicant 67156  
shall include with the application all information necessary for 67157  
the licensor to process the application, as requested by the 67158  
licensor. 67159

An application for a food service operation license, other 67160  
than an application for a mobile or catering food service 67161  
operation license, shall be submitted to the licensor for the 67162  
health district in which the food service operation is located. An 67163  
application for a mobile food service operation license shall be 67164  
submitted to the licensor for the health district in which the 67165  
applicant's business headquarters are located, or, if the 67166

headquarters are located outside this state, to the licensor for 67167  
the district where the applicant will first operate in this state. 67168  
An application for a catering food service operation license shall 67169  
be submitted to the licensor for the district where the 67170  
applicant's base of operation is located. 67171

(B) The licensor shall review all applications received. The 67172  
licensor shall issue a license for a new food service operation 67173  
when the applicant submits a complete application and the licensor 67174  
determines that the applicant meets all other requirements of this 67175  
chapter and the rules adopted under it for receiving the license. 67176  
The licensor shall issue a renewed license on receipt of a 67177  
complete renewal application. 67178

The licensor shall issue licenses for food service operations 67179  
on forms prescribed and furnished by the director of health. If 67180  
the license is for a mobile food service operation, the licensor 67181  
shall post the operation's layout, equipment, and menu on the back 67182  
of the license. 67183

A mobile or catering food service operation license issued by 67184  
one licensor shall be recognized by all other licensors in this 67185  
state. 67186

(C)(1) A food service operation license expires at the end of 67187  
the licensing period for which the license is issued, except as 67188  
follows: 67189

(a) A license issued to a new food service operation after 67190  
the first day of December shall not expire until the end of the 67191  
licensing period next succeeding issuance of the license. 67192

(b) A temporary food service operation license expires at the 67193  
end of the period for which it is issued. 67194

(2) All food service operation licenses remain valid until 67195  
they are scheduled to expire unless earlier suspended or revoked 67196  
under section 3717.49 of the Revised Code. 67197

(D) A food service operation license may be renewed, except 67198  
that a temporary food service operation license is not renewable. 67199  
A person or government entity seeking license renewal shall submit 67200  
an application for renewal to the licensor not later than the 67201  
first day of March, except that in the case of a mobile or 67202  
seasonal food service operation the renewal application shall be 67203  
submitted before commencing operation in a new licensing period. A 67204  
licensor may renew a license prior to the first day of March or 67205  
the first day of operation in a new licensing period, but not 67206  
before the first day of February immediately preceding the 67207  
licensing period for which the license is being renewed. 67208

If a renewal application is not filed with the licensor or 67209  
postmarked on or before the first day of March or, in the case of 67210  
a mobile or seasonal food service operation, the first day of 67211  
operation in a new licensing period, the licensor shall assess a 67212  
penalty if the licensor charges a license renewal fee. The amount 67213  
of the penalty shall be the lesser of fifty dollars or greater of 67214  
twenty-five per cent of the renewal fee charged for renewing 67215  
licenses, if the licensor charges renewal fees or ten per cent of 67216  
the renewal fee multiplied by the number of weeks that have 67217  
elapsed since payment of the fee was due. If an applicant is 67218  
subject to a penalty, the licensor shall not renew the license 67219  
until the applicant pays the penalty. 67220

(E)(1) A licensor may issue not more than ten temporary food 67221  
service operation licenses per licensing period to the same person 67222  
or government entity to operate at different events within the 67223  
licensor's jurisdiction. For each particular event, a licensor may 67224  
issue only one temporary food service operation license to the 67225  
same person or government entity. 67226

(2) A licensor may issue a temporary food service operation 67227  
license to operate for more than five consecutive days if both of 67228  
the following apply: 67229

(a) The operation will be operated at an event organized by a county agricultural society or independent agricultural society organized under Chapter 1711. of the Revised Code;

(b) The person who will receive the license is a resident of the county or one of the counties for which the agricultural society was organized.

(3) A person may be granted only one temporary food service operation license per licensing period pursuant to division (E)(2) of this section.

(F) The licensor may place restrictions or conditions on a food service operation license limiting the types of food that may be prepared or served by the food service operation based on the equipment or facilities of the food service operation. Limitations pertaining to a mobile or catering food service operation shall be posted on the back of the license.

(G) The person or government entity holding a license for a food service operation shall display the license for that food service operation at all times at the licensed location. A person or government entity holding a catering food service operation license shall also maintain a copy of the license at each catered event.

(H) With the assistance of the department of health, the licensor, to the extent practicable, shall computerize the process for licensing food service operations.

**Sec. 3717.45.** (A) A licensor may charge fees for issuing and renewing food service operation licenses. Any licensing fee charged shall be used solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to food service operations.

Any licensing fee charged under this section shall be based

on the licensor's costs of regulating food service operations, as 67260  
determined according to the uniform ~~methodologies~~ methodology 67261  
established under section 3717.07 of the Revised Code. If the 67262  
licensor is a board of health, a fee may be disapproved by the 67263  
district advisory council in the case of a general health district 67264  
or the legislative authority of the city in the case of a city 67265  
health district. A disapproved fee shall not be charged by the 67266  
board of health. 67267

~~At least thirty days prior to establishing~~ Except when a 67268  
licensing fee is established as an emergency measure, the licensor 67269  
shall hold a public hearing regarding the proposed fee. ~~At~~ If a 67270  
public hearing is held, at least ~~thirty~~ twenty days prior to the 67271  
public hearing, the licensor shall give written notice of the 67272  
hearing to each person or government entity holding a food service 67273  
operation license that may be affected by the proposed fee. The 67274  
notice shall be mailed to the last known address of the licensee 67275  
and shall specify the date, time, and place of the hearing and the 67276  
amount of the proposed fee. On request, the licensor shall provide 67277  
the completed uniform methodology used in the calculation of the 67278  
licensor's costs and the proposed fee. 67279

(B) In addition to licensing fees, a licensor may charge fees 67280  
for the following: 67281

(1) Review of facility layout and equipment specifications 67282  
pertaining to food service operations, other than mobile and 67283  
temporary food service operations, or similar reviews conducted 67284  
for vending machine locations; 67285

(2) Any necessary collection and bacteriological examination 67286  
of samples from food service operations, or similar services 67287  
specified in rules adopted under this chapter by the public health 67288  
council; 67289

(3) Attendance at a course of study offered by the licensor 67290



in food protection as it pertains to food service operations, if 67291  
the course is approved under section 3717.09 of the Revised Code. 67292

(C)(1) The public health council may determine by rule an 67293  
amount to be collected from applicants for food service operation 67294  
licenses for use by the director of health in administering and 67295  
enforcing the provisions of this chapter and the rules adopted 67296  
under it applicable to food service operations. Licensors shall 67297  
collect the amount prior to issuing an applicant's new or renewed 67298  
license. If a licensing fee is charged under this section, the 67299  
licensor shall collect the amount at the same time the fee is 67300  
collected. Licensors are not required to provide notice or hold 67301  
public hearings regarding amounts to be collected ~~under this~~ 67302  
~~division.~~ 67303

~~Not later than sixty days after the last day of the month in 67304  
which a license is issued, the 67305~~

(2) A licensor shall certify the amount collected under ~~this~~ 67306  
division (C)(1) of this section and transmit the amount to the 67307  
treasurer of state. ~~All~~ according to the following schedule: 67308

(a) For amounts received by the licensor on or after the 67309  
first day of January but not later than the thirty-first day of 67310  
March, transmit the amounts not later than the fifteenth day of 67311  
May; 67312

(b) For amounts received by the licensor on or after the 67313  
first day of April but not later than the thirtieth day of June, 67314  
transmit the amounts not later than the fifteenth day of August; 67315

(c) For amounts received by the licensor on or after the 67316  
first day of July but not later than the thirtieth day of 67317  
September, transmit the amounts not later than the fifteenth day 67318  
of November; 67319

(d) For amounts received by the licensor on or after the 67320  
first day of October but not later than the thirty-first day of 67321

December, transmit the amounts not later than the fifteenth day of 67322  
February of the following year. 67323

(3) All amounts received shall be deposited into the general 67324  
operations fund created in section 3701.83 of the Revised Code. 67325  
The director shall use the amounts solely for the administration 67326  
and enforcement of the provisions of this chapter and the rules 67327  
adopted under it applicable to food service operations. 67328

(4) The director may submit recommendations to the public 67329  
health council regarding the amounts collected under this 67330  
division. When making recommendations, the director shall submit a 67331  
report stating the current and projected expenses of administering 67332  
and enforcing the provisions of this chapter and the rules adopted 67333  
under it applicable to food service operations and the total of 67334  
all amounts that have been deposited in the general operations 67335  
fund pursuant to ~~this~~ division (C)(3) of this section. The 67336  
director may include in the report any recommendations for 67337  
modifying the department's administration and enforcement of the 67338  
provisions of this chapter and the rules adopted under it 67339  
applicable to food service operations. 67340

**Sec. 3718.03.** (A) There is hereby created the sewage 67341  
treatment system technical advisory committee consisting of the 67342  
director of health or the director's designee and ten members who 67343  
are knowledgeable about sewage treatment systems and technologies. 67344  
Of the ten members, four shall be appointed by the governor, three 67345  
shall be appointed by the president of the senate, and three shall 67346  
be appointed by the speaker of the house of representatives. 67347  
67348

(1) Of the members appointed by the governor, one shall 67349  
represent academia, one shall be a representative of the public 67350  
who is not employed by the state or any of its political 67351  
subdivisions and who does not have a pecuniary interest in 67352

household sewage treatment systems, one shall be an engineer from 67353  
the environmental protection agency, and one shall be selected 67354  
from among soil scientists in the division of soil and water 67355  
~~conservation~~ resources in the department of natural resources. 67356

(2) Of the members appointed by the president of the senate, 67357  
one shall be a health commissioner who is a member of and 67358  
recommended by the association of Ohio health commissioners, one 67359  
shall represent the interests of manufacturers of household sewage 67360  
treatment systems, and one shall represent installers and service 67361  
providers. 67362

(3) Of the members appointed by the speaker of the house of 67363  
representatives, one shall be a health commissioner who is a 67364  
member of and recommended by the association of Ohio health 67365  
commissioners, one shall represent the interests of manufacturers 67366  
of household sewage treatment systems, and one shall be a 67367  
sanitarian who is registered under Chapter 4736. of the Revised 67368  
Code and who is a member of the Ohio environmental health 67369  
association. 67370

(B) Terms of members appointed to the committee shall be for 67371  
three years, with each term ending on the same day of the same 67372  
month as did the term that it succeeds. Each member shall serve 67373  
from the date of appointment until the end of the term for which 67374  
the member was appointed. 67375

Members may be reappointed. Vacancies shall be filled in the 67376  
same manner as provided for original appointments. Any member 67377  
appointed to fill a vacancy occurring prior to the expiration date 67378  
of the term for which the member was appointed shall hold office 67379  
for the remainder of that term. A member shall continue to serve 67380  
after the expiration date of the member's term until the member's 67381  
successor is appointed or until a period of sixty days has 67382  
elapsed, whichever occurs first. The applicable appointing 67383  
authority may remove a member from the committee for failure to 67384

attend two consecutive meetings without showing good cause for the 67385  
absences. 67386

(C) The technical advisory committee annually shall select 67387  
from among its members a chairperson and a vice-chairperson and a 67388  
secretary to keep a record of its proceedings. A majority vote of 67389  
the members of the full committee is necessary to take action on 67390  
any matter. The committee may adopt bylaws governing its 67391  
operation, including bylaws that establish the frequency of 67392  
meetings. 67393

(D) Serving as a member of the sewage treatment system 67394  
technical advisory committee does not constitute holding a public 67395  
office or position of employment under the laws of this state and 67396  
does not constitute grounds for removal of public officers or 67397  
employees from their offices or positions of employment. Members 67398  
of the committee shall serve without compensation for attending 67399  
committee meetings. 67400

(E) A member of the committee shall not have a conflict of 67401  
interest with the position. For the purposes of this division, 67402  
"conflict of interest" means the taking of any action that 67403  
violates any provision of Chapter 102. or 2921. of the Revised 67404  
Code. 67405

(F) The sewage treatment system technical advisory committee 67406  
shall do all of the following: 67407

(1) Develop with the department of health standards and 67408  
guidelines for approving or disapproving a sewage treatment system 67409  
or components of a system under section 3718.04 of the Revised 67410  
Code; 67411

(2) Develop with the department an application form to be 67412  
submitted to the director by an applicant for approval or 67413  
disapproval of a sewage treatment system or components of a system 67414  
and specify the information that must be included with an 67415

application form; 67416

(3) Advise the director on the approval or disapproval of an 67417  
application sent to the director under section 3718.04 of the 67418  
Revised Code requesting approval of a sewage treatment system or 67419  
components of a system; 67420

(4) Pursue and recruit in an active manner the research, 67421  
development, introduction, and timely approval of innovative and 67422  
cost-effective household sewage treatment systems and components 67423  
of a system for use in this state, which shall include conducting 67424  
pilot projects to assess the effectiveness of a system or 67425  
components of a system; 67426

(5) By January 1, 2008, provide the household sewage and 67427  
small flow on-site sewage treatment system study commission 67428  
created by Am. Sub. H.B. 119 of the 127th general assembly with a 67429  
list of available alternative systems and the estimated cost of 67430  
each system. 67431

(G) The chairperson of the committee shall prepare and submit 67432  
an annual report concerning the activities of the committee to the 67433  
general assembly not later than ninety days after the end of the 67434  
calendar year. The report shall discuss the number of applications 67435  
submitted under section 3718.04 of the Revised Code for the 67436  
approval of a new sewage treatment system or a component of a 67437  
system, the number of such systems and components that were 67438  
approved, any information that the committee considers beneficial 67439  
to the general assembly, and any other information that the 67440  
chairperson determines is beneficial to the general assembly. If 67441  
other members of the committee determine that certain information 67442  
should be included in the report, they shall submit the 67443  
information to the chairperson not later than thirty days after 67444  
the end of the calendar year. 67445

(H) The department shall provide meeting space for the 67446

committee. The committee shall be assisted in its duties by the staff of the department.

(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the sewage treatment system technical advisory committee.

**Sec. 3718.06.** (A)(1) A board of health shall establish fees in accordance with section 3709.09 of the Revised Code for the purpose of carrying out its duties under this chapter and rules adopted under it, including a fee for an installation permit issued by the board. All fees so established and collected by the board shall be deposited in a special fund of the district to be used exclusively by the board in carrying out those duties.

(2) In accordance with Chapter 119. of the Revised Code, the public health council may establish by rule a fee to be collected from applicants for installation permits issued under rules adopted under this chapter. The director of health shall use the proceeds from that fee for administering and enforcing this chapter and the rules adopted under it by the council. A board of health shall collect and transmit the fee ~~at the same time that it collects the fee established by it under division (A)(1) of this section for installation permits.~~

~~Not later than sixty days after the last day of the month in which an installation permit is issued, a board shall certify the amount collected under division (A)(2) of this section and transmit the amount to the treasurer of state. All money so received shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code to the director pursuant to section 3709.092 of the Revised Code.~~ The director shall use the money so credited solely for the administration and enforcement of this chapter and the rules adopted under it by the public health council.

(B) The director may submit recommendations to the council

regarding the amount of the fee collected under division (A)(2) of 67478  
this section for installation permits. When making the 67479  
recommendations, the director shall submit a report stating the 67480  
current and projected expenses of administering and enforcing this 67481  
chapter and the rules adopted under it by the council and the 67482  
total of all money that has been deposited to the credit of the 67483  
general operations fund under division (A)(2) of this section. The 67484  
director may include in the report any recommendations for 67485  
modifying the requirements established under this chapter and the 67486  
rules adopted under it by the council. 67487

**Sec. 3721.01.** (A) As used in sections 3721.01 to 3721.09 and 67488  
3721.99 of the Revised Code: 67489

(1)(a) "Home" means an institution, residence, or facility 67490  
that provides, for a period of more than twenty-four hours, 67491  
whether for a consideration or not, accommodations to three or 67492  
more unrelated individuals who are dependent upon the services of 67493  
others, including a nursing home, residential care facility, home 67494  
for the aging, and a veterans' home operated under Chapter 5907. 67495  
of the Revised Code. 67496

(b) "Home" also means both of the following: 67497

(i) Any facility that a person, as defined in section 3702.51 67498  
of the Revised Code, proposes for certification as a skilled 67499  
nursing facility or nursing facility under Title XVIII or XIX of 67500  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 67501  
as amended, and for which a certificate of need, other than a 67502  
certificate to recategorize hospital beds as described in section 67503  
3702.522 of the Revised Code or division (R)(7)(d) of the version 67504  
of section 3702.51 of the Revised Code in effect immediately prior 67505  
to April 20, 1995, has been granted to the person under sections 67506  
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 67507

(ii) A county home or district home that is or has been 67508

licensed as a residential care facility. 67509

(c) "Home" does not mean any of the following: 67510

(i) Except as provided in division (A)(1)(b) of this section, 67511  
a public hospital or hospital as defined in section 3701.01 or 67512  
5122.01 of the Revised Code; 67513

(ii) A residential facility for mentally ill persons as 67514  
defined under section 5119.22 of the Revised Code; 67515

(iii) A residential facility as defined in section 5123.19 of 67516  
the Revised Code; 67517

(iv) ~~A community alternative home as defined in section~~ 67518  
~~3724.01 of the Revised Code;~~ 67519

~~(v)~~ An adult care facility as defined in section 3722.01 of 67520  
the Revised Code; 67521

~~(vi)~~(v) An alcohol or drug addiction program as defined in 67522  
section 3793.01 of the Revised Code; 67523

~~(vii)~~(vi) A facility licensed to provide methadone treatment 67524  
under section 3793.11 of the Revised Code; 67525

~~(viii)~~(vii) A facility providing services under contract with 67526  
the department of mental retardation and developmental 67527  
disabilities under section 5123.18 of the Revised Code; 67528

~~(ix)~~(viii) A facility operated by a hospice care program 67529  
licensed under section 3712.04 of the Revised Code that is used 67530  
exclusively for care of hospice patients; 67531

~~(x)~~(ix) A facility, infirmary, or other entity that is 67532  
operated by a religious order, provides care exclusively to 67533  
members of religious orders who take vows of celibacy and live by 67534  
virtue of their vows within the orders as if related, and does not 67535  
participate in the medicare program established under Title XVIII 67536  
of the "Social Security Act" or the medical assistance program 67537  
established under Chapter 5111. of the Revised Code and Title XIX 67538



of the "Social Security Act," if on January 1, 1994, the facility, 67539  
infirmary, or entity was providing care exclusively to members of 67540  
the religious order; 67541

~~(xi)~~(x) A county home or district home that has never been 67542  
licensed as a residential care facility. 67543

(2) "Unrelated individual" means one who is not related to 67544  
the owner or operator of a home or to the spouse of the owner or 67545  
operator as a parent, grandparent, child, grandchild, brother, 67546  
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 67547  
uncle. 67548

(3) "Mental impairment" does not mean mental illness as 67549  
defined in section 5122.01 of the Revised Code or mental 67550  
retardation as defined in section 5123.01 of the Revised Code. 67551

(4) "Skilled nursing care" means procedures that require 67552  
technical skills and knowledge beyond those the untrained person 67553  
possesses and that are commonly employed in providing for the 67554  
physical, mental, and emotional needs of the ill or otherwise 67555  
incapacitated. "Skilled nursing care" includes, but is not limited 67556  
to, the following: 67557

(a) Irrigations, catheterizations, application of dressings, 67558  
and supervision of special diets; 67559

(b) Objective observation of changes in the patient's 67560  
condition as a means of analyzing and determining the nursing care 67561  
required and the need for further medical diagnosis and treatment; 67562

(c) Special procedures contributing to rehabilitation; 67563

(d) Administration of medication by any method ordered by a 67564  
physician, such as hypodermically, rectally, or orally, including 67565  
observation of the patient after receipt of the medication; 67566

(e) Carrying out other treatments prescribed by the physician 67567  
that involve a similar level of complexity and skill in 67568

administration. 67569

(5)(a) "Personal care services" means services including, but 67570  
not limited to, the following: 67571

(i) Assisting residents with activities of daily living; 67572

(ii) Assisting residents with self-administration of 67573  
medication, in accordance with rules adopted under section 3721.04 67574  
of the Revised Code; 67575

(iii) Preparing special diets, other than complex therapeutic 67576  
diets, for residents pursuant to the instructions of a physician 67577  
or a licensed dietitian, in accordance with rules adopted under 67578  
section 3721.04 of the Revised Code. 67579

(b) "Personal care services" does not include "skilled 67580  
nursing care" as defined in division (A)(4) of this section. A 67581  
facility need not provide more than one of the services listed in 67582  
division (A)(5)(a) of this section to be considered to be 67583  
providing personal care services. 67584

(6) "Nursing home" means a home used for the reception and 67585  
care of individuals who by reason of illness or physical or mental 67586  
impairment require skilled nursing care and of individuals who 67587  
require personal care services but not skilled nursing care. A 67588  
nursing home is licensed to provide personal care services and 67589  
skilled nursing care. 67590

(7) "Residential care facility" means a home that provides 67591  
either of the following: 67592

(a) Accommodations for seventeen or more unrelated 67593  
individuals and supervision and personal care services for three 67594  
or more of those individuals who are dependent on the services of 67595  
others by reason of age or physical or mental impairment; 67596

(b) Accommodations for three or more unrelated individuals, 67597  
supervision and personal care services for at least three of those 67598

individuals who are dependent on the services of others by reason 67599  
of age or physical or mental impairment, and, to at least one of 67600  
those individuals, any of the skilled nursing care authorized by 67601  
section 3721.011 of the Revised Code. 67602

(8) "Home for the aging" means a home that provides services 67603  
as a residential care facility and a nursing home, except that the 67604  
home provides its services only to individuals who are dependent 67605  
on the services of others by reason of both age and physical or 67606  
mental impairment. 67607

The part or unit of a home for the aging that provides 67608  
services only as a residential care facility is licensed as a 67609  
residential care facility. The part or unit that may provide 67610  
skilled nursing care beyond the extent authorized by section 67611  
3721.011 of the Revised Code is licensed as a nursing home. 67612

(9) "County home" and "district home" mean a county home or 67613  
district home operated under Chapter 5155. of the Revised Code. 67614

(B) The public health council may further classify homes. For 67615  
the purposes of this chapter, any residence, institution, hotel, 67616  
congregate housing project, or similar facility that meets the 67617  
definition of a home under this section is such a home regardless 67618  
of how the facility holds itself out to the public. 67619

(C) For purposes of this chapter, personal care services or 67620  
skilled nursing care shall be considered to be provided by a 67621  
facility if they are provided by a person employed by or 67622  
associated with the facility or by another person pursuant to an 67623  
agreement to which neither the resident who receives the services 67624  
nor the resident's sponsor is a party. 67625

(D) Nothing in division (A)(4) of this section shall be 67626  
construed to permit skilled nursing care to be imposed on an 67627  
individual who does not require skilled nursing care. 67628

Nothing in division (A)(5) of this section shall be construed 67629

to permit personal care services to be imposed on an individual 67630  
who is capable of performing the activity in question without 67631  
assistance. 67632

(E) Division (A)(1)(c)~~(\*)~~(ix) of this section does not 67633  
prohibit a facility, infirmary, or other entity described in that 67634  
division from seeking licensure under sections 3721.01 to 3721.09 67635  
of the Revised Code or certification under Title XVIII or XIX of 67636  
the "Social Security Act." However, such a facility, infirmary, or 67637  
entity that applies for licensure or certification must meet the 67638  
requirements of those sections or titles and the rules adopted 67639  
under them and obtain a certificate of need from the director of 67640  
health under section 3702.52 of the Revised Code. 67641

(F) Nothing in this chapter, or rules adopted pursuant to it, 67642  
shall be construed as authorizing the supervision, regulation, or 67643  
control of the spiritual care or treatment of residents or 67644  
patients in any home who rely upon treatment by prayer or 67645  
spiritual means in accordance with the creed or tenets of any 67646  
recognized church or religious denomination. 67647

**Sec. 3721.02.** (A) The director of health shall license homes 67648  
and establish procedures to be followed in inspecting and 67649  
licensing homes. The director may inspect a home at any time. Each 67650  
home shall be inspected by the director at least once prior to the 67651  
issuance of a license and at least once every fifteen months 67652  
thereafter. The state fire marshal or a township, municipal, or 67653  
other legally constituted fire department approved by the marshal 67654  
shall also inspect a home prior to issuance of a license, at least 67655  
once every fifteen months thereafter, and at any other time 67656  
requested by the director. A home does not have to be inspected 67657  
prior to issuance of a license by the director, state fire 67658  
marshal, or a fire department if ownership of the home is assigned 67659  
or transferred to a different person and the home was licensed 67660

under this chapter immediately prior to the assignment or 67661  
transfer. The director may enter at any time, for the purposes of 67662  
investigation, any institution, residence, facility, or other 67663  
structure that has been reported to the director or that the 67664  
director has reasonable cause to believe is operating as a nursing 67665  
home, residential care facility, or home for the aging without a 67666  
valid license required by section 3721.05 of the Revised Code or, 67667  
in the case of a county home or district home, is operating 67668  
despite the revocation of its residential care facility license. 67669  
The director may delegate the director's authority and duties 67670  
under this chapter to any division, bureau, agency, or official of 67671  
the department of health. 67672

(B) A single facility may be licensed both as a nursing home 67673  
pursuant to this chapter and as an adult care facility pursuant to 67674  
Chapter 3722. of the Revised Code if the director determines that 67675  
the part or unit to be licensed as a nursing home can be 67676  
maintained separate and discrete from the part or unit to be 67677  
licensed as an adult care facility. 67678

(C) In determining the number of residents in a home for the 67679  
purpose of licensing, the director shall consider all the 67680  
individuals for whom the home provides accommodations as one group 67681  
unless one of the following is the case: 67682

(1) The home is a home for the aging, in which case all the 67683  
individuals in the part or unit licensed as a nursing home shall 67684  
be considered as one group, and all the individuals in the part or 67685  
unit licensed as a rest home shall be considered as another group. 67686

(2) The home is both a nursing home and an adult care 67687  
facility. In that case, all the individuals in the part or unit 67688  
licensed as a nursing home shall be considered as one group, and 67689  
all the individuals in the part or unit licensed as an adult care 67690  
facility shall be considered as another group. 67691

(3) The home maintains, in addition to a nursing home or residential care facility, a separate and discrete part or unit that provides accommodations to individuals who do not require or receive skilled nursing care and do not receive personal care services from the home, in which case the individuals in the separate and discrete part or unit shall not be considered in determining the number of residents in the home if the separate and discrete part or unit is in compliance with the Ohio basic building code established by the board of building standards under Chapters 3781. and 3791. of the Revised Code and the home permits the director, on request, to inspect the separate and discrete part or unit and speak with the individuals residing there, if they consent, to determine whether the separate and discrete part or unit meets the requirements of this division.

(D)(1) The director of health shall charge ~~an~~ the following application fee and ~~an~~ annual renewal licensing and inspection fee ~~of one hundred seventy dollars~~ for each fifty persons or part thereof of a home's licensed capacity:

(a) For state fiscal year 2010, two hundred twenty dollars;

(b) For state fiscal year 2011, two hundred seventy dollars;

(c) For each state fiscal year thereafter, three hundred twenty dollars. All

(2) All fees collected by the director for the issuance or renewal of licenses shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use only in administering and enforcing this chapter and rules adopted under it.

(E)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the

statement on the basis of the inspection or investigation, shall 67723  
be used solely to determine the home's compliance with this 67724  
chapter or another chapter of the Revised Code in any action or 67725  
proceeding other than an action commenced under division (I) of 67726  
section 3721.17 of the Revised Code. Those results of an 67727  
inspection or investigation, that statement of deficiencies, and 67728  
the findings and deficiencies cited in that statement shall not be 67729  
used in any court or in any action or proceeding that is pending 67730  
in any court and are not admissible in evidence in any action or 67731  
proceeding unless that action or proceeding is an appeal of an 67732  
action by the department of health under this chapter or is an 67733  
action by any department or agency of the state to enforce this 67734  
chapter or another chapter of the Revised Code. 67735

(2) Nothing in division (E)(1) of this section prohibits the 67736  
results of an inspection or investigation conducted under this 67737  
section from being used in a criminal investigation or 67738  
prosecution. 67739

**Sec. 3721.071.** The buildings in which a home is housed shall 67740  
be equipped with both an automatic fire extinguishing system and 67741  
fire alarm system. Such systems shall conform to standards set 67742  
forth in the regulations of the board of building standards and 67743  
the state fire marshal. 67744

The time for compliance with the requirements imposed by this 67745  
section shall be January 1, 1975, except that the date for 67746  
compliance with the automatic fire extinguishing requirements is 67747  
extended to January 1, 1976, provided the buildings of the home 67748  
are otherwise in compliance with fire safety laws and regulations 67749  
and: 67750

(A) The home within thirty days after August 4, 1975, files a 67751  
written plan with the state fire marshal's office that: 67752

(1) Outlines the interim safety procedures which shall be 67753

carried out to reduce the possibility of a fire; 67754

(2) Provides evidence that the home has entered into an 67755  
agreement for a fire safety inspection to be conducted not less 67756  
than monthly by a qualified independent safety engineer consultant 67757  
or a township, municipal, or other legally constituted fire 67758  
department, or by a township or municipal fire prevention officer; 67759

(3) Provides verification that the home has entered into a 67760  
valid contract for the installation of an automatic fire 67761  
extinguishing system or fire alarm system, or both, as required to 67762  
comply with this section; 67763

(4) Includes a statement regarding the expected date for the 67764  
completion of the fire extinguishing system or fire alarm system, 67765  
or both. 67766

(B) Inspections by a qualified independent safety engineer 67767  
consultant or a township, municipal, or other legally constituted 67768  
fire department, or by a township or municipal fire prevention 67769  
officer are initiated no later than sixty days after August 4, 67770  
1975, and are conducted no less than monthly thereafter, and 67771  
reports of the consultant, fire department, or fire prevention 67772  
officer identifying existing hazards and recommended corrective 67773  
actions are submitted to the state fire marshal, the division of 67774  
~~industrial compliance~~ labor in the department of commerce, and the 67775  
department of health. 67776

It is the express intent of the general assembly that the 67777  
department of job and family services shall terminate payments 67778  
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 67779  
42 U.S.C. 301, as amended, to those homes which do not comply with 67780  
the requirements of this section for the submission of a written 67781  
fire safety plan and the deadline for entering into contracts for 67782  
the installation of systems. 67783



Sec. 3721.23. (A) The director of health shall receive, 67784  
review, and investigate allegations of abuse or neglect of a 67785  
resident or misappropriation of the property of a resident by any 67786  
individual used by a long-term care facility or residential care 67787  
facility to provide services to residents. 67788

(B) The director shall make findings regarding alleged abuse, 67789  
neglect, or misappropriation of property after doing both of the 67790  
following: 67791

(1) Investigating the allegation and determining that there 67792  
is a reasonable basis for ~~it~~ the allegation; 67793

(2) Giving notice to the individual named in the allegation 67794  
and affording the individual a reasonable opportunity for a 67795  
hearing. 67796

Notice to the person named in an allegation shall be given 67797  
and the hearing shall be conducted pursuant to rules adopted by 67798  
the director under section 3721.26 of the Revised Code. ~~For~~ 67799

For purposes of conducting a hearing or investigation under 67800  
this section, the director may issue subpoenas compelling 67801  
attendance of witnesses or production of documents or other 67802  
evidence. The subpoenas ~~shall~~ may be served in the same manner as 67803  
subpoenas and subpoenas ducestecum issued for a trial of a civil 67804  
action in a court of common pleas or they may be served by a 67805  
representative of the director. If a person who is served a 67806  
subpoena fails to attend a hearing or to produce documents or 67807  
other evidence for purposes of a hearing or investigation, or 67808  
refuses to be sworn or to answer any questions, the director may 67809  
apply to the common pleas court of the county in which the person 67810  
resides, or the county in which the long-term care facility or 67811  
residential care facility is located, for a contempt order, as in 67812  
the case of a failure of a person who is served a subpoena issued 67813  
by the court to attend or to produce documents or other evidence 67814

or a refusal of such person to testify. 67815

(C)(1) If the director finds that an individual used by a 67816  
long-term care facility or residential care facility has neglected 67817  
or abused a resident or misappropriated property of a resident, 67818  
the director shall notify the individual, the facility using the 67819  
individual, and the attorney general, county prosecutor, or other 67820  
appropriate law enforcement official. The director also shall do 67821  
the following: 67822

(a) If the individual is used by a long-term care facility as 67823  
a nurse aide, the director shall, in accordance with section 67824  
3721.32 of the Revised Code, include in the nurse aide registry 67825  
established under that section a statement detailing the findings 67826  
pertaining to the individual. 67827

(b) If the individual is a licensed health professional used 67828  
by a long-term care facility or residential care facility to 67829  
provide services to residents, the director shall notify the 67830  
appropriate professional licensing authority established under 67831  
Title XLVII of the Revised Code. 67832

(c) If the individual is used by a long-term care facility 67833  
and is neither a nurse aide nor a licensed health professional, or 67834  
is used by a residential care facility and is not a licensed 67835  
health professional, the director shall, in accordance with 67836  
section 3721.32 of the Revised Code, include in the nurse aide 67837  
registry a statement detailing the findings pertaining to the 67838  
individual. 67839

(2) A nurse aide or other individual about whom a statement 67840  
is required by this division to be included in the nurse aide 67841  
registry may provide the director with a statement disputing the 67842  
director's findings and explaining the circumstances of the 67843  
allegation. The statement shall be included in the nurse aide 67844  
registry with the director's findings. 67845

(D)(1) If the director finds that alleged neglect or abuse of a resident or misappropriation of property of a resident cannot be substantiated, the director shall notify the individual and expunge all files and records of the investigation and the hearing by doing all of the following:

(a) Removing and destroying the files and records, originals and copies, and deleting all index references;

(b) Reporting to the individual the nature and extent of any information about the individual transmitted to any other person or government entity by the director of health;

(c) Otherwise ensuring that any examination of files and records in question show no record whatever with respect to the individual.

(2)(a) If, in accordance with division (C)(1)(a) or (c) of this section, the director includes in the nurse aide registry a statement of a finding of neglect, the individual found to have neglected a resident may, not earlier than one year after the date of the finding, petition the director to rescind the finding and remove the statement and any accompanying information from the nurse aide registry. The director shall consider the petition. If, in the judgment of the director, the neglect was a singular occurrence and the employment and personal history of the individual does not evidence abuse or any other incident of neglect of residents, the director shall notify the individual and remove the statement and any accompanying information from the nurse aide registry. The director shall expunge all files and records of the investigation and the hearing, except the petition for rescission of the finding of neglect and the director's notice that the rescission has been approved.

(b) A petition for rescission of a finding of neglect and the director's notice that the rescission has been approved are not

public records for the purposes of section 149.43 of the Revised Code. 67877  
67878

(3) When files and records have been expunged under division 67879  
(D)(1) or (2) of this section, all rights and privileges are 67880  
restored, and the individual, the director, and any other person 67881  
or government entity may properly reply to an inquiry that no such 67882  
record exists as to the matter expunged. 67883

**Sec. 3721.50.** As used in sections 3721.50 to 3721.58 of the 67884  
Revised Code: 67885

(A) "Hospital" has the same meaning as in section 3727.01 of 67886  
the Revised Code. 67887

(B) "Inpatient days" means all days during which a resident 67888  
of a nursing facility, regardless of payment source, occupies a 67889  
bed in the nursing facility that is included in the facility's 67890  
certified capacity under Title XIX. Therapeutic or hospital leave 67891  
days for which payment is made under section 5111.26 of the 67892  
Revised Code are considered inpatient days proportionate to the 67893  
percentage of the facility's per resident per day rate paid for 67894  
those days. 67895

(C) "Medicaid" has the same meaning as in section 5111.01 of 67896  
the Revised Code. 67897

(D) "Medicaid day" means all days during which a resident who 67898  
is a medicaid recipient occupies a bed in a nursing facility that 67899  
is included in the facility's certified capacity under Title XIX. 67900  
Therapeutic or hospital leave days for which payment is made under 67901  
section 5111.26 of the Revised Code are considered medicaid days 67902  
proportionate to the percentage of the nursing facility's per 67903  
resident per day rate for those days. 67904

(E) "Medicare" means the program established by Title XVIII. 67905

(F) "Nursing facility" has the same meaning as in section 67906

5111.20 of the Revised Code. 67907

~~(F)~~(G)(1) "Nursing home" means all of the following: 67908

(a) A nursing home licensed under section 3721.02 or 3721.09 67909  
of the Revised Code, including any part of a home for the aging 67910  
licensed as a nursing home; 67911

(b) A facility or part of a facility, other than a hospital, 67912  
that is certified as a skilled nursing facility under Title XVIII; 67913

(c) A nursing facility, other than a portion of a hospital 67914  
certified as a nursing facility. 67915

(2) "Nursing home" does not include any of the following: 67916

(a) A county home, county nursing home, or district home 67917  
operated pursuant to Chapter 5155. of the Revised Code; 67918

(b) A nursing home maintained and operated by the Ohio 67919  
veterans' home agency under section 5907.01 of the Revised Code; 67920

(c) A nursing home or part of a nursing home licensed under 67921  
section 3721.02 or 3721.09 of the Revised Code that is certified 67922  
as an intermediate care facility for the mentally retarded under 67923  
Title XIX. 67924

~~(G)~~(H) "Title XIX" means Title XIX of the "Social Security 67925  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 67926

~~(H)~~(I) "Title XVIII" means Title XVIII of the "Social 67927  
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 67928

**Sec. 3721.51.** The department of job and family services shall 67929  
do all of the following: 67930

(A) Subject to sections 3721.512 and 3721.513 of the Revised 67931  
Code and division (C) of this section and for the purposes 67932  
specified in sections 3721.56 and 3721.561 of the Revised Code, 67933  
determine an annual franchise permit fee on each nursing home in 67934  
an amount equal to ~~six~~ eleven dollars ~~and twenty five cents,~~ 67935

multiplied by the product of the following: 67936

(1) The number of beds licensed as nursing home beds, plus 67937  
any other beds certified as skilled nursing facility beds under 67938  
Title XVIII or nursing facility beds under Title XIX on the first 67939  
day of May of the calendar year in which the fee is determined 67940  
pursuant to division (A) of section 3721.53 of the Revised Code; 67941

(2) The number of days in the fiscal year beginning on the 67942  
first day of July of the calendar year in which the fee is 67943  
determined pursuant to division (A) of section 3721.53 of the 67944  
Revised Code. 67945

(B) Subject to sections 3721.512 and 3721.513 of the Revised 67946  
Code and division (C) of this section and for the purposes 67947  
specified in sections 3721.56 and 3721.561 of the Revised Code, 67948  
determine an annual franchise permit fee on each hospital in an 67949  
amount equal to ~~six~~ eleven dollars and ~~twenty five cents~~, 67950  
multiplied by the product of the following: 67951

(1) The number of beds registered pursuant to section 3701.07 67952  
of the Revised Code as skilled nursing facility beds or long-term 67953  
care beds, plus any other beds licensed as nursing home beds under 67954  
section 3721.02 or 3721.09 of the Revised Code, on the first day 67955  
of May of the calendar year in which the fee is determined 67956  
pursuant to division (A) of section 3721.53 of the Revised Code; 67957

(2) The number of days in the fiscal year beginning on the 67958  
first day of July of the calendar year in which the fee is 67959  
determined pursuant to division (A) of section 3721.53 of the 67960  
Revised Code. 67961

(C) If the United States centers for medicare and medicaid 67962  
services determines that the franchise permit fee established by 67963  
sections 3721.50 to 3721.58 of the Revised Code is an 67964  
impermissible health care related tax under section 1903(w) of the 67965  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 67966

amended, take all necessary actions to cease implementation of 67967  
sections 3721.50 to 3721.58 of the Revised Code in accordance with 67968  
rules adopted under section 3721.58 of the Revised Code. 67969

Sec. 3721.511. (A) Not later than one month after the 67970  
effective date of this section, the department of job and family 67971  
services shall apply to the United States secretary of health and 67972  
human services for a waiver under 42 U.S.C. 1396b(w)(3)(E) as 67973  
necessary to do both of the following regarding the franchise 67974  
permit fee imposed by section 3721.51 of the Revised Code: 67975

(1) Reduce the franchise permit fee to zero dollars for each 67976  
nursing home licensed under section 3721.02 or 3721.09 of the 67977  
Revised Code that meets all of the following requirements: 67978

(a) It is exempt from state taxation under section 140.08 of 67979  
the Revised Code or is exempt from state taxation as a home for 67980  
the aged as defined in section 5701.13 of the Revised Code. 67981

(b) It is exempt from federal income taxation under section 67982  
501 of the Internal Revenue Code of 1986. 67983

(c) It does not participate in medicaid or medicare. 67984

(d) It provides services for the life of each resident 67985  
without regard to the resident's ability to secure payment for the 67986  
services. 67987

(2) For each nursing facility with more than two hundred beds 67988  
certified as nursing facility beds under Title XIX, reduce the 67989  
franchise permit fee for a number of the nursing facility's beds 67990  
specified by the department to the amount necessary to obtain 67991  
approval of the waiver sought under this section. 67992

(B) The effective date of the waiver sought under this 67993  
section shall be the first day of the calendar quarter beginning 67994  
after the United States secretary approves the waiver. 67995

Sec. 3721.512. If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee under the waiver, reduce the franchise permit fee in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of the calendar quarter that begins after the United States secretary approves the waiver. For purposes of subsequent fiscal years, the department shall make such determinations and mail such notices in accordance with section 3721.53 of the Revised Code.

Sec. 3721.513. (A) If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services may do both of the following regarding the franchise permit fee imposed by section 3721.51 of the Revised Code:

(1) Determine how much money the franchise permit fee would have raised in a fiscal year if not for the waiver;

(2) For each nursing home and hospital subject to the franchise permit fee, other than a nursing home or hospital that has its franchise permit fee reduced under section 3721.512 of the Revised Code, uniformly increase the amount of the franchise permit fee for a fiscal year to an amount that will have the franchise permit fee raise an amount of money that does not exceed the amount determined under division (A)(1) of this section for that fiscal year.



(B) If the department increases the franchise permit fee in accordance with division (A) of this section for the first fiscal year during which the waiver takes effect, the department shall determine the amount of the increase not later than the effective date of the waiver and shall mail to each nursing home and hospital subject to the increase notice of the increase not later than the last day of the first month of the calendar quarter that begins after the United States secretary approves the waiver. If the department increases the franchise permit fee in accordance with division (A) of this section for a subsequent fiscal year, the department shall make such determinations and mail such notices in accordance with section 3721.53 of the Revised Code.

**Sec. 3721.53.** (A) Not later than the fifteenth day of August of each year, the department of job and family services shall determine the annual franchise permit fee for each nursing home and hospital in accordance with ~~division (A) of section 3721.51 of the Revised Code and the annual franchise permit fee for each hospital~~ any adjustments made in accordance with division (B) of that section sections 3721.512 and 3721.513 of the Revised Code.

(B) Not later than the first day of September of each year, the department shall mail to each nursing home and hospital notice of the amount of the franchise permit fee that has been determined for the nursing home or hospital.

(C) Each nursing home and hospital shall pay its fee under section 3721.51 of the Revised Code, as adjusted in accordance with sections 3721.512 and 3721.513 of the Revised Code, to the department in quarterly installment payments not later than forty-five days after the last day of each September, December, March, and June.

(D) No nursing home or hospital shall directly bill its residents for the fee paid under this section, or otherwise

directly pass the fee through to its residents. 68058

**Sec. 3721.55.** (A) A nursing home or hospital may appeal the 68059  
fee imposed under section 3721.51 of the Revised Code, as adjusted 68060  
under section 3721.512 or 3721.513 of the Revised Code, solely on 68061  
the grounds that the department of job and family services 68062  
committed a material error in determining the amount of the fee. A 68063  
request for an appeal must be received by the department not later 68064  
than fifteen days after the date the department mails the notice 68065  
of the fee and must include written materials setting forth the 68066  
basis for the appeal. 68067

(B) If a nursing home or hospital submits a request for an 68068  
appeal within the time required under division (A) of this 68069  
section, the department of job and family services shall hold a 68070  
public hearing in Columbus not later than thirty days after the 68071  
date the department receives the request for an appeal. The 68072  
department shall, not later than ten days before the date of the 68073  
hearing, mail a notice of the date, time, and place of the hearing 68074  
to the nursing home or hospital. The department may hear all the 68075  
requested appeals in one public hearing. 68076

(C) On the basis of the evidence presented at the hearing or 68077  
any other evidence submitted by the nursing home or hospital, the 68078  
department may adjust a fee. The department's decision is final. 68079

**Sec. 3721.56.** There is hereby created in the state treasury 68080  
the home- and community-based services for the aged fund. ~~Sixteen~~ 68081  
Nine and nine hundredths per cent of all payments and penalties 68082  
paid by nursing homes and hospitals under sections 3721.53 and 68083  
3721.54 of the Revised Code shall be deposited into the fund. The 68084  
departments of job and family services and aging shall use the 68085  
moneys in the fund to fund the following in accordance with rules 68086  
adopted under section 3721.58 of the Revised Code: 68087

(A) The medicaid program established under Chapter 5111. of the Revised Code, including the PASSPORT program established under section 173.40 of the Revised Code;

(B) The residential state supplement program established under section 173.35 of the Revised Code.

**Sec. 3722.01.** (A) As used in this chapter:

(1) "Owner" means the person who owns the business of and who ultimately controls the operation of an adult care facility and to whom the manager, if different from the owner, is responsible.

(2) "Manager" means the person responsible for the daily operation of an adult care facility. The manager and the owner of a facility may be the same person.

(3) "Adult" means an individual eighteen years of age or older.

(4) "Unrelated" means that an adult resident is not related to the owner or manager of an adult care facility or to the owner's or manager's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.

(5) "Skilled nursing care" means skilled nursing care as defined in section 3721.01 of the Revised Code.

(6)(a) "Personal care services" means services including, but not limited to, the following:

(i) ~~Assisting residents~~ Assistance with activities of daily living;

(ii) ~~Assisting residents~~ Assistance with self-administration of medication, in accordance with rules adopted by the public health council pursuant to this chapter;

(iii) ~~Preparing~~ Preparation of special diets, other than

complex therapeutic diets, for residents pursuant to the 68117  
instructions of a physician or a licensed dietitian, in accordance 68118  
with rules adopted by the public health council pursuant to this 68119  
chapter. 68120

(b) "Personal care services" does not include "skilled 68121  
nursing care" as defined in section 3721.01 of the Revised Code. A 68122  
facility need not provide more than one of the services listed in 68123  
division (A)(6)(a) of this section for the facility to be 68124  
considered to be providing personal care services. 68125

(7) "Adult family home" means a residence or facility that 68126  
provides accommodations and supervision to three to five unrelated 68127  
adults ~~and supervision and personal care services to,~~ at least 68128  
three of ~~those adults~~ whom require personal care services. 68129

(8) "Adult group home" means a residence or facility that 68130  
provides accommodations and supervision to six to sixteen 68131  
unrelated adults ~~and provides supervision and personal care~~ 68132  
~~services to,~~ at least three of ~~the unrelated adults~~ whom require 68133  
personal care services. 68134

(9) "Adult care facility" means an adult family home or an 68135  
adult group home. For the purposes of this chapter, any residence, 68136  
facility, institution, hotel, congregate housing project, or 68137  
similar facility that provides accommodations and supervision to 68138  
three to sixteen unrelated adults, at least three of whom ~~are~~ 68139  
~~provided~~ require personal care services, is an adult care facility 68140  
regardless of how the facility holds itself out to the public. 68141  
"Adult care facility" does not include: 68142

(a) A facility operated by a hospice care program licensed 68143  
under section 3712.04 of the Revised Code that is used exclusively 68144  
for care of hospice patients; 68145

(b) A nursing home, residential care facility, or home for 68146  
the aging as defined in section 3721.01 of the Revised Code; 68147

(c) <del>A community alternative home as defined in section 3724.01 of the Revised Code;</del>	68148 68149
<del>(d)</del> An alcohol and drug addiction program as defined in section 3793.01 of the Revised Code;	68150 68151
<del>(e)</del> <u>(d)</u> A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;	68152 68153 68154
<del>(f)</del> <u>(e)</u> A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	68155 68156
<del>(g)</del> <u>(f)</u> A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of mental retardation and developmental disabilities;	68157 68158 68159
<del>(h)</del> <u>(g)</u> Any residence, institution, hotel, congregate housing project, or similar facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care;	68160 68161 68162 68163 68164 68165 68166
<del>(i)</del> <u>(h)</u> Any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless;	68167 68168 68169 68170
<del>(j)</del> <u>(i)</u> A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;	68171 68172 68173
<del>(k)</del> <u>(j)</u> A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used exclusively for the placement and care of veterans;	68174 68175 68176 68177

~~(1) Until January 1, 1994, the portion of a facility in which 68178  
care is provided exclusively to members of a religious order if 68179  
the facility is owned by or part of a nonprofit institution of 68180  
higher education authorized to award degrees by the Ohio board of 68181  
regents under Chapter 1713. of the Revised Code. 68182~~

(10) "Residents' rights advocate" means: 68183

(a) An employee or representative of any state or local 68184  
government entity that has a responsibility for residents of adult 68185  
care facilities and has registered with the department of health 68186  
under section 3701.07 of the Revised Code; 68187

(b) An employee or representative, other than a manager or 68188  
employee of an adult care facility or nursing home, of any private 68189  
nonprofit corporation or association that qualifies for tax-exempt 68190  
status under section 501(a) of the "Internal Revenue Code of 68191  
1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has 68192  
registered with the department of health under section 3701.07 of 68193  
the Revised Code, and whose purposes include educating and 68194  
counseling residents, assisting residents in resolving problems 68195  
and complaints concerning their care and treatment, and assisting 68196  
them in securing adequate services. 68197

(11) "Sponsor" means an adult relative, friend, or guardian 68198  
of a resident of an adult care facility who has an interest in or 68199  
responsibility for the resident's welfare. 68200

(12) "Ombudsperson" means a "representative of the office of 68201  
the state long-term care ombudsperson program" as defined in 68202  
section 173.14 of the Revised Code. 68203

(13) "Mental health agency" means a community mental health 68204  
agency, as defined in section 5119.22 of the Revised Code, under 68205  
contract with ~~a an ADAMHS board of alcohol, drug addiction, and 68206  
mental health services~~ pursuant to division (A)(8)(a) of section 68207  
340.03 of the Revised Code. 68208

(14) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services; 68209  
68210

(15) "Mental health resident program participation agreement" means a written agreement between an adult care facility and the ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located, under which the facility is authorized to admit residents who are receiving or are eligible for publicly funded mental health services. 68211  
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(16) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program created under section 173.40 of the Revised Code. 68218  
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(B) For purposes of this chapter, personal care services or skilled nursing care shall be considered to be provided by a facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor the resident's sponsor is a party. 68222  
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(C) Nothing in division (A)(6) of this section shall be construed to permit personal care services to be imposed upon a resident who is capable of performing the activity in question without assistance. 68228  
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68230  
68231

**Sec. 3722.011.** (A) All medication taken by residents of an adult care facility shall be self-administered, except that medication may be administered to a resident by a home health agency, hospice care program, nursing home staff, mental health services under as part of the skilled nursing care provided in accordance with division (B) of section 3722.16 of the Revised Code. ~~Members of the staff of an adult care facility shall not~~ 68232  
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68239

~~administer medication to residents.~~ No person shall be admitted to 68240  
or retained by an adult care facility unless the person is capable 68241  
of ~~taking~~ self-administering the person's ~~own~~ medication and 68242  
~~biologicals~~, as determined in writing by ~~the person's personal a~~ 68243  
physician, except that a person may be admitted to or retained by 68244  
such a facility if the person's medication is administered ~~by a~~ 68245  
~~home health agency, hospice care program, nursing home staff,~~ 68246  
~~mental health agency, or board of alcohol, drug addiction, and~~ 68247  
~~mental health services under~~ as part of the skilled nursing care 68248  
provided in accordance with division (B) of section 3722.16 of the 68249  
Revised Code. ~~Members~~ 68250

(B) Members of the staff of an adult care facility shall not 68251  
administer medication to residents but may do any of the 68252  
following: 68253

~~(A)~~ Remind a resident when to take medication and watch to 68254  
ensure that the resident follows the directions on the container; 68255

~~(B)~~ Assist a resident in the self-administration of 68256  
medication by taking the medication from the locked area where it 68257  
is stored, in accordance with rules adopted by the public health 68258  
council pursuant to this chapter, and handing it to the resident. 68259  
If the resident is physically unable to open the container, a 68260  
staff member may open the container for the resident. 68261

~~(C)~~ Assist a physically impaired but mentally alert resident, 68262  
such as a resident with arthritis, cerebral palsy, or Parkinson's 68263  
disease, in removing oral or topical medication from containers 68264  
and in consuming or applying the medication, upon request by or 68265  
with the consent of the resident. If a resident is physically 68266  
unable to place a dose of medicine to the resident's mouth without 68267  
spilling it, a staff member may place the dose in a container and 68268  
place the container to the mouth of the resident. 68269

**Sec. 3722.02.** A person seeking a license to operate an adult 68270



care facility shall submit to the director of health an 68271  
application on a form prescribed by the director and the 68272  
following: 68273

(A) In the case of an adult group home seeking licensure as 68274  
an adult care facility, evidence that the home has been inspected 68275  
and approved by a local certified building department or by the 68276  
division of ~~industrial compliance~~ labor in the department of 68277  
commerce as meeting the applicable requirements of sections 68278  
3781.06 to 3781.18 and 3791.04 of the Revised Code and any rules 68279  
adopted under those sections and evidence that the home has been 68280  
inspected by the state fire marshal or fire prevention officer of 68281  
a municipal, township, or other legally constituted fire 68282  
department approved by the state fire marshal and found to be in 68283  
compliance with rules adopted under section 3737.83 of the Revised 68284  
Code regarding fire prevention and safety in adult group homes; 68285  
68286

(B) Valid approvals of the facility's water and sewage 68287  
systems issued by the responsible governmental entity, if 68288  
applicable; 68289

(C) A statement of ownership containing the following 68290  
information: 68291

(1) If the owner is an individual, the owner's name, address, 68292  
telephone number, business address, business telephone number, and 68293  
occupation. If the owner is an association, corporation, or 68294  
partnership, the business activity, address, and telephone number 68295  
of the entity and the name of every person who has an ownership 68296  
interest of five per cent or more in the entity. 68297

(2) If the owner does not own the building or if the owner 68298  
owns only part of the building in which the facility is housed, 68299  
the name of each person who has an ownership interest of five per 68300  
cent or more in the building; 68301

(3) The address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(h)(j)~~ of section 3722.01 of the Revised Code in which the owner has an ownership interest of five per cent or more;

(4) The identity of the manager of the adult care facility, if different from the owner;

(5) The name and address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(h)(j)~~ of section 3722.01 of the Revised Code with which either the owner or manager has been affiliated through ownership or employment in the five years prior to the date of the application;

(6) The names and addresses of three persons not employed by or associated in business with the owner who will provide information about the character, reputation, and competence of the owner and the manager and the financial responsibility of the owner;

(7) Information about any arrest of the owner or manager for, or adjudication or conviction of, a criminal offense related to the provision of care in an adult care facility or any facility described in divisions (A)(9)(a) to ~~(h)(j)~~ of section 3722.01 of the Revised Code or the ability to operate a facility;

(8) Any other information the director may require regarding the owner's ability to operate the facility.

(D) If the facility is an adult group home, a balance sheet showing the assets and liabilities of the owner and a statement projecting revenues and expenses for the first twelve months of the facility's operation;

~~(E) Proof of insurance in an amount and type determined in rules adopted by the public health council pursuant to this chapter to be adequate;~~ A statement containing the following information regarding admissions to the facility:

(1) The intended bed capacity of the facility; 68333

(2) If the facility will admit persons referred by or 68334  
receiving services from an ADAMHS board or a mental health agency, 68335  
the total number of beds anticipated to be occupied as a result of 68336  
those admissions. 68337

(F) A nonrefundable license application fee in an amount 68338  
established in rules adopted by the public health council pursuant 68339  
to this chapter. 68340

**Sec. 3722.021.** In determining the number of residents in a 68341  
facility for the purpose of licensure under this chapter, the 68342  
director of health shall consider all the individuals for whom the 68343  
facility provides accommodations as one group unless either of the 68344  
following is the case: 68345

(A) ~~The~~ In addition to being an adult care facility, the 68346  
facility is ~~both~~ a nursing home licensed under Chapter 3721. of 68347  
the Revised Code ~~and an adult care facility,~~ a residential 68348  
facility licensed under that chapter, or both. In that case, all 68349  
the individuals in the part or unit licensed as a nursing home, 68350  
residential care facility, or both, shall be considered as one 68351  
group and all the individuals in the part or unit licensed as an 68352  
adult care facility shall be considered as another group. 68353

(B) The facility maintains, in addition to an adult care 68354  
facility, a separate and discrete part or unit that provides 68355  
accommodations to individuals who do not receive supervision or 68356  
personal care services from the adult care facility, in which case 68357  
the individuals in the separate and discrete part or unit shall 68358  
not be considered in determining the number of residents in the 68359  
adult care facility if the separate and discrete part or unit is 68360  
in compliance with the Ohio basic building code established by the 68361  
board of building standards under Chapters 3781. and 3791. of the 68362  
Revised Code and the adult care facility, to the extent of its 68363

authority, permits the director, on request, to inspect the 68364  
separate and discrete part or unit and speak with the individuals 68365  
residing there, if they consent, to determine whether the separate 68366  
and discrete part or unit meets the requirements of this division. 68367

Sec. 3722.022. A person may not apply for a license to 68368  
operate an adult care facility if the person is or has been the 68369  
owner or manager of an adult care facility for which a license to 68370  
operate was revoked or for which renewal of a license was refused 68371  
for any reason other than nonpayment of the license renewal fee, 68372  
unless both of the following conditions are met: 68373

(A) A period of not less than two years has elapsed since the 68374  
date the director of health issued the order revoking or refusing 68375  
to renew the facility's license. 68376

(B) The director's revocation or refusal to renew the license 68377  
was not based on an act or omission at the facility that violated 68378  
a resident's right to be free from abuse, neglect, or 68379  
exploitation. 68380

**Sec. 3722.04.** (A)~~(1)~~ The director of health shall inspect, 68381  
license, and regulate adult care facilities. Except as otherwise 68382  
provided in division (D) of this section, the director shall issue 68383  
a license to an adult care facility that meets the requirements of 68384  
section 3722.02 of the Revised Code and that the director 68385  
determines to be in substantial compliance with the rules adopted 68386  
by the public health council pursuant to this chapter. The 68387  
director shall consider the past record of the owner and manager 68388  
and any individuals who are principal participants in an entity 68389  
that is the owner or manager in operating facilities providing 68390  
care to adults. The director may, in accordance with Chapter 119. 68391  
of the Revised Code, deny a license if the past record indicates 68392  
that the owner or manager is not suitable to own or manage an 68393

adult care facility. 68394

The license shall contain the name and address of the 68395  
facility for which it was issued, the date of expiration of the 68396  
license, and the maximum number of residents that may be 68397  
accommodated by the facility. A license for an adult care facility 68398  
shall be valid for a period of two years after the date of 68399  
issuance. No single facility may be licensed to operate as more 68400  
than one adult care facility. 68401

~~(2) Notwithstanding division (A)(1) of this section and 68402  
sections 3722.02 and 3722.041 of the Revised Code, the director 68403  
may issue a temporary license if the requirements of divisions 68404  
(C), (D), and (F) of section 3722.02 of the Revised Code have been 68405  
met. A temporary license shall be valid for a period of ninety 68406  
days and, except as otherwise provided in division (A)(3) of 68407  
section 3722.05 of the Revised Code, may be renewed, without 68408  
payment of an additional application fee, for an additional ninety 68409  
days.~~ 68410

(B) The director shall renew a license for a two-year period 68411  
if the facility continues to be in compliance with the 68412  
requirements of this chapter and in substantial compliance with 68413  
the rules adopted under this chapter. The owner shall submit a 68414  
nonrefundable license renewal application fee in an amount 68415  
established in rules adopted by the public health council pursuant 68416  
to this chapter. Before the license of an adult group home is 68417  
renewed, if any alterations have been made to the buildings, a 68418  
certificate of occupancy for the facility shall have been issued 68419  
by the division of ~~industrial compliance~~ labor in the department 68420  
of commerce or a local certified building department. The facility 68421  
shall have water and sewage system approvals, if required by law, 68422  
and, in the case of an adult group home, documentation of 68423  
continued compliance with the rules adopted by the state fire 68424  
marshal under division (F) of section 3737.83 of the Revised Code. 68425

(C) ~~The~~ (1) During each licensure period, the director shall 68426  
make at least one unannounced inspection of an adult care facility 68427  
~~during each licensure period~~ in addition to inspecting the 68428  
facility to determine whether a license should be issued or 68429  
renewed, and may make additional unannounced inspections as the 68430  
director considers necessary. Other inspections may be made at any 68431  
time that the director considers appropriate. ~~The~~ 68432

The director shall take all reasonable actions to avoid 68433  
giving notice of an inspection by the manner in which the 68434  
inspection is scheduled or performed. ~~Not~~ 68435

If an inspection is conducted to investigate an alleged 68436  
violation of the requirements of this chapter in a facility with 68437  
residents referred by or receiving services from a mental health 68438  
agency or ADAMHS board or a facility with residents receiving 68439  
assistance under the residential state supplement program 68440  
administered by the department of aging pursuant to section 173.35 68441  
of the Revised Code, the director shall coordinate the inspection 68442  
with the appropriate mental health agency, ADAMHS board, or 68443  
PASSPORT administrative agency. As the director considers 68444  
appropriate, the director shall conduct the inspection jointly 68445  
with the mental health agency, ADAMHS board, or PASSPORT 68446  
administrative agency. 68447

Not later than sixty days after the date of an inspection of 68448  
a facility, the director shall send a report of the inspection to 68449  
the ombudsperson in whose region the facility is located. ~~The~~ 68450

(2) The state fire marshal or fire prevention officer of a 68451  
municipal, township, or other legally constituted fire department 68452  
approved by the state fire marshal shall inspect an adult group 68453  
home seeking a license or renewal under this chapter as an adult 68454  
care facility prior to issuance of a license or renewal, at least 68455  
once annually thereafter, and at any other time at the request of 68456  
the director, to determine compliance with the rules adopted under 68457

division (F) of section 3737.83 of the Revised Code. 68458

(D) The director may waive any of the licensing requirements 68459  
~~having to do with fire and safety requirements or building~~ 68460  
~~standards~~ established by rule adopted by the public health council 68461  
pursuant to this chapter upon written request of the facility. The 68462  
director may grant a waiver if the director determines that the 68463  
strict application of the licensing requirement would cause undue 68464  
hardship to the facility and that granting the waiver would not 68465  
jeopardize the health or safety of any resident. The director may 68466  
provide a facility with an informal hearing concerning the denial 68467  
of a waiver request, but the facility shall not be entitled to a 68468  
hearing under Chapter 119. of the Revised Code unless the director 68469  
takes an action that requires a hearing to be held under section 68470  
3722.05 of the Revised Code. 68471

(E)(1) Not later than thirty days after each of the 68472  
following, the owner of an adult care facility shall submit an 68473  
inspection fee of twenty dollars for each bed for which the 68474  
facility is licensed: 68475

(a) Issuance or renewal of a license, ~~other than a temporary~~ 68476  
~~license;~~ 68477

(b) The unannounced inspection required by division (C)(1) of 68478  
this section that is in addition to the inspection conducted to 68479  
determine whether a license should be issued or renewed; 68480

(c) If, during an inspection conducted in addition to the two 68481  
inspections required by division (C)(1) of this section, the 68482  
facility was found to be in violation of this chapter or the rules 68483  
adopted under it, receipt by the facility of the report of that 68484  
investigation. 68485

(2) The director may revoke the license of any adult care 68486  
facility that fails to submit the fee within the thirty-day 68487  
period. 68488

(3) All inspection fees received by the director, all civil penalties assessed under section 3722.08 of the Revised Code, all fines imposed under section 3722.99 of the Revised Code, and all license application and renewal application fees received under division (F) of section 3722.02 of the Revised Code or under division (B) of this section shall be deposited into the general operations fund created in section 3701.83 of the Revised Code and shall be used only to pay the costs of administering and enforcing the requirements of this chapter and rules adopted under it.

(F)(1) An owner shall inform the director in writing of any changes in the information contained in the statement of ownership made pursuant to division (C) of section 3722.02 of the Revised Code or in the identity of the manager, not later than ten days after the change occurs.

(2) An owner who sells or transfers an adult care facility shall be responsible and liable for the following:

(a) Any civil penalties imposed against the facility under section 3722.08 of the Revised Code for violations that occur before the date of transfer of ownership or during any period in which the seller or the seller's agent operates the facility;

(b) Any outstanding liability to the state, unless the buyer or transferee has agreed, as a condition of the sale or transfer, to accept the outstanding liabilities and to guarantee their payment, except that if the buyer or transferee fails to meet these obligations the seller or transferor shall remain responsible for the outstanding liability.

(G) The director shall annually publish a list of licensed adult care facilities, facilities ~~whose~~ for which licenses have been revoked ~~or not renewed~~, facilities for which license renewal has been refused, any facilities under an order suspending admissions pursuant to section 3722.07 of the Revised Code, and



any facilities that have been assessed a civil penalty pursuant to 68520  
section 3722.08 of the Revised Code. The director shall furnish 68521  
information concerning the status of licensure of any facility to 68522  
any person upon request. The director shall annually send a copy 68523  
of the list to the department of job and family services, to the 68524  
department of mental health, and to the department of aging. 68525

**Sec. 3722.041.** (A) Sections 3781.06 to 3781.18 and 3791.04 of 68526  
the Revised Code do not apply to an adult family home for which 68527  
application is made to the director of health for licensure as an 68528  
adult care facility under this chapter. Adult family homes shall 68529  
not be required to submit evidence to the director of health that 68530  
the home has been inspected by a local certified building 68531  
department or the division of ~~industrial compliance~~ labor in the 68532  
department of commerce or by the state fire marshal or a fire 68533  
prevention officer under section 3722.02 of the Revised Code, but 68534  
shall be inspected by the director of health to determine 68535  
compliance with this section. An inspection made under this 68536  
section may be made at the same time as an inspection made under 68537  
section 3722.04 of the Revised Code. 68538

(B) The director shall not license or renew the license of an 68539  
adult family home unless it meets the fire protection standards 68540  
established by rules adopted by the public health council pursuant 68541  
to this chapter. 68542

**Sec. 3722.05.** ~~(A)(1)~~ If an adult care facility fails to 68543  
comply with any requirement of this chapter or with any rule 68544  
adopted pursuant to this chapter, the director of health may do 68545  
any one or all of the following: 68546

~~(a)~~ (A) In accordance with Chapter 119. of the Revised Code, 68547  
deny, revoke, or refuse to renew the license of the facility; 68548

~~(b)~~ (B) Give the facility an opportunity to correct the 68549

violation, in accordance with section 3722.06 of the Revised Code; 68550

~~(c)~~(C) Issue an order suspending the admission of residents 68551  
to the facility, in accordance with section 3722.07 of the Revised 68552  
Code; 68553

~~(d)~~(D) Impose a civil penalty in accordance with section 68554  
3722.08 of the Revised Code; 68555

~~(e)~~(E) Petition the court of common pleas for injunctive 68556  
relief in accordance with section 3722.09 of the Revised Code. 68557

~~(2) The director may refuse to renew the temporary license of 68558  
any adult care facility for failure to make reasonable progress 68559  
toward compliance with the requirements for licensure under 68560  
section 3722.02 of the Revised Code and rules adopted by the 68561  
public health council pursuant to this chapter. The director may 68562  
revoke a temporary license upon a finding that the facility 68563  
jeopardizes the health or safety of any of its residents. 68564  
Proceedings initiated to deny, revoke, or refuse to renew a 68565  
temporary license are not subject to Chapter 119. of the Revised 68566  
Code. 68567~~

~~(3) The director may renew a temporary license for the 68568  
duration of proceedings under Chapter 119. of the Revised Code 68569  
regarding the denial of a permanent license if he determines that 68570  
the continued operation of the facility will not jeopardize the 68571  
health or safety of the residents. 68572~~

**Sec. 3722.06.** Except as otherwise provided in sections 68573  
3722.07 to 3722.09 of the Revised Code and except in cases of 68574  
violations that jeopardize the health and safety of any of the 68575  
residents, if the director determines that a licensed adult care 68576  
facility is in violation of this chapter or of rules adopted 68577  
pursuant to this chapter, ~~he~~ the director shall give the facility 68578  
an opportunity to correct the violation. The director shall notify 68579

the facility of the violation, ~~prescribe the steps necessary to~~ 68580  
~~correct the condition,~~ and specify a reasonable time for making 68581  
the corrections. Notice of the violation ~~and the prescribed~~ 68582  
~~corrections~~ shall be in writing and shall include a citation to 68583  
the statute or rule violated. The director shall state the action 68584  
that ~~he~~ the director will take if the corrections are not made 68585  
within the specified period of time. 68586

The facility shall submit to the director a plan of 68587  
correction stating the actions that will be taken to correct the 68588  
violation. The director shall conduct an inspection to determine 68589  
whether the facility has corrected the violation in accordance 68590  
with the plan of correction. 68591

If the director determines that the facility has failed to 68592  
correct the violation in accordance with the plan of correction, 68593  
the director may impose a penalty under section 3722.08 of the 68594  
Revised Code. If the director ~~subsequently~~ determines that the 68595  
license of the facility should be revoked or should not be renewed 68596  
because the facility has failed to correct the violation within 68597  
the time specified or because the violation jeopardizes the health 68598  
or safety of any of the residents, the director shall revoke or 68599  
refuse to renew the license in accordance with Chapter 119. of the 68600  
Revised Code. 68601

**Sec. 3722.08.** (A) If the director of health determines that 68602  
an adult care facility is in violation of this chapter or rules 68603  
adopted under it, the director may impose a civil penalty on the 68604  
owner of the facility, pursuant to rules adopted by the public 68605  
health council under this chapter, ~~on the owner of the facility.~~ 68606  
The director shall determine the classification and amount of the 68607  
penalty by considering the following factors: 68608

(1) The gravity of the violation, the severity of the actual 68609  
or potential harm, and the extent to which the provisions of this 68610

chapter or rules adopted under it were violated; 68611

(2) Actions taken by the owner or manager to correct the 68612  
violation; 68613

(3) The number, if any, of previous violations by the adult 68614  
care facility. 68615

(B) The director shall give written notice of the order 68616  
imposing a civil penalty to the adult care facility by certified 68617  
mail, return receipt requested, or shall provide for delivery of 68618  
the notice in person. The notice shall specify the classification 68619  
of the violation as determined by rules adopted by the public 68620  
health council pursuant to this chapter, the amount of the penalty 68621  
and the rate of interest, the action that is required to be taken 68622  
to correct the violation, the time within which it is to be 68623  
corrected as specified in division (C) of this section, and the 68624  
procedures for the facility to follow to request a conference on 68625  
the order imposing a civil penalty. If the facility requests a 68626  
conference in a letter mailed or delivered not later than two 68627  
working days after it has received the notice, the director shall 68628  
hold a conference with representatives of the facility concerning 68629  
the civil penalty. The conference shall be held not later than 68630  
seven days after the director receives the request. The conference 68631  
shall be conducted as prescribed in division (C) of section 68632  
3722.07 of the Revised Code. If the director issues an order 68633  
upholding the civil penalty, the facility may request an 68634  
adjudication hearing pursuant to Chapter 119. of the Revised Code, 68635  
but the order of the director shall be in effect during 68636  
proceedings instituted pursuant to that chapter until a final 68637  
adjudication is made. 68638

(C) The director shall order that the condition or practice 68639  
constituting a class I violation be abated or eliminated within 68640  
twenty-four hours or any longer period that the director considers 68641  
reasonable. The notice for a class II or a class III violation 68642

shall specify a time within which the violation is required to be corrected. 68643  
68644

(D) If the facility does not request a conference or if, 68645  
after a conference, it fails to take action to correct a violation 68646  
in the time prescribed by the director, the director shall issue 68647  
an order upholding the penalty, plus interest at the rate 68648  
specified in section 1343.03 of the Revised Code for each day 68649  
beyond the date set for payment of the penalty. The director may 68650  
waive the interest payment for the period prior to the conference 68651  
if the director concludes that the conference was necessitated by 68652  
a legitimate dispute. 68653

(E) The director may cancel or reduce the penalty for a class 68654  
I violation if the facility corrects the violation within the time 68655  
specified in the notice ~~unless, except that the director shall~~ 68656  
impose the penalty even though the facility has corrected the 68657  
violation if a resident suffers physical harm because of the 68658  
violation or ~~unless~~ the facility has been cited previously for the 68659  
same violation, ~~in which case the director shall impose the~~ 68660  
~~penalty even though the facility has corrected the violation.~~ The 68661  
director ~~shall~~ may cancel the penalty for a class II or class III 68662  
violation if the facility corrects the violation within the time 68663  
specified in the notice ~~unless~~ and the facility has not been cited 68664  
previously for the same violation. Each day of a violation of any 68665  
class, after the date the director sets for abatement or 68666  
elimination, constitutes a separate and additional violation. 68667

(F) If an adult care facility fails to pay a penalty imposed 68668  
under this section, the director may commence a civil action to 68669  
collect the penalty. The license of an adult care facility that 68670  
has failed to pay a penalty imposed under this section shall not 68671  
be renewed until the penalty has been paid. 68672

(G) If a penalty is imposed under this section, a fine shall 68673  
not be imposed under section 3722.99 of the Revised Code for the 68674

same violation. 68675

~~(H) Notwithstanding any other division of this section, the 68676  
director shall not impose a penalty for a class I violation if all 68677  
of the following apply: 68678~~

~~(1) A resident has not suffered physical harm because of the 68679  
violation; 68680~~

~~(2) The violation has been corrected and is no longer 68681  
occurring; 68682~~

~~(3) The violation is discovered by an inspector authorized to 68683  
inspect an adult care facility pursuant to this chapter by an 68684  
examination of the records of the facility. 68685~~

**Sec. 3722.09. (A)** If the director of health determines that 68686  
the operation of an adult care facility jeopardizes the health or 68687  
safety of any of the residents of the facility or if the director 68688  
determines that an adult care facility is operating without a 68689  
license, the director may petition the court of common pleas in 68690  
the county in which the facility is located for appropriate 68691  
injunctive relief against the facility. The If injunctive relief 68692  
is granted against a facility for operating without a license and 68693  
the facility continues to operate without a license, the director 68694  
shall refer the case to the attorney general for further action. 68695

(B) The court petitioned under division (A) of this section 68696  
shall grant injunctive relief upon a showing that the operation of 68697  
the facility jeopardizes the health or safety of any of the 68698  
residents of the facility or that the facility is operating 68699  
without a license. When the court grants injunctive relief in the 68700  
case of a facility operating without a license, the court shall 68701  
issue, at a minimum, an order enjoining the facility from 68702  
admitting new residents to the facility and an order requiring the 68703  
facility to assist resident rights advocates with the safe and 68704

orderly relocation of the facility's residents. 68705

**Sec. 3722.10.** (A) The public health council shall have the 68706  
exclusive authority to adopt, and the council shall adopt, rules 68707  
~~in accordance with Chapter 119. of the Revised Code~~ governing the 68708  
licensing and operation of adult care facilities. The rules shall 68709  
be adopted in accordance with Chapter 119. of the Revised Code and 68710  
shall specify all of the following: 68711

(1) Procedures for the issuance, renewal, and revocation of 68712  
licenses ~~and temporary licenses~~, for the granting and denial of 68713  
waivers, and for the issuance and termination of orders of 68714  
suspension of admission pursuant to section 3722.07 of the Revised 68715  
Code; 68716

(2) The qualifications required for owners, managers, and 68717  
employees of adult care facilities, including character, training, 68718  
education, experience, and financial resources and the number of 68719  
staff members required in a facility; 68720

(3) Adequate space, equipment, safety, and sanitation 68721  
standards for the premises of adult care facilities, and fire 68722  
protection standards for adult family homes as required by section 68723  
3722.041 of the Revised Code; 68724

(4) The personal, social, dietary, and recreational services 68725  
to be provided to each resident of adult care facilities; 68726

(5) Rights of residents of adult care facilities, in addition 68727  
to the rights enumerated under section 3722.12 of the Revised 68728  
Code, and procedures to protect and enforce the rights of these 68729  
residents; 68730

(6) Provisions for keeping records of residents and for 68731  
maintaining the confidentiality of the records as required by 68732  
division (B) of section 3722.12 of the Revised Code. The 68733  
provisions for maintaining the confidentiality of records shall, 68734

at the minimum, meet the requirements for maintaining the 68735  
confidentiality of records under Title XIX of the "Social Security 68736  
Act," 49 Stat. 620, 42 U.S.C. 301, as amended, and regulations 68737  
promulgated thereunder. 68738

(7) Measures to be taken by adult care facilities relative to 68739  
residents' medication, including policies and procedures 68740  
concerning medication, storage of medication in a locked area, and 68741  
disposal of medication and assistance with self-administration of 68742  
medication, if the facility provides assistance; 68743

(8) Requirements for initial and periodic health assessments 68744  
of prospective and current adult care facility residents by 68745  
physicians or other health professionals to ensure that they do 68746  
not require a level of care beyond that which is provided by the 68747  
adult care facility, including assessment of their capacity to 68748  
self-administer the medications prescribed for them; 68749

(9) Requirements relating to preparation of special diets; 68750

(10) The amount of the fees for new and renewal license 68751  
applications made pursuant to sections 3722.02 and 3722.04 of the 68752  
Revised Code; 68753

(11) Measures to be taken by any employee of the state or any 68754  
political subdivision of the state authorized by this chapter to 68755  
enter an adult care facility to inspect the facility or for any 68756  
other purpose, to ensure that the employee respects the privacy 68757  
and dignity of residents of the facility, cooperates with 68758  
residents of the facility and behaves in a congenial manner toward 68759  
them, and protects the rights of residents; 68760

(12) How an owner or manager of an adult care facility is to 68761  
comply with section 3722.18 of the Revised Code. ~~The~~ At a minimum, 68762  
the rules shall ~~do at least both of the following:~~ 68763

~~(a) Establish~~ establish the procedures an owner or manager is 68764  
to follow under division (A)~~(2)~~ of section 3722.18 of the Revised 68765



Code regarding referrals to the facility of prospective residents 68766  
with mental illness or severe mental disability and effective 68767  
arrangements for ongoing mental health services for such 68768  
prospective residents. The procedures may provide for any of the 68769  
following: 68770

~~(i)(a) That the owner or manager sign written agreements with 68771  
the mental health agencies and boards of alcohol, drug addiction, 68772  
and mental health services that refer such prospective residents 68773  
to the facility. Each agreement shall cover all such prospective 68774  
residents referred by the agency or board with which the owner or 68775  
manager enters into the agreement. 68776~~

~~(ii) and the ADAMHS board serving the alcohol, drug 68777  
addiction, and mental health service district in which the 68778  
facility is located sign a mental health resident program 68779  
participation agreement, as developed by the director of mental 68780  
health under section 5119.613 of the Revised Code; 68781~~

~~(b) That the owner or manager comply with the requirements of 68782  
its mental health resident program participation agreement; 68783~~

~~(c) That the owner or manager and the mental health agencies 68784  
and ADAMHS boards of alcohol, drug addiction, and mental health 68785  
services that refer such prospective residents to the facility 68786  
develop and sign a mental health plan for ongoing mental health 68787  
services for each such prospective resident; 68788~~

~~(iii)(d) Any other process established by the public health 68789  
council in consultation with the director of health and director 68790  
of mental health regarding referrals and effective arrangements 68791  
for ongoing mental health services for prospective residents with 68792  
mental illness. 68793~~

~~(b) Specify the date an owner or manager must begin to follow 68794  
the procedures established by division (A)(12)(a) of this section. 68795~~

(13) Any other rules necessary for the administration and 68796

enforcement of this chapter. 68797

(B) After consulting with relevant constituencies, the 68798  
director of mental health shall prepare and submit to the director 68799  
of health recommendations for the content of rules to be adopted 68800  
under division (A)(12) of this section. ~~The public health council~~ 68801  
~~shall adopt the rules required by division (A)(12) of this section~~ 68802  
~~no later than July 1, 2000.~~ 68803

(C) The director of health shall advise adult care facilities 68804  
regarding compliance with the requirements of this chapter and 68805  
with the rules adopted pursuant to this chapter. 68806

(D) Any duty or responsibility imposed upon the director of 68807  
health by this chapter may be carried out by an employee of the 68808  
department of health. 68809

(E) Employees of the department of health may enter, for the 68810  
purposes of investigation, any institution, residence, facility, 68811  
or other structure which has been reported to the department as, 68812  
or that the department has reasonable cause to believe is, 68813  
operating as an adult care facility without a valid license. 68814

**Sec. 3722.13.** (A) Each adult care facility shall establish a 68815  
written residents' rights policy containing the text of sections 68816  
3722.12 and 3722.14 of the Revised Code and rules adopted by the 68817  
public health council pursuant to this chapter, a discussion of 68818  
the rights and responsibilities of residents under that section, 68819  
and the text of any additional rule for residents promulgated by 68820  
the facility. At the time of admission the manager shall give a 68821  
copy of the residents' rights policy to the resident and ~~his~~ the 68822  
resident's sponsor, if any, and explain the contents of the policy 68823  
to them. The facility shall establish procedures for facilitating 68824  
the residents' exercise of their rights. 68825

(B) Each adult care facility shall post prominently within 68826

the facility a copy of the residents' rights listed in division 68827  
(B) of section 3722.12 of the Revised Code and any additional 68828  
residents' rights established by rules adopted by the public 68829  
health council pursuant to this chapter, ~~and~~ the addresses and 68830  
telephone numbers of the state long-term care ~~facilities ombudsman~~ 68831  
ombudsperson and the regional ~~ombudsman~~ long-term care 68832  
ombudsperson program for the area in which the facility is 68833  
located, ~~and of the central and district offices of the telephone~~ 68834  
number maintained by the department of health for accepting 68835  
complaints. 68836

**Sec. 3722.14.** (A)(1) Except as provided in division (A)(2) of 68837  
this section, an adult care facility may transfer or discharge a 68838  
resident, in the absence of a request from the resident, only for 68839  
the following reasons: 68840

(a) Charges for the resident's accommodations and services 68841  
have not been paid within thirty days after the date on which they 68842  
became due; 68843

(b) The mental, emotional, or physical condition of the 68844  
resident requires a level of care that the facility is unable to 68845  
provide; 68846

(c) The health, safety, or welfare of the resident or of 68847  
another resident requires a transfer or discharge; 68848

(d) The facility's license has been revoked or renewal has 68849  
been denied pursuant to this chapter; 68850

(e) The owner closes the facility; 68851

(f) The resident is relocated as the result of a court's 68852  
order issued under section 3722.09 of the Revised Code as part of 68853  
the injunctive relief granted against a facility that is operating 68854  
without a license; 68855

(g) The resident is receiving publicly funded mental health 68856

services and the facility's mental health resident program 68857  
participation agreement is terminated by the facility or ADAMHS 68858  
board. 68859

(2) An adult family home may transfer or discharge a resident 68860  
if transfer or discharge is required for the health, safety, or 68861  
welfare of an individual who resides in the home but is not a 68862  
resident for whom supervision or personal services are provided. 68863

(B)(1) The facility shall give a resident thirty days advance 68864  
notice, in writing, of a proposed transfer or discharge, except 68865  
that if the transfer or discharge is for a reason given in 68866  
divisions (A)(1)(b) to (g) or (A)(2) to (5) of this section and an 68867  
emergency exists, the notice need not be given thirty days in 68868  
advance. ~~The resident may request and the director of health shall~~ 68869  
~~conduct a hearing if the transfer or discharge is based upon~~ 68870  
~~division (A)(1), (2), or (3) of this section. The public health~~ 68871  
~~council shall adopt rules governing the procedure for conducting~~ 68872  
~~such a hearing.~~ The facility shall state in the written notice the 68873  
reasons for the proposed transfer or discharge. If the resident is 68874  
entitled to a hearing as specified in division (B)(2) of this 68875  
section, the written notice shall outline the procedure for the 68876  
resident to follow in requesting a hearing. 68877

(2) A resident may request a hearing if a proposed transfer 68878  
or discharge is based on reason given in division (A)(1)(a) to (c) 68879  
or (A)(2) of this section. If the resident seeks a hearing, ~~he~~ the 68880  
resident shall submit a request to the director not later than ten 68881  
days after receiving the written notice. The director shall hold 68882  
the hearing not later than ten days after receiving the request. A 68883  
representative of the director shall preside over the hearing and 68884  
shall issue a written recommendation of action to be taken by the 68885  
director not later than three days after the hearing. The director 68886  
shall issue an order regarding the transfer or discharge not later 68887  
than two days after receipt of the recommendation. The order may 68888

prohibit or place conditions on the discharge or transfer. In the 68889  
case of a transfer, the order may require that the transfer be to 68890  
an institution or facility specified by the director. The hearing 68891  
is not subject to section 121.22 of the Revised Code. The public 68892  
health council shall adopt rules governing any additional 68893  
procedures necessary for conducting the hearing. 68894

(C)(1) The owner of an adult care facility who is closing the 68895  
facility shall inform the director of health in writing at least 68896  
thirty days prior to the proposed date of closing. At the same 68897  
time, the owner or manager shall inform each resident, ~~his~~ the 68898  
resident's guardian, ~~his~~ the resident's sponsor, or any 68899  
organization or agency acting on behalf of the resident, of the 68900  
closing of the facility and the date of the closing. 68901

(2) Immediately upon receiving notice that a facility is to 68902  
be closed, the director shall monitor the transfer of residents to 68903  
other facilities and ensure that residents' rights are protected. 68904  
The director shall notify the ~~ombudsman~~ ombudsperson in the region 68905  
in which the facility is located of the closing. 68906

(3) All charges shall be prorated as of the date on which the 68907  
facility closes. If payments have been made in advance, the 68908  
payments for services not rendered shall be refunded to the 68909  
resident or the resident's guardian not later than seven days 68910  
after the closing of the facility. 68911

(4) Immediately upon the closing of a facility, the owner 68912  
shall surrender the license to the director, and the license shall 68913  
be canceled. 68914

**Sec. 3722.15.** (A) The following may enter an adult care 68915  
facility at any time: 68916

(1) Employees designated by the director of health; 68917

(2) Employees designated by the director of aging; 68918

(3) Employees designated by the attorney general;	68919
(4) Employees designated by a county department of job and family services to implement sections 5101.60 to 5101.71 of the Revised Code;	68920 68921 68922
(5) Persons employed pursuant to division (M) of section 173.01 of the Revised Code in the long-term care <del>facilities</del> ombudsperson program;	68923 68924 68925
(6) Employees of the department of mental health designated by the director of mental health;	68926 68927
(7) Employees of a mental health agency, <del>if under any of the following circumstances:</del>	68928 68929
(a) <u>When</u> the agency has a client residing in the facility;	68930
(b) <u>When the agency is acting as an agent of an ADAMHS board other than the board with which it is under contract;</u>	68931 68932
(c) <u>When there is a mental health resident program participation agreement between the facility and the ADAMHS board with which the agency is under contract.</u>	68933 68934 68935
(8) Employees of a <u>an ADAMHS board of alcohol, drug addiction, and mental health services, when under any of the following circumstances:</u>	68936 68937 68938
(a) <u>When</u> authorized by section 340.05 of the Revised Code <del>or if an individual;</del>	68939 68940
(b) <u>When a resident of the facility is receiving mental health services provided by the that ADAMHS board or another ADAMHS board</u> pursuant to division (A)(8)(b) of section 340.03 of the Revised Code <del>or;</del>	68941 68942 68943 68944
(c) <u>When a resident of the facility is receiving services from</u> a mental health agency under contract with <del>the that ADAMHS board resides in the facility or another ADAMHS board;</del>	68945 68946 68947

(d) When there is a mental health resident program participation agreement between the facility and that ADAMHS board. 68948  
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~~These~~ The employees specified in divisions (A)(1) to (8) of this section shall be afforded access to all records of the facility, including records pertaining to residents, and may copy the records. Neither these employees nor the director of health shall release, without consent, any information obtained from the records of an adult care facility that reasonably would tend to identify a specific resident of the facility, except as ordered by a court of competent jurisdiction. 68951  
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(B) The following persons may enter any adult care facility during reasonable hours: 68959  
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(1) A resident's sponsor; 68961

(2) Residents' rights advocates; 68962

(3) A resident's attorney; 68963

(4) A minister, priest, rabbi, or other person ministering to a resident's religious needs; 68964  
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(5) A physician or other person providing health care services to a resident; 68966  
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(6) Employees authorized by county departments of job and family services and local boards of health or health departments to enter adult care facilities; 68968  
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(7) A prospective resident and prospective resident's sponsor. 68971  
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(C) The manager of an adult care facility may require a person seeking to enter the facility to present identification sufficient to identify the person as an authorized person under this section. 68973  
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<b>Sec. 3722.16.</b> (A) No person shall:	68977
(1) Operate an adult care facility unless the facility is validly licensed by the director of health under section 3722.04 of the Revised Code;	68978 68979 68980
(2) Admit to an adult care facility more residents than the number authorized in the facility's license;	68981 68982
(3) Admit a resident to an adult care facility after the director has issued an order pursuant to section 3722.07 of the Revised Code suspending admissions to the facility. Violation of division (A)(3) of this section is cause for revocation of the facility's license.	68983 68984 68985 68986 68987
(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;	68988 68989 68990
(5) <u>Admit to an adult care facility a resident requiring publicly funded mental health services, unless both of the following conditions are met:</u>	68991 68992 68993
(a) <u>The ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located is notified;</u>	68994 68995 68996
(b) <u>The facility and ADAMHS board have entered into a mental health resident program participation agreement by using the standardized form approved by the director of mental health under section 5119.613 of the Revised Code.</u>	68997 68998 68999 69000
(6) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it.	69001 69002
(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the following <u>conditions</u> are <del>the case</del> <u>met</u> :	69003 69004 69005



(1) The care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period. 69006  
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(2) The care will be provided by one or more of the following: 69009  
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(a) A home health agency certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; 69011  
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(b) A hospice care program licensed under Chapter 3712. of the Revised Code; 69014  
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(c) A nursing home licensed under Chapter 3721. of the Revised Code and owned and operated by the same person and located on the same site as the adult care facility; 69016  
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(d) A mental health agency or, pursuant to division (A)(8)(b) of section 340.03 of the Revised Code, a an ADAMHS board of alcohol, drug addiction, and mental health services. 69019  
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~~(2)~~(3) Each individual employed by, under contract with, or otherwise used by any of the entities specified in division (B)(2) of this section to perform the skilled nursing care is authorized under the laws of this state to perform the care by being appropriately licensed, as specified in rules adopted under division (G) of this section. 69022  
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(4) The staff of the home health agency, hospice care program, nursing home, mental health agency, or board of alcohol, drug addiction, and mental health services one or more entities providing the skilled nursing care does not train the adult care facility staff to provide the skilled nursing care; 69028  
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~~(3)~~(5) The individual to whom the skilled nursing care is provided is suffering from a short-term illness; 69033  
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~~(4)~~(6) If the skilled nursing care is to be provided by the 69035

nursing staff of a nursing home, all of the following are the 69036  
case: 69037

(a) The adult care facility evaluates the individual 69038  
receiving the skilled nursing care at least once every seven days 69039  
to determine whether the individual should be transferred to a 69040  
nursing home; 69041

(b) The adult care facility meets at all times staffing 69042  
requirements established by rules adopted under section 3722.10 of 69043  
the Revised Code; 69044

(c) The nursing home does not include the cost of providing 69045  
skilled nursing care to the adult care facility residents in a 69046  
cost report filed under section 5111.26 of the Revised Code; 69047

(d) The nursing home meets at all times the nursing home 69048  
licensure staffing ratios established by rules adopted under 69049  
section 3721.04 of the Revised Code; 69050

(e) The nursing home staff providing skilled nursing care to 69051  
adult care facility residents are registered nurses or licensed 69052  
practical nurses licensed under Chapter 4723. of the Revised Code 69053  
and meet the personnel qualifications for nursing home staff 69054  
established by rules adopted under section 3721.04 of the Revised 69055  
Code; 69056

(f) The skilled nursing care is provided in accordance with 69057  
rules established for nursing homes under section 3721.04 of the 69058  
Revised Code; 69059

(g) The nursing home meets the skilled nursing care needs of 69060  
the adult care facility residents; 69061

(h) Using the nursing home's nursing staff does not prevent 69062  
the nursing home or adult care facility from meeting the needs of 69063  
the nursing home and adult care facility residents in a quality 69064  
and timely manner. 69065

(7) No adult care facility staff shall provide skilled nursing care. 69066  
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Notwithstanding section 3721.01 of the Revised Code, an adult care facility in which residents receive skilled nursing care as described in division (B) of this section is not a nursing home. 69068  
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~~No adult care facility shall provide skilled nursing care.~~ 69070  
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(C) A home health agency or hospice care program that provides skilled nursing care pursuant to division (B) of this section may not be associated with the adult care facility unless the facility is part of a home for the aged as defined in section 5701.13 of the Revised Code or the adult care facility is owned and operated by the same person and located on the same site as a nursing home licensed under Chapter 3721. of the Revised Code that is associated with the home health agency or hospice care program. 69072  
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In addition, the following requirements shall be met: 69080

(1) The adult care facility shall evaluate the individual receiving the skilled nursing care not less than once every seven days to determine whether the individual should be transferred to a nursing home; 69081  
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(2) If the costs of providing the skilled nursing care are included in a cost report filed pursuant to section 5111.26 of the Revised Code by the nursing home that is part of the same home for the aged, the home health agency or hospice care program shall not seek reimbursement for the care under the medical assistance program established under Chapter 5111. of the Revised Code. 69085  
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~~(D)~~<sup>(1)</sup> No person knowingly shall place or recommend placement of any person in an adult care facility that is operating without a license. 69091  
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~~(2)~~<sup>(E)</sup> No employee of a unit of local or state government, ADAMHS board of alcohol, drug addiction, and mental health services, mental health agency, or PASSPORT administrative agency 69094  
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shall place or recommend placement of any person in an adult care facility if the employee knows ~~that~~ any of the following:

(1) That the facility cannot meet the needs of the potential resident;

(2) That placement of the resident would cause the facility to exceed its licensed capacity;

(3) That an enforcement action initiated by the director of health is pending and may result in the revocation of or refusal to renew the facility's license;

(4) That the potential resident is receiving or is eligible for publicly funded mental health services and the facility has not entered into a mental health resident program participation agreement.

~~(3)~~(F) No person who has reason to believe that an adult care facility is operating without a license shall fail to report this information to the director of health.

~~(E)~~(G) In accordance with Chapter 119. of the Revised Code, the public health council shall adopt rules ~~that define for~~ purposes of division (B) of this section that do all of the following:

(1) Define a short-term illness for purposes of division (B)~~(3)~~(5) of this section and specify;

(2) Specify, consistent with rules pertaining to home health care adopted by the director of job and family services under the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, what constitutes a part-time, intermittent basis for purposes of division (B)(1) of this section;

(3) Specify what constitutes being appropriately licensed for

purposes of division (B)(3) of this section. 69127

**Sec. 3722.17.** (A) Any person who believes that an adult care 69128  
facility is in violation of this chapter or of any of the rules 69129  
promulgated pursuant to it may report the information to the 69130  
director of health. The director shall investigate each report 69131  
made under this section or section 3722.16 of the Revised Code and 69132  
shall inform the facility of the results of the investigation. 69133  
When investigating a report made pursuant to section 340.05 of the 69134  
Revised Code, the director shall consult with the ADAMHS board ~~of~~ 69135  
~~alcohol, drug addiction, and mental health services~~ that made the 69136  
report. The director shall keep a record of the investigation and 69137  
the action taken as a result of the investigation. 69138

The director shall not reveal, without consent, the identity 69139  
of a person who makes a report under this section or division 69140  
~~(D)(3)~~(G) of section 3722.16 of the Revised Code, the identity of 69141  
a specific resident or residents referred to in such a report, or 69142  
any other information that could reasonably be expected to reveal 69143  
the identity of the person making the report or the resident or 69144  
residents referred to in the report, except that the director may 69145  
provide this information to a government agency responsible for 69146  
enforcing laws applying to adult care facilities. 69147

(B) Any person who believes that a resident's rights under 69148  
sections 3722.12 to 3722.15 of the Revised Code have been violated 69149  
may report the information to the state ~~or regional~~ long-term care 69150  
~~facilities~~ ombudsperson, the regional long-term care ombudsperson 69151  
program for the area in which the facility is located, or ~~to~~ the 69152  
director of health. If the person believes that the resident has 69153  
mental illness or severe mental disability and is suffering abuse 69154  
or neglect, the person may report the information to the ADAMHS 69155  
~~board of alcohol, drug addiction, and mental health services~~ 69156  
serving the alcohol, drug addiction, and mental health service 69157

district in which the adult care facility is located or a mental 69158  
health agency under contract with the board in addition to or 69159  
instead of the ombudsperson, regional program, or director. 69160

(C) Any person who makes a report pursuant to division (A) or 69161  
(B) of this section or division ~~(D)(3)(G)~~ of section 3722.16 of 69162  
the Revised Code or any person who participates in an 69163  
administrative or judicial proceeding resulting from such a report 69164  
is immune from any civil liability or criminal liability, other 69165  
than perjury, that might otherwise be incurred or imposed as a 69166  
result of these actions, unless the person has acted in bad faith 69167  
or with malicious purpose. 69168

**Sec. 3722.18.** Before an adult care facility admits a 69169  
prospective resident who the owner or manager of the facility 69170  
knows has been assessed as having a mental illness or severe 69171  
mental disability, the owner or manager ~~shall do~~ is subject to 69172  
both of the following ~~in accordance with rules adopted under~~ 69173  
~~division (A)(12) of section 3722.10 of the Revised Code:~~ 69174

(A) If the prospective resident is referred to the facility 69175  
by a mental health agency or ADAMHS board ~~of alcohol, drug~~ 69176  
~~addiction, and mental health services, do the following:~~ 69177

~~(1) Except in an emergency and only until the date an owner~~ 69178  
~~or manager of an adult care facility must begin to follow~~ 69179  
~~procedures under division (A)(2) of this section, enter into an~~ 69180  
~~affiliation agreement with the agency or board. An affiliation~~ 69181  
~~agreement with the agency is subject to the board's approval. An~~ 69182  
~~affiliation agreement must be consistent with the residential~~ 69183  
~~portion of the board's community mental health plan submitted to~~ 69184  
~~the department of mental health under section 340.03 of the~~ 69185  
~~Revised Code.~~ 69186

~~(2) Beginning on the date specified in rules adopted under~~ 69187  
~~division (A)(12) of section 3722.10 of the Revised Code, the owner~~ 69188

or manager shall follow procedures established in those rules 69189  
adopted under division (A)(12) of section 3722.10 of the Revised 69190  
Code regarding referrals and effective arrangements for ongoing 69191  
mental health services. 69192

(B) If the prospective resident is not referred to the 69193  
facility by a mental health agency or ADAMHS board of alcohol, 69194  
drug addiction, and mental health services, document that the 69195  
owner or manager ~~has offered~~ shall offer to assist the prospective 69196  
resident in obtaining appropriate mental health services and 69197  
document the offer of assistance in accordance with rules adopted 69198  
under division (A)(12) of section 3722.10 of the Revised Code. 69199  
69200

**Sec. 3722.99.** Whoever violates division (A) ~~or (B)(1)~~ of 69201  
section 3722.16 of the Revised Code shall be fined ~~five hundred~~ 69202  
two thousand dollars for a first offense; for each subsequent 69203  
offense, such person shall be fined ~~one~~ five thousand dollars. 69204

Whoever violates division (C) of section 3722.12 or division 69205  
(A)(2), (3), (4), (5) or (6), (B), (C), (D), (E), or (F) of 69206  
section 3722.16 of the Revised Code shall be fined ~~one five~~ 69207  
hundred dollars for a first offense; for each subsequent offense, 69208  
such person shall be fined ~~five hundred~~ one thousand dollars. 69209

**Sec. 3727.02.** (A) No person and no political subdivision, 69210  
agency, or instrumentality of this state shall operate a hospital 69211  
unless it is certified under Title XVIII of the "Social Security 69212  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or is 69213  
accredited by ~~the joint commission or the American osteopathic~~ 69214  
association a national accrediting organization approved by the 69215  
centers for medicare and medicaid services and the director of 69216  
health. 69217

(B) No person and no political subdivision, agency, or 69218

instrumentality of this state shall hold out as a hospital any 69219  
health facility that is not certified or accredited as required in 69220  
division (A) of this section. 69221

**Sec. ~~3727.05~~ 3727.04.** The director of health may petition the 69222  
court of common pleas of the county in which a hospital is located 69223  
for an order enjoining any person or any political subdivision, 69224  
agency, or instrumentality of this state from violating section 69225  
3727.02 of the Revised Code. Irrespective of any other remedy the 69226  
director may have in law or equity, the court may grant the order 69227  
upon a showing that the respondent named in the petition is 69228  
violating section 3727.02 of the Revised Code. 69229

**Sec. ~~3701.71~~ 3727.05.** ~~To comply with the Social Security Act~~ 69230  
~~Amendments of 1950, known as Public Law 734 81st Congress, the~~ 69231  
~~Ohio~~ The department of health ~~is hereby designated as the state~~ 69232  
~~authority responsible for establishing and maintaining~~ shall 69233  
establish, maintain, and enforce minimum standards for ~~voluntary~~ 69234  
~~and governmental hospitals~~ every hospital and ~~in units~~ for every 69235  
unit providing medical and nursing care in city and county 69236  
institutions. 69237

**Sec. ~~3701.72~~ 3727.051.** ~~Subject to the provisions of sections~~ 69238  
~~119.01 to 119.13 inclusive, of the Revised Code, the~~ The Ohio 69239  
department of health ~~shall have the power to~~ may adopt reasonable 69240  
rules ~~and regulations~~ to establish and maintain such minimum 69241  
~~standards~~ implement section 3727.05 of the Revised Code. The rules 69242  
shall be adopted under Chapter 119. of the Revised Code. 69243

**Sec. 3727.052.** All prosecutions and proceedings by the 69244  
department of health for a violation of the minimum standards 69245  
established under section 3727.05 of the Revised Code, a violation 69246  
of any of the rules adopted under section 3727.051 of the Revised 69247



Code, or a violation of any order issued by the department to 69248  
enforce those standards or rules shall be instituted by the 69249  
director of health. All fines or judgments the department collects 69250  
shall be paid into the state treasury to the credit of the general 69251  
revenue fund. 69252

The director may petition the court of common pleas for 69253  
injunctive or other appropriate relief requiring any person 69254  
committing the alleged violation to comply with the applicable 69255  
standard, rule, or order. The court of common pleas of the county 69256  
in which the offense is alleged to be occurring may grant such 69257  
injunctive or other appropriate relief as the equities of the case 69258  
require. 69259

**Sec. ~~3727.04~~ 3727.053.** In addition to any other inspections 69260  
authorized by law, the director of health may inspect any hospital 69261  
if there are substantial allegations or evidence of a significant 69262  
deficiency or deficiencies that would, if found to be present, 69263  
adversely affect the health or safety of its patients and may make 69264  
such other inspections as are necessary to enforce this chapter. 69265

**Sec. 3729.07.** The licensor of a recreational vehicle park, 69266  
recreation camp, or combined park-camp may charge a fee for an 69267  
annual license to operate such a park, camp, or park-camp. In the 69268  
case of a temporary park-camp, the licensor may charge a fee for a 69269  
license to operate the temporary park-camp for the period 69270  
specified in division (A) of section 3729.05 of the Revised Code. 69271  
The fees for both types of licenses shall be determined in 69272  
accordance with section 3709.09 of the Revised Code and shall 69273  
include the cost of licensing and all inspections. 69274

Except for the fee for a temporary park-camp license, the fee 69275  
also shall include any additional amount determined by rule of the 69276  
public health council, which shall be collected and transmitted by 69277

the board of health to the ~~treasurer of state to be credited to~~ 69278  
~~the general operations fund created in section 3701.83 of the~~ 69279  
~~Revised Code~~ director of health pursuant to section 3709.092 of 69280  
the Revised Code and used only for the purpose of administering 69281  
and enforcing this chapter and rules adopted under it. The portion 69282  
of any fee retained by the board of health shall be paid into a 69283  
special fund and used only for the purpose of administering and 69284  
enforcing this chapter and rules adopted under it. 69285

**Sec. 3733.02.** (A)(1) The public health council, subject to 69286  
Chapter 119. of the Revised Code, shall adopt, and has the 69287  
exclusive power to adopt, rules of uniform application throughout 69288  
the state governing the review of plans, issuance of flood plain 69289  
management permits, and issuance of licenses for manufactured home 69290  
parks; the location, layout, density, construction, drainage, 69291  
sanitation, safety, and operation of those parks; and notices of 69292  
flood events concerning, and flood protection at, those parks. The 69293  
rules pertaining to flood plain management shall be consistent 69294  
with and not less stringent than the flood plain management 69295  
criteria of the national flood insurance program adopted under the 69296  
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 69297  
4001, as amended. The rules shall not apply to the construction, 69298  
erection, or manufacture of any building to which section 3781.06 69299  
of the Revised Code is applicable. 69300

(2) The rules pertaining to manufactured home parks 69301  
constructed after June 30, 1971, shall specify that each home must 69302  
be placed on its lot to provide not less than fifteen feet between 69303  
the side of one home and the side of another home, ten feet 69304  
between the end of one home and the side of another home, and five 69305  
feet between the ends of two homes placed end to end. 69306

(3) The ~~department of health~~ manufactured homes commission 69307  
shall determine compliance with the installation, blocking, 69308

tiedown, foundation, and base support system standards for 69309  
manufactured housing located in manufactured home parks adopted by 69310  
the ~~manufactured homes~~ commission pursuant to section 4781.04 of 69311  
the Revised Code. All inspections of the installation, blocking, 69312  
tiedown, foundation, and base support systems of manufactured 69313  
housing in a manufactured home park that the department of health 69314  
or a licensor conducts shall be conducted by a person who has 69315  
completed an installation training course approved by the 69316  
manufactured homes commission pursuant to division (B)(12) of 69317  
section 4781.04 of the Revised Code. 69318

As used in division (A)(3) of this section, "manufactured 69319  
housing" has the same meaning as in section 4781.01 of the Revised 69320  
Code. 69321

(B) The public health council, in accordance with Chapter 69322  
119. of the Revised Code, shall adopt rules of uniform application 69323  
throughout the state establishing requirements and procedures in 69324  
accordance with which the director of health may authorize 69325  
licensors for the purposes of sections 3733.022 and 3733.025 of 69326  
the Revised Code. The rules shall include at least provisions 69327  
under which a licensor may enter into contracts for the purpose of 69328  
fulfilling the licensor's responsibilities under either or both of 69329  
those sections. 69330

**Sec. 3733.04.** The licensor of a manufactured home park may 69331  
charge a fee for an annual license to operate such a park. The fee 69332  
for a license shall be determined in accordance with section 69333  
3709.09 of the Revised Code and shall include the cost of 69334  
licensing and all inspections. 69335

The fee also shall include any additional amount determined 69336  
by rule of the public health council, which shall be collected and 69337  
transmitted by the board of health to the ~~treasurer of state to be~~ 69338  
~~credited to the general operations fund created in section 3701.83~~ 69339

~~of the Revised Code~~ director of health pursuant to section 69340  
3709.092 of the Revised Code and used only for the purpose of 69341  
administering and enforcing sections 3733.01 to 3733.08 of the 69342  
Revised Code and the rules adopted under those sections. The 69343  
portion of any fee retained by the board of health shall be paid 69344  
into a special fund and used only for the purpose of administering 69345  
and enforcing sections 3733.01 to 3733.08 of the Revised Code and 69346  
the rules adopted thereunder. 69347

**Sec. 3733.25.** Any fee for the license required by section 69348  
3733.24 of the Revised Code shall be determined in accordance with 69349  
section 3709.09 of the Revised Code. The license fee shall include 69350  
any additional amount determined by rule of the public health 69351  
council, which shall be collected and transmitted by the board of 69352  
~~health district~~ to the director of health ~~for deposit in the state~~ 69353  
~~treasury to the credit of the general operations fund created in~~ 69354  
~~section 3701.83 of the Revised Code~~ pursuant to section 3709.092 69355  
of the Revised Code and shall be used by the director to 69356  
administer and enforce sections 3733.21 to 3733.30 of the Revised 69357  
Code and rules adopted thereunder. The portion of any fee retained 69358  
by the health district shall be paid into a special fund which is 69359  
hereby created in each health district and shall be used only by 69360  
the board for the purpose of administering and enforcing sections 69361  
3733.21 to 3733.30 of the Revised Code and the rules adopted 69362  
thereunder. The health district may charge additional reasonable 69363  
fees for the collection and bacteriological examination of any 69364  
necessary water samples taken from a marina. 69365

**Sec. 3733.43.** (A) Except as otherwise provided in this 69366  
division, prior to the fifteenth day of April in each year, every 69367  
person who intends to operate an agricultural labor camp shall 69368  
make application to the licensor for a license to operate such 69369  
camp, effective for the calendar year in which it is issued. The 69370

licensor may accept an application on or after the fifteenth day 69371  
of April. The license fees specified in this division shall be 69372  
submitted to the licensor with the application for a license. No 69373  
agricultural labor camp shall be operated in this state without a 69374  
license. Any person operating an agricultural labor camp without a 69375  
current and valid agricultural labor camp license is not excepted 69376  
from compliance with sections 3733.41 to 3733.49 of the Revised 69377  
Code by holding a valid and current hotel license. Each person 69378  
proposing to open an agricultural labor camp shall submit with the 69379  
application for a license any plans required by any rule adopted 69380  
under section 3733.42 of the Revised Code. The For any license 69381  
issued on or after July 1, 2009, the annual license fee is 69382  
seventy-five one hundred fifty dollars, unless the application for 69383  
a license is made on or after the fifteenth day of April in any 69384  
given year, in which case the annual license fee is one hundred 69385  
sixty-six dollars. An For any license issued on or after July 1, 69386  
2009, an additional fee of ~~ten~~ twenty dollars per housing unit per 69387  
year shall be assessed to defray the costs of enforcing sections 69388  
3733.41 to 3733.49 of the Revised Code, unless the application for 69389  
a license is made on or after the fifteenth day of April in any 69390  
given year, in which case an additional fee of ~~fifteen~~ forty-two 69391  
dollars and fifty cents per housing unit shall be assessed. All 69392  
fees collected under this division shall be deposited in the state 69393  
treasury to the credit of the general operations fund created in 69394  
section 3701.83 of the Revised Code and shall be used for the 69395  
administration and enforcement of sections 3733.41 to 3733.49 of 69396  
the Revised Code and rules adopted thereunder. 69397

(B) Any license under this section may be denied, suspended, 69398  
or revoked by the licensor for violation of sections 3733.41 to 69399  
3733.49 of the Revised Code or the rules adopted thereunder. 69400  
Unless there is an immediate serious public health hazard, no 69401  
denial, suspension, or revocation of a license shall be made 69402  
effective until the person operating the agricultural labor camp 69403

has been given notice in writing of the specific violations and a 69404  
reasonable time to make corrections. When the licenser determines 69405  
that an immediate serious public health hazard exists, the 69406  
licenser shall issue an order denying or suspending the license 69407  
without a prior hearing. 69408

(C) All proceedings under this section are subject to Chapter 69409  
119. of the Revised Code except as provided in section 3733.431 of 69410  
the Revised Code. 69411

(D) Every occupant of an agricultural labor camp shall keep 69412  
that part of the dwelling unit, and premises thereof, that the 69413  
occupant occupies and controls in a clean and sanitary condition. 69414

**Sec. 3734.05.** (A)(1) Except as provided in divisions (A)(4), 69415  
(8), and (9) of this section, no person shall operate or maintain 69416  
a solid waste facility without a license issued under this 69417  
division by the board of health of the health district in which 69418  
the facility is located or by the director of environmental 69419  
protection when the health district in which the facility is 69420  
located is not on the approved list under section 3734.08 of the 69421  
Revised Code. 69422

During the month of December, but before the first day of 69423  
January of the next year, every person proposing to continue to 69424  
operate an existing solid waste facility shall procure a license 69425  
under this division to operate the facility for that year from the 69426  
board of health of the health district in which the facility is 69427  
located or, if the health district is not on the approved list 69428  
under section 3734.08 of the Revised Code, from the director. The 69429  
application for such a license shall be submitted to the board of 69430  
health or to the director, as appropriate, on or before the last 69431  
day of September of the year preceding that for which the license 69432  
is sought. In addition to the application fee prescribed in 69433  
division (A)(2) of this section, a person who submits an 69434

application after that date shall pay an additional ten per cent 69435  
of the amount of the application fee for each week that the 69436  
application is late. Late payment fees accompanying an application 69437  
submitted to the board of health shall be credited to the special 69438  
fund of the health district created in division (B) of section 69439  
3734.06 of the Revised Code, and late payment fees accompanying an 69440  
application submitted to the director shall be credited to the 69441  
general revenue fund. A person who has received a license, upon 69442  
sale or disposition of a solid waste facility, and upon consent of 69443  
the board of health and the director, may have the license 69444  
transferred to another person. The board of health or the director 69445  
may include such terms and conditions in a license or revision to 69446  
a license as are appropriate to ensure compliance with this 69447  
chapter and rules adopted under it. The terms and conditions may 69448  
establish the authorized maximum daily waste receipts for the 69449  
facility. Limitations on maximum daily waste receipts shall be 69450  
specified in cubic yards of volume for the purpose of regulating 69451  
the design, construction, and operation of solid waste facilities. 69452  
Terms and conditions included in a license or revision to a 69453  
license by a board of health shall be consistent with, and pertain 69454  
only to the subjects addressed in, the rules adopted under 69455  
division (A) of section 3734.02 and division (D) of section 69456  
3734.12 of the Revised Code. 69457

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 69458  
(9) of this section, each person proposing to open a new solid 69459  
waste facility or to modify an existing solid waste facility shall 69460  
submit an application for a permit with accompanying detail plans 69461  
and specifications to the environmental protection agency for 69462  
required approval under the rules adopted by the director pursuant 69463  
to division (A) of section 3734.02 of the Revised Code and 69464  
applicable rules adopted under division (D) of section 3734.12 of 69465  
the Revised Code at least two hundred seventy days before proposed 69466  
operation of the facility and shall concurrently make application 69467

for the issuance of a license under division (A)(1) of this 69468  
section with the board of health of the health district in which 69469  
the proposed facility is to be located. 69470

(b) On and after the effective date of the rules adopted 69471  
under division (A) of section 3734.02 of the Revised Code and 69472  
division (D) of section 3734.12 of the Revised Code governing 69473  
solid waste transfer facilities, each person proposing to open a 69474  
new solid waste transfer facility or to modify an existing solid 69475  
waste transfer facility shall submit an application for a permit 69476  
with accompanying engineering detail plans, specifications, and 69477  
information regarding the facility and its method of operation to 69478  
the environmental protection agency for required approval under 69479  
those rules at least two hundred seventy days before commencing 69480  
proposed operation of the facility and concurrently shall make 69481  
application for the issuance of a license under division (A)(1) of 69482  
this section with the board of health of the health district in 69483  
which the facility is located or proposed. 69484

(c) Each application for a permit under division (A)(2)(a) or 69485  
(b) of this section shall be accompanied by a nonrefundable 69486  
application fee of four hundred dollars that shall be credited to 69487  
the general revenue fund. Each application for an annual license 69488  
under division (A)(1) or (2) of this section shall be accompanied 69489  
by a nonrefundable application fee of one hundred dollars. If the 69490  
application for an annual license is submitted to a board of 69491  
health on the approved list under section 3734.08 of the Revised 69492  
Code, the application fee shall be credited to the special fund of 69493  
the health district created in division (B) of section 3734.06 of 69494  
the Revised Code. If the application for an annual license is 69495  
submitted to the director, the application fee shall be credited 69496  
to the general revenue fund. If a permit or license is issued, the 69497  
amount of the application fee paid shall be deducted from the 69498  
amount of the permit fee due under division (Q) of section 3745.11 69499



of the Revised Code or the amount of the license fee due under 69500  
division (A)(1), (2), (3), or (4) of section 3734.06 of the 69501  
Revised Code. 69502

(d) As used in divisions (A)(2)(d), (e), and (f) of this 69503  
section, "modify" means any of the following: 69504

(i) Any increase of more than ten per cent in the total 69505  
capacity of a solid waste facility; 69506

(ii) Any expansion of the limits of solid waste placement at 69507  
a solid waste facility; 69508

(iii) Any increase in the depth of excavation at a solid 69509  
waste facility; 69510

(iv) Any change in the technique of waste receipt or type of 69511  
waste received at a solid waste facility that may endanger human 69512  
health, as determined by the director by rules adopted in 69513  
accordance with Chapter 119. of the Revised Code. 69514

Not later than thirty-five days after submitting an 69515  
application under division (A)(2)(a) or (b) of this section for a 69516  
permit to open a new or modify an existing solid waste facility, 69517  
the applicant, in conjunction with an officer or employee of the 69518  
environmental protection agency, shall hold a public meeting on 69519  
the application within the county in which the new or modified 69520  
solid waste facility is or is proposed to be located or within a 69521  
contiguous county. Not less than thirty days before holding the 69522  
public meeting on the application, the applicant shall publish 69523  
notice of the meeting in each newspaper of general circulation 69524  
that is published in the county in which the facility is or is 69525  
proposed to be located. If no newspaper of general circulation is 69526  
published in the county, the applicant shall publish the notice in 69527  
a newspaper of general circulation in the county. The notice shall 69528  
contain the date, time, and location of the public meeting and a 69529  
general description of the proposed new or modified facility. Not 69530

later than five days after publishing the notice, the applicant 69531  
shall send by certified mail a copy of the notice and the date the 69532  
notice was published to the director and the legislative authority 69533  
of each municipal corporation, township, and county, and to the 69534  
chief executive officer of each municipal corporation, in which 69535  
the facility is or is proposed to be located. At the public 69536  
meeting, the applicant shall provide information and describe the 69537  
application and respond to comments or questions concerning the 69538  
application, and the officer or employee of the agency shall 69539  
describe the permit application process. At the public meeting, 69540  
any person may submit written or oral comments on or objections to 69541  
the application. Not more than thirty days after the public 69542  
meeting, the applicant shall provide the director with a copy of a 69543  
transcript of the full meeting, copies of any exhibits, displays, 69544  
or other materials presented by the applicant at the meeting, and 69545  
the original copy of any written comments submitted at the 69546  
meeting. 69547

(e) Except as provided in division (A)(2)(f) of this section, 69548  
prior to taking an action, other than a proposed or final denial, 69549  
upon an application submitted under division (A)(2)(a) of this 69550  
section for a permit to open a new or modify an existing solid 69551  
waste facility, the director shall hold a public information 69552  
session and a public hearing on the application within the county 69553  
in which the new or modified solid waste facility is or is 69554  
proposed to be located or within a contiguous county. If the 69555  
application is for a permit to open a new solid waste facility, 69556  
the director shall hold the hearing not less than fourteen days 69557  
after the information session. If the application is for a permit 69558  
to modify an existing solid waste facility, the director may hold 69559  
both the information session and the hearing on the same day 69560  
unless any individual affected by the application requests in 69561  
writing that the information session and the hearing not be held 69562  
on the same day, in which case the director shall hold the hearing 69563

not less than fourteen days after the information session. The 69564  
director shall publish notice of the public information session or 69565  
public hearing not less than thirty days before holding the 69566  
information session or hearing, as applicable. The notice shall be 69567  
published in each newspaper of general circulation that is 69568  
published in the county in which the facility is or is proposed to 69569  
be located. If no newspaper of general circulation is published in 69570  
the county, the director shall publish the notice in a newspaper 69571  
of general circulation in the county. The notice shall contain the 69572  
date, time, and location of the information session or hearing, as 69573  
applicable, and a general description of the proposed new or 69574  
modified facility. At the public information session, an officer 69575  
or employee of the environmental protection agency shall describe 69576  
the status of the permit application and be available to respond 69577  
to comments or questions concerning the application. At the public 69578  
hearing, any person may submit written or oral comments on or 69579  
objections to the approval of the application. The applicant, or a 69580  
representative of the applicant who has knowledge of the location, 69581  
construction, and operation of the facility, shall attend the 69582  
information session and public hearing to respond to comments or 69583  
questions concerning the facility directed to the applicant or 69584  
representative by the officer or employee of the environmental 69585  
protection agency presiding at the information session and 69586  
hearing. 69587

(f) The solid waste management policy committee of a county 69588  
or joint solid waste management district may adopt a resolution 69589  
requesting expeditious consideration of a specific application 69590  
submitted under division (A)(2)(a) of this section for a permit to 69591  
modify an existing solid waste facility within the district. The 69592  
resolution shall make the finding that expedited consideration of 69593  
the application without the public information session and public 69594  
hearing under division (A)(2)(e) of this section is in the public 69595  
interest and will not endanger human health, as determined by the 69596

director by rules adopted in accordance with Chapter 119. of the 69597  
Revised Code. Upon receiving such a resolution, the director, at 69598  
the director's discretion, may issue a final action upon the 69599  
application without holding a public information session or public 69600  
hearing pursuant to division (A)(2)(e) of this section. 69601

(3) Except as provided in division (A)(10) of this section, 69602  
and unless the owner or operator of any solid waste facility, 69603  
other than a solid waste transfer facility or a compost facility 69604  
that accepts exclusively source separated yard wastes, that 69605  
commenced operation on or before July 1, 1968, has obtained an 69606  
exemption from the requirements of division (A)(3) of this section 69607  
in accordance with division (G) of section 3734.02 of the Revised 69608  
Code, the owner or operator shall submit to the director an 69609  
application for a permit with accompanying engineering detail 69610  
plans, specifications, and information regarding the facility and 69611  
its method of operation for approval under rules adopted under 69612  
division (A) of section 3734.02 of the Revised Code and applicable 69613  
rules adopted under division (D) of section 3734.12 of the Revised 69614  
Code in accordance with the following schedule: 69615

(a) Not later than September 24, 1988, if the facility is 69616  
located in the city of Garfield Heights or Parma in Cuyahoga 69617  
county; 69618

(b) Not later than December 24, 1988, if the facility is 69619  
located in Delaware, Greene, Guernsey, Hamilton, Madison, 69620  
Mahoning, Ottawa, or Vinton county; 69621

(c) Not later than March 24, 1989, if the facility is located 69622  
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 69623  
Washington county, or is located in the city of Brooklyn or 69624  
Cuyahoga Heights in Cuyahoga county; 69625

(d) Not later than June 24, 1989, if the facility is located 69626  
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 69627

Summit county or is located in Cuyahoga county outside the cities 69628  
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 69629

(e) Not later than September 24, 1989, if the facility is 69630  
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 69631  
county; 69632

(f) Not later than December 24, 1989, if the facility is 69633  
located in a county not listed in divisions (A)(3)(a) to (e) of 69634  
this section; 69635

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 69636  
section, not later than December 31, 1990, if the facility is a 69637  
solid waste facility owned by a generator of solid wastes when the 69638  
solid waste facility exclusively disposes of solid wastes 69639  
generated at one or more premises owned by the generator 69640  
regardless of whether the facility is located on a premises where 69641  
the wastes are generated and if the facility disposes of more than 69642  
one hundred thousand tons of solid wastes per year, provided that 69643  
any such facility shall be subject to division (A)(5) of this 69644  
section. 69645

(4) Except as provided in divisions (A)(8), (9), and (10) of 69646  
this section, unless the owner or operator of any solid waste 69647  
facility for which a permit was issued after July 1, 1968, but 69648  
before January 1, 1980, has obtained an exemption from the 69649  
requirements of division (A)(4) of this section under division (G) 69650  
of section 3734.02 of the Revised Code, the owner or operator 69651  
shall submit to the director an application for a permit with 69652  
accompanying engineering detail plans, specifications, and 69653  
information regarding the facility and its method of operation for 69654  
approval under those rules. 69655

(5) The director may issue an order in accordance with 69656  
Chapter 3745. of the Revised Code to the owner or operator of a 69657  
solid waste facility requiring the person to submit to the 69658

director updated engineering detail plans, specifications, and 69659  
information regarding the facility and its method of operation for 69660  
approval under rules adopted under division (A) of section 3734.02 69661  
of the Revised Code and applicable rules adopted under division 69662  
(D) of section 3734.12 of the Revised Code if, in the director's 69663  
judgment, conditions at the facility constitute a substantial 69664  
threat to public health or safety or are causing or contributing 69665  
to or threatening to cause or contribute to air or water pollution 69666  
or soil contamination. Any person who receives such an order shall 69667  
submit the updated engineering detail plans, specifications, and 69668  
information to the director within one hundred eighty days after 69669  
the effective date of the order. 69670

(6) The director shall act upon an application submitted 69671  
under division (A)(3) or (4) of this section and any updated 69672  
engineering plans, specifications, and information submitted under 69673  
division (A)(5) of this section within one hundred eighty days 69674  
after receiving them. If the director denies any such permit 69675  
application, the order denying the application or disapproving the 69676  
plans shall include the requirements that the owner or operator 69677  
submit a plan for closure and post-closure care of the facility to 69678  
the director for approval within six months after issuance of the 69679  
order, cease accepting solid wastes for disposal or transfer at 69680  
the facility, and commence closure of the facility not later than 69681  
one year after issuance of the order. If the director determines 69682  
that closure of the facility within that one-year period would 69683  
result in the unavailability of sufficient solid waste management 69684  
facility capacity within the county or joint solid waste 69685  
management district in which the facility is located to dispose of 69686  
or transfer the solid waste generated within the district, the 69687  
director in the order of denial or disapproval may postpone 69688  
commencement of closure of the facility for such period of time as 69689  
the director finds necessary for the board of county commissioners 69690  
or directors of the district to secure access to or for there to 69691

be constructed within the district sufficient solid waste 69692  
management facility capacity to meet the needs of the district, 69693  
provided that the director shall certify in the director's order 69694  
that postponing the date for commencement of closure will not 69695  
endanger ground water or any property surrounding the facility, 69696  
allow methane gas migration to occur, or cause or contribute to 69697  
any other type of environmental damage. 69698

If an emergency need for disposal capacity that may affect 69699  
public health and safety exists as a result of closure of a 69700  
facility under division (A)(6) of this section, the director may 69701  
issue an order designating another solid waste facility to accept 69702  
the wastes that would have been disposed of at the facility to be 69703  
closed. 69704

(7) If the director determines that standards more stringent 69705  
than those applicable in rules adopted under division (A) of 69706  
section 3734.02 of the Revised Code and division (D) of section 69707  
3734.12 of the Revised Code, or standards pertaining to subjects 69708  
not specifically addressed by those rules, are necessary to ensure 69709  
that a solid waste facility constructed at the proposed location 69710  
will not cause a nuisance, cause or contribute to water pollution, 69711  
or endanger public health or safety, the director may issue a 69712  
permit for the facility with such terms and conditions as the 69713  
director finds necessary to protect public health and safety and 69714  
the environment. If a permit is issued, the director shall state 69715  
in the order issuing it the specific findings supporting each such 69716  
term or condition. 69717

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 69718  
not apply to a solid waste compost facility that accepts 69719  
exclusively source separated yard wastes and that is registered 69720  
under division (C) of section 3734.02 of the Revised Code or, 69721  
unless otherwise provided in rules adopted under division (N)(3) 69722  
of section 3734.02 of the Revised Code, to a solid waste compost 69723

facility if the director has adopted rules establishing an 69724  
alternative system for authorizing the establishment, operation, 69725  
or modification of a solid waste compost facility under that 69726  
division. 69727

(9) Divisions (A)(1) to (7) of this section do not apply to 69728  
scrap tire collection, storage, monocell, monofill, and recovery 69729  
facilities. The approval of plans and specifications, as 69730  
applicable, and the issuance of registration certificates, 69731  
permits, and licenses for those facilities are subject to sections 69732  
3734.75 to 3734.78 of the Revised Code, as applicable, and section 69733  
3734.81 of the Revised Code. 69734

(10) Divisions (A)(3) and (4) of this section do not apply to 69735  
a solid waste incinerator that was placed into operation on or 69736  
before October 12, 1994, and that is not authorized to accept and 69737  
treat infectious wastes pursuant to division (B) of this section. 69738

(B)(1) Each person who is engaged in the business of treating 69739  
infectious wastes for profit at a treatment facility located off 69740  
the premises where the wastes are generated that is in operation 69741  
on August 10, 1988, and who proposes to continue operating the 69742  
facility shall submit to the board of health of the health 69743  
district in which the facility is located an application for a 69744  
license to operate the facility. 69745

Thereafter, no person shall operate or maintain an infectious 69746  
waste treatment facility without a license issued by the board of 69747  
health of the health district in which the facility is located or 69748  
by the director when the health district in which the facility is 69749  
located is not on the approved list under section 3734.08 of the 69750  
Revised Code. 69751

(2)(a) During the month of December, but before the first day 69752  
of January of the next year, every person proposing to continue to 69753  
operate an existing infectious waste treatment facility shall 69754



procure a license to operate the facility for that year from the board of health of the health district in which the facility is located or, if the health district is not on the approved list under section 3734.08 of the Revised Code, from the director. The application for such a license shall be submitted to the board of health or to the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. In addition to the application fee prescribed in division (B)(2)(c) of this section, a person who submits an application after that date shall pay an additional ten per cent of the amount of the application fee for each week that the application is late. Late payment fees accompanying an application submitted to the board of health shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code, and late payment fees accompanying an application submitted to the director shall be credited to the general revenue fund. A person who has received a license, upon sale or disposition of an infectious waste treatment facility and upon consent of the board of health and the director, may have the license transferred to another person. The board of health or the director may include such terms and conditions in a license or revision to a license as are appropriate to ensure compliance with the infectious waste provisions of this chapter and rules adopted under them.

(b) Each person proposing to open a new infectious waste treatment facility or to modify an existing infectious waste treatment facility shall submit an application for a permit with accompanying detail plans and specifications to the environmental protection agency for required approval under the rules adopted by the director pursuant to section 3734.021 of the Revised Code two hundred seventy days before proposed operation of the facility and concurrently shall make application for a license with the board of health of the health district in which the facility is or is

proposed to be located. Not later than ninety days after receiving 69788  
a completed application under division (B)(2)(b) of this section 69789  
for a permit to open a new infectious waste treatment facility or 69790  
modify an existing infectious waste treatment facility to expand 69791  
its treatment capacity, or receiving a completed application under 69792  
division (A)(2)(a) of this section for a permit to open a new 69793  
solid waste incineration facility, or modify an existing solid 69794  
waste incineration facility to also treat infectious wastes or to 69795  
increase its infectious waste treatment capacity, that pertains to 69796  
a facility for which a notation authorizing infectious waste 69797  
treatment is included or proposed to be included in the solid 69798  
waste incineration facility's license pursuant to division (B)(3) 69799  
of this section, the director shall hold a public hearing on the 69800  
application within the county in which the new or modified 69801  
infectious waste or solid waste facility is or is proposed to be 69802  
located or within a contiguous county. Not less than thirty days 69803  
before holding the public hearing on the application, the director 69804  
shall publish notice of the hearing in each newspaper that has 69805  
general circulation and that is published in the county in which 69806  
the facility is or is proposed to be located. If there is no 69807  
newspaper that has general circulation and that is published in 69808  
the county, the director shall publish the notice in a newspaper 69809  
of general circulation in the county. The notice shall contain the 69810  
date, time, and location of the public hearing and a general 69811  
description of the proposed new or modified facility. At the 69812  
public hearing, any person may submit written or oral comments on 69813  
or objections to the approval or disapproval of the application. 69814  
The applicant, or a representative of the applicant who has 69815  
knowledge of the location, construction, and operation of the 69816  
facility, shall attend the public hearing to respond to comments 69817  
or questions concerning the facility directed to the applicant or 69818  
representative by the officer or employee of the environmental 69819  
protection agency presiding at the hearing. 69820

(c) Each application for a permit under division (B)(2)(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (B)(2)(a) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (C) of section 3734.06 of the Revised Code.

(d) The owner or operator of any infectious waste treatment facility that commenced operation on or before July 1, 1968, shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code in accordance with the following schedule:

(i) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;

(ii) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn, Cuyahoga Heights, or Parma in Cuyahoga county;

(iii) Not later than June 24, 1989, if the facility is 69853  
located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, 69854  
Lucas, or Summit county or is located in Cuyahoga county outside 69855  
the cities of Brooklyn, Cuyahoga Heights, and Parma; 69856

(iv) Not later than September 24, 1989, if the facility is 69857  
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 69858  
county; 69859

(v) Not later than December 24, 1989, if the facility is 69860  
located in a county not listed in divisions (B)(2)(d)(i) to (iv) 69861  
of this section. 69862

The owner or operator of an infectious waste treatment 69863  
facility required to submit a permit application under division 69864  
(B)(2)(d) of this section is not required to pay any permit 69865  
application fee under division (B)(2)(c) of this section, or 69866  
permit fee under division (Q) of section 3745.11 of the Revised 69867  
Code, with respect thereto unless the owner or operator also 69868  
proposes to modify the facility. 69869

(e) The director may issue an order in accordance with 69870  
Chapter 3745. of the Revised Code to the owner or operator of an 69871  
infectious waste treatment facility requiring the person to submit 69872  
to the director updated engineering detail plans, specifications, 69873  
and information regarding the facility and its method of operation 69874  
for approval under rules adopted under section 3734.021 of the 69875  
Revised Code if, in the director's judgment, conditions at the 69876  
facility constitute a substantial threat to public health or 69877  
safety or are causing or contributing to or threatening to cause 69878  
or contribute to air or water pollution or soil contamination. Any 69879  
person who receives such an order shall submit the updated 69880  
engineering detail plans, specifications, and information to the 69881  
director within one hundred eighty days after the effective date 69882  
of the order. 69883

(f) The director shall act upon an application submitted 69884  
under division (B)(2)(d) of this section and any updated 69885  
engineering plans, specifications, and information submitted under 69886  
division (B)(2)(e) of this section within one hundred eighty days 69887  
after receiving them. If the director denies any such permit 69888  
application or disapproves any such updated engineering plans, 69889  
specifications, and information, the director shall include in the 69890  
order denying the application or disapproving the plans the 69891  
requirement that the owner or operator cease accepting infectious 69892  
wastes for treatment at the facility. 69893

(3) Division (B) of this section does not apply to an 69894  
infectious waste treatment facility that meets any of the 69895  
following conditions: 69896

(a) Is owned or operated by the generator of the wastes and 69897  
exclusively treats, by methods, techniques, and practices 69898  
established by rules adopted under division (C)(1) or (3) of 69899  
section 3734.021 of the Revised Code, wastes that are generated at 69900  
any premises owned or operated by that generator regardless of 69901  
whether the wastes are generated on the same premises where the 69902  
generator's treatment facility is located or, if the generator is 69903  
a hospital as defined in section 3727.01 of the Revised Code, 69904  
infectious wastes that are described in division (A)(1)(g), (h), 69905  
or (i) of section 3734.021 of the Revised Code; 69906

(b) Holds a license or renewal of a license to operate a 69907  
crematory facility issued under Chapter 4717. and a permit issued 69908  
under Chapter 3704. of the Revised Code; 69909

(c) Treats or disposes of dead animals or parts thereof, or 69910  
the blood of animals, and is subject to any of the following: 69911

(i) Inspection under the "Federal Meat Inspection Act," 81 69912  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 69913

(ii) Chapter 918. of the Revised Code; 69914

(iii) Chapter 953. of the Revised Code. 69915

Nothing in division (B) of this section requires a facility 69916  
that holds a license issued under division (A) of this section as 69917  
a solid waste facility and that also treats infectious wastes by 69918  
the same method, technique, or process to obtain a license under 69919  
division (B) of this section as an infectious waste treatment 69920  
facility. However, the solid waste facility license for the 69921  
facility shall include the notation that the facility also treats 69922  
infectious wastes. 69923

On and after the effective date of the amendments to the 69924  
rules adopted under division (C)(2) of section 3734.021 of the 69925  
Revised Code that are required by Section 6 of Substitute House 69926  
Bill No. 98 of the 120th General Assembly, the director shall not 69927  
issue a permit to open a new solid waste incineration facility 69928  
unless the proposed facility complies with the requirements for 69929  
the location of new infectious waste incineration facilities 69930  
established in the required amendments to those rules. 69931

(C) Except for a facility or activity described in division 69932  
(E)(3) of section 3734.02 of the Revised Code, a person who 69933  
proposes to establish or operate a hazardous waste facility shall 69934  
submit a complete application for a hazardous waste facility 69935  
installation and operation permit and accompanying detail plans, 69936  
specifications, and such information as the director may require 69937  
to the environmental protection agency at least one hundred eighty 69938  
days before the proposed beginning of operation of the facility. 69939  
The applicant shall notify by certified mail the legislative 69940  
authority of each municipal corporation, township, and county in 69941  
which the facility is proposed to be located of the submission of 69942  
the application within ten days after the submission or at such 69943  
earlier time as the director may establish by rule. If the 69944  
application is for a proposed new hazardous waste disposal or 69945  
thermal treatment facility, the applicant also shall give actual 69946

notice of the general design and purpose of the facility to the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located at least ninety days before the permit application is submitted to the environmental protection agency.

In accordance with rules adopted under section 3734.12 of the Revised Code, prior to the submission of a complete application for a hazardous waste facility installation and operation permit, the applicant shall hold at least one meeting in the township or municipal corporation in which the facility is proposed to be located, whichever is geographically closer to the proposed location of the facility. The meeting shall be open to the public and shall be held to inform the community of the proposed hazardous waste management activities and to solicit questions from the community concerning the activities.

(D)(1) Except as provided in section 3734.123 of the Revised Code, upon receipt of a complete application for a hazardous waste facility installation and operation permit under division (C) of this section, the director shall consider the application and accompanying information to determine whether the application complies with agency rules and the requirements of division (D)(2) of this section. After making a determination, the director shall issue either a draft permit or a notice of intent to deny the permit. The director, in accordance with rules adopted under section 3734.12 of the Revised Code or with rules adopted to implement Chapter 3745. of the Revised Code, shall provide public notice of the application and the draft permit or the notice of intent to deny the permit, provide an opportunity for public comments, and, if significant interest is shown, schedule a public meeting in the county in which the facility is proposed to be located and give public notice of the date, time, and location of the public meeting in a newspaper of general circulation in that

county. 69979

(2) The director shall not approve an application for a hazardous waste facility installation and operation permit or an application for a modification under division (I)(3) of this section unless the director finds and determines as follows: 69980

(a) The nature and volume of the waste to be treated, stored, or disposed of at the facility; 69981  
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(b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code; 69984  
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(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations; 69986  
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(d) That the facility represents the minimum risk of all of the following: 69989  
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(i) Fires or explosions from treatment, storage, or disposal methods; 69993  
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(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility; 69995  
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(iii) Adverse impact on the public health and safety. 69997  
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(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them; 70000  
70001  
70002

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter 70003  
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and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of this section.

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, jail, or prison;

(ii) Any naturally occurring wetland;

(iii) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.

Division (D)(2)(g) of this section does not apply to the 70041  
facility of any applicant who demonstrates to the director that 70042  
the limitations specified in that division are not necessary 70043  
because of the nature or volume of the waste and the manner of 70044  
management applied, the facility will impose no substantial danger 70045  
to the health and safety of persons occupying the structures 70046  
listed in division (D)(2)(g)(i) of this section, and the facility 70047  
is to be located or operated in an area where the proposed 70048  
hazardous waste activities will not be incompatible with existing 70049  
land uses in the area. 70050

(h) That the facility will not be located within the 70051  
boundaries of a state park established or dedicated under Chapter 70052  
1541. of the Revised Code, a state park purchase area established 70053  
under section 1541.02 of the Revised Code, any unit of the 70054  
national park system, or any property that lies within the 70055  
boundaries of a national park or recreation area, but that has not 70056  
been acquired or is not administered by the secretary of the 70057  
United States department of the interior, located in this state, 70058  
or any candidate area located in this state identified for 70059  
potential inclusion in the national park system in the edition of 70060  
the "national park system plan" submitted under paragraph (b) of 70061  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 70062  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 70063  
application for the permit, unless the facility will be used 70064  
exclusively for the storage of hazardous waste generated within 70065  
the park or recreation area in conjunction with the operation of 70066  
the park or recreation area. Division (D)(2)(h) of this section 70067  
does not apply to the facility of any applicant for modification 70068  
of a permit unless the modification application proposes to 70069  
increase the land area included in the facility or to increase the 70070  
quantity of hazardous waste that will be treated, stored, or 70071  
disposed of at the facility. 70072

(3) Not later than one hundred eighty days after the end of the public comment period, the director, without prior hearing, shall issue or deny the permit in accordance with Chapter 3745. of the Revised Code. If the director approves an application for a hazardous waste facility installation and operation permit, the director shall issue the permit, upon such terms and conditions as the director finds are necessary to ensure the construction and operation of the hazardous waste facility in accordance with the standards of this section.

(E)÷ No political subdivision of this state shall require any additional zoning or other approval, consent, permit, certificate, or condition for the construction or operation of a hazardous waste facility authorized by a hazardous waste facility installation and operation permit issued pursuant to this chapter, nor shall any political subdivision adopt or enforce any law, ordinance, or rule that in any way alters, impairs, or limits the authority granted in the permit.

(F) The director may issue a single hazardous waste facility installation and operation permit to a person who operates two or more adjoining facilities where hazardous waste is stored, treated, or disposed of if the application includes detail plans, specifications, and information on all facilities. For the purposes of this section, "adjoining" means sharing a common boundary, separated only by a public road, or in such proximity that the director determines that the issuance of a single permit will not create a hazard to the public health or safety or the environment.

(G) No person shall falsify or fail to keep or submit any plans, specifications, data, reports, records, manifests, or other information required to be kept or submitted to the director by this chapter or the rules adopted under it.

(H)(1) Each person who holds an installation and operation

permit issued under this section and who wishes to obtain a permit 70105  
renewal shall submit a completed application for an installation 70106  
and operation permit renewal and any necessary accompanying 70107  
general plans, detail plans, specifications, and such information 70108  
as the director may require to the director no later than one 70109  
hundred eighty days prior to the expiration date of the existing 70110  
permit or upon a later date prior to the expiration of the 70111  
existing permit if the permittee can demonstrate good cause for 70112  
the late submittal. The director shall consider the application 70113  
and accompanying information, inspection reports of the facility, 70114  
results of performance tests, a report regarding the facility's 70115  
compliance or noncompliance with the terms and conditions of its 70116  
permit and rules adopted by the director under this chapter, and 70117  
such other information as is relevant to the operation of the 70118  
facility and shall issue a draft renewal permit or a notice of 70119  
intent to deny the renewal permit. The director, in accordance 70120  
with rules adopted under this section or with rules adopted to 70121  
implement Chapter 3745. of the Revised Code, shall give public 70122  
notice of the application and draft renewal permit or notice of 70123  
intent to deny the renewal permit, provide for the opportunity for 70124  
public comments within a specified time period, schedule a public 70125  
meeting in the county in which the facility is located if 70126  
significant interest is shown, and give public notice of the 70127  
public meeting. 70128

(2) Within sixty days after the public meeting or close of 70129  
the public comment period, the director, without prior hearing, 70130  
shall issue or deny the renewal permit in accordance with Chapter 70131  
3745. of the Revised Code. The director shall not issue a renewal 70132  
permit unless the director determines that the facility under the 70133  
existing permit has a history of compliance with this chapter, 70134  
rules adopted under it, the existing permit, or orders entered to 70135  
enforce such requirements that demonstrates sufficient 70136  
reliability, expertise, and competency to operate the facility 70137

henceforth under this chapter, rules adopted under it, and the 70138  
renewal permit. If the director approves an application for a 70139  
renewal permit, the director shall issue the permit subject to the 70140  
payment of the annual permit fee required under division (E) of 70141  
section 3734.02 of the Revised Code and upon such terms and 70142  
conditions as the director finds are reasonable to ensure that 70143  
continued operation, maintenance, closure, and post-closure care 70144  
of the hazardous waste facility are in accordance with the rules 70145  
adopted under section 3734.12 of the Revised Code. 70146

(3) An installation and operation permit renewal application 70147  
submitted to the director that also contains or would constitute 70148  
an application for a modification shall be acted upon by the 70149  
director in accordance with division (I) of this section in the 70150  
same manner as an application for a modification. In approving or 70151  
disapproving the renewal portion of a permit renewal application 70152  
containing an application for a modification, the director shall 70153  
apply the criteria established under division (H)(2) of this 70154  
section. 70155

(4) An application for renewal or modification of a permit 70156  
that does not contain an application for a modification as 70157  
described in divisions (I)(3)(a) to (d) of this section shall not 70158  
be subject to division (D)(2) of this section. 70159

(I)(1) As used in this section, "modification" means a change 70160  
or alteration to a hazardous waste facility or its operations that 70161  
is inconsistent with or not authorized by its existing permit or 70162  
authorization to operate. Modifications shall be classified as 70163  
Class 1, 2, or 3 modifications in accordance with rules adopted 70164  
under division (K) of this section. Modifications classified as 70165  
Class 3 modifications, in accordance with rules adopted under that 70166  
division, shall be further classified by the director as either 70167  
Class 3 modifications that are to be approved or disapproved by 70168  
the director under divisions (I)(3)(a) to (d) of this section or 70169

as Class 3 modifications that are to be approved or disapproved by 70170  
the director under division (I)(5) of this section. Not later than 70171  
thirty days after receiving a request for a modification under 70172  
division (I)(4) of this section that is not listed in Appendix I 70173  
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 70174  
section, the director shall classify the modification and shall 70175  
notify the owner or operator of the facility requesting the 70176  
modification of the classification. Notwithstanding any other law 70177  
to the contrary, any modification that involves the transfer of a 70178  
hazardous waste facility installation and operation permit to a 70179  
new owner or operator for an off-site facility as defined in 70180  
section 3734.41 of the Revised Code shall be classified as a Class 70181  
3 modification. The transfer of a hazardous waste facility 70182  
installation and operation permit to a new owner or operator for a 70183  
facility that is not an off-site facility shall be classified as a 70184  
Class 1 modification requiring prior approval of the director. 70185

(2) Except as provided in section 3734.123 of the Revised 70186  
Code, a hazardous waste facility installation and operation permit 70187  
may be modified at the request of the director or upon the written 70188  
request of the permittee only if any of the following applies: 70189

(a) The permittee desires to accomplish alterations, 70190  
additions, or deletions to the permitted facility or to undertake 70191  
alterations, additions, deletions, or activities that are 70192  
inconsistent with or not authorized by the existing permit; 70193

(b) New information or data justify permit conditions in 70194  
addition to or different from those in the existing permit; 70195

(c) The standards, criteria, or rules upon which the existing 70196  
permit is based have been changed by new, amended, or rescinded 70197  
standards, criteria, or rules, or by judicial decision after the 70198  
existing permit was issued, and the change justifies permit 70199  
conditions in addition to or different from those in the existing 70200  
permit; 70201

(d) The permittee proposes to transfer the permit to another person. 70202  
70203

(3) The director shall approve or disapprove an application for a modification in accordance with division (D)(2) of this section and rules adopted under division (K) of this section for all of the following categories of Class 3 modifications: 70204  
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(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit; 70208  
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(b) Modification or addition of a hazardous waste management unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's treatment rate of more than twenty-five per cent over the rate so authorized, or an increase in a facility's disposal capacity over the capacity so authorized. The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility. In no case during a five-year period shall a facility's storage capacity or treatment rate be modified to increase by more than twenty-five per cent in the aggregate without the director's approval in accordance with division (D)(2) of this section. Notwithstanding any provision of division (I) of this section to the contrary, a request for modification of a facility's annual total waste receipt limit shall be classified and approved or disapproved by the director under division (I)(5) of this section. 70212  
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(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not 70230  
70231  
70232  
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previously authorized to treat hazardous waste, or disposal at a 70234  
facility not previously authorized to dispose of hazardous waste; 70235  
or authority to add a category of hazardous waste management unit 70236  
not previously authorized at the facility by the facility's 70237  
permit. Notwithstanding any provision of division (I) of this 70238  
section to the contrary, a request for authority to add or to 70239  
modify an activity or a hazardous waste management unit for the 70240  
purposes of performing a corrective action shall be classified and 70241  
approved or disapproved by the director under division (I)(5) of 70242  
this section. 70243

(d) Authority to treat, store, or dispose of waste types 70244  
listed or characterized as reactive or explosive, in rules adopted 70245  
under section 3734.12 of the Revised Code, or any acute hazardous 70246  
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 70247  
previously authorized to treat, store, or dispose of those types 70248  
of wastes by the facility's permit unless the requested authority 70249  
is limited to wastes that no longer exhibit characteristics 70250  
meeting the criteria for listing or characterization as reactive 70251  
or explosive wastes, or for listing as acute hazardous waste, but 70252  
still are required to carry those waste codes as established in 70253  
rules adopted under section 3734.12 of the Revised Code because of 70254  
the requirements established in 40 C.F.R. 261(a) and (e), as 70255  
amended, that is, the "mixture," "derived-from," or "contained-in" 70256  
regulations. 70257

(4) A written request for a modification from the permittee 70258  
shall be submitted to the director and shall contain such 70259  
information as is necessary to support the request. Requests for 70260  
modifications shall be acted upon by the director in accordance 70261  
with this section and rules adopted under it. 70262

(5) Class 1 modification applications that require prior 70263  
approval of the director, as provided in division (I)(1) of this 70264  
section or as determined in accordance with rules adopted under 70265



division (K) of this section, Class 2 modification applications, 70266  
and Class 3 modification applications that are not described in 70267  
divisions (I)(3)(a) to (d) of this section shall be approved or 70268  
disapproved by the director in accordance with rules adopted under 70269  
division (K) of this section. The board of county commissioners of 70270  
the county, the board of township trustees of the township, and 70271  
the city manager or mayor of the municipal corporation in which a 70272  
hazardous waste facility is located shall receive notification of 70273  
any application for a modification for that facility and shall be 70274  
considered as interested persons with respect to the director's 70275  
consideration of the application. 70276

~~For those modification applications for a transfer of a 70277  
permit to a new owner or operator of a facility, the director also 70278  
shall determine that, if the transferee owner or operator has been 70279  
involved in any prior activity involving the transportation, 70280  
treatment, storage, or disposal of hazardous waste, the transferee 70281  
owner or operator has a history of compliance with this chapter 70282  
and Chapters 3704. and 6111. of the Revised Code and all rules and 70283  
standards adopted under them, the "Resource Conservation and 70284  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 70285  
amended, and all regulations adopted under it, and similar laws 70286  
and rules of another state if the transferee owner or operator 70287  
owns or operates a facility in that state, that demonstrates 70288  
sufficient reliability, expertise, and competency to operate a 70289  
hazardous waste facility under this chapter and Chapters 3704. and 70290  
6111. of the Revised Code, all rules and standards adopted under 70291  
them, and terms and conditions of a hazardous waste facility 70292  
installation and operation permit, given the potential for harm to 70293  
the public health and safety and the environment that could result 70294  
from the irresponsible operation of the facility. A permit may be 70295  
transferred to a new owner or operator only pursuant to a Class 3 70296  
permit modification. 70297~~

~~As used in division (I)(5) of this section:~~ 70298

~~(a) "Owner" means the person who owns a majority or  
controlling interest in a facility.~~ 70299  
70300

~~(b) "Operator" means the person who is responsible for the  
overall operation of a facility.~~ 70301  
70302

The director shall approve or disapprove an application for a 70303  
Class 1 modification that requires the director's approval within 70304  
sixty days after receiving the request for modification. The 70305  
director shall approve or disapprove an application for a Class 2 70306  
modification within three hundred days after receiving the request 70307  
for modification. The director shall approve or disapprove an 70308  
application for a Class 3 modification within three hundred 70309  
sixty-five days after receiving the request for modification. 70310

(6) The approval or disapproval by the director of a Class 1 70311  
modification application is not a final action that is appealable 70312  
under Chapter 3745. of the Revised Code. The approval or 70313  
disapproval by the director of a Class 2 modification or a Class 3 70314  
modification is a final action that is appealable under that 70315  
chapter. In approving or disapproving a request for a 70316  
modification, the director shall consider all comments pertaining 70317  
to the request that are received during the public comment period 70318  
and the public meetings. The administrative record for appeal of a 70319  
final action by the director in approving or disapproving a 70320  
request for a modification shall include all comments received 70321  
during the public comment period relating to the request for 70322  
modification, written materials submitted at the public meetings 70323  
relating to the request, and any other documents related to the 70324  
director's action. 70325

(7) Notwithstanding any other provision of law to the 70326  
contrary, a change or alteration to a hazardous waste facility 70327  
described in division (E)(3)(a) or (b) of section 3734.02 of the 70328

Revised Code, or its operations, is a modification for the 70329  
purposes of this section. An application for a modification at 70330  
such a facility shall be submitted, classified, and approved or 70331  
disapproved in accordance with divisions (I)(1) to (6) of this 70332  
section in the same manner as a modification to a hazardous waste 70333  
facility installation and operation permit. 70334

(J)(1) Except as provided in division (J)(2) of this section, 70335  
an owner or operator of a hazardous waste facility that is 70336  
operating in accordance with a permit by rule under rules adopted 70337  
by the director under division (E)(3)(b) of section 3734.02 of the 70338  
Revised Code shall submit either a hazardous waste facility 70339  
installation and operation permit application for the facility or 70340  
a modification application, whichever is required under division 70341  
(J)(1)(a) or (b) of this section, within one hundred eighty days 70342  
after the director has requested the application or upon a later 70343  
date if the owner or operator demonstrates to the director good 70344  
cause for the late submittal. 70345

(a) If the owner or operator does not have a hazardous waste 70346  
facility installation and operation permit for any hazardous waste 70347  
treatment, storage, or disposal activities at the facility, the 70348  
owner or operator shall submit an application for such a permit to 70349  
the director for the activities authorized by the permit by rule. 70350  
Notwithstanding any other provision of law to the contrary, the 70351  
director shall approve or disapprove the application for the 70352  
permit in accordance with the procedures governing the approval or 70353  
disapproval of permit renewals under division (H) of this section. 70354

(b) If the owner or operator has a hazardous waste facility 70355  
installation and operation permit for hazardous waste treatment, 70356  
storage, or disposal activities at the facility other than those 70357  
authorized by the permit by rule, the owner or operator shall 70358  
submit to the director a request for modification in accordance 70359  
with division (I) of this section. Notwithstanding any other 70360

provision of law to the contrary, the director shall approve or 70361  
disapprove the modification application in accordance with 70362  
division (I)(5) of this section. 70363

(2) The owner or operator of a boiler or industrial furnace 70364  
that is conducting thermal treatment activities in accordance with 70365  
a permit by rule under rules adopted by the director under 70366  
division (E)(3)(b) of section 3734.02 of the Revised Code shall 70367  
submit a hazardous waste facility installation and operation 70368  
permit application if the owner or operator does not have such a 70369  
permit for any hazardous waste treatment, storage, or disposal 70370  
activities at the facility or, if the owner or operator has such a 70371  
permit for hazardous waste treatment, storage, or disposal 70372  
activities at the facility other than thermal treatment activities 70373  
authorized by the permit by rule, a modification application to 70374  
add those activities authorized by the permit by rule, whichever 70375  
is applicable, within one hundred eighty days after the director 70376  
has requested the submission of the application or upon a later 70377  
date if the owner or operator demonstrates to the director good 70378  
cause for the late submittal. The application shall be accompanied 70379  
by information necessary to support the request. The director 70380  
shall approve or disapprove an application for a hazardous waste 70381  
facility installation and operation permit in accordance with 70382  
division (D) of this section and approve or disapprove an 70383  
application for a modification in accordance with division (I)(3) 70384  
of this section, except that the director shall not disapprove an 70385  
application for the thermal treatment activities on the basis of 70386  
the criteria set forth in division (D)(2)(g) or (h) of this 70387  
section. 70388

(3) As used in division (J) of this section: 70389

(a) "Modification application" means a request for a 70390  
modification submitted in accordance with division (I) of this 70391  
section. 70392

(b) "Thermal treatment," "boiler," and "industrial furnace" 70393  
have the same meanings as in rules adopted under section 3734.12 70394  
of the Revised Code. 70395

(K) The director shall adopt, and may amend, suspend, or 70396  
rescind, rules in accordance with Chapter 119. of the Revised Code 70397  
in order to implement divisions (H) and (I) of this section. 70398  
Except when in actual conflict with this section, rules governing 70399  
the classification of and procedures for the modification of 70400  
hazardous waste facility installation and operation permits shall 70401  
be substantively and procedurally identical to the regulations 70402  
governing hazardous waste facility permitting and permit 70403  
modifications adopted under the "Resource Conservation and 70404  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 70405  
amended. 70406

**Sec. 3734.28.** ~~All~~ Except as otherwise provided in section 70407  
3734.282 of the Revised Code, moneys collected under sections 70408  
3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the 70409  
Revised Code and ~~natural resource damages collected by the state~~ 70410  
under the "Comprehensive Environmental Response, Compensation, and 70411  
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 70412  
amended, shall be paid into the state treasury to the credit of 70413  
the hazardous waste clean-up fund, which is hereby created. In 70414  
addition, any moneys recovered for costs paid from the fund for 70415  
activities described in ~~division~~ divisions (A)(1) and (2) of 70416  
section 3745.12 of the Revised Code shall be credited to the fund. 70417  
The environmental protection agency shall use the moneys in the 70418  
fund for the purposes set forth in division (D) of section 70419  
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 70420  
3734.26, and 3734.27, ~~and, through October 15, 2005,~~ divisions 70421  
(A)(1) and (2) of section 3745.12, and Chapter 3746. of the 70422  
Revised Code, including any related enforcement expenses. In 70423  
addition, the agency shall use the moneys in the fund to pay the 70424

state's long-term operation and maintenance costs or matching 70425  
share for actions taken under the "Comprehensive Environmental 70426  
Response, Compensation, and Liability Act of 1980," as amended. If 70427  
those moneys are reimbursed by grants or other moneys from the 70428  
United States or any other person, the moneys shall be placed in 70429  
the fund and not in the general revenue fund. 70430

The director of environmental protection may enter into 70431  
contracts and grant agreements with federal, state, or local 70432  
government agencies, nonprofit organizations, and colleges and 70433  
universities for the purpose of carrying out the responsibilities 70434  
of the environmental protection agency for which money may be 70435  
expended from the fund. 70436

~~Sec. 3734.281. Notwithstanding any provision of law to the 70437  
contrary, any moneys set aside by the state for the cleanup and 70438  
remediation of the Ashtabula river; any Except as otherwise 70439  
provided in section 3734.282 of the Revised Code, moneys collected 70440  
from judgements for the state or settlements made by with the 70441  
director of environmental protection, including those associated 70442  
with bankruptcies, related to actions brought under Chapter 3714. 70443  
and section 3734.13, 3734.20, 3734.22, 6111.03, or 6111.04 of the 70444  
Revised Code; and any moneys received under the "Comprehensive 70445  
Environmental Response, Compensation, and Liability Act of 1980," 70446  
94 Stat. 2767, 42 U.S.C. ~~9602~~ 9601 et seq., as amended, may be 70447  
paid into the state treasury to the credit of the environmental 70448  
protection remediation fund, which is hereby created. The 70449  
environmental protection agency shall use the moneys in the fund 70450  
only for the purpose of remediating conditions at a hazardous 70451  
waste facility, a solid waste facility, a construction and 70452  
demolition debris facility licensed under Chapter 3714. of the 70453  
Revised Code, or another location at which the director has reason 70454  
to believe there is a substantial threat to public health or 70455  
safety or the environment. Remediation may include the direct and 70456~~

indirect costs associated with the overseeing, supervising, 70457  
performing, verifying, or reviewing of remediation activities by 70458  
agency employees. All investment earnings of the fund shall be 70459  
credited to the fund. 70460

The director of environmental protection may enter into 70461  
contracts and grant agreements with federal, state, or local 70462  
government agencies, nonprofit organizations, and colleges and 70463  
universities for the purpose of carrying out the responsibilities 70464  
of the environmental protection agency for which money may be 70465  
expended from the fund. 70466

Sec. 3734.282. All money collected by the state for natural 70467  
resources damages under the "Comprehensive Environmental Response, 70468  
Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 70469  
9601 et seq., as amended, the "Oil Pollution Act of 1990," 104 70470  
Stat. 484, 33 U.S.C. 2701 et seq., as amended, the "Clean Water 70471  
Act," 86 Stat. 862, 33 U.S.C. 1321, as amended, or any other 70472  
applicable federal or state law shall be paid into the state 70473  
treasury to the credit of the natural resource damages fund, which 70474  
is hereby created. The director of environmental protection shall 70475  
use money in the fund only in accordance with the purposes of and 70476  
the limitations on natural resources damages set forth in the 70477  
"Comprehensive Environmental Response, Compensation, and Liability 70478  
Act of 1980," as amended, the "Oil Pollution Act of 1990," as 70479  
amended, the "Clean Water Act," as amended, or another applicable 70480  
federal or state law. All investment earnings of the fund shall be 70481  
credited to the fund. 70482

The director of environmental protection may enter into 70483  
contracts and grant agreements with federal, state, or local 70484  
government agencies, nonprofit organizations, and colleges and 70485  
universities for the purpose of carrying out the director's 70486  
responsibilities for which money may be expended from the fund. 70487

**Sec. 3734.53.** (A) The solid waste management plan of any 70488  
county or joint solid waste management district shall be prepared 70489  
in a format prescribed by the director of environmental protection 70490  
and shall provide for compliance with the objectives of the state 70491  
solid waste management plan and rules adopted under section 70492  
3734.50 of the Revised Code. The plan shall provide for, 70493  
demonstrate, and certify the availability of and access to 70494  
sufficient solid waste management facility capacity to meet the 70495  
solid waste management needs of the district for the ten-year 70496  
period covered by the plan. The solid waste management policy 70497  
committee of a county or joint district created in section 3734.54 70498  
of the Revised Code may prepare and submit a solid waste 70499  
management plan that covers and makes the required demonstration 70500  
for a longer period of time. 70501

The solid waste management plan shall contain all of the 70502  
following: 70503

(1) An inventory of the sources, composition, and quantities 70504  
of solid wastes generated in the district during the current year; 70505

(2) An inventory of all existing facilities where solid 70506  
wastes are being disposed of, all resource recovery facilities, 70507  
and all recycling activities within the district. The inventory 70508  
shall identify each such facility or activity and, for each 70509  
disposal facility, shall estimate the remaining disposal capacity 70510  
available at the facility. The inventory shall be accompanied by a 70511  
map that shows the location of each such existing facility or 70512  
activity. 70513

(3) An inventory of existing solid waste collection systems 70514  
and routes, transportation systems and routes, and transfer 70515  
facilities within the district. The inventory shall identify the 70516  
entities engaging in solid waste collection within the district. 70517

(4) An inventory of open dumping sites for solid wastes, 70518



including solid wastes consisting of scrap tires, and facilities 70519  
for the disposal of fly ash and bottom ash, foundry sand, and slag 70520  
within the district. The inventory shall identify each such site 70521  
or facility and shall be accompanied by a map that shows the 70522  
location of each of them. 70523

(5) A projection of population changes within the district 70524  
during the next ten years; 70525

(6) For each year of the forecast period, projections of the 70526  
amounts and composition of solid wastes that will be generated 70527  
within the district, the amounts of solid wastes originating 70528  
outside the district that will be brought into the district for 70529  
disposal or resource recovery, the nature of industrial activities 70530  
within the district, and the effect of newly regulated waste 70531  
streams, solid waste minimization activities, and solid waste 70532  
recycling and reuse activities on solid waste generation rates. 70533  
For each year of the forecast period, projections of waste 70534  
quantities shall be compiled as an aggregate quantity of wastes. 70535

(7) An identification of the additional solid waste 70536  
management facilities and the amount of additional capacity needed 70537  
to dispose of the quantities of wastes projected in division 70538  
(A)(6) of this section; 70539

(8) A strategy for identification of sites for the additional 70540  
solid waste management facilities and capacity identified under 70541  
division (A)(7) of this section; 70542

(9) An analysis and comparison of the capital and operating 70543  
costs of the solid waste disposal facilities, solid waste resource 70544  
recovery facilities, and solid waste recycling and reuse 70545  
activities necessary to meet the solid waste management needs of 70546  
the district, projected in five- and ten-year increments; 70547

(10) An analysis of expenses for which the district is liable 70548  
under section 3734.35 of the Revised Code; 70549

(11) A projection of solid waste transfer facilities that 70550  
will be needed in conjunction with existing solid waste facilities 70551  
and those projected under division (A)(7) of this section; 70552

(12) Such other projections as the district considers 70553  
necessary or appropriate to ascertain and meet the solid waste 70554  
management needs of the district during the period covered by the 70555  
plan; 70556

(13) A schedule for implementation of the plan that, when 70557  
applicable, contains all of the following: 70558

(a) An identification of the solid waste disposal, transfer, 70559  
and resource recovery facilities and recycling activities 70560  
contained in the plan where solid wastes generated within or 70561  
transported into the district will be taken for disposal, 70562  
transfer, resource recovery, or recycling. An initial or amended 70563  
plan prepared and ordered to be implemented by the director under 70564  
section 3734.521, 3734.55, or 3734.56 of the Revised Code may 70565  
designate solid waste disposal, transfer, or resource recovery 70566  
facilities or recycling activities that are owned by a municipal 70567  
corporation, county, county or joint solid waste management 70568  
district, township, or township waste disposal district created 70569  
under section 505.28 of the Revised Code for which debt issued 70570  
under Chapter 133., 343., or 6123. of the Revised Code is 70571  
outstanding where solid wastes generated within or transported 70572  
into the district shall be taken for disposal, transfer, resource 70573  
recovery, or recycling. 70574

(b) A schedule for closure of existing solid waste 70575  
facilities, expansion of existing facilities, and establishment of 70576  
new facilities. The schedule for expansion of existing facilities 70577  
or establishment of new facilities shall include, without 70578  
limitation, the approximate dates for filing applications for 70579  
appropriate permits to install or modify those facilities under 70580  
section 3734.05 of the Revised Code. 70581

(c) A schedule for implementation of solid waste recycling, reuse, and reduction programs needed to meet the waste reduction, recycling, reuse, and minimization objectives of the state solid waste management plan and rules adopted by the director under section 3734.50 of the Revised Code;

(d) The methods of financing implementation of the plan and a demonstration of the availability of financial resources for that purpose.

(14) A program for providing informational or technical assistance regarding source reduction to solid waste generators, or particular categories of solid waste generators, within the district. The plan shall set forth the types of assistance to be provided by the district and the specific categories of generators that are to be served. The district has the sole discretion to determine the types of assistance that are to be provided under the program and the categories of generators to be served by it.

(B) In addition to the information, projections, demonstrations, and certification required by division (A) of this section, a plan shall do all of the following:

(1) Establish the schedule of fees, if any, to be levied under divisions (B)(1) to (3) of section 3734.57 of the Revised Code;

(2) Establish the fee, if any, to be levied under division (A) of section 3734.573 of the Revised Code;

(3) Contain provisions governing the allocation among the purposes enumerated in divisions (G)(1) to (10) of section 3734.57 of the Revised Code of the moneys credited to the special fund of the district under division (G) of that section that are available for expenditure by the district under that division. The plan shall do all of the following:

(a) Ensure that sufficient of the moneys so credited to and

available from the special fund are available for use by the solid waste management policy committee of the district at the time the moneys are needed to monitor implementation of the plan and conduct its periodic review and amendment as required under section 3734.56 of the Revised Code;

(b) Contain provisions governing the allocation and distribution of moneys credited to and available from the special fund of the district to health districts within the county or joint district that have approved programs under section 3734.08 of the Revised Code for the purposes of division (G)(3) of section 3734.57 of the Revised Code;

(c) Contain provisions governing the allocation and distribution of moneys credited to and available from the special fund of the district to the county in which solid waste facilities are or are to be located and operated under the plan for the purposes of division (G)(4) of section 3734.57 of the Revised Code;

(d) Contain provisions governing the allocation and distribution, pursuant to contracts entered into for that purpose, of moneys credited to and available from the special fund of the district to boards of health within the district in which solid waste facilities contained in the district's plan are located for the purposes of division (G)(5) of section 3734.57 of the Revised Code.

(4) Incorporate all solid waste recycling activities that were in operation within the district on the effective date of the plan.

(C) The solid waste management plan of a county or joint district may provide for the adoption of rules under division (G) of section 343.01 of the Revised Code after approval of the plan under section 3734.521 or 3734.55 of the Revised Code doing any or

all of the following: 70644

(1) Prohibiting or limiting the receipt at facilities covered 70645  
~~by the plan~~ located within the solid waste management district of 70646  
solid wastes generated outside the district or outside a 70647  
prescribed service area consistent with the projections under 70648  
divisions (A)(6) and (7) of this section, ~~except that. However,~~ 70649  
rules adopted by a board under division (C)(1) of this section may 70650  
be adopted and enforced with respect to facilities in the solid 70651  
waste management district that are not owned by a county or the 70652  
solid waste management district only if the board submits an 70653  
application to the director of environmental protection that 70654  
demonstrates that there is insufficient capacity to dispose of all 70655  
solid wastes that are generated within the district at the 70656  
facilities located within the district and the director approves 70657  
the application. The demonstration in the application shall be 70658  
based on projections contained in the plan or amended plan of the 70659  
district. The director shall establish the form of the 70660  
application. The approval or disapproval of such an application by 70661  
the director is an action that is appealable under section 3745.04 70662  
of the Revised Code. 70663

In addition, the director of environmental protection may 70664  
issue an order modifying a rule authorized to be adopted under 70665  
division (C)(1) of this section to allow the disposal in the 70666  
district of wastes from another county or joint solid waste 70667  
management district if all of the following apply: 70668

(a) The district in which the wastes were generated does not 70669  
have sufficient capacity to dispose of solid wastes generated 70670  
within it for six months following the date of the director's 70671  
order; 70672

(b) No new solid waste facilities will begin operation during 70673  
those six months in the district in which the wastes were 70674  
generated and, despite good faith efforts to do so, it is 70675

impossible to site new solid waste facilities within the district 70676  
because of its high population density; 70677

(c) The district in which the wastes were generated has made 70678  
good faith efforts to negotiate with other districts to 70679  
incorporate its disposal needs within those districts' solid waste 70680  
management plans, including efforts to develop joint facilities 70681  
authorized under section 343.02 of the Revised Code, and the 70682  
efforts have been unsuccessful; 70683

(d) The district in which the wastes were generated has 70684  
located a facility willing to accept the district's solid wastes 70685  
for disposal within the receiving district; 70686

(e) The district in which the wastes were generated has 70687  
demonstrated to the director that the conditions specified in 70688  
divisions (C)(1)(a) to (d) of this section have been met; 70689

(f) The director finds that the issuance of the order will be 70690  
consistent with the state solid waste management plan and that 70691  
receipt of the out-of-district wastes will not limit the capacity 70692  
of the receiving district to dispose of its in-district wastes to 70693  
less than eight years. Any order issued under division (C)(1) of 70694  
this section shall not become final until thirty days after it has 70695  
been served by certified mail upon the county or joint solid waste 70696  
management district that will receive the out-of-district wastes. 70697

(2) Governing the maintenance, protection, and use of solid 70698  
waste collection, storage, disposal, transfer, recycling, 70699  
processing, and resource recovery facilities within the district 70700  
and requiring the submission of general plans and specifications 70701  
for the construction, enlargement, or modification of any such 70702  
facility to the board of county commissioners or board of 70703  
directors of the district for review and approval as complying 70704  
with the plan or amended plan of the district; 70705

(3) Governing development and implementation of a program for 70706

the inspection of solid wastes generated outside the boundaries of 70707  
the state that are being disposed of at solid waste facilities 70708  
included in the district's plan; 70709

(4) Exempting the owner or operator of any existing or 70710  
proposed solid waste facility provided for in the plan from 70711  
compliance with any amendment to a township zoning resolution 70712  
adopted under section 519.12 of the Revised Code or to a county 70713  
rural zoning resolution adopted under section 303.12 of the 70714  
Revised Code that rezoned or redistricted the parcel or parcels 70715  
upon which the facility is to be constructed or modified and that 70716  
became effective within two years prior to the filing of an 70717  
application for a permit required under division (A)(2)(a) of 70718  
section 3734.05 of the Revised Code to open a new or modify an 70719  
existing solid waste facility. 70720

(D) Except for the inventories required by divisions (A)(1), 70721  
(2), and (4) of this section and the projections required by 70722  
division (A)(6) of this section, neither this section nor the 70723  
solid waste management plan of a county or joint district applies 70724  
to the construction, operation, use, repair, or maintenance of 70725  
either of the following: 70726

(1) A solid waste facility owned by a generator of solid 70727  
wastes when the solid waste facility exclusively disposes of solid 70728  
wastes generated at one or more premises owned by the generator 70729  
regardless of whether the facility is located on a premises where 70730  
the wastes are generated; 70731

(2) A facility that exclusively disposes of wastes that are 70732  
generated from the combustion of coal, or from the combustion of 70733  
primarily coal in combination with scrap tires, that is not 70734  
combined in any way with garbage at one or more premises owned by 70735  
the generator. 70736

(E)(1) The initial solid waste management plans prepared by 70737

county or joint districts under section 3734.521 of the Revised Code and the amended plans prepared under section 3734.521 or 3734.56 of the Revised Code shall contain a clear statement as to whether the board of county commissioners or directors is authorized to or precluded from establishing facility designations under section 343.014 of the Revised Code.

(2) A policy committee that is preparing a draft or revised draft plan under section 3734.55 of the Revised Code on October 29, 1993, may include in the draft or revised draft plan only one of the following pertaining to the solid waste facilities or recycling activities where solid wastes generated within or transported into the district are to be taken for disposal, transfer, resource recovery, or recycling:

(a) The designations required under former division (A)(12)(a) of this section as it existed prior to October 29, 1993;

(b) The identifications required in division (A)(12)(a) of this section and the statement required under division (E)(1) of this section;

(c) Both of the following:

(i) The designations required under former division (A)(12)(a) of this section as it existed prior to October 29, 1993, except that those designations only shall pertain to solid waste disposal, transfer, or resource recovery facilities or recycling activities that are owned by a municipal corporation, county, county or joint solid waste management district, township, or township waste disposal district created under section 505.28 of the Revised Code for which debt issued under Chapter 133., 343., or 6123. of the Revised Code is outstanding;

(ii) The identifications required under division (A)(12)(a) of this section, and the statement required under division (E)(1)



of this section, pertaining to the solid waste facilities and 70769  
recycling activities described in division (A) of section 343.014 70770  
of the Revised Code. 70771

(F) Notwithstanding section 3734.01 of the Revised Code, 70772  
"solid wastes" does not include scrap tires and "facility" does 70773  
not include any scrap tire collection, storage, monocell, 70774  
monofill, or recovery facility in either of the following 70775  
circumstances: 70776

(1) For the purposes of an initial plan prepared and ordered 70777  
to be implemented by the director under section 3734.55 of the 70778  
Revised Code; 70779

(2) For the purposes of an initial or amended plan prepared 70780  
and ordered to be implemented by the director under division (D) 70781  
or (F)(1) or (2) of section 3734.521 of the Revised Code in 70782  
connection with a change in district composition as defined in 70783  
that section that involves an existing district that is operating 70784  
under either an initial plan approved or prepared and ordered to 70785  
be implemented under section 3734.55 of the Revised Code or an 70786  
initial or amended plan approved or prepared and ordered to be 70787  
implemented under section 3734.521 of the Revised Code that does 70788  
not provide for the management of scrap tires and scrap tire 70789  
facilities. 70790

(G) Notwithstanding section 3734.01 of the Revised Code, and 70791  
except as provided in division (A)(4) of this section, "solid 70792  
wastes" need not include scrap tires and "facility" need not 70793  
include any scrap tire collection, storage, monocell, monofill, or 70794  
recovery facility in either of the following circumstances: 70795

(1) For the purposes of an initial plan prepared under 70796  
sections 3734.54 and 3734.55 of the Revised Code unless the solid 70797  
waste management policy committee preparing the initial plan 70798  
chooses to include the management of scrap tires and scrap tire 70799

facilities in the plan; 70800

(2) For the purposes of a preliminary demonstration of 70801  
capacity as defined in section 3734.521 of the Revised Code, if 70802  
any, and an initial or amended plan prepared under that section by 70803  
the solid waste management policy committee of a solid waste 70804  
management district resulting from proceedings for a change in 70805  
district composition under sections 343.012 and 3734.521 of the 70806  
Revised Code that involves an existing district that is operating 70807  
either under an initial plan approved or prepared and ordered to 70808  
be implemented under section 3734.55 of the Revised Code or under 70809  
an initial or amended plan approved or prepared and ordered to be 70810  
implemented under section 3734.521 of the Revised Code that does 70811  
not provide for the management of scrap tires and scrap tire 70812  
facilities unless the solid waste management policy committee of 70813  
the district resulting from the change chooses to include the 70814  
management of scrap tires and scrap tire facilities in the 70815  
preliminary demonstration of capacity, if any, and the initial or 70816  
amended plan prepared under section 3734.521 of the Revised Code 70817  
in connection with the change proceedings. 70818

If a policy committee chooses to include the management of 70819  
scrap tires and scrap tire facilities in an initial plan pursuant 70820  
to division (G)(1) of this section, the initial plan shall 70821  
incorporate all of the elements required under this section, and 70822  
may incorporate any of the elements authorized under this section, 70823  
for the purpose of managing solid wastes that consist of scrap 70824  
tires and solid waste facilities that are scrap tire collection, 70825  
storage, monocell, monofill, or recovery facilities. If a policy 70826  
committee chooses to provide for the management of scrap tires and 70827  
scrap tire facilities pursuant to division (G)(2) of this section, 70828  
the preliminary demonstration of capacity, if one is required, 70829  
shall incorporate all of the elements required under division 70830  
(E)(1) or (2) of section 3734.521 of the Revised Code, as 70831

appropriate, for the purpose of managing solid wastes that consist 70832  
of scrap tires and solid waste facilities that are scrap tire 70833  
collection, storage, monocell, monofill, or recovery facilities. 70834  
The initial or amended plan also shall incorporate all of the 70835  
elements required under this section, and may incorporate any of 70836  
the elements authorized under this section, for the purpose of 70837  
managing solid wastes that consist of scrap tires and solid waste 70838  
facilities that are scrap tire collection, storage, monocell, 70839  
monofill, or recovery facilities. 70840

(H) Neither this section nor the solid waste management plan 70841  
of a county or joint district applies to the construction, 70842  
operation, use, repair, or maintenance of any compost facility 70843  
that exclusively composts raw rendering material. 70844

**Sec. 3734.57.** (A) The following fees are hereby levied on the 70845  
transfer or disposal of solid wastes in this state: 70846

(1) One dollar per ton on and after July 1, 2003, through 70847  
June 30, ~~2010~~ 2012, one-half of the proceeds of which shall be 70848  
deposited in the state treasury to the credit of the hazardous 70849  
waste facility management fund created in section 3734.18 of the 70850  
Revised Code and one-half of the proceeds of which shall be 70851  
deposited in the state treasury to the credit of the hazardous 70852  
waste clean-up fund created in section 3734.28 of the Revised 70853  
Code; 70854

(2) An additional one dollar per ton on and after July 1, 70855  
2003, through June 30, ~~2010~~ 2012, the proceeds of which shall be 70856  
deposited in the state treasury to the credit of the solid waste 70857  
fund, which is hereby created. The environmental protection agency 70858  
shall use money in the solid waste fund to pay the costs of 70859  
administering and enforcing the laws pertaining to solid wastes, 70860  
infectious wastes, and construction and demolition debris, 70861  
including, without limitation, ground water evaluations related to 70862

solid wastes, infectious wastes, and construction and demolition debris, under this chapter and Chapter 3714. of the Revised Code and any rules adopted under them, providing compliance assistance to small businesses, and paying a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code.

(3) An additional one dollar and fifty cents per ton on and after July 1, 2005, through June 30, ~~2010~~ 2012, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional one dollar per ton on and after August 1, 2009, through June 30, 2012, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund;

(5) An additional twenty-five cents per ton on and after August 1, 2009, through June 30, 2012, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 1515.14 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by

the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days after the last day of the month to which a return applies, the owner or operator shall mail to the director the return for that month together with the fees required to be collected under this division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in

writing, on a form prescribed by the director, and shall be 70960  
supported by evidence that may be required in rules adopted by the 70961  
director under this chapter. After reviewing the request, and if 70962  
the request and evidence submitted with the request indicate that 70963  
a refund or credit is warranted, the director shall grant a refund 70964  
to the owner or operator or shall permit a credit to be taken by 70965  
the owner or operator on a subsequent monthly return submitted by 70966  
the owner or operator. The amount of a refund or credit shall not 70967  
exceed an amount that is equal to ninety days' worth of fees owed 70968  
to an owner or operator by a particular debtor of the owner or 70969  
operator. A refund or credit shall not be granted by the director 70970  
to an owner or operator more than once in any twelve-month period 70971  
for fees owed to the owner or operator by a particular debtor. 70972

If, after receiving a refund or credit from the director, an 70973  
owner or operator receives payment of all or part of the fees, the 70974  
owner or operator shall remit the fees with the next monthly 70975  
return submitted to the director together with a written 70976  
explanation of the reason for the submittal. 70977

For purposes of computing the fees levied under this division 70978  
or division (B) of this section, any solid waste transfer or 70979  
disposal facility that does not use scales as a means of 70980  
determining gate receipts shall use a conversion factor of three 70981  
cubic yards per ton of solid waste or one cubic yard per ton for 70982  
baled waste, as applicable. 70983

The fees levied under this division and divisions (B) and (C) 70984  
of this section are in addition to all other applicable fees and 70985  
taxes and shall be paid by the customer or a political subdivision 70986  
to the owner or operator of a solid waste transfer or disposal 70987  
facility. In the alternative, the fees shall be paid by a customer 70988  
or political subdivision to a transporter of waste who 70989  
subsequently transfers the fees to the owner or operator of such a 70990  
facility. The fees shall be paid notwithstanding the existence of 70991

any provision in a contract that the customer or a political 70992  
subdivision may have with the owner or operator or with a 70993  
transporter of waste to the facility that would not require or 70994  
allow such payment regardless of whether the contract was entered 70995  
prior to or after the effective date of this amendment. For those 70996  
purposes, "customer" means a person who contracts with, or 70997  
utilizes the solid waste services of, the owner or operator of a 70998  
solid waste transfer or disposal facility or a transporter of 70999  
solid waste to such a facility. 71000

(B) For the purposes specified in division (G) of this 71001  
section, the solid waste management policy committee of a county 71002  
or joint solid waste management district may levy fees upon the 71003  
following activities: 71004

(1) The disposal at a solid waste disposal facility located 71005  
in the district of solid wastes generated within the district; 71006

(2) The disposal at a solid waste disposal facility within 71007  
the district of solid wastes generated outside the boundaries of 71008  
the district, but inside this state; 71009

(3) The disposal at a solid waste disposal facility within 71010  
the district of solid wastes generated outside the boundaries of 71011  
this state. 71012

The solid waste management plan of the county or joint 71013  
district approved under section 3734.521 or 3734.55 of the Revised 71014  
Code and any amendments to it, or the resolution adopted under 71015  
this division, as appropriate, shall establish the rates of the 71016  
fees levied under divisions (B)(1), (2), and (3) of this section, 71017  
if any, and shall specify whether the fees are levied on the basis 71018  
of tons or cubic yards as the unit of measurement. A solid waste 71019  
management district that levies fees under this division on the 71020  
basis of cubic yards shall do so in accordance with division (A) 71021  
of this section. 71022



The fee levied under division (B)(1) of this section shall be 71023  
not less than one dollar per ton nor more than two dollars per 71024  
ton, the fee levied under division (B)(2) of this section shall be 71025  
not less than two dollars per ton nor more than four dollars per 71026  
ton, and the fee levied under division (B)(3) of this section 71027  
shall be not more than the fee levied under division (B)(1) of 71028  
this section. 71029

Prior to the approval of the solid waste management plan of a 71030  
district under section 3734.55 of the Revised Code, the solid 71031  
waste management policy committee of a district may levy fees 71032  
under this division by adopting a resolution establishing the 71033  
proposed amount of the fees. Upon adopting the resolution, the 71034  
committee shall deliver a copy of the resolution to the board of 71035  
county commissioners of each county forming the district and to 71036  
the legislative authority of each municipal corporation and 71037  
township under the jurisdiction of the district and shall prepare 71038  
and publish the resolution and a notice of the time and location 71039  
where a public hearing on the fees will be held. Upon adopting the 71040  
resolution, the committee shall deliver written notice of the 71041  
adoption of the resolution; of the amount of the proposed fees; 71042  
and of the date, time, and location of the public hearing to the 71043  
director and to the fifty industrial, commercial, or institutional 71044  
generators of solid wastes within the district that generate the 71045  
largest quantities of solid wastes, as determined by the 71046  
committee, and to their local trade associations. The committee 71047  
shall make good faith efforts to identify those generators within 71048  
the district and their local trade associations, but the 71049  
nonprovision of notice under this division to a particular 71050  
generator or local trade association does not invalidate the 71051  
proceedings under this division. The publication shall occur at 71052  
least thirty days before the hearing. After the hearing, the 71053  
committee may make such revisions to the proposed fees as it 71054  
considers appropriate and thereafter, by resolution, shall adopt 71055

the revised fee schedule. Upon adopting the revised fee schedule, 71056  
the committee shall deliver a copy of the resolution doing so to 71057  
the board of county commissioners of each county forming the 71058  
district and to the legislative authority of each municipal 71059  
corporation and township under the jurisdiction of the district. 71060  
Within sixty days after the delivery of a copy of the resolution 71061  
adopting the proposed revised fees by the policy committee, each 71062  
such board and legislative authority, by ordinance or resolution, 71063  
shall approve or disapprove the revised fees and deliver a copy of 71064  
the ordinance or resolution to the committee. If any such board or 71065  
legislative authority fails to adopt and deliver to the policy 71066  
committee an ordinance or resolution approving or disapproving the 71067  
revised fees within sixty days after the policy committee 71068  
delivered its resolution adopting the proposed revised fees, it 71069  
shall be conclusively presumed that the board or legislative 71070  
authority has approved the proposed revised fees. The committee 71071  
shall determine if the resolution has been ratified in the same 71072  
manner in which it determines if a draft solid waste management 71073  
plan has been ratified under division (B) of section 3734.55 of 71074  
the Revised Code. 71075

The committee may amend the schedule of fees levied pursuant 71076  
to a resolution adopted and ratified under this division by 71077  
adopting a resolution establishing the proposed amount of the 71078  
amended fees. The committee may repeal the fees levied pursuant to 71079  
such a resolution by adopting a resolution proposing to repeal 71080  
them. Upon adopting such a resolution, the committee shall proceed 71081  
to obtain ratification of the resolution in accordance with this 71082  
division. 71083

Not later than fourteen days after declaring the new fees to 71084  
be ratified or the fees to be repealed under this division, the 71085  
committee shall notify by certified mail the owner or operator of 71086  
each solid waste disposal facility that is required to collect the 71087

fees of the ratification and the amount of the fees or of the 71088  
repeal of the fees. Collection of any fees shall commence or 71089  
collection of repealed fees shall cease on the first day of the 71090  
second month following the month in which notification is sent to 71091  
the owner or operator. 71092

Fees levied under this division also may be established, 71093  
amended, or repealed by a solid waste management policy committee 71094  
through the adoption of a new district solid waste management 71095  
plan, the adoption of an amended plan, or the amendment of the 71096  
plan or amended plan in accordance with sections 3734.55 and 71097  
3734.56 of the Revised Code or the adoption or amendment of a 71098  
district plan in connection with a change in district composition 71099  
under section 3734.521 of the Revised Code. 71100

Not later than fourteen days after the director issues an 71101  
order approving a district's solid waste management plan, amended 71102  
plan, or amendment to a plan or amended plan that establishes, 71103  
amends, or repeals a schedule of fees levied by the district, the 71104  
committee shall notify by certified mail the owner or operator of 71105  
each solid waste disposal facility that is required to collect the 71106  
fees of the approval of the plan or amended plan, or the amendment 71107  
to the plan, as appropriate, and the amount of the fees, if any. 71108  
In the case of an initial or amended plan approved under section 71109  
3734.521 of the Revised Code in connection with a change in 71110  
district composition, other than one involving the withdrawal of a 71111  
county from a joint district, the committee, within fourteen days 71112  
after the change takes effect pursuant to division (G) of that 71113  
section, shall notify by certified mail the owner or operator of 71114  
each solid waste disposal facility that is required to collect the 71115  
fees that the change has taken effect and of the amount of the 71116  
fees, if any. Collection of any fees shall commence or collection 71117  
of repealed fees shall cease on the first day of the second month 71118  
following the month in which notification is sent to the owner or 71119

operator. 71120

If, in the case of a change in district composition involving 71121  
the withdrawal of a county from a joint district, the director 71122  
completes the actions required under division (G)(1) or (3) of 71123  
section 3734.521 of the Revised Code, as appropriate, forty-five 71124  
days or more before the beginning of a calendar year, the policy 71125  
committee of each of the districts resulting from the change that 71126  
obtained the director's approval of an initial or amended plan in 71127  
connection with the change, within fourteen days after the 71128  
director's completion of the required actions, shall notify by 71129  
certified mail the owner or operator of each solid waste disposal 71130  
facility that is required to collect the district's fees that the 71131  
change is to take effect on the first day of January immediately 71132  
following the issuance of the notice and of the amount of the fees 71133  
or amended fees levied under divisions (B)(1) to (3) of this 71134  
section pursuant to the district's initial or amended plan as so 71135  
approved or, if appropriate, the repeal of the district's fees by 71136  
that initial or amended plan. Collection of any fees set forth in 71137  
such a plan or amended plan shall commence on the first day of 71138  
January immediately following the issuance of the notice. If such 71139  
an initial or amended plan repeals a schedule of fees, collection 71140  
of the fees shall cease on that first day of January. 71141

If, in the case of a change in district composition involving 71142  
the withdrawal of a county from a joint district, the director 71143  
completes the actions required under division (G)(1) or (3) of 71144  
section 3734.521 of the Revised Code, as appropriate, less than 71145  
forty-five days before the beginning of a calendar year, the 71146  
director, on behalf of each of the districts resulting from the 71147  
change that obtained the director's approval of an initial or 71148  
amended plan in connection with the change proceedings, shall 71149  
notify by certified mail the owner or operator of each solid waste 71150  
disposal facility that is required to collect the district's fees 71151

that the change is to take effect on the first day of January 71152  
immediately following the mailing of the notice and of the amount 71153  
of the fees or amended fees levied under divisions (B)(1) to (3) 71154  
of this section pursuant to the district's initial or amended plan 71155  
as so approved or, if appropriate, the repeal of the district's 71156  
fees by that initial or amended plan. Collection of any fees set 71157  
forth in such a plan or amended plan shall commence on the first 71158  
day of the second month following the month in which notification 71159  
is sent to the owner or operator. If such an initial or amended 71160  
plan repeals a schedule of fees, collection of the fees shall 71161  
cease on the first day of the second month following the month in 71162  
which notification is sent to the owner or operator. 71163

If the schedule of fees that a solid waste management 71164  
district is levying under divisions (B)(1) to (3) of this section 71165  
is amended or repealed, the fees in effect immediately prior to 71166  
the amendment or repeal shall continue to be collected until 71167  
collection of the amended fees commences or collection of the 71168  
repealed fees ceases, as applicable, as specified in this 71169  
division. In the case of a change in district composition, money 71170  
so received from the collection of the fees of the former 71171  
districts shall be divided among the resulting districts in 71172  
accordance with division (B) of section 343.012 of the Revised 71173  
Code and the agreements entered into under division (B) of section 71174  
343.01 of the Revised Code to establish the former and resulting 71175  
districts and any amendments to those agreements. 71176

For the purposes of the provisions of division (B) of this 71177  
section establishing the times when newly established or amended 71178  
fees levied by a district are required to commence and the 71179  
collection of fees that have been amended or repealed is required 71180  
to cease, "fees" or "schedule of fees" includes, in addition to 71181  
fees levied under divisions (B)(1) to (3) of this section, those 71182  
levied under section 3734.573 or 3734.574 of the Revised Code. 71183

(C) For the purposes of defraying the added costs to a 71184  
municipal corporation or township of maintaining roads and other 71185  
public facilities and of providing emergency and other public 71186  
services, and compensating a municipal corporation or township for 71187  
reductions in real property tax revenues due to reductions in real 71188  
property valuations resulting from the location and operation of a 71189  
solid waste disposal facility within the municipal corporation or 71190  
township, a municipal corporation or township in which such a 71191  
solid waste disposal facility is located may levy a fee of not 71192  
more than twenty-five cents per ton on the disposal of solid 71193  
wastes at a solid waste disposal facility located within the 71194  
boundaries of the municipal corporation or township regardless of 71195  
where the wastes were generated. 71196

The legislative authority of a municipal corporation or 71197  
township may levy fees under this division by enacting an 71198  
ordinance or adopting a resolution establishing the amount of the 71199  
fees. Upon so doing the legislative authority shall mail a 71200  
certified copy of the ordinance or resolution to the board of 71201  
county commissioners or directors of the county or joint solid 71202  
waste management district in which the municipal corporation or 71203  
township is located or, if a regional solid waste management 71204  
authority has been formed under section 343.011 of the Revised 71205  
Code, to the board of trustees of that regional authority, the 71206  
owner or operator of each solid waste disposal facility in the 71207  
municipal corporation or township that is required to collect the 71208  
fee by the ordinance or resolution, and the director of 71209  
environmental protection. Although the fees levied under this 71210  
division are levied on the basis of tons as the unit of 71211  
measurement, the legislative authority, in its ordinance or 71212  
resolution levying the fees under this division, may direct that 71213  
the fees be levied on the basis of cubic yards as the unit of 71214  
measurement based upon a conversion factor of three cubic yards 71215  
per ton generally or one cubic yard per ton for baled wastes. 71216

Not later than five days after enacting an ordinance or 71217  
adopting a resolution under this division, the legislative 71218  
authority shall so notify by certified mail the owner or operator 71219  
of each solid waste disposal facility that is required to collect 71220  
the fee. Collection of any fee levied on or after March 24, 1992, 71221  
shall commence on the first day of the second month following the 71222  
month in which notification is sent to the owner or operator. 71223

(D)(1) The fees levied under divisions (A), (B), and (C) of 71224  
this section do not apply to the disposal of solid wastes that: 71225

(a) Are disposed of at a facility owned by the generator of 71226  
the wastes when the solid waste facility exclusively disposes of 71227  
solid wastes generated at one or more premises owned by the 71228  
generator regardless of whether the facility is located on a 71229  
premises where the wastes are generated; 71230

(b) Are disposed of at facilities that exclusively dispose of 71231  
wastes that are generated from the combustion of coal, or from the 71232  
combustion of primarily coal in combination with scrap tires, that 71233  
is not combined in any way with garbage at one or more premises 71234  
owned by the generator. 71235

(2) Except as provided in section 3734.571 of the Revised 71236  
Code, any fees levied under division (B)(1) of this section apply 71237  
to solid wastes originating outside the boundaries of a county or 71238  
joint district that are covered by an agreement for the joint use 71239  
of solid waste facilities entered into under section 343.02 of the 71240  
Revised Code by the board of county commissioners or board of 71241  
directors of the county or joint district where the wastes are 71242  
generated and disposed of. 71243

(3) When solid wastes, other than solid wastes that consist 71244  
of scrap tires, are burned in a disposal facility that is an 71245  
incinerator or energy recovery facility, the fees levied under 71246  
divisions (A), (B), and (C) of this section shall be levied upon 71247

the disposal of the fly ash and bottom ash remaining after burning 71248  
of the solid wastes and shall be collected by the owner or 71249  
operator of the sanitary landfill where the ash is disposed of. 71250

(4) When solid wastes are delivered to a solid waste transfer 71251  
facility, the fees levied under divisions (B) and (C) of this 71252  
section shall be levied upon the disposal of solid wastes 71253  
transported off the premises of the transfer facility for disposal 71254  
and shall be collected by the owner or operator of the solid waste 71255  
disposal facility where the wastes are disposed of. 71256

(5) The fees levied under divisions (A), (B), and (C) of this 71257  
section do not apply to sewage sludge that is generated by a waste 71258  
water treatment facility holding a national pollutant discharge 71259  
elimination system permit and that is disposed of through 71260  
incineration, land application, or composting or at another 71261  
resource recovery or disposal facility that is not a landfill. 71262

(6) The fees levied under divisions (A), (B), and (C) of this 71263  
section do not apply to solid wastes delivered to a solid waste 71264  
composting facility for processing. When any unprocessed solid 71265  
waste or compost product is transported off the premises of a 71266  
composting facility and disposed of at a landfill, the fees levied 71267  
under divisions (A), (B), and (C) of this section shall be 71268  
collected by the owner or operator of the landfill where the 71269  
unprocessed waste or compost product is disposed of. 71270

(7) When solid wastes that consist of scrap tires are 71271  
processed at a scrap tire recovery facility, the fees levied under 71272  
divisions (A), (B), and (C) of this section shall be levied upon 71273  
the disposal of the fly ash and bottom ash or other solid wastes 71274  
remaining after the processing of the scrap tires and shall be 71275  
collected by the owner or operator of the solid waste disposal 71276  
facility where the ash or other solid wastes are disposed of. 71277

(8) The director of environmental protection may issue an 71278



order exempting from the fees levied under this section solid 71279  
wastes, including, but not limited to, scrap tires, that are 71280  
generated, transferred, or disposed of as a result of a contract 71281  
providing for the expenditure of public funds entered into by the 71282  
administrator or regional administrator of the United States 71283  
environmental protection agency, the director of environmental 71284  
protection, or the director of administrative services on behalf 71285  
of the director of environmental protection for the purpose of 71286  
remediating conditions at a hazardous waste facility, solid waste 71287  
facility, or other location at which the administrator or regional 71288  
administrator or the director of environmental protection has 71289  
reason to believe that there is a substantial threat to public 71290  
health or safety or the environment or that the conditions are 71291  
causing or contributing to air or water pollution or soil 71292  
contamination. An order issued by the director of environmental 71293  
protection under division (D)(8) of this section shall include a 71294  
determination that the amount of the fees not received by a solid 71295  
waste management district as a result of the order will not 71296  
adversely impact the implementation and financing of the 71297  
district's approved solid waste management plan and any approved 71298  
amendments to the plan. Such an order is a final action of the 71299  
director of environmental protection. 71300

(E) The fees levied under divisions (B) and (C) of this 71301  
section shall be collected by the owner or operator of the solid 71302  
waste disposal facility where the wastes are disposed of as a 71303  
trustee for the county or joint district and municipal corporation 71304  
or township where the wastes are disposed of. Moneys from the fees 71305  
levied under division (B) of this section shall be forwarded to 71306  
the board of county commissioners or board of directors of the 71307  
district in accordance with rules adopted under division (H) of 71308  
this section. Moneys from the fees levied under division (C) of 71309  
this section shall be forwarded to the treasurer or such other 71310  
officer of the municipal corporation as, by virtue of the charter, 71311

has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the

district under section 3734.54 of the Revised Code, monitoring 71344  
implementation of the plan, and conducting the periodic review and 71345  
amendment of the plan required by section 3734.56 of the Revised 71346  
Code by the solid waste management policy committee; 71347

(2) Implementation of the approved solid waste management 71348  
plan or amended plan of the district, including, without 71349  
limitation, the development and implementation of solid waste 71350  
recycling or reduction programs; 71351

(3) Providing financial assistance to boards of health within 71352  
the district, if solid waste facilities are located within the 71353  
district, for enforcement of this chapter and rules, orders, and 71354  
terms and conditions of permits, licenses, and variances adopted 71355  
or issued under it, other than the hazardous waste provisions of 71356  
this chapter and rules adopted and orders and terms and conditions 71357  
of permits issued under those provisions; 71358

(4) Providing financial assistance to each county within the 71359  
district to defray the added costs of maintaining roads and other 71360  
public facilities and of providing emergency and other public 71361  
services resulting from the location and operation of a solid 71362  
waste facility within the county under the district's approved 71363  
solid waste management plan or amended plan; 71364

(5) Pursuant to contracts entered into with boards of health 71365  
within the district, if solid waste facilities contained in the 71366  
district's approved plan or amended plan are located within the 71367  
district, for paying the costs incurred by those boards of health 71368  
for collecting and analyzing samples from public or private water 71369  
wells on lands adjacent to those facilities; 71370

(6) Developing and implementing a program for the inspection 71371  
of solid wastes generated outside the boundaries of this state 71372  
that are disposed of at solid waste facilities included in the 71373  
district's approved solid waste management plan or amended plan; 71374

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys

for administrative costs incurred. 71407

Prior to the approval of the district's solid waste 71408  
management plan under section 3734.55 of the Revised Code, moneys 71409  
in the special fund of the district arising from the fees shall be 71410  
expended for those purposes in the manner prescribed by the solid 71411  
waste management policy committee by resolution. 71412

Notwithstanding division (G)(6) of this section as it existed 71413  
prior to October 29, 1993, or any provision in a district's solid 71414  
waste management plan prepared in accordance with division 71415  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 71416  
prior to that date, any moneys arising from the fees levied under 71417  
division (B)(3) of this section prior to January 1, 1994, may be 71418  
expended for any of the purposes authorized in divisions (G)(1) to 71419  
(10) of this section. 71420

(H) The director shall adopt rules in accordance with Chapter 71421  
119. of the Revised Code prescribing procedures for collecting and 71422  
forwarding the fees levied under divisions (B) and (C) of this 71423  
section to the boards of county commissioners or directors of 71424  
county or joint solid waste management districts and to the 71425  
treasurers or other officers of municipal corporations and the 71426  
fiscal officers of townships. The rules also shall prescribe the 71427  
dates for forwarding the fees to the boards and officials and may 71428  
prescribe any other requirements the director considers necessary 71429  
or appropriate to implement and administer divisions (A), (B), and 71430  
(C) of this section. 71431

**Sec. 3734.573.** (A) For the purposes specified in division (G) 71432  
of section 3734.57 of the Revised Code, the solid waste management 71433  
policy committee of a county or joint solid waste management 71434  
district may levy a fee on the generation of solid wastes within 71435  
the district. 71436

The initial or amended solid waste management plan of the 71437

county or joint district approved under section 3734.521, 3734.55, 71438  
or 3734.56 of the Revised Code, an amendment to the district's 71439  
plan adopted under division (E) of section 3734.56 of the Revised 71440  
Code, or the resolution adopted and ratified under division (B) of 71441  
this section shall establish the rate of the fee levied under this 71442  
division and shall specify whether the fee is levied on the basis 71443  
of tons or cubic yards as the unit of measurement. 71444

(B) Prior to the approval under division (A) of section 71445  
3734.56 of the Revised Code of the first amended plan that the 71446  
district is required to submit for approval under that section, 71447  
the approval of an initial plan under section 3734.521 of the 71448  
Revised Code, the approval of an amended plan under section 71449  
3734.521 or division (D) of section 3734.56 of the Revised Code, 71450  
or the amendment of the district's plan under division (E) of 71451  
section 3734.56 of the Revised Code, the solid waste management 71452  
policy committee of a county or joint district that is operating 71453  
under an initial plan approved under section 3734.55 of the 71454  
Revised Code, or one for which approval of its initial plan is 71455  
pending before the director of environmental protection on October 71456  
29, 1993, under section 3734.55 of the Revised Code, may levy a 71457  
fee under division (A) of this section by adopting and obtaining 71458  
ratification of a resolution establishing the amount of the fee. A 71459  
policy committee that, after December 1, 1993, concurrently 71460  
proposes to levy a fee under division (A) of this section and to 71461  
amend the fees levied by the district under divisions (B)(1) to 71462  
(3) of section 3734.57 of the Revised Code may adopt and obtain 71463  
ratification of one resolution proposing to do both. The 71464  
requirements and procedures set forth in division (B) of section 71465  
3734.57 of the Revised Code governing the adoption, amendment, and 71466  
repeal of resolutions levying fees under divisions (B)(1) to (3) 71467  
of that section, the ratification of those resolutions, and the 71468  
notification of owners and operators of solid waste facilities 71469  
required to collect fees levied under those divisions govern the 71470

adoption of the resolutions authorized to be adopted under this 71471  
division, the ratification thereof, and the notification of owners 71472  
and operators required to collect the fees, except as otherwise 71473  
specifically provided in division (C) of this section. 71474

71475

(C) Any initial or amended plan of a district adopted under 71476  
section 3734.521 or 3734.56 of the Revised Code, or resolution 71477  
adopted under division (B) of this section, that proposes to levy 71478  
a fee under division (A) of this section that exceeds five dollars 71479  
per ton shall be ratified in accordance with the provisions of 71480  
section 3734.55 or division (B) of section 3734.57 of the Revised 71481  
Code, as applicable, except that such an initial or amended plan 71482  
or resolution shall be approved by a combination of municipal 71483  
corporations and townships with a combined population within the 71484  
boundaries of the district comprising at least seventy-five per 71485  
cent, rather than at least sixty per cent, of the total population 71486  
of the district. 71487

(D) The policy committee of a county or joint district may 71488  
amend the fee levied by the district under division (A) of this 71489  
section by adopting and obtaining ratification of a resolution 71490  
establishing the amount of the amended fee. The policy committee 71491  
may abolish the fee or an amended fee established under this 71492  
division by adopting and obtaining ratification of a resolution 71493  
proposing to repeal it. The requirements and procedures under 71494  
division (B) and, if applicable, division (C) of this section 71495  
govern the adoption and ratification of a resolution authorized to 71496  
be adopted under this division and the notification of owners and 71497  
operators of solid waste facilities required to collect the fees. 71498

(E) Collection of a fee or amended fee levied under division 71499  
(A) or (D) of this section shall commence or cease in accordance 71500  
with division (B) of section 3734.57 of the Revised Code. If a 71501  
district is levying a fee under section 3734.572 of the Revised 71502

Code, collection of that fee shall cease on the date on which 71503  
collection of the fee levied under division (A) of this section 71504  
commences in accordance with division (B) of section 3734.57 of 71505  
the Revised Code. 71506

(F) In the case of solid wastes that are taken to a solid 71507  
waste transfer facility prior to being transported to a solid 71508  
waste disposal facility for disposal, the fee levied under 71509  
division (A) of this section shall be collected by the owner or 71510  
operator of the transfer facility as a trustee for the district. 71511  
In the case of solid wastes that are not taken to a solid waste 71512  
transfer facility prior to being transported to a solid waste 71513  
disposal facility, the fee shall be collected by the owner or 71514  
operator of the solid waste disposal facility where the wastes are 71515  
disposed of. An owner or operator of a solid waste transfer or 71516  
disposal facility who is required to collect the fee shall collect 71517  
and forward the fee to the district in accordance with section 71518  
3734.57 of the Revised Code and rules adopted under division (H) 71519  
of that section. 71520

If the owner or operator of a solid waste transfer or 71521  
disposal facility who did not receive notice pursuant to division 71522  
(B) of this section to collect the fee levied by a district under 71523  
division (A) of this section receives solid wastes generated in 71524  
the district, the owner or operator, within thirty days after 71525  
receiving the wastes, shall send written notice of that fact to 71526  
the board of county commissioners or directors of the district. 71527  
Within thirty days after receiving such a notice, the board of 71528  
county commissioners or directors shall send written notice to the 71529  
owner or operator indicating whether the district is levying a fee 71530  
under division (A) of this section and, if so, the amount of the 71531  
fee. 71532

(G) Moneys received by a district levying a fee under 71533  
division (A) of this section shall be credited to the special fund 71534



of the district created in division (G) of section 3734.57 of the Revised Code and shall be used exclusively for the purposes specified in that division. Prior to the approval under division (A) of section 3734.56 of the Revised Code of the first amended plan that the district is required to submit for approval under that section, the approval of an initial plan under section 3734.521 of the Revised Code, the approval of an amended plan under that section or division (D) of section 3734.56 of the Revised Code, or the amendment of the district's plan under division (E) of section 3734.56 of the Revised Code, moneys credited to the special fund arising from the fee levied pursuant to a resolution adopted and ratified under division (B) of this section shall be expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution.

(H) The fee levied under division (A) of this section does not apply to the management of solid wastes that:

(1) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes were generated;

(2) Are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.

(I) When solid wastes that are burned in a disposal facility that is an incinerator or energy recovery facility are delivered to a solid waste transfer facility prior to being transported to the incinerator or energy recovery facility where they are burned, the fee levied under division (A) of this section shall be levied

on the wastes delivered to the transfer facility. 71567

(J) When solid wastes that are burned in a disposal facility 71568  
that is an incinerator or energy recovery facility are not 71569  
delivered to a solid waste transfer facility prior to being 71570  
transported to the incinerator or energy recovery facility where 71571  
they are burned, the fee levied under division (A) of this section 71572  
shall be levied on the wastes delivered to the incinerator or 71573  
energy recovery facility. 71574

(K) The fee levied under division (A) of this section does 71575  
not apply to sewage sludge that is generated by a waste water 71576  
treatment facility holding a national pollutant discharge 71577  
elimination system permit and that is disposed of through 71578  
incineration, land application, or composting or at another 71579  
resource recovery or disposal facility that is not a landfill. 71580

(L) The fee levied under division (A) of this section does 71581  
not apply to ~~yard waste~~ solid waste delivered to a solid waste 71582  
composting facility for processing ~~or to a solid waste transfer~~ 71583  
~~facility~~. If any unprocessed solid waste or compost product is 71584  
transported off the premises of a composting facility for disposal 71585  
at a landfill, the fee levied under division (A) of this section 71586  
applies and shall be collected by the owner or operator of the 71587  
landfill. 71588

(M) The fee levied under division (A) of this section does 71589  
not apply to materials separated from a mixed waste stream for 71590  
recycling by the generator or materials removed from the solid 71591  
waste stream as a result of recycling, as "recycling" is defined 71592  
in rules adopted under section 3734.02 of the Revised Code. 71593

(N) The director of environmental protection may issue an 71594  
order exempting from the fees levied under this section solid 71595  
wastes, including, but not limited to, scrap tires, that are 71596  
generated, transferred, or disposed of as a result of a contract 71597

providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under this division shall include a determination that the amount of fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste ~~management~~ management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery facility license issued under section 3734.81 of the Revised Code shall be in accordance with the following schedule:

Daily Design	Annual	
Input Capacity	License	
(Tons)	Fee	
1 or less	\$ 100	
2 to 25	500	
26 to 50	1,000	
51 to 100	1,500	
101 to 200	2,500	
201 to 500	3,500	
501 or more	5,500	

For the purpose of determining the applicable license fee 71630  
under this division, the daily design input capacity shall be the 71631  
quantity of scrap tires the facility is designed to process daily 71632  
as set forth in the registration certificate or permit for the 71633  
facility, and any modifications to the permit, if applicable, 71634  
issued under section 3734.78 of the Revised Code. 71635

(B) The annual fee for a scrap tire monocell or monofill 71636  
facility license shall be in accordance with the following 71637  
schedule: 71638

Authorized Maximum	Annual	
Daily Waste Receipt	License	
(Tons)	Fee	
100 or less	\$ 5,000	71642
101 to 200	12,500	71643
201 to 500	30,000	71644
501 or more	60,000	71645

For the purpose of determining the applicable license fee 71646  
under this division, the authorized maximum daily waste receipt 71647  
shall be the maximum amount of scrap tires the facility is 71648  
authorized to receive daily that is established in the permit for 71649  
the facility, and any modification to that permit, issued under 71650  
section 3734.77 of the Revised Code. 71651

(C)(1) Except as otherwise provided in division (C)(2) of 71652  
this section, the annual fee for a scrap tire storage facility 71653  
license shall equal one thousand dollars times the number of acres 71654  
on which scrap tires are to be stored at the facility during the 71655  
license year, as set forth on the application for the annual 71656  
license, except that the total annual license fee for any such 71657  
facility shall not exceed three thousand dollars. 71658

(2) The annual fee for a scrap tire storage facility license 71659  
for a storage facility that is owned or operated by a motor 71660  
vehicle salvage dealer licensed under Chapter 4738. of the Revised 71661

Code is one hundred dollars. 71662

(D)(1) Except as otherwise provided in division (D)(2) of 71663  
this section, the annual fee for a scrap tire collection facility 71664  
license is two hundred dollars. 71665

(2) The annual fee for a scrap tire collection facility 71666  
license for a collection facility that is owned or operated by a 71667  
motor vehicle salvage dealer licensed under Chapter 4738. of the 71668  
Revised Code is fifty dollars. 71669

(E) Except as otherwise provided in divisions (C)(2) and 71670  
(D)(2) of this section, the same fees apply to private operators 71671  
and to the state and its political subdivisions and shall be paid 71672  
within thirty days after the issuance of a license. The fees 71673  
include the cost of licensing, all inspections, and other costs 71674  
associated with the administration of the scrap tire provisions of 71675  
this chapter and rules adopted under them. Each license shall 71676  
specify that it is conditioned upon payment of the applicable fee 71677  
to the board of health or the director of environmental 71678  
protection, as appropriate, within thirty days after the issuance 71679  
of the license. 71680

(F) The board of health shall retain fifteen thousand dollars 71681  
of each license fee collected by the board under division (B) of 71682  
this section, or the entire amount of any such fee that is less 71683  
than fifteen thousand dollars, and the entire amount of each 71684  
license fee collected by the board under divisions (A), (C), and 71685  
(D) of this section. The moneys retained shall be paid into a 71686  
special fund, which is hereby created in each health district, and 71687  
used solely to administer and enforce the scrap tire provisions of 71688  
this chapter and rules adopted under them. The remainder, if any, 71689  
of each license fee collected by the board under division (B) of 71690  
this section shall be transmitted to the director within 71691  
forty-five days after receipt of the fee. 71692

(G) The director shall transmit the moneys received by the 71693  
director from license fees collected under division (B) of this 71694  
section to the treasurer of state to be credited to the scrap tire 71695  
management fund, which is hereby created in the state treasury. 71696  
The fund shall consist of all federal moneys received by the 71697  
environmental protection agency for the scrap tire management 71698  
program; all grants, gifts, and contributions made to the director 71699  
for that program; and all other moneys that may be provided by law 71700  
for that program. The director shall use moneys in the fund as 71701  
follows: 71702

(1) ~~Expend not more than seven hundred fifty thousand dollars~~ 71703  
~~during each fiscal year~~ amounts determined necessary by the 71704  
director to implement, administer, and enforce the scrap tire 71705  
provisions of this chapter and rules adopted under them; 71706

(2) During each fiscal year, request the director of budget 71707  
and management to, and the director of budget and management 71708  
shall, transfer one million dollars to the scrap tire grant fund 71709  
created in section 1502.12 of the Revised Code for ~~the purposes~~ 71710  
~~specified in that section;~~ supporting market development 71711  
activities for scrap tires and synthetic rubber from tire 71712  
manufacturing processes and tire recycling processes. In addition, 71713  
during a fiscal year, the director of environmental protection may 71714  
request the director of budget and management to, and the director 71715  
of budget and management shall, transfer up to an additional five 71716  
hundred thousand dollars to the scrap tire grant fund for scrap 71717  
tire amnesty events and scrap tire cleanup events. 71718

(3) ~~Expend not more than three million dollars per year~~ 71719  
~~during fiscal years 2002 and 2003 to conduct removal actions under~~ 71720  
~~section 3734.85 of the Revised Code and to make grants to boards~~ 71721  
~~of health under section 3734.042 of the Revised Code. However,~~ 71722  
~~more than three million dollars may be expended in fiscal years~~ 71723  
~~2002 and 2003 for the purposes of division (G)(3) of this section~~ 71724

~~if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. During each subsequent fiscal year the director shall expend not more than four million five hundred thousand dollars to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than four million five hundred thousand dollars may be expended in a fiscal year for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. The director shall request the approval of the controlling board prior to the use of the moneys to conduct removal actions under section 3734.85 of the Revised Code. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if it finds that the proposed removal actions are in accordance with the priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable. Controlling board approval is not required for grants made to boards of health under section 3734.042 of the Revised Code.~~

~~(H) If, during a fiscal year, more than seven million dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer one half of those excess moneys to the scrap tire grant fund. The director shall expend the remaining excess moneys in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code in accordance with the procedures established under division (I) of this section.~~

~~(I) After the actions in divisions (C)(1) to (3) and (H) of this section are completed during each prior fiscal year, the director may expend up to the balance remaining from prior fiscal years in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code. Prior to using any moneys in the fund for that purpose in a fiscal year, the director shall request the approval of the controlling board for that use of the moneys. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if the board finds that the proposed removal actions are in accordance with the priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable.~~  
After the expenditures and transfers are made under divisions (G)(1) and (2) of this section, expend the balance of the money in the scrap tire management fund remaining in each fiscal year to conduct removal actions under section 3734.85 of the Revised Code and to provide grants to boards of health under section 3734.042 of the Revised Code.

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants ~~to promote research regarding alternative methods of recycling scrap tires and supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events;~~ to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the



Revised Code, a fee of fifty cents per tire is hereby levied on 71789  
the sale of tires. The proceeds of the fee shall be deposited in 71790  
the state treasury to the credit of the scrap tire management fund 71791  
created in section 3734.82 of the Revised Code. The fee is levied 71792  
from the first day of the calendar month that begins next after 71793  
thirty days from October 29, 1993, through June 30, 2011. 71794

(2) Beginning on September 5, 2001, and ending on June 30, 71795  
2011, there is hereby levied an additional fee of fifty cents per 71796  
tire on the sale of tires the proceeds of which shall be deposited 71797  
in the state treasury to the credit of the scrap tire management 71798  
fund ~~created in section 3734.82 of the Revised Code~~ and be used 71799  
exclusively for the purposes specified in division (G)(3) of that 71800  
section. 71801

(B) Only one sale of the same article shall be used in 71802  
computing the amount of the fee due. 71803

**Sec. 3734.9010.** Two per cent of all amounts paid to the 71804  
treasurer of state pursuant to sections 3734.90 to 3734.9014 of 71805  
the Revised Code shall be certified directly to the credit of the 71806  
tire fee administrative fund, which is hereby created in the state 71807  
treasury, for appropriation to the department of taxation for use 71808  
in administering those sections. The remainder of the amounts paid 71809  
to the treasurer of state shall be deposited ~~to the credit of the~~ 71810  
~~scrap tire management fund created and credited~~ in accordance with 71811  
section ~~3734.82~~ 3734.901 of the Revised Code. 71812

**Sec. 3737.71.** Each insurance company doing business in this 71813  
state shall pay to the state in installments, at the time of 71814  
making the payments required by section 5729.05 of the Revised 71815  
Code, in addition to the taxes required to be paid by it, 71816  
three-fourths of one per cent on the gross premium receipts 71817  
derived from fire insurance and that portion of the premium 71818

reasonably allocable to insurance against the hazard of fire 71819  
included in other coverages except life and sickness and accident 71820  
insurance, after deducting return premiums paid and considerations 71821  
received for reinsurances as shown by the annual statement of such 71822  
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 71823  
the Revised Code. The money received shall be paid into the state 71824  
treasury to the credit of the state fire marshal's fund, which is 71825  
hereby created. The fund shall be used for the maintenance and 71826  
administration of the office of the fire marshal and the Ohio fire 71827  
academy established by section 3737.33 of the Revised Code. If the 71828  
director of commerce certifies to the director of budget and 71829  
management that the cash balance in the state fire marshal's fund 71830  
is in excess of the amount needed to pay ongoing operating 71831  
expenses, the director of commerce, with the approval of the 71832  
director of budget and management, may use the excess amount to 71833  
acquire by purchase, lease, or otherwise, real property or 71834  
interests in real property to be used for the benefit of the 71835  
office of the state fire marshal, or to construct, acquire, 71836  
enlarge, equip, furnish, or improve the fire marshal's office 71837  
facilities or the facilities of the Ohio fire academy. The state 71838  
fire marshal's fund shall be assessed a proportionate share of the 71839  
administrative costs of the department of commerce in accordance 71840  
with procedures prescribed by the director of commerce and 71841  
approved by the director of budget and management. Such assessment 71842  
shall be paid from the state fire marshal's fund to the division 71843  
of administration fund. 71844

Notwithstanding any other provision in this section, if the 71845  
director of budget and management determines at any time that the 71846  
money in the state fire marshal's fund exceeds the amount 71847  
necessary to defray ongoing operating expenses in a fiscal year, 71848  
the director may transfer the excess to the general revenue fund . 71849  
71850

**Sec. 3743.04.** (A) The license of a manufacturer of fireworks 71851  
is effective for one year beginning on the first day of December. 71852  
The state fire marshal shall issue or renew a license only on that 71853  
date and at no other time. If a manufacturer of fireworks wishes 71854  
to continue manufacturing fireworks at the designated fireworks 71855  
plant after its then effective license expires, it shall apply no 71856  
later than the first day of October for a new license pursuant to 71857  
section 3743.02 of the Revised Code. The state fire marshal shall 71858  
send a written notice of the expiration of its license to a 71859  
licensed manufacturer at least three months before the expiration 71860  
date. 71861

(B) If, during the effective period of its licensure, a 71862  
licensed manufacturer of fireworks wishes to construct, locate, or 71863  
relocate any buildings or other structures on the premises of its 71864  
fireworks plant, to make any structural change or renovation in 71865  
any building or other structure on the premises of its fireworks 71866  
plant, or to change the nature of its manufacturing of fireworks 71867  
so as to include the processing of fireworks, the manufacturer 71868  
shall notify the state fire marshal in writing. The state fire 71869  
marshal may require a licensed manufacturer also to submit 71870  
documentation, including, but not limited to, plans covering the 71871  
proposed construction, location, relocation, structural change or 71872  
renovation, or change in manufacturing of fireworks, if the state 71873  
fire marshal determines the documentation is necessary for 71874  
evaluation purposes in light of the proposed construction, 71875  
location, relocation, structural change or renovation, or change 71876  
in manufacturing of fireworks. 71877

Upon receipt of the notification and additional documentation 71878  
required by the state fire marshal, the state fire marshal shall 71879  
inspect the premises of the fireworks plant to determine if the 71880  
proposed construction, location, relocation, structural change or 71881  
renovation, or change in manufacturing of fireworks conforms to 71882

sections 3743.02 to 3743.08 of the Revised Code and the rules 71883  
adopted by the state fire marshal pursuant to section 3743.05 of 71884  
the Revised Code. The state fire marshal shall issue a written 71885  
authorization to the manufacturer for the construction, location, 71886  
relocation, structural change or renovation, or change in 71887  
manufacturing of fireworks if the state fire marshal determines, 71888  
upon the inspection and a review of submitted documentation, that 71889  
the construction, location, relocation, structural change or 71890  
renovation, or change in manufacturing of fireworks conforms to 71891  
those sections and rules. Upon authorizing a change in 71892  
manufacturing of fireworks to include the processing of fireworks, 71893  
the state fire marshal shall make notations on the manufacturer's 71894  
license and in the list of licensed manufacturers in accordance 71895  
with section 3743.03 of the Revised Code. 71896

On or before June 1, 1998, a licensed manufacturer shall 71897  
install, in every licensed building in which fireworks are 71898  
manufactured, stored, or displayed and to which the public has 71899  
access, interlinked fire detection, smoke exhaust, and smoke 71900  
evacuation systems that are approved by the superintendent of ~~the~~ 71901  
~~division of industrial compliance~~ labor, and shall comply with 71902  
floor plans showing occupancy load limits and internal circulation 71903  
and egress patterns that are approved by the state fire marshal 71904  
and superintendent, and that are submitted under seal as required 71905  
by section 3791.04 of the Revised Code. Notwithstanding section 71906  
3743.59 of the Revised Code, the construction and safety 71907  
requirements established in this division are not subject to any 71908  
variance, waiver, or exclusion. 71909

(C) The license of a manufacturer of fireworks authorizes the 71910  
manufacturer to engage only in the following activities: 71911

(1) The manufacturing of fireworks on the premises of the 71912  
fireworks plant as described in the application for licensure or 71913  
in the notification submitted under division (B) of this section, 71914

except that a licensed manufacturer shall not engage in the 71915  
processing of fireworks unless authorized to do so by its license. 71916

(2) To possess for sale at wholesale and sell at wholesale 71917  
the fireworks manufactured by the manufacturer, to persons who are 71918  
licensed wholesalers of fireworks, to out-of-state residents in 71919  
accordance with section 3743.44 of the Revised Code, to residents 71920  
of this state in accordance with section 3743.45 of the Revised 71921  
Code, or to persons located in another state provided the 71922  
fireworks are shipped directly out of this state to them by the 71923  
manufacturer. A person who is licensed as a manufacturer of 71924  
fireworks on June 14, 1988, also may possess for sale and sell 71925  
pursuant to division (C)(2) of this section fireworks other than 71926  
those the person manufactures. The possession for sale shall be on 71927  
the premises of the fireworks plant described in the application 71928  
for licensure or in the notification submitted under division (B) 71929  
of this section, and the sale shall be from the inside of a 71930  
licensed building and from no other structure or device outside a 71931  
licensed building. At no time shall a licensed manufacturer sell 71932  
any class of fireworks outside a licensed building. 71933

(3) Possess for sale at retail and sell at retail the 71934  
fireworks manufactured by the manufacturer, other than 1.4G 71935  
fireworks as designated by the state fire marshal in rules adopted 71936  
pursuant to division (A) of section 3743.05 of the Revised Code, 71937  
to licensed exhibitors in accordance with sections 3743.50 to 71938  
3743.55 of the Revised Code, and possess for sale at retail and 71939  
sell at retail the fireworks manufactured by the manufacturer, 71940  
including 1.4G fireworks, to out-of-state residents in accordance 71941  
with section 3743.44 of the Revised Code, to residents of this 71942  
state in accordance with section 3743.45 of the Revised Code, or 71943  
to persons located in another state provided the fireworks are 71944  
shipped directly out of this state to them by the manufacturer. A 71945  
person who is licensed as a manufacturer of fireworks on June 14, 71946

1988, may also possess for sale and sell pursuant to division 71947  
(C)(3) of this section fireworks other than those the person 71948  
manufactures. The possession for sale shall be on the premises of 71949  
the fireworks plant described in the application for licensure or 71950  
in the notification submitted under division (B) of this section, 71951  
and the sale shall be from the inside of a licensed building and 71952  
from no other structure or device outside a licensed building. At 71953  
no time shall a licensed manufacturer sell any class of fireworks 71954  
outside a licensed building. 71955

A licensed manufacturer of fireworks shall sell under 71956  
division (C) of this section only fireworks that meet the 71957  
standards set by the consumer product safety commission or by the 71958  
American fireworks standard laboratories or that have received an 71959  
EX number from the United States department of transportation. 71960

(D) The license of a manufacturer of fireworks shall be 71961  
protected under glass and posted in a conspicuous place on the 71962  
premises of the fireworks plant. Except as otherwise provided in 71963  
this division, the license is not transferable or assignable. A 71964  
license may be transferred to another person for the same 71965  
fireworks plant for which the license was issued if the assets of 71966  
the plant are transferred to that person by inheritance or by a 71967  
sale approved by the state fire marshal. The license is subject to 71968  
revocation in accordance with section 3743.08 of the Revised Code. 71969

(E) The state fire marshal shall not place the license of a 71970  
manufacturer of fireworks in a temporarily inactive status while 71971  
the holder of the license is attempting to qualify to retain the 71972  
license. 71973

(F) Each licensed manufacturer of fireworks that possesses 71974  
fireworks for sale and sells fireworks under division (C) of 71975  
section 3743.04 of the Revised Code, or a designee of the 71976  
manufacturer, whose identity is provided to the state fire marshal 71977  
by the manufacturer, annually shall attend a continuing education 71978

program. The state fire marshal shall develop the program and the 71979  
state fire marshal or a person or public agency approved by the 71980  
state fire marshal shall conduct it. A licensed manufacturer or 71981  
the manufacturer's designee who attends a program as required 71982  
under this division, within one year after attending the program, 71983  
shall conduct in-service training as approved by the state fire 71984  
marshal for other employees of the licensed manufacturer regarding 71985  
the information obtained in the program. A licensed manufacturer 71986  
shall provide the state fire marshal with notice of the date, 71987  
time, and place of all in-service training. For any program 71988  
conducted under this division, the state fire marshal shall, in 71989  
accordance with rules adopted by the state fire marshal under 71990  
Chapter 119. of the Revised Code, establish the subjects to be 71991  
taught, the length of classes, the standards for approval, and 71992  
time periods for notification by the licensee to the state fire 71993  
marshal of any in-service training. 71994

(G) A licensed manufacturer shall maintain comprehensive 71995  
general liability insurance coverage in the amount and type 71996  
specified under division (B)(2) of section 3743.02 of the Revised 71997  
Code at all times. Each policy of insurance required under this 71998  
division shall contain a provision requiring the insurer to give 71999  
not less than fifteen days' prior written notice to the state fire 72000  
marshal before termination, lapse, or cancellation of the policy, 72001  
or any change in the policy that reduces the coverage below the 72002  
minimum required under this division. Prior to canceling or 72003  
reducing the amount of coverage of any comprehensive general 72004  
liability insurance coverage required under this division, a 72005  
licensed manufacturer shall secure supplemental insurance in an 72006  
amount and type that satisfies the requirements of this division 72007  
so that no lapse in coverage occurs at any time. A licensed 72008  
manufacturer who secures supplemental insurance shall file 72009  
evidence of the supplemental insurance with the state fire marshal 72010  
prior to canceling or reducing the amount of coverage of any 72011

comprehensive general liability insurance coverage required under 72012  
this division. 72013

(H) The state fire marshal shall adopt rules for the 72014  
expansion or contraction of a licensed premises and for approval 72015  
of such expansions or contractions. The boundaries of a licensed 72016  
premises, including any geographic expansion or contraction of 72017  
those boundaries, shall be approved by the state fire marshal in 72018  
accordance with rules the state fire marshal adopts. If the 72019  
licensed premises consists of more than one parcel of real estate, 72020  
those parcels shall be contiguous unless an exception is allowed 72021  
pursuant to division (I) of this section. 72022

(I)(1) A licensed manufacturer may expand its licensed 72023  
premises within this state to include not more than two storage 72024  
locations that are located upon one or more real estate parcels 72025  
that are noncontiguous to the licensed premises as that licensed 72026  
premises exists on the date a licensee submits an application as 72027  
described below, if all of the following apply: 72028

(a) The licensee submits an application to the state fire 72029  
marshal and an application fee of one hundred dollars per storage 72030  
location for which the licensee is requesting approval. 72031

(b) The identity of the holder of the license remains the 72032  
same at the storage location. 72033

(c) The storage location has received a valid certificate of 72034  
zoning compliance as applicable and a valid certificate of 72035  
occupancy for each building or structure at the storage location 72036  
issued by the authority having jurisdiction to issue the 72037  
certificate for the storage location, and those certificates 72038  
permit the distribution and storage of fireworks regulated under 72039  
this chapter at the storage location and in the buildings or 72040  
structures. The storage location shall be in compliance with all 72041  
other applicable federal, state, and local laws and regulations. 72042



(d) Every building or structure located upon the storage 72043  
location is separated from occupied residential and nonresidential 72044  
buildings or structures, railroads, highways, or any other 72045  
buildings or structures on the licensed premises in accordance 72046  
with the distances specified in the rules adopted by the state 72047  
fire marshal pursuant to section 3743.05 of the Revised Code. 72048

(e) Neither the licensee nor any person holding, owning, or 72049  
controlling a five per cent or greater beneficial or equity 72050  
interest in the licensee has been convicted of or pleaded guilty 72051  
to a felony under the laws of this state, any other state, or the 72052  
United States, after September 29, 2005. 72053

(f) The state fire marshal approves the application for 72054  
expansion. 72055

(2) The state fire marshal shall approve an application for 72056  
expansion requested under division (I)(1) of this section if the 72057  
state fire marshal receives the application fee and proof that the 72058  
requirements of divisions (I)(1)(b) to (e) of this section are 72059  
satisfied. The storage location shall be considered part of the 72060  
original licensed premises and shall use the same distinct number 72061  
assigned to the original licensed premises with any additional 72062  
designations as the state fire marshal deems necessary in 72063  
accordance with section 3743.03 of the Revised Code. 72064

(J)(1) A licensee who obtains approval for the use of a 72065  
storage location in accordance with division (I) of this section 72066  
shall use the storage location exclusively for the following 72067  
activities, in accordance with division (C) of this section: 72068

(a) The packaging, assembling, or storing of fireworks, which 72069  
shall only occur in buildings or structures approved for such 72070  
hazardous uses by the building code official having jurisdiction 72071  
for the storage location or, for 1.4G fireworks, in containers or 72072  
trailers approved for such hazardous uses by the state fire 72073

marshal if such containers or trailers are not subject to 72074  
regulation by the building code adopted in accordance with Chapter 72075  
3781. of the Revised Code. All such storage shall be in accordance 72076  
with the rules adopted by the state fire marshal under division 72077  
(G) of section 3743.05 of the Revised Code for the packaging, 72078  
assembling, and storage of fireworks. 72079

(b) Distributing fireworks to other parcels of real estate 72080  
located on the manufacturer's licensed premises, to licensed 72081  
wholesalers or other licensed manufacturers in this state or to 72082  
similarly licensed persons located in another state or country; 72083

(c) Distributing fireworks to a licensed exhibitor of 72084  
fireworks pursuant to a properly issued permit in accordance with 72085  
section 3743.54 of the Revised Code. 72086

(2) A licensed manufacturer shall not engage in any sales 72087  
activity, including the retail sale of fireworks otherwise 72088  
permitted under division (C)(2) or (C)(3) of this section, or 72089  
pursuant to section 3743.44 or 3743.45 of the Revised Code, at the 72090  
storage location approved under this section. 72091

(3) A storage location may not be relocated for a minimum 72092  
period of five years after the storage location is approved by the 72093  
state fire marshal in accordance with division (I) of this 72094  
section. 72095

(K) The licensee shall prohibit public access to the storage 72096  
location. The state fire marshal shall adopt rules to describe the 72097  
acceptable measures a manufacturer shall use to prohibit access to 72098  
the storage site. 72099

**Sec. 3743.25.** (A)(1) Except as described in division (A)(2) 72100  
of this section, all retail sales of 1.4G fireworks by a licensed 72101  
manufacturer or wholesaler shall only occur from an approved 72102  
retail sales showroom on a licensed premises or from a 72103

representative sample showroom as described in this section on a 72104  
licensed premises. For the purposes of this section, a retail sale 72105  
includes the transfer of the possession of the 1.4G fireworks from 72106  
the licensed manufacturer or wholesaler to the purchaser of the 72107  
fireworks. 72108

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 72109  
properly permitted exhibition shall occur in accordance with the 72110  
provisions of the Revised Code and rules adopted by the state fire 72111  
marshal under Chapter 119. of the Revised Code. Such rules shall 72112  
specify, at a minimum, that the licensed exhibitor holds a license 72113  
under section 3743.51 of the Revised Code, that the exhibitor 72114  
possesses a valid exhibition permit issued in accordance with 72115  
section 3743.54 of the Revised Code, and that the fireworks 72116  
shipped are to be used at the specifically permitted exhibition. 72117

(B) All wholesale sales of fireworks by a licensed 72118  
manufacturer or wholesaler shall only occur from a licensed 72119  
premises to persons who intend to resell the fireworks purchased 72120  
at wholesale. A wholesale sale by a licensed manufacturer or 72121  
wholesaler may occur as follows: 72122

(1) The direct sale and shipment of fireworks to a person 72123  
outside of this state; 72124

(2) From an approved retail sales showroom as described in 72125  
this section; 72126

(3) From a representative sample showroom as described in 72127  
this section; 72128

(4) By delivery of wholesale fireworks to a purchaser at a 72129  
licensed premises outside of a structure or building on that 72130  
premises. All other portions of the wholesale sales transaction 72131  
may occur at any location on a licensed premises. 72132

(5) Any other method as described in rules adopted by the 72133  
state fire marshal under Chapter 119. of the Revised Code. 72134

(C) A licensed manufacturer or wholesaler shall only sell 72135  
1.4G fireworks from a representative sample showroom or a retail 72136  
sales showroom. Each licensed premises shall only contain one 72137  
sales structure. 72138

A representative sample showroom shall consist of a structure 72139  
constructed and maintained in accordance with the nonresidential 72140  
building code adopted under Chapter 3781. of the Revised Code and 72141  
the fire code adopted under section 3737.82 of the Revised Code 72142  
for a use and occupancy group that permits mercantile sales. A 72143  
representative sample showroom shall not contain any pyrotechnics, 72144  
pyrotechnic materials, fireworks, explosives, explosive materials, 72145  
or any similar hazardous materials or substances. A representative 72146  
sample showroom shall be used only for the public viewing of 72147  
fireworks product representations, including paper materials, 72148  
packaging materials, catalogs, photographs, or other similar 72149  
product depictions. The delivery of product to a purchaser of 72150  
fireworks at a licensed premises that has a representative sample 72151  
structure shall not occur inside any structure on a licensed 72152  
premises. Such product delivery shall occur on the licensed 72153  
premises in a manner prescribed by rules adopted by the state fire 72154  
marshal pursuant to Chapter 119. of the Revised Code. 72155

If a manufacturer or wholesaler elects to conduct sales from 72156  
a retail sales showroom, the showroom structures, to which the 72157  
public may have any access and in which employees are required to 72158  
work, on all licensed premises, shall comply with the following 72159  
safety requirements: 72160

(1) A fireworks showroom that is constructed or upon which 72161  
expansion is undertaken on and after June 30, 1997, shall be 72162  
equipped with interlinked fire detection, fire suppression, smoke 72163  
exhaust, and smoke evacuation systems that are approved by the 72164  
superintendent of ~~the division of industrial compliance~~ labor in 72165  
the department of commerce. 72166

(2) A fireworks showroom that first begins to operate on or after June 30, 1997, and to which the public has access for retail purposes shall not exceed five thousand square feet in floor area.

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(3) A newly constructed or an existing fireworks showroom structure that exists on ~~the effective date of this amendment~~ September 23, 2008, but that, on or after ~~the effective date of this amendment~~ September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the state fire marshal and superintendent ~~of the division of industrial compliance~~ showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the state fire marshal and superintendent.

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(4) A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and superintendent ~~of industrial compliance~~, and that are submitted under seal as required by section 3791.04 of the Revised Code.

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(D) The safety requirements established in division (C) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.

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**Sec. 3745.015.** There is hereby created in the state treasury the environmental protection fund consisting of money credited to

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the fund under division (A)(3) of section 3714.073 and division 72198  
(A)(3) of section 3734.57 of the Revised Code. The environmental 72199  
protection agency shall use money in the fund to pay the agency's 72200  
costs associated with administering and enforcing, or otherwise 72201  
conducting activities under, this chapter and Chapters 3704., 72202  
3734., 3746., 3747., 3748., 3750., 3751., 3752., 3753., 5709., 72203  
6101., 6103., 6105., 6109., 6111., 6112., 6113., 6115., 6117., and 72204  
6119. and sections 122.65 and 1521.19 of the Revised Code. 72205

**Sec. 3745.11.** (A) Applicants for and holders of permits, 72206  
licenses, variances, plan approvals, and certifications issued by 72207  
the director of environmental protection pursuant to Chapters 72208  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 72209  
to the environmental protection agency for each such issuance and 72210  
each application for an issuance as provided by this section. No 72211  
fee shall be charged for any issuance for which no application has 72212  
been submitted to the director. 72213

(B) Each person who is issued a permit to install prior to 72214  
July 1, 2003, pursuant to rules adopted under division (F) of 72215  
section 3704.03 of the Revised Code shall pay the fees specified 72216  
in the following schedules: 72217

(1) Fuel-burning equipment (boilers) 72218  
Input capacity (maximum) 72219  
(million British thermal units per hour) Permit to install 72220  
Greater than 0, but less than 10 \$ 200 72221  
10 or more, but less than 100 400 72222  
100 or more, but less than 300 800 72223  
300 or more, but less than 500 1500 72224  
500 or more, but less than 1000 2500 72225  
1000 or more, but less than 5000 4000 72226  
5000 or more 6000 72227

Units burning exclusively natural gas, number two fuel oil, 72228  
or both shall be assessed a fee that is one-half of the applicable 72229  
amount established in division (F)(1) of this section. 72230

(2) Incinerators 72231

Input capacity (pounds per hour)	Permit to install	
0 to 100	\$ 100	72232
101 to 500	400	72233
501 to 2000	750	72234
2001 to 20,000	1000	72235
more than 20,000	2500	72236

(3)(a) Process 72237

Process weight rate (pounds per hour)	Permit to install	
0 to 1000	\$ 200	72238
1001 to 5000	400	72239
5001 to 10,000	600	72240
10,001 to 50,000	800	72241
more than 50,000	1000	72242

In any process where process weight rate cannot be 72243  
ascertained, the minimum fee shall be assessed. 72244

(b) Notwithstanding division (B)(3)(a) of this section, any 72245  
person issued a permit to install pursuant to rules adopted under 72246  
division (F) of section 3704.03 of the Revised Code shall pay the 72247  
fees established in division (B)(3)(c) of this section for a 72248  
process used in any of the following industries, as identified by 72249  
the applicable four-digit standard industrial classification code 72250  
according to the Standard Industrial Classification Manual 72251  
published by the United States office of management and budget in 72252  
the executive office of the president, 1972, as revised: 72253

1211 Bituminous coal and lignite mining; 72254

1213 Bituminous coal and lignite mining services; 72255

1411 Dimension stone; 72256

1422 Crushed and broken limestone;		72259
1427 Crushed and broken stone, not elsewhere classified;		72260
1442 Construction sand and gravel;		72261
1446 Industrial sand;		72262
3281 Cut stone and stone products;		72263
3295 Minerals and earth, ground or otherwise treated.		72264
(c) The fees established in the following schedule apply to		72265
the issuance of a permit to install pursuant to rules adopted		72266
under division (F) of section 3704.03 of the Revised Code for a		72267
process listed in division (B)(3)(b) of this section:		72268
Process weight rate (pounds per hour)	Permit to install	72269
0 to 1000	\$ 200	72270
10,001 to 50,000	300	72271
50,001 to 100,000	400	72272
100,001 to 200,000	500	72273
200,001 to 400,000	600	72274
400,001 or more	700	72275
(4) Storage tanks		72276
Gallons (maximum useful capacity)	Permit to install	72277
0 to 20,000	\$ 100	72278
20,001 to 40,000	150	72279
40,001 to 100,000	200	72280
100,001 to 250,000	250	72281
250,001 to 500,000	350	72282
500,001 to 1,000,000	500	72283
1,000,001 or greater	750	72284
(5) Gasoline/fuel dispensing facilities		72285
For each gasoline/fuel dispensing	Permit to install	72286
facility	\$ 100	72287
(6) Dry cleaning facilities		72288



For each dry cleaning facility	Permit to install	72289
(includes all units at the facility)	\$ 100	72290
(7) Registration status		72291
For each source covered	Permit to install	72292
by registration status	\$ 75	72293
(C)(1) Except as otherwise provided in division (C)(2) of		72294
this section, beginning July 1, 1994, each person who owns or		72295
operates an air contaminant source and who is required to apply		72296
for and obtain a Title V permit under section 3704.036 of the		72297
Revised Code shall pay the fees set forth in division (C)(1) of		72298
this section. For the purposes of that division, total emissions		72299
of air contaminants may be calculated using engineering		72300
calculations, emissions factors, material balance calculations, or		72301
performance testing procedures, as authorized by the director.		72302
The following fees shall be assessed on the total actual		72303
emissions from a source in tons per year of the regulated		72304
pollutants particulate matter, sulfur dioxide, nitrogen oxides,		72305
organic compounds, and lead:		72306
(a) Fifteen dollars per ton on the total actual emissions of		72307
each such regulated pollutant during the period July through		72308
December 1993, to be collected no sooner than July 1, 1994;		72309
(b) Twenty dollars per ton on the total actual emissions of		72310
each such regulated pollutant during calendar year 1994, to be		72311
collected no sooner than April 15, 1995;		72312
(c) Twenty-five dollars per ton on the total actual emissions		72313
of each such regulated pollutant in calendar year 1995, and each		72314
subsequent calendar year, to be collected no sooner than the		72315
fifteenth day of April of the year next succeeding the calendar		72316
year in which the emissions occurred.		72317
The fees levied under division (C)(1) of this section do not		72318
apply to that portion of the emissions of a regulated pollutant at		72319

a facility that exceed four thousand tons during a calendar year. 72320

(2) The fees assessed under division (C)(1) of this section 72321  
are for the purpose of providing funding for the Title V permit 72322  
program. 72323

(3) The fees assessed under division (C)(1) of this section 72324  
do not apply to emissions from any electric generating unit 72325  
designated as a Phase I unit under Title IV of the federal Clean 72326  
Air Act prior to calendar year 2000. Those fees shall be assessed 72327  
on the emissions from such a generating unit commencing in 72328  
calendar year 2001 based upon the total actual emissions from the 72329  
generating unit during calendar year 2000 and shall continue to be 72330  
assessed each subsequent calendar year based on the total actual 72331  
emissions from the generating unit during the preceding calendar 72332  
year. 72333

(4) The director shall issue invoices to owners or operators 72334  
of air contaminant sources who are required to pay a fee assessed 72335  
under division (C) or (D) of this section. Any such invoice shall 72336  
be issued no sooner than the applicable date when the fee first 72337  
may be collected in a year under the applicable division, shall 72338  
identify the nature and amount of the fee assessed, and shall 72339  
indicate that the fee is required to be paid within thirty days 72340  
after the issuance of the invoice. 72341

(D)(1) Except as provided in division (D)(3) of this section, 72342  
from January 1, 1994, through December 31, 2003, each person who 72343  
owns or operates an air contaminant source; who is required to 72344  
apply for a permit to operate pursuant to rules adopted under 72345  
division (G), or a variance pursuant to division (H), of section 72346  
3704.03 of the Revised Code; and who is not required to apply for 72347  
and obtain a Title V permit under section 3704.036 of the Revised 72348  
Code shall pay a single fee based upon the sum of the actual 72349  
annual emissions from the facility of the regulated pollutants 72350  
particulate matter, sulfur dioxide, nitrogen oxides, organic 72351

compounds, and lead in accordance with the following schedule:		72352
Total tons per year		72353
of regulated pollutants	Annual fee	72354
emitted	per facility	72355
More than 0, but less than 50	\$ 75	72356
50 or more, but less than 100	300	72357
100 or more	700	72358

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year		72370
of regulated pollutants	Annual fee	72371
emitted	per facility	72372
More than 0, but less than 10	\$ 100	72373
10 or more, but less than 50	200	72374
50 or more, but less than 100	300	72375
100 or more	700	72376

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2010~~ 2012,  
each person who owns or operates a synthetic minor facility shall  
pay an annual fee based on the sum of the actual annual emissions  
from the facility of particulate matter, sulfur dioxide, nitrogen  
dioxide, organic compounds, and lead in accordance with the  
following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

(4) The fees assessed under division (D)(1) of this section  
shall be collected annually no sooner than the fifteenth day of  
April, commencing in 1995. The fees assessed under division (D)(2)  
of this section shall be collected annually no sooner than the  
fifteenth day of April, commencing in 2005. The fees assessed  
under division (D)(3) of this section shall be collected no sooner  
than the fifteenth day of April, commencing in 2000. The fees  
assessed under division (D) of this section in a calendar year  
shall be based upon the sum of the actual emissions of those  
regulated pollutants during the preceding calendar year. For the  
purpose of division (D) of this section, emissions of air  
contaminants may be calculated using engineering calculations,  
emission factors, material balance calculations, or performance

testing procedures, as authorized by the director. The director, 72417  
by rule, may require persons who are required to pay the fees 72418  
assessed under division (D) of this section to pay those fees 72419  
biennially rather than annually. 72420

(E)(1) Consistent with the need to cover the reasonable costs 72421  
of the Title V permit program, the director annually shall 72422  
increase the fees prescribed in division (C)(1) of this section by 72423  
the percentage, if any, by which the consumer price index for the 72424  
most recent calendar year ending before the beginning of a year 72425  
exceeds the consumer price index for calendar year 1989. Upon 72426  
calculating an increase in fees authorized by division (E)(1) of 72427  
this section, the director shall compile revised fee schedules for 72428  
the purposes of division (C)(1) of this section and shall make the 72429  
revised schedules available to persons required to pay the fees 72430  
assessed under that division and to the public. 72431

(2) For the purposes of division (E)(1) of this section: 72432

(a) The consumer price index for any year is the average of 72433  
the consumer price index for all urban consumers published by the 72434  
United States department of labor as of the close of the 72435  
twelve-month period ending on the thirty-first day of August of 72436  
that year. 72437

(b) If the 1989 consumer price index is revised, the director 72438  
shall use the revision of the consumer price index that is most 72439  
consistent with that for calendar year 1989. 72440

(F) Each person who is issued a permit to install pursuant to 72441  
rules adopted under division (F) of section 3704.03 of the Revised 72442  
Code on or after July 1, 2003, shall pay the fees specified in the 72443  
following schedules: 72444

(1) Fuel-burning equipment (boilers, furnaces, or process 72445  
heaters used in the process of burning fuel for the primary 72446  
purpose of producing heat or power by indirect heat transfer) 72447

Input capacity (maximum)		72448
(million British thermal units per hour)	Permit to install	72449
Greater than 0, but less than 10	\$ 200	72450
10 or more, but less than 100	400	72451
100 or more, but less than 300	1000	72452
300 or more, but less than 500	2250	72453
500 or more, but less than 1000	3750	72454
1000 or more, but less than 5000	6000	72455
5000 or more	9000	72456
Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.		72457 72458 72459
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		72460 72461
Generating capacity (mega watts)	Permit to install	72462
0 or more, but less than 10	\$ 25	72463
10 or more, but less than 25	150	72464
25 or more, but less than 50	300	72465
50 or more, but less than 100	500	72466
100 or more, but less than 250	1000	72467
250 or more	2000	72468
(3) Incinerators		72469
Input capacity (pounds per hour)	Permit to install	72470
0 to 100	\$ 100	72471
101 to 500	500	72472
501 to 2000	1000	72473
2001 to 20,000	1500	72474
more than 20,000	3750	72475
(4)(a) Process		72476
Process weight rate (pounds per hour)	Permit to install	72477
0 to 1000	\$ 200	72478
1001 to 5000	500	72479

5001 to 10,000	750	72480
10,001 to 50,000	1000	72481
more than 50,000	1250	72482

In any process where process weight rate cannot be 72483  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 72484  
combustion turbine, stationary internal combustion engine, or 72485  
process heater designed to provide direct heat or power to a 72486  
process not designed to generate electricity shall be assessed a 72487  
fee established in division (F)(4)(a) of this section. A 72488  
combustion turbine or stationary internal combustion engine 72489  
designed to generate electricity shall be assessed a fee 72490  
established in division (F)(2) of this section. 72491

(b) Notwithstanding division (F)(4)(a) of this section, any 72492  
person issued a permit to install pursuant to rules adopted under 72493  
division (F) of section 3704.03 of the Revised Code shall pay the 72494  
fees set forth in division (F)(4)(c) of this section for a process 72495  
used in any of the following industries, as identified by the 72496  
applicable two-digit, three-digit, or four-digit standard 72497  
industrial classification code according to the Standard 72498  
Industrial Classification Manual published by the United States 72499  
office of management and budget in the executive office of the 72500  
president, 1987, as revised: 72501

Major group 10, metal mining; 72502

Major group 12, coal mining; 72503

Major group 14, mining and quarrying of nonmetallic minerals; 72504

Industry group 204, grain mill products; 72505

2873 Nitrogen fertilizers; 72506

2874 Phosphatic fertilizers; 72507

3281 Cut stone and stone products; 72508

3295 Minerals and earth, ground or otherwise treated; 72509

4221 Grain elevators (storage only);		72510
5159 Farm related raw materials;		72511
5261 Retail nurseries and lawn and garden supply stores.		72512
(c) The fees set forth in the following schedule apply to the		72513
issuance of a permit to install pursuant to rules adopted under		72514
division (F) of section 3704.03 of the Revised Code for a process		72515
identified in division (F)(4)(b) of this section:		72516
Process weight rate (pounds per	Permit to install	72517
hour)		
0 to 10,000	\$ 200	72518
10,001 to 50,000	400	72519
50,001 to 100,000	500	72520
100,001 to 200,000	600	72521
200,001 to 400,000	750	72522
400,001 or more	900	72523
(5) Storage tanks		72524
Gallons (maximum useful capacity)	Permit to install	72525
0 to 20,000	\$ 100	72526
20,001 to 40,000	150	72527
40,001 to 100,000	250	72528
100,001 to 500,000	400	72529
500,001 or greater	750	72530
(6) Gasoline/fuel dispensing facilities		72531
For each gasoline/fuel		72532
dispensing facility (includes all	Permit to install	72533
units at the facility)	\$ 100	72534
(7) Dry cleaning facilities		72535
For each dry cleaning		72536
facility (includes all units	Permit to install	72537
at the facility)	\$ 100	72538
(8) Registration status		72539



For each source covered Permit to install 72540  
by registration status \$ 75 72541

(G) An owner or operator who is responsible for an asbestos 72542  
demolition or renovation project pursuant to rules adopted under 72543  
section 3704.03 of the Revised Code shall pay the fees set forth 72544  
in the following schedule: 72545

Action	Fee	
Each notification	\$75	72547
Asbestos removal	\$3/unit	72548
Asbestos cleanup	\$4/cubic yard	72549

For purposes of this division, "unit" means any combination of 72550  
linear feet or square feet equal to fifty. 72551

(H) A person who is issued an extension of time for a permit 72552  
to install an air contaminant source pursuant to rules adopted 72553  
under division (F) of section 3704.03 of the Revised Code shall 72554  
pay a fee equal to one-half the fee originally assessed for the 72555  
permit to install under this section, except that the fee for such 72556  
an extension shall not exceed two hundred dollars. 72557

(I) A person who is issued a modification to a permit to 72558  
install an air contaminant source pursuant to rules adopted under 72559  
section 3704.03 of the Revised Code shall pay a fee equal to 72560  
one-half of the fee that would be assessed under this section to 72561  
obtain a permit to install the source. The fee assessed by this 72562  
division only applies to modifications that are initiated by the 72563  
owner or operator of the source and shall not exceed two thousand 72564  
dollars. 72565

(J) Notwithstanding division (B) or (F) of this section, a 72566  
person who applies for or obtains a permit to install pursuant to 72567  
rules adopted under division (F) of section 3704.03 of the Revised 72568  
Code after the date actual construction of the source began shall 72569  
pay a fee for the permit to install that is equal to twice the fee 72570  
that otherwise would be assessed under the applicable division 72571

unless the applicant received authorization to begin construction 72572  
under division (W) of section 3704.03 of the Revised Code. This 72573  
division only applies to sources for which actual construction of 72574  
the source begins on or after July 1, 1993. The imposition or 72575  
payment of the fee established in this division does not preclude 72576  
the director from taking any administrative or judicial 72577  
enforcement action under this chapter, Chapter 3704., 3714., 72578  
3734., or 6111. of the Revised Code, or a rule adopted under any 72579  
of them, in connection with a violation of rules adopted under 72580  
division (F) of section 3704.03 of the Revised Code. 72581

As used in this division, "actual construction of the source" 72582  
means the initiation of physical on-site construction activities 72583  
in connection with improvements to the source that are permanent 72584  
in nature, including, without limitation, the installation of 72585  
building supports and foundations and the laying of underground 72586  
pipework. 72587

(K) Fifty cents per ton of each fee assessed under division 72588  
(C) of this section on actual emissions from a source and received 72589  
by the environmental protection agency pursuant to that division 72590  
shall be deposited into the state treasury to the credit of the 72591  
small business assistance fund created in section 3706.19 of the 72592  
Revised Code. The remainder of the moneys received by the division 72593  
pursuant to that division and moneys received by the agency 72594  
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 72595  
section shall be deposited in the state treasury to the credit of 72596  
the clean air fund created in section 3704.035 of the Revised 72597  
Code. 72598

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 72599  
or (c) of this section, a person issued a water discharge permit 72600  
or renewal of a water discharge permit pursuant to Chapter 6111. 72601  
of the Revised Code shall pay a fee based on each point source to 72602  
which the issuance is applicable in accordance with the following 72603

schedule:		72604
Design flow discharge (gallons per day)	Fee	72605
0 to 1000	\$ 0	72606
1,001 to 5000	100	72607
5,001 to 50,000	200	72608
50,001 to 100,000	300	72609
100,001 to 300,000	525	72610
over 300,000	750	72611
(b) Notwithstanding the fee schedule specified in division		72612
(L)(1)(a) of this section, the fee for a water discharge permit		72613
that is applicable to coal mining operations regulated under		72614
Chapter 1513. of the Revised Code shall be two hundred fifty		72615
dollars per mine.		72616
(c) Notwithstanding the fee schedule specified in division		72617
(L)(1)(a) of this section, the fee for a water discharge permit		72618
for a public discharger identified by I in the third character of		72619
the permittee's NPDES permit number shall not exceed seven hundred		72620
fifty dollars.		72621
(2) A person applying for a plan approval for a wastewater		72622
treatment works pursuant to section 6111.44, 6111.45, or 6111.46		72623
of the Revised Code shall pay a fee of one hundred dollars plus		72624
sixty-five one-hundredths of one per cent of the estimated project		72625
cost through June 30, <del>2010</del> <u>2012</u> , and one hundred dollars plus		72626
two-tenths of one per cent of the estimated project cost on and		72627
after July 1, <del>2010</del> <u>2012</u> , except that the total fee shall not		72628
exceed fifteen thousand dollars through June 30, <del>2010</del> <u>2012</u> , and		72629
five thousand dollars on and after July 1, <del>2010</del> <u>2012</u> . The fee		72630
shall be paid at the time the application is submitted.		72631
(3) A person issued a modification of a water discharge		72632
permit shall pay a fee equal to one-half the fee that otherwise		72633
would be charged for a water discharge permit, except that the fee		72634
for the modification shall not exceed four hundred dollars.		72635

(4) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(5)(a)(i) Not later than January 30, ~~2008~~ 2010, and January 30, ~~2009~~ 2011, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(5)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(5)(a)(i) of this section, except for the surcharge applicable

to certain industrial facilities pursuant to division (L)(5)(c) of 72668  
this section, shall be based upon the average daily discharge flow 72669  
in gallons per day calculated using first day of May through 72670  
thirty-first day of October flow data for the period two years 72671  
prior to the date on which the fee is due. In the case of NPDES 72672  
discharge permits for new sources, the fee shall be calculated 72673  
using the average daily design flow of the facility until actual 72674  
average daily discharge flow values are available for the time 72675  
period specified in division (L)(5)(a)(iii) of this section. The 72676  
annual discharge fee may be prorated for a new source as described 72677  
in division (L)(5)(a)(ii) of this section. 72678

(b) An NPDES permit holder that is a public discharger shall 72679  
pay the fee specified in the following schedule: 72680

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2008</del> <u>2010</u> , and	
	January 30, <del>2009</del>	
	<u>2011</u>	
5,000 to 49,999	\$ 200	72685
50,000 to 100,000	500	72686
100,001 to 250,000	1,050	72687
250,001 to 1,000,000	2,600	72688
1,000,001 to 5,000,000	5,200	72689
5,000,001 to 10,000,000	10,350	72690
10,000,001 to 20,000,000	15,550	72691
20,000,001 to 50,000,000	25,900	72692
50,000,001 to 100,000,000	41,400	72693
100,000,001 or more	62,100	72694

Public dischargers owning or operating two or more publicly 72695  
owned treatment works serving the same political subdivision, as 72696  
"treatment works" is defined in section 6111.01 of the Revised 72697  
Code, and that serve exclusively political subdivisions having a 72698

population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, <del>2008</del> <u>2010</u> , and January 30, <del>2009</del> <u>2011</u>	
5,000 to 49,999	\$ 250	72711
50,000 to 250,000	1,200	72712
250,001 to 1,000,000	2,950	72713
1,000,001 to 5,000,000	5,850	72714
5,000,001 to 10,000,000	8,800	72715
10,000,001 to 20,000,000	11,700	72716
20,000,001 to 100,000,000	14,050	72717
100,000,001 to 250,000,000	16,400	72718
250,000,001 or more	18,700	72719

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2008~~ 2010, and not later than January 30, ~~2009~~ 2011. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this

section, a public discharger identified by I in the third 72730  
character of the permittee's NPDES permit number and an industrial 72731  
discharger identified by I, J, L, V, W, X, Y, or Z in the third 72732  
character of the permittee's NPDES permit number shall pay a 72733  
nonrefundable annual discharge fee of one hundred eighty dollars 72734  
not later than January 30, ~~2008~~ 2010, and not later than January 72735  
30, ~~2009~~ 2011. Any person who fails to pay the fee at that time 72736  
shall pay an additional amount that equals ten per cent of the 72737  
required fee. 72738

(6) Each person obtaining a national pollutant discharge 72739  
elimination system general or individual permit for municipal 72740  
storm water discharge shall pay a nonrefundable storm water 72741  
discharge fee of one hundred dollars per square mile of area 72742  
permitted. The fee shall not exceed ten thousand dollars and shall 72743  
be payable on or before January 30, 2004, and the thirtieth day of 72744  
January of each year thereafter. Any person who fails to pay the 72745  
fee on the date specified in division (L)(6) of this section shall 72746  
pay an additional amount per year equal to ten per cent of the 72747  
annual fee that is unpaid. 72748

(7) The director shall transmit all moneys collected under 72749  
division (L) of this section to the treasurer of state for deposit 72750  
into the state treasury to the credit of the surface water 72751  
protection fund created in section 6111.038 of the Revised Code. 72752

(8) As used in division (L) of this section: 72753

(a) "NPDES" means the federally approved national pollutant 72754  
discharge elimination system program for issuing, modifying, 72755  
revoking, reissuing, terminating, monitoring, and enforcing 72756  
permits and imposing and enforcing pretreatment requirements under 72757  
Chapter 6111. of the Revised Code and rules adopted under it. 72758

(b) "Public discharger" means any holder of an NPDES permit 72759  
identified by P in the second character of the NPDES permit number 72760

assigned by the director. 72761

(c) "Industrial discharger" means any holder of an NPDES 72762  
permit identified by I in the second character of the NPDES permit 72763  
number assigned by the director. 72764

(d) "Major discharger" means any holder of an NPDES permit 72765  
classified as major by the regional administrator of the United 72766  
States environmental protection agency in conjunction with the 72767  
director. 72768

(M) Through June 30, ~~2010~~ 2012, a person applying for a 72769  
license or license renewal to operate a public water system under 72770  
section 6109.21 of the Revised Code shall pay the appropriate fee 72771  
established under this division at the time of application to the 72772  
director. Any person who fails to pay the fee at that time shall 72773  
pay an additional amount that equals ten per cent of the required 72774  
fee. The director shall transmit all moneys collected under this 72775  
division to the treasurer of state for deposit into the drinking 72776  
water protection fund created in section 6109.30 of the Revised 72777  
Code. 72778

Except as provided in division (M)(4) of this section, fees 72779  
required under this division shall be calculated and paid in 72780  
accordance with the following schedule: 72781

(1) For the initial license required under division (A)(1) of 72782  
section 6109.21 of the Revised Code for any public water system 72783  
that is a community water system as defined in section 6109.01 of 72784  
the Revised Code, and for each license renewal required for such a 72785  
system prior to January 31, ~~2010~~ 2012, the fee is: 72786

Number of service connections	Fee amount	
Not more than 49	\$ 112	72788
50 to 99	176	72789
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	72791



2,500 to 4,999	1.48	72792
5,000 to 7,499	1.42	72793
7,500 to 9,999	1.34	72794
10,000 to 14,999	1.16	72795
15,000 to 24,999	1.10	72796
25,000 to 49,999	1.04	72797
50,000 to 99,999	.92	72798
100,000 to 149,999	.86	72799
150,000 to 199,999	.80	72800
200,000 or more	.76	72801

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2010~~ 2012, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	72816
150 to 299	176	72817
300 to 749	384	72818
750 to 1,499	628	72819
1,500 to 2,999	1,268	72820
3,000 to 7,499	2,816	72821
7,500 to 14,999	5,510	72822
15,000 to 22,499	9,048	72823

22,500 to 29,999	12,430	72824
30,000 or more	16,820	72825

As used in division (M)(2) of this section, "population served" means the total number of individuals receiving water from the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2010~~ 2012, the fee is:

Number of wells supplying system	Fee amount	
1	\$112	72838
2	112	72839
3	176	72840
4	278	72841
5	568	72842
System designated as using a surface water source	792	72844

As used in division (M)(3) of this section, "number of wells supplying system" means those wells that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except

that the total fee shall not exceed twenty thousand dollars 72856  
through June 30, ~~2010~~ 2012, and fifteen thousand dollars on and 72857  
after July 1, ~~2010~~ 2012. The fee shall be paid at the time the 72858  
application is submitted. 72859

(2) A person who has entered into an agreement with the 72860  
director under division (A)(2) of section 6109.07 of the Revised 72861  
Code shall pay an administrative service fee for each plan 72862  
submitted under that section for approval that shall not exceed 72863  
the minimum amount necessary to pay administrative costs directly 72864  
attributable to processing plan approvals. The director annually 72865  
shall calculate the fee and shall notify all persons that have 72866  
entered into agreements under that division, or who have applied 72867  
for agreements, of the amount of the fee. 72868

(3) Through June 30, ~~2010~~ 2012, the following fee, on a per 72869  
survey basis, shall be charged any person for services rendered by 72870  
the state in the evaluation of laboratories and laboratory 72871  
personnel for compliance with accepted analytical techniques and 72872  
procedures established pursuant to Chapter 6109. of the Revised 72873  
Code for determining the qualitative characteristics of water: 72874

microbiological		72875
MMO-MUG	\$2,000	72876
MF	2,100	72877
MMO-MUG and MF	2,550	72878
organic chemical	5,400	72879
trace metals	5,400	72880
standard chemistry	2,800	72881
limited chemistry	1,550	72882

On and after July 1, ~~2010~~ 2012, the following fee, on a per 72883  
survey basis, shall be charged any such person: 72884

microbiological	\$ 1,650	72885
organic chemicals	3,500	72886
trace metals	3,500	72887

standard chemistry	1,800	72888
limited chemistry	1,000	72889

The fee for those services shall be paid at the time the request 72890  
for the survey is made. Through June 30, ~~2010~~ 2012, an individual 72891  
laboratory shall not be assessed a fee under this division more 72892  
than once in any three-year period unless the person requests the 72893  
addition of analytical methods or analysts, in which case the 72894  
person shall pay eighteen hundred dollars for each additional 72895  
survey requested. 72896

As used in division (N)(3) of this section: 72897

(a) "MF" means microfiltration. 72898

(b) "MMO" means minimal medium ONPG. 72899

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 72900

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 72901

The director shall transmit all moneys collected under this 72902  
division to the treasurer of state for deposit into the drinking 72903  
water protection fund created in section 6109.30 of the Revised 72904  
Code. 72905

(O) Any person applying to the director for examination for 72906  
certification as an operator of a water supply system or 72907  
wastewater system under Chapter 6109. or 6111. of the Revised 72908  
Code, at the time the application is submitted, shall pay an 72909  
application fee of forty-five dollars through November 30, ~~2010~~ 72910  
2012, and twenty-five dollars on and after December 1, ~~2010~~ 2012. 72911  
Upon approval from the director that the applicant is eligible to 72912  
take the examination therefor, the applicant shall pay a fee in 72913  
accordance with the following schedule through November 30, ~~2010~~ 72914  
2012: 72915

Class A operator	\$35	72916
Class I operator	60	72917

Class II operator	75	72918
Class III operator	85	72919
Class IV operator	100	72920

On and after December 1, ~~2010~~ 2012, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$25	72923
Class I operator	\$45	72924
Class II operator	55	72925
Class III operator	65	72926
Class IV operator	75	72927

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	72931
Class I operator	35	72932
Class II operator	45	72933
Class III operator	55	72934
Class IV operator	65	72935

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	72941
Class I operator	55	72942
Class II operator	65	72943
Class III operator	75	72944
Class IV operator	85	72945

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking

water protection fund created in section 6109.30 of the Revised Code. 72950  
72951

(P) Any person submitting an application for an industrial 72952  
water pollution control certificate under section 6111.31 of the 72953  
Revised Code, as that section existed before its repeal by H.B. 95 72954  
of the 125th general assembly, shall pay a nonrefundable fee of 72955  
five hundred dollars at the time the application is submitted. The 72956  
director shall transmit all moneys collected under this division 72957  
to the treasurer of state for deposit into the surface water 72958  
protection fund created in section 6111.038 of the Revised Code. A 72959  
person paying a certificate fee under this division shall not pay 72960  
an application fee under division (S)(1) of this section. On and 72961  
after June 26, 2003, persons shall file such applications and pay 72962  
the fee as required under sections 5709.20 to 5709.27 of the 72963  
Revised Code, and proceeds from the fee shall be credited as 72964  
provided in section 5709.212 of the Revised Code. 72965

(Q) Except as otherwise provided in division (R) of this 72966  
section, a person issued a permit by the director for a new solid 72967  
waste disposal facility other than an incineration or composting 72968  
facility, a new infectious waste treatment facility other than an 72969  
incineration facility, or a modification of such an existing 72970  
facility that includes an increase in the total disposal or 72971  
treatment capacity of the facility pursuant to Chapter 3734. of 72972  
the Revised Code shall pay a fee of ten dollars per thousand cubic 72973  
yards of disposal or treatment capacity, or one thousand dollars, 72974  
whichever is greater, except that the total fee for any such 72975  
permit shall not exceed eighty thousand dollars. A person issued a 72976  
modification of a permit for a solid waste disposal facility or an 72977  
infectious waste treatment facility that does not involve an 72978  
increase in the total disposal or treatment capacity of the 72979  
facility shall pay a fee of one thousand dollars. A person issued 72980  
a permit to install a new, or modify an existing, solid waste 72981

transfer facility under that chapter shall pay a fee of two 72982  
thousand five hundred dollars. A person issued a permit to install 72983  
a new or to modify an existing solid waste incineration or 72984  
composting facility, or an existing infectious waste treatment 72985  
facility using incineration as its principal method of treatment, 72986  
under that chapter shall pay a fee of one thousand dollars. The 72987  
increases in the permit fees under this division resulting from 72988  
the amendments made by Amended Substitute House Bill 592 of the 72989  
117th general assembly do not apply to any person who submitted an 72990  
application for a permit to install a new, or modify an existing, 72991  
solid waste disposal facility under that chapter prior to 72992  
September 1, 1987; any such person shall pay the permit fee 72993  
established in this division as it existed prior to June 24, 1988. 72994  
In addition to the applicable permit fee under this division, a 72995  
person issued a permit to install or modify a solid waste facility 72996  
or an infectious waste treatment facility under that chapter who 72997  
fails to pay the permit fee to the director in compliance with 72998  
division (V) of this section shall pay an additional ten per cent 72999  
of the amount of the fee for each week that the permit fee is 73000  
late. 73001

Permit and late payment fees paid to the director under this 73002  
division shall be credited to the general revenue fund. 73003

(R)(1) A person issued a registration certificate for a scrap 73004  
tire collection facility under section 3734.75 of the Revised Code 73005  
shall pay a fee of two hundred dollars, except that if the 73006  
facility is owned or operated by a motor vehicle salvage dealer 73007  
licensed under Chapter 4738. of the Revised Code, the person shall 73008  
pay a fee of twenty-five dollars. 73009

(2) A person issued a registration certificate for a new 73010  
scrap tire storage facility under section 3734.76 of the Revised 73011  
Code shall pay a fee of three hundred dollars, except that if the 73012  
facility is owned or operated by a motor vehicle salvage dealer 73013

licensed under Chapter 4738. of the Revised Code, the person shall 73014  
pay a fee of twenty-five dollars. 73015

(3) A person issued a permit for a scrap tire storage 73016  
facility under section 3734.76 of the Revised Code shall pay a fee 73017  
of one thousand dollars, except that if the facility is owned or 73018  
operated by a motor vehicle salvage dealer licensed under Chapter 73019  
4738. of the Revised Code, the person shall pay a fee of fifty 73020  
dollars. 73021

(4) A person issued a permit for a scrap tire monocell or 73022  
monofill facility under section 3734.77 of the Revised Code shall 73023  
pay a fee of ten dollars per thousand cubic yards of disposal 73024  
capacity or one thousand dollars, whichever is greater, except 73025  
that the total fee for any such permit shall not exceed eighty 73026  
thousand dollars. 73027

(5) A person issued a registration certificate for a scrap 73028  
tire recovery facility under section 3734.78 of the Revised Code 73029  
shall pay a fee of one hundred dollars. 73030

(6) A person issued a permit for a scrap tire recovery 73031  
facility under section 3734.78 of the Revised Code shall pay a fee 73032  
of one thousand dollars. 73033

(7) In addition to the applicable registration certificate or 73034  
permit fee under divisions (R)(1) to (6) of this section, a person 73035  
issued a registration certificate or permit for any such scrap 73036  
tire facility who fails to pay the registration certificate or 73037  
permit fee to the director in compliance with division (V) of this 73038  
section shall pay an additional ten per cent of the amount of the 73039  
fee for each week that the fee is late. 73040

(8) The registration certificate, permit, and late payment 73041  
fees paid to the director under divisions (R)(1) to (7) of this 73042  
section shall be credited to the scrap tire management fund 73043  
created in section 3734.82 of the Revised Code. 73044



(S)(1) Except as provided by divisions (L), (M), (N), (O), 73045  
(P), and (S)(2) of this section, division (A)(2) of section 73046  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 73047  
and rules adopted under division (T)(1) of this section, any 73048  
person applying for a registration certificate under section 73049  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 73050  
variance, or plan approval under Chapter 3734. of the Revised Code 73051  
shall pay a nonrefundable fee of fifteen dollars at the time the 73052  
application is submitted. 73053

Except as otherwise provided, any person applying for a 73054  
permit, variance, or plan approval under Chapter 6109. or 6111. of 73055  
the Revised Code shall pay a nonrefundable fee of one hundred 73056  
dollars at the time the application is submitted through June 30, 73057  
~~2010~~ 2012, and a nonrefundable fee of fifteen dollars at the time 73058  
the application is submitted on and after July 1, ~~2010~~ 2012. 73059  
Through June 30, ~~2010~~ 2012, any person applying for a national 73060  
pollutant discharge elimination system permit under Chapter 6111. 73061  
of the Revised Code shall pay a nonrefundable fee of two hundred 73062  
dollars at the time of application for the permit. On and after 73063  
July 1, ~~2010~~ 2012, such a person shall pay a nonrefundable fee of 73064  
fifteen dollars at the time of application. 73065

In addition to the application fee established under division 73066  
(S)(1) of this section, any person applying for a national 73067  
pollutant discharge elimination system general storm water 73068  
construction permit shall pay a nonrefundable fee of twenty 73069  
dollars per acre for each acre that is permitted above five acres 73070  
at the time the application is submitted. However, the per acreage 73071  
fee shall not exceed three hundred dollars. In addition, any 73072  
person applying for a national pollutant discharge elimination 73073  
system general storm water industrial permit shall pay a 73074  
nonrefundable fee of one hundred fifty dollars at the time the 73075  
application is submitted. 73076

The director shall transmit all moneys collected under 73077  
division (S)(1) of this section pursuant to Chapter 6109. of the 73078  
Revised Code to the treasurer of state for deposit into the 73079  
drinking water protection fund created in section 6109.30 of the 73080  
Revised Code. 73081

The director shall transmit all moneys collected under 73082  
division (S)(1) of this section pursuant to Chapter 6111. of the 73083  
Revised Code to the treasurer of state for deposit into the 73084  
surface water protection fund created in section 6111.038 of the 73085  
Revised Code. 73086

If a registration certificate is issued under section 73087  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 73088  
the application fee paid shall be deducted from the amount of the 73089  
registration certificate fee due under division (R)(1), (2), or 73090  
(5) of this section, as applicable. 73091

If a person submits an electronic application for a 73092  
registration certificate, permit, variance, or plan approval for 73093  
which an application fee is established under division (S)(1) of 73094  
this section, the person shall pay the applicable application fee 73095  
as expeditiously as possible after the submission of the 73096  
electronic application. An application for a registration 73097  
certificate, permit, variance, or plan approval for which an 73098  
application fee is established under division (S)(1) of this 73099  
section shall not be reviewed or processed until the applicable 73100  
application fee, and any other fees established under this 73101  
division, are paid. 73102

(2) Division (S)(1) of this section does not apply to an 73103  
application for a registration certificate for a scrap tire 73104  
collection or storage facility submitted under section 3734.75 or 73105  
3734.76 of the Revised Code, as applicable, if the owner or 73106  
operator of the facility or proposed facility is a motor vehicle 73107  
salvage dealer licensed under Chapter 4738. of the Revised Code. 73108

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary 73140  
to carry out this section. 73141

(U) When the director reasonably demonstrates that the direct 73142  
cost to the state associated with the issuance of a permit to 73143  
install, license, variance, plan approval, or certification 73144  
exceeds the fee for the issuance or review specified by this 73145  
section, the director may condition the issuance or review on the 73146  
payment by the person receiving the issuance or review of, in 73147  
addition to the fee specified by this section, the amount, or any 73148  
portion thereof, in excess of the fee specified under this 73149  
section. The director shall not so condition issuances for which 73150  
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 73151  
section. 73152

(V) Except as provided in divisions (L), (M), and (P) of this 73153  
section or unless otherwise prescribed by a rule of the director 73154  
adopted pursuant to Chapter 119. of the Revised Code, all fees 73155  
required by this section are payable within thirty days after the 73156  
issuance of an invoice for the fee by the director or the 73157  
effective date of the issuance of the license, permit, variance, 73158  
plan approval, or certification. If payment is late, the person 73159  
responsible for payment of the fee shall pay an additional ten per 73160  
cent of the amount due for each month that it is late. 73161

(W) As used in this section, "fuel-burning equipment," 73162  
"fuel-burning equipment input capacity," "incinerator," 73163  
"incinerator input capacity," "process," "process weight rate," 73164  
"storage tank," "gasoline dispensing facility," "dry cleaning 73165  
facility," "design flow discharge," and "new source treatment 73166  
works" have the meanings ascribed to those terms by applicable 73167  
rules or standards adopted by the director under Chapter 3704. or 73168  
6111. of the Revised Code. 73169

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 73170  
and (J) of this section, and in any other provision of this 73171

section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the

Revised Code. 73202

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 73203  
of this section, each sewage sludge facility shall pay a 73204  
nonrefundable annual sludge fee equal to three dollars and fifty 73205  
cents per dry ton of sewage sludge, including the dry tons of 73206  
sewage sludge in materials derived from sewage sludge, that the 73207  
sewage sludge facility treats or disposes of in this state. The 73208  
annual volume of sewage sludge treated or disposed of by a sewage 73209  
sludge facility shall be calculated using the first day of January 73210  
through the thirty-first day of December of the calendar year 73211  
preceding the date on which payment of the fee is due. 73212

(2)(a) Except as provided in division (Y)(2)(d) of this 73213  
section, each sewage sludge facility shall pay a minimum annual 73214  
sewage sludge fee of one hundred dollars. 73215

(b) The annual sludge fee required to be paid by a sewage 73216  
sludge facility that treats or disposes of exceptional quality 73217  
sludge in this state shall be thirty-five per cent less per dry 73218  
ton of exceptional quality sludge than the fee assessed under 73219  
division (Y)(1) of this section, subject to the following 73220  
exceptions: 73221

(i) Except as provided in division (Y)(2)(d) of this section, 73222  
a sewage sludge facility that treats or disposes of exceptional 73223  
quality sludge shall pay a minimum annual sewage sludge fee of one 73224  
hundred dollars. 73225

(ii) A sewage sludge facility that treats or disposes of 73226  
exceptional quality sludge shall not be required to pay the annual 73227  
sludge fee for treatment or disposal in this state of exceptional 73228  
quality sludge generated outside of this state and contained in 73229  
bags or other containers not greater than one hundred pounds in 73230  
capacity. 73231

A thirty-five per cent reduction for exceptional quality 73232

sludge applies to the maximum annual fees established under 73233  
division (Y)(3) of this section. 73234

(c) A sewage sludge facility that transfers sewage sludge to 73235  
another sewage sludge facility in this state for further treatment 73236  
prior to disposal in this state shall not be required to pay the 73237  
annual sludge fee for the tons of sewage sludge that have been 73238  
transferred. In such a case, the sewage sludge facility that 73239  
disposes of the sewage sludge shall pay the annual sludge fee. 73240  
However, the facility transferring the sewage sludge shall pay the 73241  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 73242  
of this section. 73243

In the case of a sewage sludge facility that treats sewage 73244  
sludge in this state and transfers it out of this state to another 73245  
entity for disposal, the sewage sludge facility in this state 73246  
shall be required to pay the annual sludge fee for the tons of 73247  
sewage sludge that have been transferred. 73248

(d) A sewage sludge facility that generates sewage sludge 73249  
resulting from an average daily discharge flow of less than five 73250  
thousand gallons per day is not subject to the fees assessed under 73251  
division (Y) of this section. 73252

(3) No sewage sludge facility required to pay the annual 73253  
sludge fee shall be required to pay more than the maximum annual 73254  
fee for each disposal method that the sewage sludge facility uses. 73255  
The maximum annual fee does not include the additional amount that 73256  
may be charged under division (Y)(5) of this section for late 73257  
payment of the annual sludge fee. The maximum annual fee for the 73258  
following methods of disposal of sewage sludge is as follows: 73259

(a) Incineration: five thousand dollars; 73260

(b) Preexisting land reclamation project or disposal in a 73261  
landfill: five thousand dollars; 73262

(c) Land application, land reclamation, surface disposal, or 73263

any other disposal method not specified in division (Y)(3)(a) or 73264  
(b) of this section: twenty thousand dollars. 73265

(4)(a) In the case of an entity that generates sewage sludge 73266  
or a sewage sludge facility that treats sewage sludge and 73267  
transfers the sewage sludge to an incineration facility for 73268  
disposal, the incineration facility, and not the entity generating 73269  
the sewage sludge or the sewage sludge facility treating the 73270  
sewage sludge, shall pay the annual sludge fee for the tons of 73271  
sewage sludge that are transferred. However, the entity or 73272  
facility generating or treating the sewage sludge shall pay the 73273  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 73274  
of this section. 73275

(b) In the case of an entity that generates sewage sludge and 73276  
transfers the sewage sludge to a landfill for disposal or to a 73277  
sewage sludge facility for land reclamation or surface disposal, 73278  
the entity generating the sewage sludge, and not the landfill or 73279  
sewage sludge facility, shall pay the annual sludge fee for the 73280  
tons of sewage sludge that are transferred. 73281

(5) Not later than the first day of April of the calendar 73282  
year following March 17, 2000, and each first day of April 73283  
thereafter, the director shall issue invoices to persons who are 73284  
required to pay the annual sludge fee. The invoice shall identify 73285  
the nature and amount of the annual sludge fee assessed and state 73286  
the first day of May as the deadline for receipt by the director 73287  
of objections regarding the amount of the fee and the first day of 73288  
July as the deadline for payment of the fee. 73289

Not later than the first day of May following receipt of an 73290  
invoice, a person required to pay the annual sludge fee may submit 73291  
objections to the director concerning the accuracy of information 73292  
regarding the number of dry tons of sewage sludge used to 73293  
calculate the amount of the annual sludge fee or regarding whether 73294  
the sewage sludge qualifies for the exceptional quality sludge 73295



discount established in division (Y)(2)(b) of this section. The 73296  
director may consider the objections and adjust the amount of the 73297  
fee to ensure that it is accurate. 73298

If the director does not adjust the amount of the annual 73299  
sludge fee in response to a person's objections, the person may 73300  
appeal the director's determination in accordance with Chapter 73301  
119. of the Revised Code. 73302

Not later than the first day of June, the director shall 73303  
notify the objecting person regarding whether the director has 73304  
found the objections to be valid and the reasons for the finding. 73305  
If the director finds the objections to be valid and adjusts the 73306  
amount of the annual sludge fee accordingly, the director shall 73307  
issue with the notification a new invoice to the person 73308  
identifying the amount of the annual sludge fee assessed and 73309  
stating the first day of July as the deadline for payment. 73310

Not later than the first day of July, any person who is 73311  
required to do so shall pay the annual sludge fee. Any person who 73312  
is required to pay the fee, but who fails to do so on or before 73313  
that date shall pay an additional amount that equals ten per cent 73314  
of the required annual sludge fee. 73315

(6) The director shall transmit all moneys collected under 73316  
division (Y) of this section to the treasurer of state for deposit 73317  
into the surface water protection fund created in section 6111.038 73318  
of the Revised Code. The moneys shall be used to defray the costs 73319  
of administering and enforcing provisions in Chapter 6111. of the 73320  
Revised Code and rules adopted under it that govern the use, 73321  
storage, treatment, or disposal of sewage sludge. 73322

(7) Beginning in fiscal year 2001, and every two years 73323  
thereafter, the director shall review the total amount of moneys 73324  
generated by the annual sludge fees to determine if that amount 73325  
exceeded six hundred thousand dollars in either of the two 73326

preceding fiscal years. If the total amount of moneys in the fund 73327  
exceeded six hundred thousand dollars in either fiscal year, the 73328  
director, after review of the fee structure and consultation with 73329  
affected persons, shall issue an order reducing the amount of the 73330  
fees levied under division (Y) of this section so that the 73331  
estimated amount of moneys resulting from the fees will not exceed 73332  
six hundred thousand dollars in any fiscal year. 73333

If, upon review of the fees under division (Y)(7) of this 73334  
section and after the fees have been reduced, the director 73335  
determines that the total amount of moneys collected and 73336  
accumulated is less than six hundred thousand dollars, the 73337  
director, after review of the fee structure and consultation with 73338  
affected persons, may issue an order increasing the amount of the 73339  
fees levied under division (Y) of this section so that the 73340  
estimated amount of moneys resulting from the fees will be 73341  
approximately six hundred thousand dollars. Fees shall never be 73342  
increased to an amount exceeding the amount specified in division 73343  
(Y)(7) of this section. 73344

Notwithstanding section 119.06 of the Revised Code, the 73345  
director may issue an order under division (Y)(7) of this section 73346  
without the necessity to hold an adjudicatory hearing in 73347  
connection with the order. The issuance of an order under this 73348  
division is not an act or action for purposes of section 3745.04 73349  
of the Revised Code. 73350

(8) As used in division (Y) of this section: 73351

(a) "Sewage sludge facility" means an entity that performs 73352  
treatment on or is responsible for the disposal of sewage sludge. 73353

(b) "Sewage sludge" means a solid, semi-solid, or liquid 73354  
residue generated during the treatment of domestic sewage in a 73355  
treatment works as defined in section 6111.01 of the Revised Code. 73356  
"Sewage sludge" includes, but is not limited to, scum or solids 73357

removed in primary, secondary, or advanced wastewater treatment 73358  
processes. "Sewage sludge" does not include ash generated during 73359  
the firing of sewage sludge in a sewage sludge incinerator, grit 73360  
and screenings generated during preliminary treatment of domestic 73361  
sewage in a treatment works, animal manure, residue generated 73362  
during treatment of animal manure, or domestic septage. 73363

(c) "Exceptional quality sludge" means sewage sludge that 73364  
meets all of the following qualifications: 73365

(i) Satisfies the class A pathogen standards in 40 C.F.R. 73366  
503.32(a); 73367

(ii) Satisfies one of the vector attraction reduction 73368  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 73369

(iii) Does not exceed the ceiling concentration limitations 73370  
for metals listed in table one of 40 C.F.R. 503.13; 73371

(iv) Does not exceed the concentration limitations for metals 73372  
listed in table three of 40 C.F.R. 503.13. 73373

(d) "Treatment" means the preparation of sewage sludge for 73374  
final use or disposal and includes, but is not limited to, 73375  
thickening, stabilization, and dewatering of sewage sludge. 73376

(e) "Disposal" means the final use of sewage sludge, 73377  
including, but not limited to, land application, land reclamation, 73378  
surface disposal, or disposal in a landfill or an incinerator. 73379

(f) "Land application" means the spraying or spreading of 73380  
sewage sludge onto the land surface, the injection of sewage 73381  
sludge below the land surface, or the incorporation of sewage 73382  
sludge into the soil for the purposes of conditioning the soil or 73383  
fertilizing crops or vegetation grown in the soil. 73384

(g) "Land reclamation" means the returning of disturbed land 73385  
to productive use. 73386

(h) "Surface disposal" means the placement of sludge on an 73387

area of land for disposal, including, but not limited to, 73388  
monofills, surface impoundments, lagoons, waste piles, or 73389  
dedicated disposal sites. 73390

(i) "Incinerator" means an entity that disposes of sewage 73391  
sludge through the combustion of organic matter and inorganic 73392  
matter in sewage sludge by high temperatures in an enclosed 73393  
device. 73394

(j) "Incineration facility" includes all incinerators owned 73395  
or operated by the same entity and located on a contiguous tract 73396  
of land. Areas of land are considered to be contiguous even if 73397  
they are separated by a public road or highway. 73398

(k) "Annual sludge fee" means the fee assessed under division 73399  
(Y)(1) of this section. 73400

(l) "Landfill" means a sanitary landfill facility, as defined 73401  
in rules adopted under section 3734.02 of the Revised Code, that 73402  
is licensed under section 3734.05 of the Revised Code. 73403

(m) "Preexisting land reclamation project" means a 73404  
property-specific land reclamation project that has been in 73405  
continuous operation for not less than five years pursuant to 73406  
approval of the activity by the director and includes the 73407  
implementation of a community outreach program concerning the 73408  
activity. 73409

**Sec. 3748.01.** As used in this chapter: 73410

(A) "Byproduct material" means either of the following: 73411

(1) Any radioactive material, except special nuclear 73412  
material, yielded in or made radioactive by exposure to radiation 73413  
incident to the process of producing or utilizing special nuclear 73414  
material; 73415

(2) The tailings or wastes produced by the extraction or 73416  
concentration of uranium or thorium from any ore processed 73417

primarily for its source material content. 73418

(B) "Certified radiation expert" means an individual who has 73419  
complied with all of the following: 73420

(1) Applied to the director of health for certification as a 73421  
radiation expert under section 3748.12 of the Revised Code; 73422

(2) Met minimum education and experience requirements 73423  
established in rules adopted under division (C) of section 3748.04 73424  
of the Revised Code; 73425

(3) Been granted a certificate as a radiation expert by the 73426  
director under section 3748.12 of the Revised Code. 73427

(C) "Closure" or "site closure" refers to a facility for the 73428  
disposal of low-level radioactive waste or a byproduct material 73429  
site, as "byproduct material" is defined in division (A)(2) of 73430  
this section, and means all activities performed at a licensed 73431  
operation, such as stabilization and contouring, to ensure that 73432  
the site where the operation occurred is in a stable condition so 73433  
that only minor custodial care, surveillance, and monitoring are 73434  
necessary at the site following the termination of the licensed 73435  
operation. 73436

(D) "Decommissioning" means to safely remove any licensed 73437  
operation from service and reduce residual radioactivity to a 73438  
level that permits release of the licensee's property for 73439  
unrestricted use. With regard to a facility for the disposal of 73440  
low-level radioactive waste or a byproduct material site, as 73441  
"byproduct material" is defined in division (A)(2) of this 73442  
section, "decommissioning" does not include the reduction of 73443  
residual radioactivity to a level that permits release of the 73444  
facility for unrestricted use. 73445

(E) "Director of health" includes a designee or authorized 73446  
representative of the director. 73447

(F) "Disposal," with regard to low-level radioactive waste, 73448  
means the permanent isolation of that waste in accordance with 73449  
requirements established by the United States nuclear regulatory 73450  
commission or the licensing agreement state. 73451

(G) "Disposal site" means that portion of a facility that is 73452  
used for the disposal of low-level radioactive waste and that 73453  
consists of disposal units and a buffer zone. "Disposal unit" 73454  
means a discrete portion of such a facility into which low-level 73455  
radioactive waste is placed for disposal. 73456

(H)(1) Except as provided in division (H)(2) of this section, 73457  
"facility" means the state, any political subdivision, person, 73458  
public or private institution, or group, or any unit of one of 73459  
those entities, but does not include the federal government or any 73460  
of its agencies. 73461

(2) For the purposes of the disposal of low-level radioactive 73462  
waste, "facility" has the same meaning as in section 3747.01 of 73463  
the Revised Code. 73464

(I) "Handle" means receive, possess, use, store, transfer, 73465  
install, service, or dispose of sources of radiation unless 73466  
possession is solely for the purpose of transportation. 73467

(J) "Handler" means a facility that handles sources of 73468  
radiation unless possession is solely for the purpose of 73469  
transportation. 73470

(K) "Inspection" means an official review, examination, or 73471  
observation, including, without limitation, tests, surveys, and 73472  
monitoring, that is used to determine compliance with rules, 73473  
orders, requirements, and conditions of the department of health 73474  
and that is conducted by the director of health. 73475

(L) "Low-level radioactive waste" has the same meaning as in 73476  
section 3747.01 of the Revised Code with regard to the disposal of 73477  
low-level radioactive waste. In regard to regulatory control at 73478

locations other than a disposal facility, "low-level radioactive waste" has the same meaning as in 42 U.S.C.A. 2021b.

(M) "Quality assurance program" means a program providing for verification by written procedures such as testing, auditing, and inspection to ensure that deficiencies, deviations, defective equipment, or unsafe practices, or a combination thereof, relating to the use, disposal, management, or manufacture of radiation sources are identified, promptly corrected, and reported to the appropriate regulatory authorities.

(N) "Radiation" means ionizing and nonionizing radiation.

(1) "Ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, but does not include sound or radio waves or visible, infrared, or ultraviolet light.

(2) "Nonionizing radiation" means any electromagnetic radiation, other than ionizing electromagnetic radiation, or any sonic, ultrasonic, or infrasonic wave.

(O) "Radioactive material" means any solid, liquid, or gaseous material that emits ionizing radiation spontaneously. "Radioactive material" includes accelerator-produced and naturally occurring materials and byproduct, source, and special nuclear material.

(P) "Radiation-generating equipment" means any manufactured product or device, or component of such a product or device, or any machine or system that during operation can generate or emit radiation, except those that emit radiation only from radioactive material. "Radiation-generating equipment" does not include either of the following:

(1) Diathermy machines;

(2) Microwave ovens, including food service microwave ovens

used for commercial and industrial uses, television receivers, 73509  
electric lamps, and other household appliances and products that 73510  
generate very low levels of radiation. 73511

(Q) "Source material" means uranium, thorium, or any 73512  
combination thereof in any physical or chemical form, or any ores 73513  
that contain by weight at least one-twentieth of one per cent of 73514  
uranium, thorium, or any combination thereof. "Source material" 73515  
does not include special nuclear material. 73516

(R) "Source of radiation" means radioactive material or 73517  
radiation-generating equipment. 73518

(S) "Special nuclear material" means either of the following: 73519

(1) Plutonium, uranium 233, uranium enriched in the isotope 73520  
233 or in the isotope 235, and any other material that the United 73521  
States nuclear regulatory commission determines to be special 73522  
nuclear material, but does not include source material pursuant to 73523  
section 51 of the "Atomic Energy Act of 1954," 68 Stat. 919, 42 73524  
U.S.C.A. 2071." 73525

(2) Except for any source material, any material artificially 73526  
enriched by any of the materials identified in division (S)(1) of 73527  
this section. 73528

(T) "Storage" means the retention of radioactive materials, 73529  
including low-level radioactive waste, prior to disposal in a 73530  
manner that allows for surveillance, control, and subsequent 73531  
retrieval. 73532

(U) "Medical practitioner" means a person who is authorized 73533  
pursuant to Chapter 4715. of the Revised Code to practice 73534  
dentistry; pursuant to Chapter 4731. of the Revised Code to 73535  
practice medicine and surgery, osteopathic medicine and surgery, 73536  
or podiatric medicine and surgery; or pursuant to Chapter 4734. of 73537  
the Revised Code to practice chiropractic. 73538



(V) "Medical-practitioner group" means a corporation, 73539  
partnership, or other business entity, other than a hospital as 73540  
defined in section 3727.01 of the Revised Code, consisting of 73541  
medical practitioners. 73542

**Sec. 3748.04.** The public health council, in accordance with 73543  
Chapter 119. of the Revised Code, shall adopt and may amend or 73544  
rescind rules doing all of the following: 73545

(A) Listing types of radioactive material for which licensure 73546  
by its handler is required and types of radiation-generating 73547  
equipment for which registration by its handler is required, and 73548  
establishing requirements governing them. Rules adopted under 73549  
division (A) of this section shall be compatible with applicable 73550  
federal regulations and shall establish all of the following, 73551  
without limitation: 73552

(1) Requirements governing both of the following: 73553

(a) The licensing and inspection of handlers of radioactive 73554  
material. Standards established in rules adopted under division 73555  
(A)(1)(a) of this section regarding byproduct material or any 73556  
activity that results in the production of that material, to the 73557  
extent practicable, shall be equivalent to or more stringent than 73558  
applicable standards established by the United States nuclear 73559  
regulatory commission. 73560

(b) The registration and inspection of handlers of 73561  
radiation-generating equipment. Standards established in rules 73562  
adopted under division (A)(1)(b) of this section, to the extent 73563  
practicable, shall be equivalent to applicable standards 73564  
established by the food and drug administration in the United 73565  
States department of health and human services. 73566

(2) Identification of and requirements governing possession 73567  
and use of specifically licensed and generally licensed quantities 73568

of radioactive material as either sealed sources or unsealed sources; 73569  
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(3) A procedure for the issuance of and the frequency of renewal of the licenses of handlers of radioactive material, other than a license for a facility for the disposal of low-level radioactive waste, and of the certificates of registration of handlers of radiation-generating equipment; 73571  
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(4) Procedures for suspending and revoking the licenses of handlers of radioactive material and the certificates of registration of handlers of radiation-generating equipment; 73576  
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(5) Criteria to be used by the director of health in amending the license of a handler of radioactive material or the certificate of registration of a handler of radiation-generating equipment subsequent to its issuance; 73579  
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73581  
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(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and registrants; 73583  
73584  
73585

(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it; 73586  
73587  
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(8) ~~Except as otherwise provided in division (A)(8) of this section, fees~~ Fees for the both of the following: 73589  
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(a) The licensing of handlers of radioactive material, other than a facility facilities for the disposal of low-level radioactive waste, and the of radioactive material; 73591  
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(b) The registration of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment and a. 73594  
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(9) A fee schedule for their both of the following that 73598

includes fees for reviews, conducted during an inspection, of 73599  
shielding plans or the adequacy of shielding: 73600

(a) The inspection of handlers of radioactive material; 73601

(b) The inspection of handlers, other than facilities that 73602  
are, or are operated by, medical practitioners or 73603  
medical-practitioner groups, of radiation-generating equipment. 73604

~~Rules adopted under division (A)(8) of this section shall not~~ 73605  
~~revise any fees established in section 3748.07 or 3748.13 of the~~ 73606  
~~Revised Code to be paid by any handler of radiation-generating~~ 73607  
~~equipment that is a medical practitioner or a corporation,~~ 73608  
~~partnership, or other business entity consisting of medical~~ 73609  
~~practitioners, other than a hospital as defined in section 3727.01~~ 73610  
~~of the Revised Code.~~ 73611

~~As used in division (A)(8) of this section, "medical~~ 73612  
~~practitioner" means a person who is authorized to practice~~ 73613  
~~dentistry pursuant to Chapter 4715. of the Revised Code; medicine~~ 73614  
~~and surgery, osteopathic medicine and surgery, or podiatry~~ 73615  
~~pursuant to Chapter 4731. of the Revised Code; or chiropractic~~ 73616  
~~pursuant to Chapter 4734. of the Revised Code.~~ 73617

(B)(1) Identifying sources of radiation, circumstances of 73618  
possession, use, or disposal of sources of radiation, and levels 73619  
of radiation that constitute an unreasonable or unnecessary risk 73620  
to human health or the environment; 73621

(2) Establishing requirements for the achievement and 73622  
maintenance of compliance with standards for the receipt, 73623  
possession, use, storage, installation, transfer, servicing, and 73624  
disposal of sources of radiation to prevent levels of radiation 73625  
that constitute an unreasonable or unnecessary risk to human 73626  
health or the environment; 73627

(3) Requiring the maintenance of records on the receipt, use, 73628  
storage, transfer, and disposal of radioactive material and on the 73629

radiological safety aspects of the use and maintenance of 73630  
radiation-generating equipment. 73631

In adopting rules under divisions (A) and (B) of this 73632  
section, the council shall use standards no less stringent than 73633  
the "suggested state regulations for control of radiation" 73634  
prepared by the conference of radiation control program directors, 73635  
inc., and regulations adopted by the United States nuclear 73636  
regulatory commission, the United States environmental protection 73637  
agency, and the United States department of health and human 73638  
services and shall consider reports of the national council on 73639  
radiation protection and measurement and the relevant standards of 73640  
the American national standards institute. 73641

(C) Establishing fees, procedures, and requirements for 73642  
certification as a radiation expert, including all of the 73643  
following, without limitation: 73644

(1) Minimum training and experience requirements; 73645

(2) Procedures for applying for certification; 73646

(3) Procedures for review of applications and issuance of 73647  
certificates; 73648

(4) Procedures for suspending and revoking certification. 73649

(D) Establishing a schedule for inspection of sources of 73650  
radiation and their shielding and surroundings; 73651

(E) Establishing the responsibilities of a radiation expert; 73652

(F) Establishing criteria for quality assurance programs for 73653  
licensees of radioactive material and registrants of 73654  
radiation-generating equipment; 73655

(G) Establishing fees to be paid by any facility that, on 73656  
September 8, 1995, holds a license from the United States nuclear 73657  
regulatory commission in order to provide moneys necessary for the 73658  
transfer of licensing and other regulatory authority from the 73659

commission to the state pursuant to section 3748.03 of the Revised Code. Rules adopted under this division shall stipulate that fees so established do not apply to any functions dealing with a facility for the disposal of low-level radioactive waste. Fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.

(H) Establishing fees to be collected annually from generators of low-level radioactive waste, which shall be based upon the volume and radioactivity of the waste generated and the costs of administering low-level radioactive waste management activities under this chapter and rules adopted under it. All fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it. Any fee required under this division that has not been paid within ninety days after the invoice date shall be assessed at two times the original invoiced fee. Any fee that has not been paid within one hundred eighty days after the invoice date shall be assessed at five times the original invoiced fee.

(I) Establishing requirements governing closure, decontamination, decommissioning, reclamation, and long-term surveillance and care of a facility licensed under this chapter and rules adopted under it. Rules adopted under division (I) of this section shall include, without limitation, all of the following:

(1) Standards and procedures to ensure that a licensee prepares a decommissioning funding plan that provides an adequate financial guaranty to permit the completion of all requirements

governing the closure, decontamination, decommissioning, and 73692  
reclamation of sites, structures, and equipment used in 73693  
conjunction with a licensed activity; 73694

(2) For licensed activities where radioactive material that 73695  
will require surveillance or care is likely to remain at the site 73696  
after the licensed activities cease, as indicated in the 73697  
application for the license submitted under section 3748.07 of the 73698  
Revised Code, standards and procedures to ensure that the licensee 73699  
prepares an additional decommissioning funding plan for long-term 73700  
surveillance and care, before termination of the license, that 73701  
provides an additional adequate financial guaranty as necessary to 73702  
provide for that surveillance and care; 73703

(3) For the purposes of the decommissioning funding plans 73704  
required in rules adopted under divisions (I)(1) and (2) of this 73705  
section, the types of acceptable financial guaranties, which shall 73706  
include bonds issued by fidelity or surety companies authorized to 73707  
do business in the state, certificates of deposit, deposits of 73708  
government securities, irrevocable letters or lines of credit, 73709  
trust funds, escrow accounts, or other similar types of 73710  
arrangements, but shall not include any arrangement that 73711  
constitutes self-insurance; 73712

(4) A requirement that the decommissioning funding plans 73713  
required in rules adopted under divisions (I)(1) and (2) of this 73714  
section contain financial guaranties in amounts sufficient to 73715  
ensure compliance with any standards established by the United 73716  
States nuclear regulatory commission, or by the state if it has 73717  
become an agreement state pursuant to section 3748.03 of the 73718  
Revised Code, pertaining to closure, decontamination, 73719  
decommissioning, reclamation, and long-term surveillance and care 73720  
of licensed activities and sites of licensees. 73721

Standards established in rules adopted under division (I) of 73722  
this section regarding any activity that resulted in the 73723

production of byproduct material, as defined in division (A)(2) of 73724  
section 3748.01 of the Revised Code, to the extent practicable, 73725  
shall be equivalent to or more stringent than standards 73726  
established by the United States nuclear regulatory commission for 73727  
sites at which ores were processed primarily for their source 73728  
material content and at which byproduct material, as defined in 73729  
division (A)(2) of section 3748.01 of the Revised Code, is 73730  
deposited. 73731

(J) Establishing criteria governing inspections of a facility 73732  
for the disposal of low-level radioactive waste, including, 73733  
without limitation, the establishment of a resident inspector 73734  
program at such a facility; 73735

(K) Establishing requirements and procedures governing the 73736  
filing of complaints under section 3748.16 of the Revised Code, 73737  
including, without limitation, those governing intervention in a 73738  
hearing held under division (B)(3) of that section. 73739

**Sec. 3748.07.** (A) Every facility that proposes to handle 73740  
radioactive material or radiation-generating equipment for which 73741  
licensure or registration, respectively, by its handler is 73742  
required shall apply in writing to the director of health on forms 73743  
prescribed and provided by the director for licensure or 73744  
registration. Terms and conditions of licenses and certificates of 73745  
registration may be amended in accordance with rules adopted under 73746  
section 3748.04 of the Revised Code or orders issued by the 73747  
director pursuant to section 3748.05 of the Revised Code. 73748

(B) ~~Until rules are adopted under section 3748.04 of the~~ 73749  
~~Revised Code (1) Except as provided in division (B)(2) of this~~ 73750  
~~section, an application for a license, registration certificate,~~ 73751  
~~or renewal of either shall be accompanied by the appropriate fee~~ 73752  
~~specified in rules adopted under section 3748.04 of the Revised~~ 73753  
~~Code.~~ 73754

(2) In the case of an applicant that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, an application for a certificate of registration shall be accompanied by a biennial registration fee of two hundred ~~eighteen~~ sixty-two dollars and, in the case of a renewal application, a biennial renewal fee in the same amount. ~~On and after the effective date of those rules, an applicant for a license, registration certificate, or renewal of either shall pay the appropriate fee established in those rules.~~

(C) All fees collected under this section shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.

(D) Any fee required under this section that has not been paid within ninety days after the invoice date shall be assessed at two times the original invoiced fee. Any fee that has not been paid within one hundred eighty days after the invoice date shall be assessed at five times the original invoiced fee.

~~(C)~~(E) The director shall grant a license or registration to any applicant who has paid the required fee and is in compliance with this chapter and rules adopted under it.

~~Until rules are adopted under section 3748.04 of the Revised Code, certificates of registration shall be effective for two years from the date of issuance. On and after the effective date of those rules~~ (F) Except as provided in division (B)(2) of this section, licenses and certificates of registration shall be effective for the applicable period established in ~~those~~ rules adopted under section 3748.04 of the Revised Code. Licenses and certificates of registration shall be renewed in accordance with the ~~standard~~ renewal procedure established in ~~Chapter 4745.~~ rules



adopted under section 3748.04 of the Revised Code. 73787

**Sec. 3748.12.** The director of health shall certify radiation 73788  
experts pursuant to rules adopted under division (C) of section 73789  
3748.04 of the Revised Code. The director shall issue a 73790  
certificate to each person certified under this section. An 73791  
individual certified by the director is qualified to develop, 73792  
provide periodic review of, and conduct audits of the quality 73793  
assurance program for sources of radiation for which such a 73794  
program is required under division (A) of section 3748.13 of the 73795  
Revised Code. 73796

The public health council shall establish an application fee 73797  
for applying for certification and a biennial certification 73798  
renewal fee in rules adopted under division (C) of section 3748.04 73799  
of the Revised Code. ~~Until those rules are adopted, the~~ 73800  
~~application fee for initial certification shall be fifty dollars~~ 73801  
~~plus an additional twenty five dollars for each type of~~ 73802  
~~radiation generating equipment listed in division (B) of section~~ 73803  
~~3748.13 of the Revised Code for which application is being made.~~ 73804  
~~The certification renewal fee shall be one hundred fifteen~~ 73805  
~~dollars.~~ A certificate issued under this section shall expire two 73806  
years after the date of its issuance. To maintain certification, a 73807  
radiation expert shall apply to the director for renewal of 73808  
certification in accordance with the standard renewal procedures 73809  
established in Chapter 4745. of the Revised Code. The 73810  
certification renewal fee is not required for initial 73811  
certification, but shall be paid for every renewal of 73812  
certification. Fees collected under this section shall be 73813  
deposited into the state treasury to the credit of the general 73814  
operations fund created in section 3701.83 of the Revised Code. 73815  
The fees shall be used solely to administer and enforce this 73816  
chapter and rules adopted under it. Any fee required under this 73817  
section that has not been paid within ninety days after the 73818

invoice date shall be assessed at two times the original invoiced 73819  
fee. Any fee that has not been paid within one hundred eighty days 73820  
after the invoice date shall be assessed at five times the 73821  
original invoiced fee. 73822

**Sec. 3748.13.** (A) The director of health shall inspect 73823  
sources of radiation for which licensure or registration by the 73824  
handler is required, and the sources' shielding and surroundings, 73825  
according to the schedule established in rules adopted under 73826  
division (D) of section 3748.04 of the Revised Code. In accordance 73827  
with rules adopted under ~~that~~ section 3748.04 of the Revised Code, 73828  
the director shall inspect all records and operating procedures of 73829  
handlers that install or service sources of radiation and all 73830  
sources of radiation for which licensure of radioactive material 73831  
or registration of radiation-generating equipment by the handler 73832  
is required. The director may make other inspections upon 73833  
receiving complaints or other evidence of a violation of this 73834  
chapter or rules adopted under it. 73835

The director shall require any hospital registered under 73836  
division (A) of section 3701.07 of the Revised Code to develop and 73837  
maintain a quality assurance program for all sources of 73838  
radiation-generating equipment. A certified radiation expert shall 73839  
conduct oversight and maintenance of the program and shall file a 73840  
report of audits of the program with the director on forms 73841  
prescribed by the director. The audit reports shall become part of 73842  
the inspection record. 73843

(B) ~~Until rules are adopted under division (A)(8) of section~~ 73844  
~~3748.04 of the Revised Code~~ (1) Except as provided in division 73845  
(B)(2) of this section, a facility shall pay inspection fees for 73846  
radioactive material and radiation-generating equipment according 73847  
to the ~~following~~ schedule and categories established in rules 73848  
adopted under division (A)(9) of section 3748.04 of the Revised 73849

<u>Code.</u>		73850
<u>(2) A facility that is, or is operated by, a medical practitioner or medical-practitioner group shall pay inspection fees for radiation-generating equipment according to the following schedule and categories:</u>		73851
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		73853
		73854
First dental x-ray tube	\$ <del>129.00</del> <u>155.00</u>	73855
Each additional dental x-ray tube at the same location	\$ <del>64.00</del> <u>77.00</u>	73856
First medical x-ray tube	\$ <del>256.00</del> <u>307.00</u>	73857
Each additional medical x-ray tube at the same location	\$ <del>136.00</del> <u>163.00</u>	73858
Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$ <del>508.00</del> <u>610.00</u>	73859
First nonionizing radiation-generating equipment of any kind	\$ <del>256.00</del> <u>307.00</u>	73860
Each additional nonionizing radiation-generating equipment of any kind at the same location	\$ <del>136.00</del> <u>163.00</u>	73861
Assembler-maintainer inspection consisting of an inspection of records and operating procedures of handlers that install sources of radiation	\$ <del>317.00</del> <u>380.00</u>	73862
<del>Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the fee applicable under the schedule in this division. Until those rules are adopted (C)(1)</del>		73863
<del>Except as provided in division (C)(2) of this section, the fee for</del>		73864
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		73867
		73868

the inspection of a facility that proposes to handle radioactive material or radiation-generating equipment and is not licensed or registered, and for which no license or registration application is pending at the time of inspection, is ~~three four~~ hundred ninety-five seventy-four dollars plus the applicable fee specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection if the facility is not licensed or registered, and no license or registration is pending at the time of inspection, is four hundred seventy-four dollars plus the fee applicable under the schedule in this division (B)(2) of this section.

(D)(1) Except as provided in division (D)(2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and handles radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the applicable fee under the schedule in division (B)(2) of this section.

(E) The director may conduct a review of shielding plans or the adequacy of shielding on the request of a licensee or registrant or an applicant for licensure or registration or during an inspection when the director considers a review to be necessary. ~~Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code~~

(1) Except as provided in division (E)(2) of this section, 73901  
the fee for the review is ~~six~~ the applicable amount specified in 73902  
rules adopted under division (A)(9) of section 3748.04 of the 73903  
Revised Code. 73904

(2) For a facility that is, or is operated by, a medical 73905  
practitioner or medical-practitioner group and handles or proposes 73906  
to handle radiation-generating equipment, the fee for the review 73907  
is seven hundred thirty-five ~~sixty-two~~ dollars for each room where 73908  
a source of radiation is used and is in addition to any other fee 73909  
applicable under the schedule in ~~this~~ division (B)(2) of this 73910  
section. 73911

(F) All fees shall be paid to the department of health no 73912  
later than thirty days after the invoice for the fee is mailed. 73913  
Fees shall be deposited in the general operations fund created in 73914  
section 3701.83 of the Revised Code. The fees shall be used solely 73915  
to administer and enforce this chapter and rules adopted under it. 73916

(G) Any fee required under this section that has not been 73917  
paid within ninety days after the invoice date shall be assessed 73918  
at two times the original invoiced fee. Any fee that has not been 73919  
paid within one hundred eighty days after the invoice date shall 73920  
be assessed at five times the original invoiced fee. 73921

~~(C)~~(H) If the director determines that a board of health of a 73922  
city or general health district is qualified to conduct 73923  
inspections of radiation-generating equipment, the director may 73924  
delegate to the board, by contract, the authority to conduct such 73925  
inspections. In making a determination of the qualifications of a 73926  
board of health to conduct those inspections, the director shall 73927  
evaluate the credentials of the individuals who are to conduct the 73928  
inspections of radiation-generating equipment and the radiation 73929  
detection and measuring equipment available to them for that 73930  
purpose. If a contract is entered into, the board shall have the 73931  
same authority to make inspections of radiation-generating 73932

equipment as the director has under this chapter and rules adopted 73933  
under it. The contract shall stipulate that only individuals 73934  
approved by the director as qualified shall be permitted to 73935  
inspect radiation-generating equipment under the contract's 73936  
provisions. The contract shall provide for such compensation for 73937  
services as is agreed to by the director and the board of health 73938  
of the contracting health district. The director may reevaluate 73939  
the credentials of the inspection personnel and their radiation 73940  
detecting and measuring equipment as often as the director 73941  
considers necessary and may terminate any contract with the board 73942  
of health of any health district that, in the director's opinion, 73943  
is not satisfactorily performing the terms of the contract. 73944

~~(D)~~(I) The director may enter at all reasonable times upon 73945  
any public or private property to determine compliance with this 73946  
chapter and rules adopted under it. 73947

**Sec. 3749.04.** (A) No person shall operate or maintain a 73948  
public swimming pool, public spa, or special-use pool without a 73949  
license issued by the licensor having jurisdiction. 73950

(B) Every person who intends to operate or maintain an 73951  
existing public swimming pool, public spa, or special-use pool 73952  
shall, during the month of April of each year, apply to the 73953  
licensor having jurisdiction for a license to operate the pool or 73954  
spa. Any person proposing to operate or maintain a new or 73955  
otherwise unlicensed public swimming pool, public spa, or 73956  
special-use pool shall apply to the licensor having jurisdiction 73957  
at least thirty days prior to the intended start of operation of 73958  
the pool or spa. Within thirty days of receipt of an application 73959  
for licensure of a public swimming pool, public spa, or 73960  
special-use pool, the licensor shall process the application and 73961  
either issue a license or otherwise respond to the applicant 73962  
regarding the application. 73963

(C) Each license issued shall be effective from the date of 73964  
issuance until the last day of May of the following year. 73965

(D) Each licensor administering and enforcing sections 73966  
3749.01 to 3749.09 of the Revised Code and the rules adopted 73967  
thereunder may establish licensing and inspection fees in 73968  
accordance with section 3709.09 of the Revised Code, which shall 73969  
not exceed the cost of licensing and inspecting public swimming 73970  
pools, public spas, and special-use pools. 73971

(E) Except as provided in division (F) of this section and in 73972  
division (B) of section 3749.07 of the Revised Code, all license 73973  
fees collected by a licensor shall be deposited into a swimming 73974  
pool fund, which is hereby created in each health district. The 73975  
fees shall be used by the licensor solely for the purpose of 73976  
administering and enforcing this chapter and the rules adopted 73977  
under this chapter. 73978

(F) An annual license fee established under division (D) of 73979  
this section shall include any additional amount determined by 73980  
rule of the public health council, which the ~~licensor~~ board of 73981  
health shall collect and transmit to the ~~treasurer of state to be~~ 73982  
~~deposited in the general operations fund created by section~~ 73983  
~~3701.83 of the Revised Code~~ director of health pursuant to section 73984  
3709.092 of the Revised Code. The amounts collected under this 73985  
division shall be administered by the director of health and shall 73986  
be used solely for the administration and enforcement of this 73987  
chapter and the rules adopted under this chapter. 73988

**Sec. 3770.05.** (A) As used in this section, "person" means any 73989  
person, association, corporation, partnership, club, trust, 73990  
estate, society, receiver, trustee, person acting in a fiduciary 73991  
or representative capacity, instrumentality of the state or any of 73992  
its political subdivisions, or any other combination of 73993  
individuals meeting the requirements set forth in this section or 73994

established by rule or order of the state lottery commission. 73995

(B) The director of the state lottery commission may license 73996  
any person as a lottery sales agent. No license shall be issued to 73997  
any person or group of persons to engage in the sale of lottery 73998  
tickets as the person's or group's sole occupation or business. 73999

Before issuing any license to a lottery sales agent, the 74000  
director shall consider all of the following: 74001

(1) The financial responsibility and security of the 74002  
applicant and the applicant's business or activity; 74003

(2) The accessibility of the applicant's place of business or 74004  
activity to the public; 74005

(3) The sufficiency of existing licensed agents to serve the 74006  
public interest; 74007

(4) The volume of expected sales by the applicant; 74008

(5) Any other factors pertaining to the public interest, 74009  
convenience, or trust. 74010

(C) Except as otherwise provided in division (F) of this 74011  
section, the director of the state lottery commission shall refuse 74012  
to grant, or shall suspend or revoke, a license if the applicant 74013  
or licensee: 74014

(1) Has been convicted of a felony or has been convicted of a 74015  
crime involving moral turpitude; 74016

(2) Has been convicted of an offense that involves illegal 74017  
gambling; 74018

(3) Has been found guilty of fraud or misrepresentation in 74019  
any connection; 74020

(4) Has been found to have violated any rule or order of the 74021  
commission; or 74022

(5) Has been convicted of illegal trafficking in ~~food stamps~~ 74023



supplemental nutrition assistance program benefits. 74024

(D) Except as otherwise provided in division (F) of this 74025  
section, the director of the state lottery commission shall refuse 74026  
to grant, or shall suspend or revoke, a license if the applicant 74027  
or licensee is a corporation and any of the following applies: 74028

(1) Any of the corporation's directors, officers, or 74029  
controlling shareholders has been found guilty of any of the 74030  
activities specified in divisions (C)(1) to (5) of this section; 74031

(2) It appears to the director of the state lottery 74032  
commission that, due to the experience, character, or general 74033  
fitness of any director, officer, or controlling shareholder of 74034  
the corporation, the granting of a license as a lottery sales 74035  
agent would be inconsistent with the public interest, convenience, 74036  
or trust; 74037

(3) The corporation is not the owner or lessee of the 74038  
business at which it would conduct a lottery sales agency pursuant 74039  
to the license applied for; 74040

(4) Any person, firm, association, or corporation other than 74041  
the applicant or licensee shares or will share in the profits of 74042  
the applicant or licensee, other than receiving dividends or 74043  
distributions as a shareholder, or participates or will 74044  
participate in the management of the affairs of the applicant or 74045  
licensee. 74046

(E)(1) The director of the state lottery commission shall 74047  
refuse to grant a license to an applicant for a lottery sales 74048  
agent license and shall revoke a lottery sales agent license if 74049  
the applicant or licensee is or has been convicted of a violation 74050  
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 74051

(2) The director shall refuse to grant a license to an 74052  
applicant for a lottery sales agent license that is a corporation 74053  
and shall revoke the lottery sales agent license of a corporation 74054

if the corporation is or has been convicted of a violation of 74055  
division (A) or (C)(1) of section 2913.46 of the Revised Code. 74056

(F) The director of the state lottery commission shall 74057  
request the bureau of criminal identification and investigation, 74058  
the department of public safety, or any other state, local, or 74059  
federal agency to supply the director with the criminal records of 74060  
any applicant for a lottery sales agent license, and may 74061  
periodically request the criminal records of any person to whom a 74062  
lottery sales agent license has been issued. At or prior to the 74063  
time of making such a request, the director shall require an 74064  
applicant or licensee to obtain fingerprint impressions on 74065  
fingerprint cards prescribed by the superintendent of the bureau 74066  
of criminal identification and investigation at a qualified law 74067  
enforcement agency, and the director shall cause those fingerprint 74068  
cards to be forwarded to the bureau of criminal identification and 74069  
investigation, to the federal bureau of investigation, or to both 74070  
bureaus. The commission shall assume the cost of obtaining the 74071  
fingerprint cards. 74072

The director shall pay to each agency supplying criminal 74073  
records for each investigation a reasonable fee, as determined by 74074  
the agency. 74075

The commission may adopt uniform rules specifying time 74076  
periods after which the persons described in divisions (C)(1) to 74077  
(5) and (D)(1) to (4) of this section may be issued a license and 74078  
establishing requirements for those persons to seek a court order 74079  
to have records sealed in accordance with law. 74080

(G)(1) Each applicant for a lottery sales agent license shall 74081  
do both of the following: 74082

(a) Pay to the state lottery commission, at the time the 74083  
application is submitted, a fee in an amount that the director of 74084  
the state lottery commission determines by rule adopted under 74085

Chapter 119. of the Revised Code and that the controlling board 74086  
approves; 74087

(b) Prior to approval of the application, obtain a surety 74088  
bond in an amount the director determines by rule adopted under 74089  
Chapter 119. of the Revised Code or, alternatively, with the 74090  
director's approval, deposit the same amount into a dedicated 74091  
account for the benefit of the state lottery. The director also 74092  
may approve the obtaining of a surety bond to cover part of the 74093  
amount required, together with a dedicated account deposit to 74094  
cover the remainder of the amount required. 74095

A surety bond may be with any company that complies with the 74096  
bonding and surety laws of this state and the requirements 74097  
established by rules of the commission pursuant to this chapter. A 74098  
dedicated account deposit shall be conducted in accordance with 74099  
policies and procedures the director establishes. 74100

A surety bond, dedicated account, or both, as applicable, may 74101  
be used to pay for the lottery sales agent's failure to make 74102  
prompt and accurate payments for lottery ticket sales, for missing 74103  
or stolen lottery tickets, or for damage to equipment or materials 74104  
issued to the lottery sales agent, or to pay for expenses the 74105  
commission incurs in connection with the lottery sales agent's 74106  
license. 74107

(2) A lottery sales agent license is effective for one year. 74108

A licensed lottery sales agent, on or before the date 74109  
established by the director, shall renew the agent's license and 74110  
provide at that time evidence to the director that the surety 74111  
bond, dedicated account deposit, or both, required under division 74112  
(G)(1)(b) of this section has been renewed or is active, whichever 74113  
applies. 74114

Before the commission renews a lottery sales agent license, 74115  
the lottery sales agent shall submit a renewal fee to the 74116

commission in an amount that the director determines by rule 74117  
adopted under Chapter 119. of the Revised Code and that the 74118  
controlling board approves. The renewal fee shall not exceed the 74119  
actual cost of administering the license renewal and processing 74120  
changes reflected in the renewal application. The renewal of the 74121  
license is effective for up to one year. 74122

(3) A lottery sales agent license shall be complete, 74123  
accurate, and current at all times during the term of the license. 74124  
Any changes to an original license application or a renewal 74125  
application may subject the applicant or lottery sales agent, as 74126  
applicable, to paying an administrative fee that shall be in an 74127  
amount that the director determines by rule adopted under Chapter 74128  
119. of the Revised Code, that the controlling board approves, and 74129  
that shall not exceed the actual cost of administering and 74130  
processing the changes to an application. 74131

(4) The relationship between the commission and a lottery 74132  
sales agent is one of trust. A lottery sales agent collects funds 74133  
on behalf of the commission through the sale of lottery tickets 74134  
for which the agent receives a compensation. 74135

(H) Pending a final resolution of any question arising under 74136  
this section, the director of the state lottery commission may 74137  
issue a temporary lottery sales agent license, subject to the 74138  
terms and conditions the director considers appropriate. 74139

(I) If a lottery sales agent's rental payments for the 74140  
lottery sales agent's premises are determined, in whole or in 74141  
part, by the amount of retail sales the lottery sales agent makes, 74142  
and if the rental agreement does not expressly provide that the 74143  
amount of those retail sales includes the amounts the lottery 74144  
sales agent receives from lottery ticket sales, only the amounts 74145  
the lottery sales agent receives as compensation from the state 74146  
lottery commission for selling lottery tickets shall be considered 74147  
to be amounts the lottery sales agent receives from the retail 74148

sales the lottery sales agent makes, for the purpose of computing 74149  
the lottery sales agent's rental payments. 74150

**Sec. 3773.35.** Any person who wishes to conduct a public or 74151  
private competition that involves boxing ~~or~~, wrestling ~~match or~~ 74152  
~~exhibition, mixed martial arts, kick boxing, tough man contests,~~ 74153  
tough guy contests, or any other form of boxing or martial arts 74154  
shall apply to the Ohio athletic commission for a promoter's 74155  
license. Each application shall be filed with the commission on 74156  
forms provided by the commission, and shall be accompanied by an 74157  
application fee as prescribed in section 3773.43 of the Revised 74158  
Code and, with the exception of wrestling events, by a ~~cash bond,~~ 74159  
~~certified check, bank draft, or~~ surety bond of not less than five 74160  
twenty thousand dollars conditioned for compliance with sections 74161  
3773.31 to 3773.57 of the Revised Code and the rules of the 74162  
commission. ~~The applicant shall verify the application under oath.~~ 74163  
74164

The commission shall prescribe the form of the application 74165  
for the promoter's license. The application shall include the name 74166  
of the applicant, the post office address of the applicant, and 74167  
any other information the commission requires. 74168

**Sec. 3773.36.** Upon the proper filing of an application to 74169  
conduct any public or private competition that involves boxing ~~or~~ 74170  
~~wrestling matches or exhibitions, mixed martial arts, kick boxing,~~ 74171  
tough man contests, tough guy contests, or any other form of 74172  
boxing or martial arts, accompanied by the ~~cash bond, certified~~ 74173  
~~check, bank draft, or~~ surety bond ~~required by section 3773.35,~~ and 74174  
the application fee ~~required by section 3773.43 of the Revised~~ 74175  
Code, or upon the proper filing of an application to conduct any 74176  
public or private competition that involves wrestling accompanied 74177  
by the application fee, the Ohio athletic commission shall issue a 74178  
promoter's license to the applicant if it finds that the applicant 74179

is not in default on any payment, obligation, or debt payable to 74180  
the state under sections 3773.31 to 3773.57 of the Revised Code, 74181  
is financially responsible, and is knowledgeable in the proper 74182  
conduct of such matches or exhibitions. 74183

Each license issued pursuant to this section shall bear the 74184  
name of the licensee, the post office address of the licensee, the 74185  
date of ~~issue~~ expiration, ~~a serial~~ an identification number 74186  
designated by the commission, and the seal of the commission, ~~and~~ 74187  
~~the signature of the commission chairperson.~~ 74188

A promoter's license shall expire twelve months after its 74189  
date of issuance and shall become invalid on that date unless 74190  
renewed. A promoter's license may be renewed upon application to 74191  
the commission and upon payment of the renewal fee prescribed in 74192  
section 3773.43 of the Revised Code. The commission shall renew 74193  
the license unless it denies the application for renewal for one 74194  
or more reasons stated in section 3123.47 or 3773.53 of the 74195  
Revised Code. 74196

**Sec. 3773.43.** The Ohio athletic commission shall charge the 74197  
following fees: 74198

(A) For an application for or renewal of a promoter's license 74199  
for a public or private competition that involves boxing matches 74200  
or exhibitions, mixed martial arts, kick boxing, tough man 74201  
contests, tough guy contests, or any other form of boxing or 74202  
martial arts, one hundred dollars. 74203

(B) For an application for or renewal of a license to 74204  
participate in a public boxing match or exhibition as a 74205  
contestant, or as a referee, judge, matchmaker, manager, 74206  
timekeeper, trainer, or second of a contestant, twenty dollars. 74207

(C) For a permit to conduct a public boxing match or 74208  
exhibition, fifty dollars. 74209

(D) For an application for or renewal of a promoter's license 74210  
for ~~professional a public or private competition that involves~~ 74211  
~~wrestling matches or exhibitions~~, two hundred dollars. 74212

(E) For a permit to conduct a professional wrestling match or 74213  
exhibition, one hundred dollars. 74214

The commission, subject to the approval of the controlling 74215  
board, may establish fees in excess of the amounts provided in 74216  
this section, provided that such fees do not exceed the amounts 74217  
permitted by this section by more than fifty per cent. 74218

The fees prescribed by this section shall be paid to the 74219  
treasurer of state, who shall deposit the fees in the occupational 74220  
licensing and regulatory fund. 74221

**Sec. 3773.45.** (A) ~~Each contestant in a public boxing match or~~ 74222  
~~exhibition shall be examined not more than twenty four hours~~ 74223  
~~before entering the ring by a licensed physician, a physician~~ 74224  
~~assistant, a clinical nurse specialist, a certified nurse~~ 74225  
~~practitioner, or a certified nurse midwife. Each contestant who~~ 74226  
~~has had a previous match or exhibition on or after July 27, 1981,~~ 74227  
~~and was knocked out at that match or exhibition shall present to~~ 74228  
~~the examiner a record of the physical examination performed at the~~ 74229  
~~conclusion of that match or exhibition. If, after reviewing such~~ 74230  
~~record and performing a physical examination of the contestant,~~ 74231  
~~the examiner determines that the contestant is physically fit to~~ 74232  
~~compete, the physician shall certify that fact on the contestant's~~ 74233  
~~physical examination form. No physician, physician assistant,~~ 74234  
~~clinical nurse specialist, certified nurse practitioner, or~~ 74235  
~~certified nurse midwife shall certify a contestant as physically~~ 74236  
~~fit to compete if the physician, physician assistant, clinical~~ 74237  
~~nurse specialist, certified nurse practitioner, or certified~~ 74238  
~~nurse midwife determines that the contestant was knocked out in a~~ 74239  
~~contest that took place within the preceding thirty days. No~~ 74240

~~contestant shall compete in a public boxing match or exhibition 74241  
unless the contestant has been certified as physically fit in 74242  
accordance with this section. 74243~~

~~Immediately after the end of a match or exhibition, the 74244  
examiner shall examine each contestant who was knocked out in the 74245  
match or exhibition, and record the outcome of the match or 74246  
exhibition and any physical injuries sustained by the contestant 74247  
on the contestant's physical examination form. 74248~~

~~Within twenty four hours after the match or exhibition, the 74249  
examiner shall mail one copy of the examination report to the Ohio 74250  
athletic commission and one copy to the contestant. The commission 74251  
shall furnish blank copies of the examination report to the 74252  
examiner. The examiner shall answer all questions on the form. The 74253  
person conducting the match or exhibition shall compensate the 74254  
examiner. No person shall conduct such a match or exhibition 74255  
unless an examiner appointed by the commission is in attendance. 74256  
The Ohio athletic commission shall adopt, and may amend or 74257  
rescind, rules that do both of the following: 74258~~

~~(1) Require the physical examination by appropriate medical 74259  
personnel of each contestant in any public competition that 74260  
involves boxing, mixed martial arts, kick boxing, karate, tough 74261  
man contests, or any other form of boxing or martial arts within a 74262  
specified time period before and after the competition to 74263  
determine whether the contestant is physically fit to compete in 74264  
the competition under specified standards, has sustained physical 74265  
injuries in the competition, or requires follow-up examination; 74266  
and 74267~~

~~(2) Require the reporting of each examination to the 74268  
commission. 74269~~

~~(B) No holder of a promoter's license shall conduct a boxing 74270  
match or exhibition that exceeds twelve rounds. Each round shall 74271~~



be not more than three minutes in length. A period of at least one 74272  
minute, during which no boxing or sparring takes place, shall 74273  
occur between rounds. 74274

No holder of a promoter's license or a permit issued under 74275  
section 3773.39 of the Revised Code shall allow a professional 74276  
boxer to participate in more than twelve rounds of boxing within a 74277  
period of seventy-two consecutive hours. For any match or 74278  
exhibition or for a class of contestants, the commission may limit 74279  
the number of rounds within the maximum of twelve rounds. 74280

(C) No person shall conduct a boxing match or exhibition 74281  
unless a licensed referee appointed by the commission and paid by 74282  
the person is present. The referee shall direct and control the 74283  
match or exhibition. Before each match or exhibition the referee 74284  
shall obtain from each contestant the name of the contestant's 74285  
chief second and shall hold the chief second responsible for the 74286  
conduct of any assistant seconds during the match or exhibition. 74287  
The referee may declare a prize, remuneration, or purse or any 74288  
part thereof to which a contestant is otherwise entitled withheld 74289  
if, in the referee's judgment, the contestant is not competing or 74290  
did not compete honestly. A contestant may appeal the referee's 74291  
decision in a hearing before the commission conducted in 74292  
accordance with section 3773.52 of the Revised Code. 74293

(D) No person shall hold or conduct a boxing match or 74294  
exhibition unless three licensed judges appointed by the 74295  
commission and paid by the person are present. Each judge shall 74296  
render a decision at the end of each match or exhibition. The 74297  
judges shall determine the outcome of the match or exhibition, and 74298  
their decision shall be final. 74299

(E) Each contestant in a boxing match or exhibition shall 74300  
wear gloves weighing not less than six ounces during the boxing 74301  
match or exhibition. 74302

**Sec. 3773.53.** The Ohio athletic commission may revoke, 74303  
suspend, or refuse to renew any license issued under sections 74304  
3773.31 to 3773.57 of the Revised Code if the licensee: 74305

(A) Has committed an act detrimental to any sport regulated 74306  
by this chapter or to the public interest, convenience, or 74307  
necessity; 74308

(B) Is associating or consorting with any person who has been 74309  
convicted of a crime involving the sports regulated by the 74310  
commission; 74311

(C) Is or has been consorting with bookmakers or gamblers, or 74312  
has engaged in similar pursuits; 74313

(D) Is financially irresponsible; 74314

(E) Has been found guilty of any fraud or misrepresentation 74315  
in connection with any sport regulated by this chapter; 74316

(F) Has violated any law with respect to any sport regulated 74317  
by this chapter or any rule or order of the commission; 74318

(G) Has engaged in any other activity that the commission 74319  
determines is detrimental to any sport regulated by this chapter. 74320

The commission, in addition to any other action it may take 74321  
under this chapter, may impose a fine ~~of not more than one hundred~~ 74322  
~~dollars in an amount to be determined by rule of the commission~~ 74323  
adopted under Chapter 119. of the Revised Code against any person 74324  
licensed under sections 3773.31 to 3773.57 of the Revised Code for 74325  
a violation of any of these sections or a violation of any rule or 74326  
order of the commission. The amount of fines collected shall be 74327  
deposited into the general revenue fund. 74328

74329

**Sec. 3781.03.** (A) The state fire marshal, the fire chief of a 74330  
municipal corporation that has a fire department, or the fire 74331

chief of a township that has a fire department shall enforce the 74332  
provisions of this chapter and Chapter 3791. of the Revised Code 74333  
that relate to fire prevention. 74334

(B) The superintendent of ~~the division of industrial~~ 74335  
~~compliance labor~~, or the building inspector or commissioner of 74336  
buildings in a municipal corporation, county, or township in which 74337  
the building department is certified by the board of building 74338  
standards under section 3781.10 of the Revised Code shall enforce 74339  
in the jurisdiction of each entity all the provisions in this 74340  
chapter and Chapter 3791. of the Revised Code and any rules 74341  
adopted pursuant to those chapters that relate to the 74342  
construction, arrangement, and erection of all buildings or parts 74343  
of buildings, as defined in section 3781.06 of the Revised Code, 74344  
including the sanitary condition of those buildings in relation to 74345  
heating and ventilation. 74346

(C) The division of ~~industrial compliance labor~~ in the 74347  
department of commerce, boards of health of health districts, 74348  
certified departments of building inspection of municipal 74349  
corporations, and county building departments that have authority 74350  
to perform inspections pursuant to a contract under division 74351  
(C)(1) of section 3703.01 of the Revised Code, subject to Chapter 74352  
3703. of the Revised Code, shall enforce this chapter and Chapter 74353  
3791. of the Revised Code and the rules adopted pursuant to those 74354  
chapters that relate to plumbing. Building drains are considered 74355  
plumbing for the purposes of enforcement of those chapters. 74356

(D)(1) In accordance with Chapter 3703. of the Revised Code, 74358  
the department of the city engineer, in cities having such 74359  
departments, the boards of health of health districts, or the 74360  
sewer purveyor, as appropriate, shall have complete authority to 74361  
supervise and regulate the entire sewerage and drainage system in 74362  
the jurisdiction in which it is exercising the authority described 74363

in this division, including the building sewer and all laterals 74364  
draining into the street sewers. 74365

(2) In accordance with Chapter 3703. of the Revised Code, the 74366  
department of the city engineer, the boards of health of health 74367  
districts, or the sewer purveyor, as appropriate, shall control 74368  
and supervise the installation and construction of all drains and 74369  
sewers that become a part of the sewerage system and shall issue 74370  
all the necessary permits and licenses for the construction and 74371  
installation of all building sewers and of all other lateral 74372  
drains that empty into the main sewers. The department of the city 74373  
engineer, the boards of health of health districts, and the sewer 74374  
purveyor, as appropriate, shall keep a permanent record of the 74375  
installation and location of every drain and sewer of the drainage 74376  
and sewerage system of the jurisdiction in which it has exercised 74377  
the authority described in this division. 74378

(E) This section does not exempt any officer or department 74379  
from the obligation to enforce this chapter and Chapter 3791. of 74380  
the Revised Code. 74381

**Sec. 3781.10.** (A)(1) The board of building standards shall 74382  
formulate and adopt rules governing the erection, construction, 74383  
repair, alteration, and maintenance of all buildings or classes of 74384  
buildings specified in section 3781.06 of the Revised Code, 74385  
including land area incidental to those buildings, the 74386  
construction of industrialized units, the installation of 74387  
equipment, and the standards or requirements for materials used in 74388  
connection with those buildings. The board shall incorporate those 74389  
rules into separate residential and nonresidential building codes. 74390  
The standards shall relate to the conservation of energy and the 74391  
safety and sanitation of those buildings. 74392

(2) The rules governing nonresidential buildings are the 74393  
lawful minimum requirements specified for those buildings and 74394

industrialized units, except that no rule other than as provided 74395  
in division (C) of section 3781.108 of the Revised Code that 74396  
specifies a higher requirement than is imposed by any section of 74397  
the Revised Code is enforceable. The rules governing residential 74398  
buildings are uniform requirements for residential buildings in 74399  
any area with a building department certified to enforce the state 74400  
residential building code. In no case shall any local code or 74401  
regulation differ from the state residential building code unless 74402  
that code or regulation addresses subject matter not addressed by 74403  
the state residential building code or is adopted pursuant to 74404  
section 3781.01 of the Revised Code. 74405

(3) The rules adopted pursuant to this section are complete, 74406  
lawful alternatives to any requirements specified for buildings or 74407  
industrialized units in any section of the Revised Code. The board 74408  
shall, on its own motion or on application made under sections 74409  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 74410  
adopt, modify, amend, or repeal the rules to the extent necessary 74411  
or desirable to effectuate the purposes of sections 3781.06 to 74412  
3781.18 of the Revised Code. 74413

(B) The board shall report to the general assembly proposals 74414  
for amendments to existing statutes relating to the purposes 74415  
declared in section 3781.06 of the Revised Code that public health 74416  
and safety and the development of the arts require and shall 74417  
recommend any additional legislation to assist in carrying out 74418  
fully, in statutory form, the purposes declared in that section. 74419  
The board shall prepare and submit to the general assembly a 74420  
summary report of the number, nature, and disposition of the 74421  
petitions filed under sections 3781.13 and 3781.14 of the Revised 74422  
Code. 74423

(C) On its own motion or on application made under sections 74424  
3781.12 and 3781.13 of the Revised Code, and after thorough 74425  
testing and evaluation, the board shall determine by rule that any 74426

particular fixture, device, material, process of manufacture, 74427  
manufactured unit or component, method of manufacture, system, or 74428  
method of construction complies with performance standards adopted 74429  
pursuant to section 3781.11 of the Revised Code. The board shall 74430  
make its determination with regard to adaptability for safe and 74431  
sanitary erection, use, or construction, to that described in any 74432  
section of the Revised Code, wherever the use of a fixture, 74433  
device, material, method of manufacture, system, or method of 74434  
construction described in that section of the Revised Code is 74435  
permitted by law. The board shall amend or annul any rule or issue 74436  
an authorization for the use of a new material or manufactured 74437  
unit on any like application. No department, officer, board, or 74438  
commission of the state other than the board of building standards 74439  
or the board of building appeals shall permit the use of any 74440  
fixture, device, material, method of manufacture, newly designed 74441  
product, system, or method of construction at variance with what 74442  
is described in any rule the board of building standards adopts or 74443  
issues or that is authorized by any section of the Revised Code. 74444  
Nothing in this section shall be construed as requiring approval, 74445  
by rule, of plans for an industrialized unit that conforms with 74446  
the rules the board of building standards adopts pursuant to 74447  
section 3781.11 of the Revised Code. 74448

(D) The board shall recommend rules, codes, and standards to 74449  
help carry out the purposes of section 3781.06 of the Revised Code 74450  
and to help secure uniformity of state administrative rulings and 74451  
local legislation and administrative action to the bureau of 74452  
workers' compensation, the director of commerce, any other 74453  
department, officer, board, or commission of the state, and to 74454  
legislative authorities and building departments of counties, 74455  
townships, and municipal corporations, and shall recommend that 74456  
they audit those recommended rules, codes, and standards by any 74457  
appropriate action that they are allowed pursuant to law or the 74458  
constitution. 74459

(E)(1) The board shall certify municipal, township, and county building departments and the personnel of those building departments, and persons and employees of individuals, firms, or corporations as described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify

requirements that are compatible, to the extent possible, with 74492  
requirements the council of American building officials and 74493  
national model code organizations establish. 74494

(4) The board shall establish and collect a certification and 74495  
renewal fee for building department personnel, and persons and 74496  
employees of persons, firms, or corporations as described in this 74497  
section, who are certified pursuant to this division. 74498

(5) Any individual certified pursuant to this division shall 74499  
complete the number of hours of continuing building code education 74500  
that the board requires or, for failure to do so, forfeit 74501  
certification. 74502

(6) This division does not require or authorize the board to 74503  
certify personnel of municipal, township, and county building 74504  
departments, and persons and employees of persons, firms, or 74505  
corporations as described in this section, whose responsibilities 74506  
do not include the exercise of enforcement authority, the approval 74507  
of plans and specifications, or making inspections under the state 74508  
residential and nonresidential building codes. 74509

(7) Enforcement authority for approval of plans and 74510  
specifications and enforcement authority for inspections may be 74511  
exercised, and plans and specifications may be approved and 74512  
inspections may be made on behalf of a municipal corporation, 74513  
township, or county, by any of the following who the board of 74514  
building standards certifies: 74515

(a) Officers or employees of the municipal corporation, 74516  
township, or county; 74517

(b) Persons, or employees of persons, firms, or corporations, 74518  
pursuant to a contract to furnish architectural, engineering, or 74519  
other services to the municipal corporation, township, or county; 74520

(c) Officers or employees of, and persons under contract 74521  
with, a municipal corporation, township, county, health district, 74522



or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services. 74523  
74524

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section. 74525  
74526  
74527  
74528  
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(9) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth: 74530  
74531  
74532  
74533

(a) Whether the certification is requested for residential or nonresidential buildings, or both; 74534  
74535

(b) The number and qualifications of the staff composing the building department; 74536  
74537

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section; 74538  
74539  
74540

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section; 74541  
74542  
74543  
74544

(e) The proposed budget for the operation of the building department. 74545  
74546

(10) The board of building standards shall adopt rules governing all of the following: 74547  
74548

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. 74549  
74550  
74551  
The rules shall disqualify any employee of the department or 74552

person who contracts for services with the department from 74553  
performing services for the department when that employee or 74554  
person would have to pass upon, inspect, or otherwise exercise 74555  
authority over any labor, material, or equipment the employee or 74556  
person furnishes for the construction, alteration, or maintenance 74557  
of a building or the preparation of working drawings or 74558  
specifications for work within the jurisdictional area of the 74559  
department. The department shall provide other similarly qualified 74560  
personnel to enforce the residential and nonresidential building 74561  
codes as they pertain to that work. 74562

(b) The minimum services to be provided by a certified 74563  
building department. 74564

(11) The board of building standards may revoke or suspend 74565  
certification to enforce the residential and nonresidential 74566  
building codes, on petition to the board by any person affected by 74567  
that enforcement or approval of plans, or by the board on its own 74568  
motion. Hearings shall be held and appeals permitted on any 74569  
proceedings for certification or revocation or suspension of 74570  
certification in the same manner as provided in section 3781.101 74571  
of the Revised Code for other proceedings of the board of building 74572  
standards. 74573

(12) Upon certification, and until that authority is revoked, 74574  
any county or township building department shall enforce the 74575  
residential and nonresidential building codes for which it is 74576  
certified without regard to limitation upon the authority of 74577  
boards of county commissioners under Chapter 307. of the Revised 74578  
Code or boards of township trustees under Chapter 505. of the 74579  
Revised Code. 74580

(F) In addition to hearings sections 3781.06 to 3781.18 and 74581  
3791.04 of the Revised Code require, the board of building 74582  
standards shall make investigations and tests, and require from 74583  
other state departments, officers, boards, and commissions 74584

information the board considers necessary or desirable to assist 74585  
it in the discharge of any duty or the exercise of any power 74586  
mentioned in this section or in sections 3781.06 to 3781.18, 74587  
3791.04, and 4104.43 of the Revised Code. 74588

(G) The board shall adopt rules and establish reasonable fees 74589  
for the review of all applications submitted where the applicant 74590  
applies for authority to use a new material, assembly, or product 74591  
of a manufacturing process. The fee shall bear some reasonable 74592  
relationship to the cost of the review or testing of the 74593  
materials, assembly, or products and for the notification of 74594  
approval or disapproval as provided in section 3781.12 of the 74595  
Revised Code. 74596

(H) The residential construction advisory committee shall 74597  
provide the board with a proposal for a state residential building 74598  
code that the committee recommends pursuant to division ~~(C)~~(D)(1) 74599  
of section 4740.14 of the Revised Code. Upon receiving a 74600  
recommendation from the committee that is acceptable to the board, 74601  
the board shall adopt rules establishing that code as the state 74602  
residential building code. 74603

(I) The committee shall provide the board with proposed rules 74604  
to update or amend the state residential building code or to 74605  
update or amend rules that the board adopts pursuant to division 74606  
(E) of this section that relate to the certification of entities 74607  
that enforce the state residential building code that the 74608  
committee recommends pursuant to division (D)(2) of section 74609  
4740.14 of the Revised Code. 74610

(J) The board shall cooperate with the director of job and 74611  
family services when the director promulgates rules pursuant to 74612  
section 5104.05 of the Revised Code regarding safety and 74613  
sanitation in type A family day-care homes. 74614

~~(J)~~(K) The board shall adopt rules to implement the 74615

requirements of section 3781.108 of the Revised Code. 74616

**Sec. 3781.102.** (A) Any county or municipal building 74617  
department certified pursuant to division (E) of section 3781.10 74618  
of the Revised Code as of September 14, 1970, and that, as of that 74619  
date, was inspecting single-family, two-family, and three-family 74620  
residences, and any township building department certified 74621  
pursuant to division (E) of section 3781.10 of the Revised Code, 74622  
is hereby declared to be certified to inspect single-family, 74623  
two-family, and three-family residences containing industrialized 74624  
units, and shall inspect the buildings or classes of buildings 74625  
subject to division (E) of section 3781.10 of the Revised Code. 74626  
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(B) Each board of county commissioners may adopt, by 74628  
resolution, rules establishing standards and providing for the 74629  
licensing of electrical and heating, ventilating, and air 74630  
conditioning contractors who are not required to hold a valid and 74631  
unexpired license pursuant to Chapter 4740. of the Revised Code. 74632

Rules adopted by a board of county commissioners pursuant to 74633  
this division may be enforced within the unincorporated areas of 74634  
the county and within any municipal corporation where the 74635  
legislative authority of the municipal corporation has contracted 74636  
with the board for the enforcement of the county rules within the 74637  
municipal corporation pursuant to section 307.15 of the Revised 74638  
Code. The rules shall not conflict with rules adopted by the board 74639  
of building standards pursuant to section 3781.10 of the Revised 74640  
Code or by the department of commerce pursuant to Chapter 3703. of 74641  
the Revised Code. This division does not impair or restrict the 74642  
power of municipal corporations under Section 3 of Article XVIII, 74643  
Ohio Constitution, to adopt rules concerning the erection, 74644  
construction, repair, alteration, and maintenance of buildings and 74645  
structures or of establishing standards and providing for the 74646

licensing of specialty contractors pursuant to section 715.27 of 74647  
the Revised Code. 74648

A board of county commissioners, pursuant to this division, 74649  
may require all electrical contractors and heating, ventilating, 74650  
and air conditioning contractors, other than those who hold a 74651  
valid and unexpired license issued pursuant to Chapter 4740. of 74652  
the Revised Code, to successfully complete an examination, test, 74653  
or demonstration of technical skills, and may impose a fee and 74654  
additional requirements for a license to engage in their 74655  
respective occupations within the jurisdiction of the board's 74656  
rules under this division. 74657

(C) No board of county commissioners shall require any 74658  
specialty contractor who holds a valid and unexpired license 74659  
issued pursuant to Chapter 4740. of the Revised Code to 74660  
successfully complete an examination, test, or demonstration of 74661  
technical skills in order to engage in the type of contracting for 74662  
which the license is held, within the unincorporated areas of the 74663  
county and within any municipal corporation whose legislative 74664  
authority has contracted with the board for the enforcement of 74665  
county regulations within the municipal corporation, pursuant to 74666  
section 307.15 of the Revised Code. 74667

(D) A board may impose a fee for registration of a specialty 74668  
contractor who holds a valid and unexpired license issued pursuant 74669  
to Chapter 4740. of the Revised Code before that specialty 74670  
contractor may engage in the type of contracting for which the 74671  
license is held within the unincorporated areas of the county and 74672  
within any municipal corporation whose legislative authority has 74673  
contracted with the board for the enforcement of county 74674  
regulations within the municipal corporation, pursuant to section 74675  
307.15 of the Revised Code, provided that the fee is the same for 74676  
all specialty contractors who wish to engage in that type of 74677  
contracting. If a board imposes such a fee, the board immediately 74678

shall permit a specialty contractor who presents proof of holding 74679  
a valid and unexpired license and pays the required fee to engage 74680  
in the type of contracting for which the license is held within 74681  
the unincorporated areas of the county and within any municipal 74682  
corporation whose legislative authority has contracted with the 74683  
board for the enforcement of county regulations within the 74684  
municipal corporation, pursuant to section 307.15 of the Revised 74685  
Code. 74686

(E) The political subdivision associated with each municipal, 74687  
township, and county building department the board of building 74688  
standards certifies pursuant to division (E) of section 3781.10 of 74689  
the Revised Code may prescribe fees to be paid by persons, 74690  
political subdivisions, or any department, agency, board, 74691  
commission, or institution of the state, for the acceptance and 74692  
approval of plans and specifications, and for the making of 74693  
inspections, pursuant to sections 3781.03 and 3791.04 of the 74694  
Revised Code. 74695

(F) Each political subdivision that prescribes fees pursuant 74696  
to division (E) of this section shall collect, on behalf of the 74697  
board of building standards, fees equal to the following: 74698

(1) Three per cent of the fees the political subdivision 74699  
collects in connection with nonresidential buildings; 74700

(2) One per cent of the fees the political subdivision 74701  
collects in connection with residential buildings. 74702

(G)(1) The board shall adopt rules, in accordance with 74703  
Chapter 119. of the Revised Code, specifying the manner in which 74704  
the fee assessed pursuant to division (F) of this section shall be 74705  
collected and remitted monthly to the board. The board shall pay 74706  
the fees into the state treasury to the credit of the ~~industrial~~ 74707  
~~compliance~~ labor operating fund created in section 121.084 of the 74708  
Revised Code. 74709

(2) All money credited to the ~~industrial compliance labor~~ operating fund under this division shall be used exclusively for the following:

(a) Operating costs of the board;

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;

(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.

(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses.

(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter.

(J) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code.

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Sec. 3781.11. (A) The rules of the board of building standards shall:

(1) For nonresidential buildings, provide uniform minimum standards and requirements, and for residential buildings, provide standards and requirements that are uniform throughout the state, for construction and construction materials, including construction of industrialized units, to make residential and nonresidential buildings safe and sanitary as defined in section 3781.06 of the Revised Code;

(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:



(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building. 74771  
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(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code. 74774  
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(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration. 74776  
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(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply: 74779  
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(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code. 74782  
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(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition. 74784  
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(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of ~~industrial compliance~~ labor in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict. 74787  
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(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or 74795  
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part thereof, constructed, erected, altered, manufactured, or 74802  
repaired not in accordance with the statutes of this state or with 74803  
the rules of the board, and any building, structure, or part 74804  
thereof in which there is installed, altered, or repaired any 74805  
fixture, device, and material, or plumbing, heating, or 74806  
ventilating system, or electric wiring not in accordance with such 74807  
statutes or rules is a public nuisance. 74808

(D) As used in this section: 74809

(1) "Nonpublic school" means a chartered school for which 74810  
minimum standards are prescribed by the state board of education 74811  
pursuant to division (D) of section 3301.07 of the Revised Code. 74812

(2) "Workshop or factory" includes manufacturing, mechanical, 74813  
electrical, mercantile, art, and laundering establishments, 74814  
printing, telegraph, and telephone offices, railroad depots, and 74815  
memorial buildings, but does not include hotels and tenement and 74816  
apartment houses. 74817

**Sec. 3781.12.** (A)(1) Any person may petition the board of 74818  
building standards to adopt, amend, or annul a rule adopted 74819  
pursuant to section 3781.10 of the Revised Code, or to permit the 74820  
use of any particular fixture, device, material, system, method of 74821  
manufacture, product of a manufacturing process, or method or 74822  
manner of construction or installation that complies with 74823  
performance standards adopted pursuant to section 3781.11 of the 74824  
Revised Code, as regards the purposes declared in section 3781.06 74825  
of the Revised Code, of the fixtures, devices, materials, systems, 74826  
or methods or manners of construction, manufacture or installation 74827  
described in any section of the Revised Code relating to those 74828  
purposes, where the use is permitted by law. 74829

(2) Any person may petition the residential construction 74830  
advisory committee to recommend a rule to update or amend the 74831  
state residential building code or to update or amend rules that 74832

the board adopts pursuant to division (E) of section 3781.10 of 74833  
the Revised Code that relate to the certification of entities that 74834  
enforce the state residential building code. 74835

(B) Upon petition, the board shall cause to be conducted 74836  
testing and evaluation that the board determines desirable of any 74837  
fixture, device, material, system, assembly or product of a 74838  
manufacturing process, or method or manner of construction or 74839  
installation sought to be used under the rules the board adopts 74840  
pursuant to section 3781.10 of the Revised Code. 74841

(C) If the board, after hearing, determines it advisable to 74842  
adopt the rule, amendment, or annulment, or to permit the use of 74843  
the materials or assemblages petitioned for, it shall give at 74844  
least thirty days' notice of the time and place of a public 74845  
hearing as provided by section 119.03 of the Revised Code. No rule 74846  
shall be adopted, amended, or annulled or the use of materials or 74847  
assemblages authorized until after the public hearing. A copy of 74848  
every rule, amendment, or annulment, and a copy of every approved 74849  
material or assembly authorization signed by the chairperson of 74850  
the board of building standards and sealed with the seal of the 74851  
department of commerce shall, after final adoption or 74852  
authorization by the board, be filed with the secretary of state 74853  
and published as the board determines. The issuance of the 74854  
authorization for the use of the materials or assemblages 74855  
described in the petition constitutes approval for their use 74856  
anywhere in this state. Any rule, amendment, or annulment does not 74857  
take effect until a date the board fixes and states. No rule, 74858  
amendment, or annulment applies to any building for which the 74859  
plans or drawings, specifications, and data were approved prior to 74860  
the time the rule, amendment, or annulment becomes effective. All 74861  
hearings of the board are open to the public. Each member of the 74862  
board may administer oaths in the performance of the member's 74863  
duties. 74864

**Sec. 3781.19.** There is hereby established in the department 74865  
of commerce a board of building appeals consisting of five members 74866  
who shall be appointed by the governor with the advice and consent 74867  
of the senate. Terms of office shall be for four years, commencing 74868  
on the fourteenth day of October and ending on the thirteenth day 74869  
of October. Each member shall hold office from the date of 74870  
appointment until the end of the term for which the member was 74871  
appointed. Any member appointed to fill a vacancy occurring prior 74872  
to the expiration of the term for which the member's predecessor 74873  
was appointed shall hold office for the remainder of such term. 74874  
Any member shall continue in office subsequent to the expiration 74875  
date of the member's term until a successor takes office, or until 74876  
a period of sixty days has elapsed, whichever occurs first. One 74877  
member shall be an attorney-at-law, admitted to the bar of this 74878  
state and of the remaining members, one shall be a registered 74879  
architect and one shall be a professional engineer, each of whom 74880  
shall be duly licensed to practice their respective professions in 74881  
this state, one shall be a fire prevention officer qualified under 74882  
section 3737.66 of the Revised Code, and one shall be a person 74883  
with recognized ability in the plumbing or pipefitting profession. 74884  
No member of the board of building standards shall be a member of 74885  
the board of building appeals. Each member shall be paid an amount 74886  
fixed pursuant to Chapter 124. of the Revised Code per diem. The 74887  
department shall provide and assign to the board such employees as 74888  
are required by the board to perform its functions. The board may 74889  
adopt its own rules of procedure not inconsistent with sections 74890  
3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change 74891  
them in its discretion. The board may establish reasonable fees, 74892  
based on actual costs for administration of filing and processing, 74893  
not to exceed two hundred dollars, for the costs of filing and 74894  
processing appeals. A full and complete record of all proceedings 74895  
of the board shall be kept and be open to public inspection. 74896

In the enforcement by any department of the state or any political subdivision of this chapter and Chapter 3791., and sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 4104.45, 4105.011, and 4105.11 of the Revised Code and any rule made thereunder, such department is the agency referred to in sections 119.07, 119.08, and 119.10 of the Revised Code.

The appropriate municipal or county board of appeals, where one exists, certified pursuant to section 3781.20 of the Revised Code shall conduct the adjudication hearing referred to in sections 119.09 to 119.13 and required by section 3781.031 of the Revised Code. If there is no certified municipal or county board of appeals, the board of building appeals shall conduct the adjudication hearing. If the adjudication hearing concerns section 3781.111 of the Revised Code or any rule made thereunder, reasonable notice of the time, date, place, and subject of the hearing shall be given to any local corporation, association, or other organization composed of or representing handicapped persons, as defined in section 3781.111 of the Revised Code, or if there is no local organization, then to any statewide corporation, association, or other organization composed of or representing handicapped persons.

In addition to the provisions of Chapter 119. of the Revised Code, the municipal, county, or state board of building appeals, as the agency conducting the adjudication hearing, may reverse or modify the order of the enforcing agency if it finds that the order is contrary to this chapter and Chapters 3791. and 4104., and sections 3737.41, 3737.42, 4105.011, and 4105.11 of the Revised Code and any rule made thereunder or to a fair interpretation or application of such laws or any rule made thereunder, or that a variance from the provisions of such laws or any rule made thereunder, in the specific case, will not be contrary to the public interest where a literal enforcement of

such provisions will result in unnecessary hardship. 74929

The state board of building appeals or a certified municipal 74930  
or county board of appeals shall render its decision within thirty 74931  
days after the date of the adjudication hearing. Following the 74932  
adjudication hearing, any municipal or county officer, official 74933  
municipal or county board, or person who was a party to the 74934  
hearing before the municipal or county board of appeals may apply 74935  
to the state board of appeals for a de novo hearing before the 74936  
state board, or may appeal directly to the court of common pleas 74937  
pursuant to section 3781.031 of the Revised Code. 74938

In addition, any local corporation, association, or other 74939  
organization composed of or representing handicapped persons as 74940  
defined in section 3781.111 of the Revised Code, or, if no local 74941  
corporation, association, or organization exists, then any 74942  
statewide corporation, association, or other organization composed 74943  
of or representing handicapped persons may apply for the de novo 74944  
hearing or appeal to the court of common pleas from any decision 74945  
of a certified municipal or county board of appeals interpreting, 74946  
applying, or granting a variance from section 3781.111 of the 74947  
Revised Code and any rule made thereunder. Application for a de 74948  
novo hearing before the state board shall be made no later than 74949  
thirty days after the municipal or county board renders its 74950  
decision. 74951

The state board of building appeals or the appropriate 74952  
certified local board of building appeals shall grant variances 74953  
and exemptions from the requirements of section 3781.108 of the 74954  
Revised Code in accordance with rules adopted by the board of 74955  
building standards pursuant to division ~~(J)~~(K) of section 3781.10 74956  
of the Revised Code. 74957

The state board of building appeals or the appropriate 74958  
certified local board of building appeals shall, in granting a 74959  
variance or exemption from section 3781.108 of the Revised Code, 74960

in addition to any other considerations the state or the 74961  
appropriate local board determines appropriate, consider the 74962  
architectural and historical significance of the building. 74963

**Sec. 3783.05.** The board of building standards, in accordance 74964  
with Chapters 119., 3781., and 3791. of the Revised Code, shall 74965  
adopt, amend, or repeal such rules as may be reasonably necessary 74966  
to administer this chapter. All fees collected by the board 74967  
pursuant to this chapter shall be paid into the state treasury to 74968  
the credit of the ~~industrial compliance~~ labor operating fund 74969  
created in section 121.084 of the Revised Code. 74970

**Sec. 3791.02.** No owner, or person having the control as an 74971  
officer or member of a board or committee or otherwise of any 74972  
opera house, hall, theater, church, schoolhouse, college, academy, 74973  
seminary, infirmary, sanitarium, children's home, hospital, 74974  
medical institute, asylum, memorial building, armory, assembly 74975  
hall, or other building for the assemblage or betterment of people 74976  
shall fail to obey any order of the state fire marshal, boards of 74977  
health of city and general health districts, the building 74978  
inspector or commissioner in cities having a building inspection 74979  
department, or the superintendent of ~~the division of industrial~~ 74980  
~~compliance~~ labor in the department of commerce under Chapters 74981  
3781. and 3791. of the Revised Code or rules or regulations 74982  
adopted pursuant thereto. 74983

Whoever violates this section shall be fined not more than 74984  
one thousand dollars. 74985

**Sec. 3791.04.** (A)(1) Before beginning the construction, 74986  
erection, or manufacture of any building to which section 3781.06 74987  
of the Revised Code applies, including all industrialized units, 74988  
the owner of that building, in addition to any other submission 74989  
required by law, shall submit plans or drawings, specifications, 74990

and data prepared for the construction, erection, equipment, 74991  
alteration, or addition that indicate the portions that have been 74992  
approved pursuant to section 3781.12 of the Revised Code and for 74993  
which no further approval is required, to the municipal, township, 74994  
or county building department having jurisdiction unless one of 74995  
the following applies: 74996

(a) If no municipal, township, or county building department 74997  
certified for nonresidential buildings pursuant to division (E) of 74998  
section 3781.10 of the Revised Code has jurisdiction, the owner 74999  
shall make the submissions described in division (A)(1) of this 75000  
section to the superintendent of ~~the division of industrial~~ 75001  
~~compliance~~ labor. 75002

(b) If no certified municipal, township, or county building 75003  
department certified for residential buildings pursuant to 75004  
division (E) of section 3781.10 of the Revised Code has 75005  
jurisdiction, the owner is not required to make the submissions 75006  
described in division (A)(1) of this section. 75007

(2)(a) The seal of an architect registered under Chapter 75008  
4703. of the Revised Code or an engineer registered under Chapter 75009  
4733. of the Revised Code is required for any plans, drawings, 75010  
specifications, or data submitted for approval, unless the plans, 75011  
drawings, specifications, or data are permitted to be prepared by 75012  
persons other than registered architects pursuant to division (C) 75013  
or (D) of section 4703.18 of the Revised Code, or by persons other 75014  
than registered engineers pursuant to division (C) or (D) of 75015  
section 4733.18 of the Revised Code. 75016

(b) No seal is required for any plans, drawings, 75017  
specifications, or data submitted for approval for any residential 75018  
buildings, as defined in section 3781.06 of the Revised Code, or 75019  
erected as industrialized one-, two-, or three-family units or 75020  
structures within the meaning of "industrialized unit" as defined 75021  
in section 3781.06 of the Revised Code. 75022



(c) No seal is required for approval of the installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced. No seal is required for approval for any new construction, improvement, alteration, repair, painting, decorating, or other modification of any buildings or structures subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised Code if the proposed work does not involve technical design analysis, as defined by rule adopted by the board of building standards.

(B) No owner shall proceed with the construction, erection, alteration, or equipment of any building until the plans or drawings, specifications, and data have been approved as this section requires, or the industrialized unit inspected at the point of origin. No plans or specifications shall be approved or inspection approval given unless the building represented would, if constructed, repaired, erected, or equipped, comply with Chapters 3781. and 3791. of the Revised Code and any rule made under those chapters.

(C) The approval of plans or drawings and specifications or data pursuant to this section is invalid if construction, erection, alteration, or other work upon the building has not commenced within twelve months of the approval of the plans or drawings and specifications. One extension shall be granted for an additional twelve-month period if the owner requests at least ten days in advance of the expiration of the permit and upon payment of a fee not to exceed one hundred dollars. If in the course of construction, work is delayed or suspended for more than six months, the approval of plans or drawings and specifications or data is invalid. Two extensions shall be granted for six months each if the owner requests at least ten days in advance of the expiration of the permit and upon payment of a fee for each extension of not more than one hundred dollars. Before any work

may continue on the construction, erection, alteration, or 75055  
equipment of any building for which the approval is invalid, the 75056  
owner of the building shall resubmit the plans or drawings and 75057  
specifications for approval pursuant to this section. 75058

(D) Subject to section 3791.042 of the Revised Code, the 75059  
board of building standards or the legislative authority of a 75060  
municipal corporation, township, or county, by rule, may regulate 75061  
the requirements for the submission of plans and specifications to 75062  
the respective enforcing departments and for processing by those 75063  
departments. The board of building standards or the legislative 75064  
authority of a municipal corporation, township, or county may 75065  
adopt rules to provide for the approval, subject to section 75066  
3791.042 of the Revised Code, by the department having 75067  
jurisdiction of the plans for construction of a foundation or any 75068  
other part of a building or structure before the complete plans 75069  
and specifications for the entire building or structure are 75070  
submitted. When any plans are approved by the department having 75071  
jurisdiction, the structure and every particular represented by 75072  
and disclosed in those plans shall, in the absence of fraud or a 75073  
serious safety or sanitation hazard, be conclusively presumed to 75074  
comply with Chapters 3781. and 3791. of the Revised Code and any 75075  
rule issued pursuant to those chapters, if constructed, altered, 75076  
or repaired in accordance with those plans and any rule in effect 75077  
at the time of approval. 75078

(E) The approval of plans and specifications, including 75079  
inspection of industrialized units, under this section is a 75080  
"license" and the failure to approve plans or specifications as 75081  
submitted or to inspect the unit at the point of origin within 75082  
thirty days after the plans or specifications are filed or the 75083  
request to inspect the industrialized unit is made, the 75084  
disapproval of plans and specifications, or the refusal to approve 75085  
an industrialized unit following inspection at the point of origin 75086

is "an adjudication order denying the issuance of a license" 75087  
requiring an "adjudication hearing" as provided by sections 119.07 75088  
to 119.13 of the Revised Code and as modified by sections 3781.031 75089  
and 3781.19 of the Revised Code. An adjudication order denying the 75090  
issuance of a license shall specify the reasons for that denial. 75091

(F) The board of building standards shall not require the 75092  
submission of site preparation plans or plot plans to the division 75093  
of ~~industrial compliance~~ labor when industrialized units are used 75094  
exclusively as one-, two-, or three-family dwellings. 75095

(G) Notwithstanding any procedures the board establishes, if 75096  
the agency having jurisdiction objects to any portion of the plans 75097  
or specifications, the owner or the owner's representative may 75098  
request the agency to issue conditional approval to proceed with 75099  
construction up to the point of the objection. Approval shall be 75100  
issued only when the objection results from conflicting 75101  
interpretations of the rules of the board of building standards 75102  
rather than the application of specific technical requirements of 75103  
the rules. Approval shall not be issued where the correction of 75104  
the objection would cause extensive changes in the building design 75105  
or construction. The giving of conditional approval is a 75106  
"conditional license" to proceed with construction up to the point 75107  
where the construction or materials objected to by the agency are 75108  
to be incorporated into the building. No construction shall 75109  
proceed beyond that point without the prior approval of the agency 75110  
or another agency that conducts an adjudication hearing relative 75111  
to the objection. The agency having jurisdiction shall specify its 75112  
objections to the plans or specifications, which is an 75113  
"adjudication order denying the issuance of a license" and may be 75114  
appealed pursuant to sections 119.07 to 119.13 of the Revised Code 75115  
and as modified by sections 3781.031 and 3781.19 of the Revised 75116  
Code. 75117

(H) A certified municipal, township, or county building 75118

department having jurisdiction, or the superintendent ~~of the~~ 75119  
~~division of industrial compliance~~, as appropriate, shall review 75120  
any plans, drawings, specifications, or data described in this 75121  
section that are submitted to it or to the superintendent. 75122

(I) No owner or persons having control as an officer, or as a 75123  
member of a board or committee, or otherwise, of a building to 75124  
which section 3781.06 of the Revised Code is applicable, and no 75125  
architect, designer, engineer, builder, contractor, subcontractor, 75126  
or any officer or employee of a municipal, township, or county 75127  
building department shall violate this section. 75128

(J) Whoever violates this section shall be fined not more 75129  
than five hundred dollars. 75130

**Sec. 3791.05.** No owner, lessee, agent, factor, architect, or 75131  
contractor engaged in and having supervision or charge of the 75132  
building, erection, or construction of a block, building, or 75133  
structure, shall neglect or refuse to place or have placed upon 75134  
the joists of each story thereof, as soon as joists are in 75135  
position, counter floors of such quality and strength as to render 75136  
perfectly safe the going to and from thereon of all mechanics, 75137  
laborers, and other persons engaged upon the work of construction 75138  
or supervision, or in placing materials for such construction. 75139

Whoever violates this section shall be fined not less than 75140  
twenty-five nor more than two hundred dollars. 75141

Each day that such person neglects or refuses to have such 75142  
counter floors so placed, after notice is given by a building 75143  
inspector, a chief inspector, or deputy inspector of the city 75144  
building inspection department in cities where such department is 75145  
organized, or by the superintendent of ~~the division of industrial~~ 75146  
~~compliance labor~~ of the state, in cities where such departments 75147  
are not organized, or from a person whose life or personal safety 75148  
may be endangered by such neglect or refusal, is a separate 75149

offense. 75150

**Sec. 3791.07.** (A) The board of building standards may 75151  
establish such reasonable inspection fee schedules as it 75152  
determines necessary or desirable relating to the inspection of 75153  
all plans and specifications submitted for approval to the 75154  
division of ~~industrial compliance~~ labor, and all industrialized 75155  
units inspected at the point of origin and at the construction 75156  
site of the building. The inspection fee schedule established 75157  
shall bear some reasonable relationship to the cost of 75158  
administering and enforcing the provisions of Chapters 3781. and 75159  
3791. of the Revised Code. 75160

(B) In addition to the fee assessed in division (A) of this 75161  
section, the board shall assess a fee of not more than five 75162  
dollars for each application for acceptance and approval of plans 75163  
and specifications and for making inspections pursuant to section 75164  
3791.04 of the Revised Code. The board shall adopt rules, in 75165  
accordance with Chapter 119. of the Revised Code, specifying the 75166  
manner by which the superintendent of ~~the division of industrial~~ 75167  
~~compliance~~ labor shall collect and remit to the board the fees 75168  
assessed under this division and requiring that remittance of the 75169  
fees be made at least quarterly. 75170

(C) Any person who fails to pay an inspection fee required 75171  
for any inspection conducted by the department of commerce 75172  
pursuant to Chapters 3781. and 3791. of the Revised Code, except 75173  
for fees charged for the inspection of plans and specifications, 75174  
within forty-five days after the inspection is conducted, shall 75175  
pay a late payment fee equal to twenty-five per cent of the 75176  
inspection fee. 75177

(D) The board shall pay the fees assessed under this section 75178  
into the state treasury to the credit of the ~~industrial compliance~~ 75179  
labor operating fund created in section 121.084 of the Revised 75180

Code. 75181

**Sec. 3793.02.** (A) The department of alcohol and drug 75182  
addiction services shall promote, assist in developing, and 75183  
coordinate or conduct programs of education and research for the 75184  
prevention of alcohol and drug addiction, the prevention of 75185  
gambling addiction, the treatment, including intervention, of 75186  
alcoholics and persons who abuse drugs of abuse, including 75187  
anabolic steroids, and the treatment, including intervention, of 75188  
persons with gambling addictions. Programs established by the 75189  
department shall include abstinence-based prevention and treatment 75190  
programs. 75191

(B) In addition to the other duties prescribed by this 75192  
chapter, the department shall do all of the following: 75193

(1) Promote and coordinate efforts in the provision of 75194  
alcohol and drug addiction services and of gambling addiction 75195  
services by other state agencies, as defined in section 1.60 of 75196  
the Revised Code; courts; hospitals; clinics; physicians in 75197  
private practice; public health authorities; boards of alcohol, 75198  
drug addiction, and mental health services; alcohol and drug 75199  
addiction programs; law enforcement agencies; gambling addiction 75200  
programs; and related groups; 75201

(2) Provide for education and training in prevention, 75202  
diagnosis, treatment, and control of alcohol and drug addiction 75203  
and of gambling addiction for medical students, physicians, 75204  
nurses, social workers, professional counselors, psychologists, 75205  
and other persons who provide alcohol and drug addiction services 75206  
or gambling addiction services; 75207

(3) Provide training and consultation for persons who 75208  
supervise alcohol and drug addiction programs and facilities or 75209  
gambling addiction programs and facilities; 75210

(4) Develop measures for evaluating the effectiveness of alcohol and drug addiction services, including services that use methadone treatment, and of gambling addiction services, and for increasing the accountability of alcohol and drug addiction programs and of gambling addiction programs;

(5) Provide to each court of record, and biennially update, a list of the treatment and education programs within that court's jurisdiction that the court may require an offender, sentenced pursuant to section 4511.19 of the Revised Code, to attend;

(6) ~~Print and distribute~~ Make the warning sign described in sections 3313.752, 3345.41, and 3707.50 of the Revised Code available on the department's internet web site;

(7) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code.

(C) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.

(D) Pursuant to Chapter 119. of the Revised Code, the department shall adopt a rule defining the term "intervention" as it is used in this chapter in connection with alcohol and drug addiction services and in connection with gambling addiction services. The department may adopt other rules as necessary to implement the requirements of this chapter.

**Sec. 3793.04.** The department of alcohol and drug addiction services shall develop, administer, and revise as necessary a comprehensive statewide alcohol and drug addiction services plan for the implementation of this chapter. The plan shall emphasize abstinence from the use of alcohol and drugs of abuse as the

primary goal of alcohol and drug addiction services. The council 75241  
on alcohol and drug addiction services shall advise the department 75242  
in the development and implementation of the plan. 75243

The plan shall provide for the allocation of state and 75244  
federal funds for service furnished by alcohol and drug addiction 75245  
programs under contract with boards of alcohol, drug addiction, 75246  
and mental health services and for distribution of the funds to 75247  
such boards. The plan shall specify the methodology that the 75248  
department will use for determining how funds will be allocated 75249  
and distributed. A portion of the funds shall be allocated on the 75250  
basis of the ratio of the population of each alcohol, drug 75251  
addiction, and mental health service district to the total 75252  
population of the state as determined from the most recent federal 75253  
census or the most recent official estimate made by the United 75254  
States census bureau. 75255

The plan shall ensure that alcohol and drug addiction 75256  
services of a high quality are accessible to, and responsive to 75257  
the needs of, all persons, especially those who are members of 75258  
underserved groups, including, but not limited to, African 75259  
Americans, Hispanics, native Americans, Asians, juvenile and adult 75260  
offenders, women, and persons with special services needs due to 75261  
age or disability. The plan shall include a program to promote and 75262  
protect the rights of those who receive services. 75263

To aid in formulating the plan and in evaluating the 75264  
effectiveness and results of alcohol and drug addiction services, 75265  
the department, in consultation with the department of mental 75266  
health, shall establish and maintain an information system or 75267  
systems. The department of alcohol and drug addiction services 75268  
shall specify the information that must be provided by boards of 75269  
alcohol, drug addiction, and mental health services and by alcohol 75270  
and drug addiction programs for inclusion in the system. The 75271  
department shall not collect any personal information ~~for the~~ 75272



~~purpose of identifying by name any person who receives a service through a board, from the boards except as required or permitted by the state or federal law to validate appropriate reimbursement for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight.~~ 75273  
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In consultation with boards, programs, and persons receiving services, the department shall establish guidelines for the use of state and federal funds and for the boards' development of plans for services required by sections 340.033 and 3793.05 of the Revised Code. 75279  
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In any fiscal year, the department shall spend, or allocate to boards, for methadone maintenance programs or any similar programs not more than eight per cent of the total amount appropriated to the department for the fiscal year. 75284  
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**Sec. 3793.21.** (A) The department of alcohol and drug addiction services shall annually establish a limit on the amount or portion of state and federal funds provided by the department to boards of alcohol, drug addiction, and mental health services that may be used for a board's administrative functions. The department may deny state or federal funds to a board that exceeds the limit established by the department. Administrative functions for which funds may be provided may include continuous quality improvement, utilization review, resource development, fiscal administration, general administration, and any other administrative function required by Chapter 340. of the Revised Code. 75288  
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(B) Any state or federal funds used for board administrative functions shall be from the funds allocated by the department to the boards according to the methodology specified by the department under the plan described in section 3793.04 of the 75300  
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Revised Code. 75304

(C) The director of alcohol and drug addiction services may 75305  
waive the limit described by this section for a board of alcohol, 75306  
drug addiction, and mental health services if, based on the 75307  
board's prior written request, the director determines that an 75308  
exception to the limit is warranted. 75309

(D) Each board shall submit an annual report to the 75310  
department detailing its use of state and federal funds for the 75311  
administrative functions of the board. 75312

**Sec. 3901.38.** As used in this section and sections 3901.381 75313  
to 3901.3814 of the Revised Code: 75314

(A) "Beneficiary" means any policyholder, subscriber, member, 75315  
employee, or other person who is eligible for benefits under a 75316  
benefits contract. 75317

(B) "Benefits contract" means a sickness and accident 75318  
insurance policy providing hospital, surgical, or medical expense 75319  
coverage, or a health insuring corporation contract or other 75320  
policy or agreement under which a third-party payer agrees to 75321  
reimburse for covered health care or dental services rendered to 75322  
beneficiaries, up to the limits and exclusions contained in the 75323  
benefits contract. 75324

(C) "Hospital" has the same meaning as in section 3727.01 of 75325  
the Revised Code. 75326

(D) "Medicaid managed care organization" means a managed care 75327  
organization that has a contract with the department of job and 75328  
family services pursuant to section 5111.17 of the Revised Code. 75329

(E) "Provider" means a hospital, nursing home, physician, 75330  
podiatrist, dentist, pharmacist, chiropractor, or other health 75331  
care provider entitled to reimbursement by a third-party payer for 75332  
services rendered to a beneficiary under a benefits contract. 75333

~~(E)~~(F) "Reimburse" means indemnify, make payment, or 75334  
otherwise accept responsibility for payment for health care 75335  
services rendered to a beneficiary, or arrange for the provision 75336  
of health care services to a beneficiary. 75337

~~(F)~~(G) "Third-party payer" means any of the following: 75338

(1) An insurance company; 75339

(2) A health insuring corporation; 75340

(3) A labor organization; 75341

(4) An employer; 75342

(5) An intermediary organization, as defined in section 75343  
1751.01 of the Revised Code, that is not a health delivery network 75344  
contracting solely with self-insured employers; 75345

(6) An administrator subject to sections 3959.01 to 3959.16 75346  
of the Revised Code; 75347

(7) A health delivery network, as defined in section 1751.01 75348  
of the Revised Code; 75349

(8) A medicaid managed care organization; 75350

(9) Any other person that is obligated pursuant to a benefits 75351  
contract to reimburse for covered health care services rendered to 75352  
beneficiaries under such contract. 75353

**Sec. 3901.383.** (A) A provider and a third-party payer may do 75354  
either of the following: 75355

(1) Enter into a contractual agreement under which time 75356  
periods shorter than those set forth in section 3901.381 of the 75357  
Revised Code are applicable to the third-party payer in paying a 75358  
claim for any amount due for health care services rendered by the 75359  
provider; 75360

(2) Enter into a contractual agreement under which the timing 75361

of payments by the third-party payer is not directly related to 75362  
the receipt of a claim form. The contractual arrangement may 75363  
include periodic interim payment arrangements, capitation payment 75364  
arrangements, or other periodic payment arrangements acceptable to 75365  
the provider and the third-party payer. Under a capitation payment 75366  
arrangement, the third-party payer shall begin paying the 75367  
capitated amounts to the beneficiary's primary care provider not 75368  
later than sixty days after the date the beneficiary selects or is 75369  
assigned to the provider. Under any other contractual periodic 75370  
payment arrangement, the contractual agreement shall state, with 75371  
specificity, the timing of payments by the third-party payer. 75372

~~(B) Regardless of whether a third-party payer is exempted~~ 75373  
~~under division (D) of section 3901.3814 from sections 3901.38 and~~ 75374  
~~3901.381 to 3901.3813 of the Revised Code, a A provider and the a~~ 75375  
third-party payer, including a third-party payer that provides 75376  
coverage under the medicaid program, shall not enter into a 75377  
contractual arrangement under which time periods longer than those 75378  
provided for in paragraph (c)(1) of 42 C.F.R. 447.46 are 75379  
applicable to the third-party payer in paying a claim for any 75380  
amount due for health care services rendered by the provider. 75381

**Sec. 3901.3812.** (A) If, after completion of an examination 75382  
involving information collected from a six-month period, the 75383  
superintendent finds that a third-party payer has committed a 75384  
series of violations that, taken together, constitutes a 75385  
consistent pattern or practice of violating division (A) of 75386  
section 3901.3811 of the Revised Code, the superintendent may 75387  
impose on the third-party payer any of the administrative remedies 75388  
specified in division (B) of this section. In making a finding 75389  
under this division, the superintendent shall apply the error 75390  
tolerance standards for claims processing contained in the market 75391  
conduct examiners handbook issued by the national association of 75392  
insurance commissioners in effect at the time the claims were 75393

processed. 75394

Before imposing an administrative remedy, the superintendent 75395  
shall provide written notice to the third-party payer informing 75396  
the third-party payer of the reasons for the superintendent's 75397  
finding, the administrative remedy the superintendent proposes to 75398  
impose, and the opportunity to submit a written request for an 75399  
administrative hearing regarding the finding and proposed remedy. 75400  
If the third-party payer requests a hearing, the superintendent 75401  
shall conduct the hearing in accordance with Chapter 119. of the 75402  
Revised Code not later than fifteen days after receipt of the 75403  
request. 75404

(B)(1) In imposing administrative remedies under division (A) 75405  
of this section for violations of section 3901.381 of the Revised 75406  
Code, the superintendent may do any of the following: 75407

(a) Levy a monetary penalty in an amount determined in 75408  
accordance with division (B)(3) of this section; 75409

(b) Order the payment of interest directly to the provider in 75410  
accordance with section 3901.389 of the Revised Code; 75411

(c) Order the third-party payer to cease and desist from 75412  
engaging in the violations; 75413

(d) If a monetary penalty is not levied under division 75414  
(B)(1)(a) of this section, impose any of the administrative 75415  
remedies provided for in section 3901.22 of the Revised Code, 75416  
other than those specified in divisions (D)(4) and (5) and (G) of 75417  
that section. 75418

(2) In imposing administrative remedies under division (A) of 75419  
this section for violations of sections 3901.384 to 3901.3810 of 75420  
the Revised Code, the superintendent may do any of the following: 75421

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(a) Levy a monetary penalty in an amount determined in 75423

accordance with division (B)(3) of this section; 75424

(b) Order the payment of interest directly to the provider in 75425  
accordance with section 3901.38 of the Revised Code; 75426

(c) Order the third-party payer to cease and desist from 75427  
engaging in the violations; 75428

(d) If a monetary penalty is not levied under division 75429  
(B)(2)(a) of this section, impose any of the administrative 75430  
remedies provided for in section 3901.22 of the Revised Code, 75431  
other than those specified in divisions (D)(4) and (5) and (G) of 75432  
that section. For violations of sections 3901.384 to 3901.3810 of 75433  
the Revised Code that did not comply with section 3901.381 of the 75434  
Revised Code, the superintendent may also use section 3901.22 of 75435  
the Revised Code except divisions (D)(4) and (5) of that section. 75436

(3) A finding by the superintendent that a third-party payer 75437  
has committed a series of violations that, taken together, 75438  
constitutes a consistent pattern or practice of violating division 75439  
(A) of section 3901.3811 of the Revised Code, shall constitute a 75440  
single offense for purposes of levying a fine under division 75441  
(B)(1)(a) and (B)(2)(a) of this section. For a first offense, the 75442  
superintendent may levy a fine of not more than one hundred 75443  
thousand dollars. For a second offense that occurs on or earlier 75444  
than four years from the first offense, the superintendent may 75445  
levy a fine of not more than one hundred fifty thousand dollars. 75446  
For a third or additional offense that occurs on or earlier than 75447  
seven years after a first offense, the superintendent may levy a 75448  
fine of not more than three hundred thousand dollars. In 75449  
determining the amount of a fine to be levied within the specified 75450  
limits, the superintendent shall consider the following factors: 75451

(a) The extent and frequency of the violations; 75452

(b) Whether the violations were due to circumstances beyond 75453  
the third-party payer's control; 75454

(c) Any remedial actions taken by the third-party payer to prevent future violations;	75455 75456
(d) The actual or potential harm to others resulting from the violations;	75457 75458
(e) If the third-party payer knowingly and willingly committed the violations;	75459 75460
(f) The third-party payer's financial condition;	75461
(g) Any other factors the superintendent considers appropriate.	75462 75463
(C) The remedies imposed by the superintendent under this section are in addition to, and not in lieu of, such other remedies as providers and beneficiaries may otherwise have by law.	75464 75465 75466
(D) Any fine collected under this section shall be paid into the state treasury as follows:	75467 75468
(1) Twenty-five per cent of the total to the credit of the department of insurance operating fund created by section 3901.021 of the Revised Code;	75469 75470 75471
(2) Sixty-five per cent of the total to the credit of the general revenue fund;	75472 75473
(3) Ten per cent of the total to the credit of claims processing education <del>fund</del> <u>account</u> , which is hereby created <u>within the department of insurance operating fund created by section 3901.021 of the Revised Code</u> .	75474 75475 75476 75477
All money credited to the claims processing education <del>fund</del> <u>account</u> shall be used by the department of insurance to make technical assistance available to third-party payers, providers, and beneficiaries for effective implementation of the provisions of sections 3901.38 and 3901.381 to 3901.3814 of the Revised Code.	75478 75479 75480 75481 75482
<b>Sec. 3901.3814. (A)</b> Sections 3901.38 and 3901.381 to	75483

3901.3813 of the Revised Code do not apply to the following: 75484

~~(A)~~(1) Policies offering coverage that is regulated under 75485  
Chapters 3935. and 3937. of the Revised Code; 75486

~~(B)~~(2) An employer's self-insurance plan and any of its 75487  
administrators, as defined in section 3959.01 of the Revised Code, 75488  
to the extent that federal law supersedes, preempts, prohibits, or 75489  
otherwise precludes the application of any provisions of those 75490  
sections to the plan and its administrators; 75491

~~(C)~~(3) A third-party payer for coverage provided under the 75492  
medicare advantage program operated under Title XVIII of the 75493  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 75494  
amended; 75495

~~(D)~~ A third party payer for coverage provided under the 75496  
medicaid program operated under Title XIX of the "Social Security 75497  
Act," except that if a federal waiver applied for under section 75498  
5111.178 of the Revised Code is granted or the director of job and 75499  
family services determines that this provision can be implemented 75500  
without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of 75501  
the Revised Code apply to claims submitted electronically or 75502  
non-electronically that are made with respect to coverage of 75503  
medicaid recipients by health insuring corporations licensed under 75504  
Chapter 1751. of the Revised Code, instead of the prompt payment 75505  
requirements of 42 C.F.R. 447.46; 75506

~~(E)~~(4) A third-party payer for coverage provided under the 75507  
tricare program offered by the United States department of 75508  
defense. ~~i~~ 75509

~~(F)~~(5) A third-party payer for coverage provided under the 75510  
children's buy-in program established under sections 5101.5211 to 75511  
5101.5216 of the Revised Code. 75512

(B) The application of sections 3901.38 to 3901.3813 of the 75513  
Revised Code to medicaid managed care organizations neither 75514



affects the department of job and family services' authority under 75515  
section 5111.01 of the Revised Code to act as the single state 75516  
medicaid agency nor affects the department's authority to enter 75517  
into contracts with managed care organizations under section 75518  
5111.17 of the Revised Code. 75519

**Sec. 3903.77.** (A) Every property and casualty insurance 75520  
company doing business in this state, except as exempted by rule 75521  
adopted by the superintendent of insurance, annually, shall cause 75522  
to be prepared by an actuary, appointed by the company, the 75523  
following documents: 75524

(1) An actuarial opinion that certifies to the current 75525  
adequacy of the insurance company's reserves and that shall be 75526  
entitled a "statement of actuarial opinion"; 75527

(2) A summary that shall be in support of the statement of 75528  
actuarial opinion and that shall be entitled an "actuarial opinion 75529  
summary." An insurance company licensed but not domiciled in this 75530  
state need not include the actuarial opinion summary in its 75531  
submissions to the superintendent but shall make the summary 75532  
available to the superintendent upon request. 75533

(B) The insurance company annually shall submit the documents 75534  
prepared pursuant to division (A) of this section to the 75535  
superintendent in accordance with the national association of 75536  
insurance commissioners' property and casualty annual statement 75537  
instructions. The documents shall accompany the insurance 75538  
company's annual financial statement described in section 3901.77 75539  
of the Revised Code. 75540

(C)(1) Every property and casualty insurance company doing 75541  
business in this state shall prior to preparation of the statement 75542  
of actuarial opinion and the actuarial opinion summary prepare an 75543  
actuarial report and underlying work papers to support the 75544  
statement of actuarial opinion and the actuarial opinion summary 75545

required under division (A) of this section in accordance with the 75546  
national association of insurance commissioners' property and 75547  
casualty statement instructions. The insurance company shall make 75548  
the actuarial report and underlying work papers available to the 75549  
superintendent upon request. 75550

(2) If an insurance company fails to provide the actuarial 75551  
report or work papers at the request of the superintendent 75552  
pursuant to division (C)(1) of this section or the superintendent 75553  
determines that the actuarial report or work papers provided are 75554  
unacceptable, the superintendent may contract with a qualified 75555  
actuary at the expense of the insurance company to review the 75556  
statement of actuarial opinion provided by the insurance company 75557  
pursuant to division (A) of this section and the basis for that 75558  
opinion and to prepare an actuarial report and work papers. 75559

(D) Except in cases of fraud or willful misconduct on the 75560  
part of the actuary, no actuary appointed by an insurance company 75561  
to prepare the statement of actuarial opinion and actuarial 75562  
opinion summary required under division (A) of this section is 75563  
liable for damages to any person except the insurance company and 75564  
the superintendent for any act, error, omission, decision, or 75565  
conduct with respect to the actuary's opinion. 75566

(E) The statement of actuarial opinion required under 75567  
division (A) of this section is a public document and a public 75568  
record as defined in section 149.43 of the Revised Code. However, 75569  
the actuarial opinion summary, actuarial report, work papers, and 75570  
any documents, materials or other information provided in support 75571  
of the statement of actuarial opinion are privileged and 75572  
confidential, are not a public record, and are not subject to 75573  
subpoena or to discovery, and are not admissible in evidence in 75574  
any private civil action. 75575

Neither the superintendent nor any person who receives 75576  
documents, materials, or other information required to be kept 75577

confidential under this division while acting under the authority 75578  
of the superintendent shall testify in any private civil action 75579  
concerning any documents, materials, or other information required 75580  
to be kept confidential under this division. 75581

This section shall not be construed to limit the 75582  
superintendent's authority to release documents to the actuarial 75583  
board for counseling and discipline so long as the documents are 75584  
necessary for the purpose of professional disciplinary proceedings 75585  
and the actuarial board for counseling and discipline establishes 75586  
procedures satisfactory to the superintendent for preserving the 75587  
confidentiality of the documents. Neither shall this section be 75588  
construed to limit the superintendent's authority to use 75589  
documents, materials, nor other information in furtherance of any 75590  
regulatory or legal action brought as part of the superintendent's 75591  
official duties. 75592

(F) In order to assist in the performance of the 75593  
superintendent's duties, the superintendent may do all of the 75594  
following: 75595

(1) Share documents, materials, or other information, 75596  
including any documents, materials, or other information required 75597  
to be kept confidential under division (E) of this section, with 75598  
other state, federal, and international regulatory and law 75599  
enforcement agencies and with the national association of 75600  
insurance commissioners including its affiliates and subsidiaries 75601  
if the recipient agrees to maintain the confidentiality and 75602  
privileged status of the document, material, or other information 75603  
and has the legal authority to maintain confidentiality; 75604

(2) Receive documents, materials, or other information, 75605  
including otherwise confidential and privileged documents, 75606  
materials, and information from other state, federal, and 75607  
international regulatory and law enforcement agencies and from the 75608  
national association of insurance commissioners including its 75609

affiliates and subsidiaries. The superintendent shall maintain the 75610  
confidentiality and privileged status of any document, material, 75611  
or other information received with notice of confidential and 75612  
privileged status under the laws of the jurisdiction that is the 75613  
source of the document, material, or information. 75614

(3) Enter into agreements consistent with divisions (E) and 75615  
(F) of this section for the sharing and use of information. 75616

(G) No waiver of any privilege or claim of confidentiality of 75617  
documents, materials, or other information shall occur as a result 75618  
of any disclosure to the superintendent under this section or as a 75619  
result of any sharing of documents, materials, or other 75620  
information authorized by the superintendent under division (G) of 75621  
this section. 75622

(H) As used in this section, "qualified actuary" means a 75623  
person who is a member in good standing of the American academy of 75624  
actuaries and who meets the requirements identified in the 75625  
national association of insurance commissioners' property and 75626  
casualty statement instructions. 75627

**Sec. 3923.021.** (A) As used in this section, ~~"benefits:~~ 75628

(1) "Benefits provided are not unreasonable in relation to 75629  
the premium charged" means the rates were calculated in accordance 75630  
with sound actuarial principles. 75631

(2) "Individual policy of sickness and accident insurance" 75632  
includes sickness and accident insurance made available by 75633  
insurers in the individual market to individuals, with or without 75634  
family members or dependents, through group policies issued to one 75635  
or more associations or entities. 75636

(B) With respect to any filing, made pursuant to section 75637  
3923.02 of the Revised Code, of any premium rates for any 75638  
individual policy of sickness and accident insurance or 75639

certificates made available by an insurer to individuals in the 75640  
individual market through a group policy or for any indorsement or 75641  
rider pertaining thereto, the superintendent of insurance may, 75642  
within thirty days after filing: 75643

(1) Disapprove such filing after finding that the benefits 75644  
provided are unreasonable in relation to the premium charged. Such 75645  
disapproval shall be effected by written order of the 75646  
superintendent, a copy of which shall be mailed to the insurer 75647  
that has made the filing. In the order, the superintendent shall 75648  
specify the reasons for the disapproval and state that a hearing 75649  
will be held within fifteen days after requested in writing by the 75650  
insurer. If a hearing is so requested, the superintendent shall 75651  
also give such public notice as the superintendent considers 75652  
appropriate. The superintendent, within fifteen days after the 75653  
commencement of any hearing, shall issue a written order, a copy 75654  
of which shall be mailed to the insurer that has made the filing, 75655  
either affirming the prior disapproval or approving such filing 75656  
after finding that the benefits provided are not unreasonable in 75657  
relation to the premium charged. 75658

(2) Set a date for a public hearing to commence no later than 75659  
forty days after the filing. The superintendent shall give the 75660  
insurer making the filing twenty days' written notice of the 75661  
hearing and shall give such public notice as the superintendent 75662  
considers appropriate. The superintendent, within twenty days 75663  
after the commencement of a hearing, shall issue a written order, 75664  
a copy of which shall be mailed to the insurer that has made the 75665  
filing, either approving such filing if the superintendent finds 75666  
that the benefits provided are not unreasonable in relation to the 75667  
premium charged, or disapproving such filing if the superintendent 75668  
finds that the benefits provided are unreasonable in relation to 75669  
the premium charged. This division does not apply to any insurer 75670  
organized or transacting the business of insurance under Chapter 75671

3907. or 3909. of the Revised Code. 75672

(3) Take no action, in which case such filing shall be deemed 75673  
to be approved and shall become effective upon the thirty-first 75674  
day after such filing, unless the superintendent has previously 75675  
given to the insurer a written approval. 75676

(C) At any time after any filing has been approved pursuant 75677  
to this section, the superintendent may, after a hearing of which 75678  
at least twenty days' written notice has been given to the insurer 75679  
that has made such filing and for which such public notice as the 75680  
superintendent considers appropriate has been given, withdraw 75681  
approval of such filing after finding that the benefits provided 75682  
are unreasonable in relation to the premium charged. Such 75683  
withdrawal of approval shall be effected by written order of the 75684  
superintendent, a copy of which shall be mailed to the insurer 75685  
that has made the filing, which shall state the ground for such 75686  
withdrawal and the date, not less than forty days after the date 75687  
of such order, when the withdrawal or approval shall become 75688  
effective. 75689

(D) The superintendent may retain at the insurer's expense 75690  
such attorneys, actuaries, accountants, and other experts not 75691  
otherwise a part of the superintendent's staff as shall be 75692  
reasonably necessary to assist in the preparation for and conduct 75693  
of any public hearing under this section. The expense for 75694  
retaining such experts and the expenses of the department of 75695  
insurance incurred in connection with such public hearing shall be 75696  
assessed against the insurer in an amount not to exceed one 75697  
one-hundredth of one per cent of the sum of premiums earned plus 75698  
net realized investment gain or loss of such insurer as reflected 75699  
in the most current annual statement on file with the 75700  
superintendent. Any person retained shall be under the direction 75701  
and control of the superintendent and shall act in a purely 75702  
advisory capacity. 75703

Sec. 3923.022. (A) As used in this section: 75704

(1)(a) "Administrative expense" means the amount resulting 75705  
from the following: the amount of premiums ~~received~~ earned by the 75706  
insurer for sickness and accident insurance business plus the 75707  
amount of losses recovered from reinsurance coverage minus the sum 75708  
of the amount of claims for losses paid; the amount of losses 75709  
incurred but not reported; the amount ~~paid~~ incurred for state 75710  
fees, federal and state taxes, and reinsurance; and the incurred 75711  
costs and expenses related, either directly or indirectly, to the 75712  
payment of commissions, measures to control fraud, and managed 75713  
care. 75714

(b) "Administrative expense" does not include any amounts 75715  
collected, or administrative expenses incurred, by an insurer for 75716  
the administration of an employee health benefit plan subject to 75717  
regulation by the federal "Employee Retirement Income Security Act 75718  
of 1974," 88 Stat. 832, 29 U.S.C.A. 1001, as amended. "Amounts 75719  
collected or administrative expenses incurred" means the total 75720  
amount paid to an administrator for the administration and payment 75721  
of claims minus the sum of the amount of claims for losses paid 75722  
and the amount of losses incurred but not reported. 75723

(2) "Insurer" means any insurance company authorized under 75724  
Title XXXIX of the Revised Code to do the business of sickness and 75725  
accident insurance in this state. 75726

(3) "Sickness and accident insurance business" does not 75727  
include coverage provided by an insurer for specific diseases or 75728  
accidents only; any hospital indemnity, medicare supplement, 75729  
long-term care, disability income, one-time-limited-duration 75730  
policy of no longer than six months, or other policy that offers 75731  
only supplemental benefits; or coverage provided to individuals 75732  
who are not residents of this state. 75733

(4) "Individual business" includes both individual sickness 75734

and accident insurance and sickness and accident insurance made 75735  
available by insurers in the individual market to individuals, 75736  
with or without family members or dependents, through group 75737  
policies issued to one or more associations or entities. 75738

(B) Notwithstanding section 3941.14 of the Revised Code, ~~the~~ 75739  
~~following apply to every insurer:~~ 75740

~~(1) For calendar year 1993, each insurer shall have aggregate~~ 75741  
~~administrative expenses of no more than forty per cent of the~~ 75742  
~~premium income of the insurer, based on the premiums received in~~ 75743  
~~that year on the sickness and accident insurance business of the~~ 75744  
~~insurer.~~ 75745

~~(2) For calendar year 1994, each insurer shall have aggregate~~ 75746  
~~administrative expenses of no more than thirty per cent of the~~ 75747  
~~premium income of the insurer, based on the premiums received in~~ 75748  
~~that year on the sickness and accident insurance business of the~~ 75749  
~~insurer.~~ 75750

~~(3) For calendar year 1995, each insurer shall have aggregate~~ 75751  
~~administrative expenses of no more than twenty five per cent of~~ 75752  
~~the premium income of the insurer, based on the premiums received~~ 75753  
~~in that year on the sickness and accident insurance business of~~ 75754  
~~the insurer.~~ 75755

~~(4) For calendar year 1996 and every calendar year~~ 75756  
~~thereafter,~~ each insurer shall have aggregate administrative 75757  
expenses of no more than twenty per cent of the premium income of 75758  
the insurer, based on the premiums ~~received~~ earned in that year on 75759  
the sickness and accident insurance business of the insurer. 75760

(C)(1) Each insurer, on the first day of January or within 75761  
sixty days thereafter, shall annually prepare, under oath, and 75762  
deposit in the office of the superintendent of insurance a 75763  
statement of the aggregate administrative expenses of the insurer, 75764  
based on the premiums ~~received~~ earned in the immediately preceding 75765



calendar year on the sickness and accident insurance business of 75766  
the insurer. The statement shall itemize and separately detail all 75767  
of the following information with respect to the insurer's 75768  
sickness and accident insurance business: 75769

(a) The amount of premiums earned by the insurer both before 75770  
and after any costs related to the insurer's purchase of 75771  
reinsurance coverage; 75772

(b) The total amount of claims for losses paid by the insurer 75773  
both before and after any reimbursement from reinsurance coverage; 75774

(c) The amount of any losses incurred by the insurer but not 75775  
reported by the insurer in the current or prior year; 75776

(d) The amount of costs incurred by the insurer for state 75777  
fees and federal and state taxes; 75778

(e) The amount of costs incurred by the insurer for 75779  
reinsurance coverage; 75780

(f) The amount of costs incurred by the insurer that are 75781  
related to the insurer's payment of commissions; 75782

(g) The amount of costs incurred by the insurer that are 75783  
related to the insurer's fraud prevention measures; 75784

(h) The amount of costs incurred by the insurer that are 75785  
related to managed care; and 75786

(i) Any other administrative expenses incurred by the 75787  
insurer. 75788

(2) The statement also shall include all of the information 75789  
required under division (C)(1) of this section separately detailed 75790  
for the insurer's individual business, small group business, and 75791  
large group business. 75792

(D) No insurer shall fail to comply with ~~division (B)~~ of this 75793  
section. 75794

(E) If the superintendent determines that an insurer has violated ~~division (D)~~ of this section, the superintendent, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, may order the suspension of the insurer's license to do the business of sickness and accident insurance in this state until the superintendent is satisfied that the insurer is in compliance with ~~division (B)~~ of this section. If the insurer continues to do the business of sickness and accident insurance in this state while under the suspension order, the superintendent shall order the insurer to pay one thousand dollars for each day of the violation.

(F) Any money collected by the superintendent under division (E) of this section shall be deposited by ~~him~~ the superintendent into the state treasury to the credit of the department of insurance operating fund.

**Sec. 3923.122.** (A) Every policy of group sickness and accident insurance providing hospital, surgical, or medical expense coverage for other than specific diseases or accidents only, and delivered, issued for delivery, or renewed in this state on or after January 1, 1976, shall include a provision giving each insured the option to convert to the following:

(1) In the case of an individual who is not a federally eligible individual, any of the individual policies of hospital, surgical, or medical expense insurance then being issued by the insurer with benefit limits not to exceed those in effect under the group policy;

(2) In the case of a federally eligible individual, a basic or standard plan established ~~by the board of directors of the Ohio health reinsurance program~~ in accordance with section 3924.10 of the Revised Code or plans substantially similar to the basic and standard plan in benefit design and scope of covered services. For

purposes of division (A)(2) of this section, the superintendent of 75826  
insurance shall determine whether a plan is substantially similar 75827  
to the basic or standard plan in benefit design and scope of 75828  
covered services. 75829

(B) An option for conversion to an individual policy shall be 75830  
available without evidence of insurability to every insured, 75831  
including any person eligible under division (D) of this section, 75832  
who terminates employment or membership in the group holding the 75833  
policy after having been continuously insured thereunder for at 75834  
least one year. 75835

Upon receipt of the insured's written application and upon 75836  
payment of at least the first quarterly premium not later than 75837  
thirty-one days after the termination of coverage under the group 75838  
policy, the insurer shall issue a converted policy on a form then 75839  
available for conversion. The premium shall be in accordance with 75840  
the insurer's table of premium rates in effect on the later of the 75841  
following dates: 75842

(1) The effective date of the converted policy; 75843

(2) The date of application therefor; and shall be applicable 75844  
to the class of risk to which each person covered belongs and to 75845  
the form and amount of the policy at the person's then attained 75846  
age. However, premiums charged federally eligible individuals may 75847  
not exceed an amount that is ~~two~~ one and one-half times the 75848  
~~midpoint of the standard base~~ base rate charged any other individual of 75849  
a group to which the insurer is currently accepting new business 75850  
and for which similar copayments and deductibles are applied. 75851

At the election of the insurer, a separate converted policy 75852  
may be issued to cover any dependent of an employee or member of 75853  
the group. 75854

Except as provided in division (H) of this section, any 75855  
converted policy shall become effective as of the day following 75856

the date of termination of insurance under the group policy. 75857

Any probationary or waiting period set forth in the converted 75858  
policy is deemed to commence on the effective date of the 75859  
insured's coverage under the group policy. 75860

(C) No insurer shall be required to issue a converted policy 75861  
to any person who is, or is eligible to be, covered for benefits 75862  
at least comparable to the group policy under: 75863

(1) Title XVIII of the Social Security Act, as amended or 75864  
superseded; 75865

(2) Any act of congress or law under this or any other state 75866  
of the United States that duplicates coverage offered under 75867  
division (C)(1) of this section; 75868

(3) Any policy that duplicates coverage offered under 75869  
division (C)(1) of this section; 75870

(4) Any other group sickness and accident insurance providing 75871  
hospital, surgical, or medical expense coverage for other than 75872  
specific diseases or accidents only. 75873

(D) The option for conversion shall be available: 75874

(1) Upon the death of the employee or member, to the 75875  
surviving spouse with respect to such of the spouse and dependents 75876  
as are then covered by the group policy; 75877

(2) To a child solely with respect to the child upon 75878  
attaining the limiting age of coverage under the group policy 75879  
while covered as a dependent thereunder; 75880

(3) Upon the divorce, dissolution, or annulment of the 75881  
marriage of the employee or member, to the divorced spouse, or 75882  
former spouse in the event of annulment, of such employee or 75883  
member, or upon the legal separation of the spouse from such 75884  
employee or member, to the spouse. 75885

Persons possessing the option for conversion pursuant to this 75886

division shall be considered members for the purposes of division 75887  
(H) of this section. 75888

(E) If coverage is continued under a group policy on an 75889  
employee following retirement prior to the time the employee is, 75890  
or is eligible to be, covered by Title XVIII of the Social 75891  
Security Act, the employee may elect, in lieu of the continuance 75892  
of group insurance, to have the same conversion rights as would 75893  
apply had the employee's insurance terminated at retirement by 75894  
reason of termination of employment. 75895

(F) If the insurer and the group policyholder agree upon one 75896  
or more additional plans of benefits to be available for converted 75897  
policies, the applicant for the converted policy may elect such a 75898  
plan in lieu of a converted policy. 75899

(G) The converted policy may contain provisions for avoiding 75900  
duplication of benefits provided pursuant to divisions (C)(1), 75901  
(2), (3), and (4) of this section or provided under any other 75902  
insured or noninsured plan or program. 75903

(H) If an employee or member becomes entitled to obtain a 75904  
converted policy pursuant to this section, and if the employee or 75905  
member has not received notice of the conversion privilege at 75906  
least fifteen days prior to the expiration of the thirty-one-day 75907  
conversion period provided in division (B) of this section, then 75908  
the employee or member has an additional period within which to 75909  
exercise the privilege. This additional period shall expire 75910  
fifteen days after the employee or member receives notice, but in 75911  
no event shall the period extend beyond sixty days after the 75912  
expiration of the thirty-one-day conversion period. 75913

Written notice presented to the employee or member, or mailed 75914  
by the policyholder to the last known address of the employee or 75915  
member as indicated on its records, constitutes notice for the 75916  
purpose of this division. In the case of a person who is eligible 75917

for a converted policy under division (D)(2) or (D)(3) of this 75918  
section, a policyholder shall not be responsible for presenting or 75919  
mailing such notice, unless such policyholder has actual knowledge 75920  
of the person's eligibility for a converted policy. 75921

If an additional period is allowed by an employee or member 75922  
for the exercise of a conversion privilege, and if written 75923  
application for the converted policy, accompanied by at least the 75924  
first quarterly premium, is made after the expiration of the 75925  
thirty-one-day conversion period, but within the additional period 75926  
allowed an employee or member in accordance with this division, 75927  
the effective date of the converted policy shall be the date of 75928  
application. 75929

(I) The converted policy may provide that any hospital, 75930  
surgical, or medical expense benefits otherwise payable with 75931  
respect to any person may be reduced by the amount of any such 75932  
benefits payable under the group policy for the same loss after 75933  
termination of coverage. 75934

(J) The converted policy may contain: 75935

(1) Any exclusion, reduction, or limitation contained in the 75936  
group policy or customarily used in individual policies issued by 75937  
the insurer; 75938

(2) Any provision permitted in this section; 75939

(3) Any other provision not prohibited by law. 75940

Any provision required or permitted in this section may be 75941  
made a part of any converted policy by means of an endorsement or 75942  
rider. 75943

(K) The time limit specified in a converted policy for 75944  
certain defenses with respect to any person who was covered by a 75945  
group policy shall commence on the effective date of such person's 75946  
coverage under the group policy. 75947

(L) No insurer shall use deterioration of health as the basis 75948  
for refusing to renew a converted policy. 75949

(M) No insurer shall use age or health status as the basis 75950  
for refusing to renew a converted policy. 75951

(N) A converted policy made available pursuant to this 75952  
section shall, if delivery of the policy is to be made in this 75953  
state, comply with this section. If delivery of a converted policy 75954  
is to be made in another state, it may be on a form offered by the 75955  
insurer in the jurisdiction where the delivery is to be made and 75956  
which provides benefits substantially in compliance with those 75957  
required in a policy delivered in this state. 75958

(O) As used in this section, ~~"federally:~~ 75959

(1) "Base rate" means, as to any health benefit plan that is 75960  
issued by an insurer in the individual market, the lowest premium 75961  
rate for new or existing business prescribed by the insurer for 75962  
the same or similar coverage under a plan or arrangement covering 75963  
any individual with similar case characteristics. 75964

(2) "Federally eligible individual" means an eligible 75965  
individual as defined in 45 C.F.R. 148.103. 75966

**Sec. 3923.24.** ~~Every~~ (A) Notwithstanding section 3901.71 of 75967  
the Revised Code, every certificate furnished by an insurer in 75968  
connection with, or pursuant to any provision of, any group 75969  
sickness and accident insurance policy delivered, issued for 75970  
delivery, renewed, or used in this state on or after January 1, 75971  
1972, ~~and~~ every policy of sickness and accident insurance 75972  
delivered, issued for delivery, renewed, or used in this state on 75973  
or after January 1, 1972, and every multiple employer welfare 75974  
arrangement offering an insurance program, which provides that 75975  
coverage of an unmarried dependent child of a parent or legal 75976  
guardian will terminate upon attainment of the limiting age for 75977

dependent children specified in the contract shall also provide in 75978  
substance ~~that~~ both of the following: 75979

(1) Once an unmarried child has attained the limiting age for 75980  
dependent children, as provided in the policy, upon the request of 75981  
the insured, the insurer shall offer to cover the unmarried child 75982  
until the child attains twenty-nine years of age if all of the 75983  
following are true: 75984

(a) The child is a resident of this state or a full-time 75985  
student at an accredited public or private institution of higher 75986  
education. 75987

(b) The child is not employed by an employer that offers any 75988  
health benefit plan under which the child is eligible for 75989  
coverage. 75990

(c) The child is not eligible for coverage under the medicaid 75991  
program established under Chapter 5111. of the Revised Code or the 75992  
medicare program established under Title XVIII of the "Social 75993  
Security Act," 42 U.S.C. 1395. 75994

(2) That attainment of ~~such~~ the limiting age for dependent 75995  
children shall not operate to terminate the coverage of ~~such~~ a 75996  
dependent child if the child is and continues to be both of the 75997  
following: 75998

~~(A)~~(a) Incapable of self-sustaining employment by reason of 75999  
mental retardation or physical handicap; 76000

~~(B)~~(b) Primarily dependent upon the policyholder or 76001  
certificate holder for support and maintenance. 76002

(B) Proof of such incapacity and dependence for purposes of 76003  
division (A)(2) of this section shall be furnished by the 76004  
policyholder or by the certificate holder to the insurer within 76005  
thirty-one days of the child's attainment of the limiting age. 76006  
Upon request, but not more frequently than annually after the 76007



two-year period following the child's attainment of the limiting 76008  
age, the insurer may require proof satisfactory to it of the 76009  
continuance of such incapacity and dependency. 76010

(C) Nothing in this section shall require an insurer to cover 76011  
a dependent child who is mentally retarded or physically 76012  
handicapped if the contract is underwritten on evidence of 76013  
insurability based on health factors set forth in the application, 76014  
or if such dependent child does not satisfy the conditions of the 76015  
contract as to any requirement for evidence of insurability or 76016  
other provision of the contract, satisfaction of which is required 76017  
for coverage thereunder to take effect. In any such case, the 76018  
terms of the contract shall apply with regard to the coverage or 76019  
exclusion of the dependent from such coverage. Nothing in this 76020  
section shall apply to accidental death or dismemberment benefits 76021  
provided by any such policy of sickness and accident insurance. 76022

(D) Nothing in this section shall do any of the following: 76023

(1) Require that any policy offer coverage for dependent 76024  
children or provide coverage for an unmarried dependent child's 76025  
children as dependents on the policy; 76026

(2) Require an employer to pay for any part of the premium 76027  
for an unmarried dependent child that has attained the limiting 76028  
age for dependents, as provided in the policy; 76029

(3) Require an employer to offer health insurance coverage to 76030  
the dependents of any employee. 76031

(E) This section does not apply to any policies or 76032  
certificates covering only accident, credit, dental, disability 76033  
income, long-term care, hospital indemnity, medicare supplement, 76034  
specified disease, or vision care; coverage under a 76035  
one-time-limited-duration policy of not longer than six months; 76036  
coverage issued as a supplement to liability insurance; insurance 76037  
arising out of a workers' compensation or similar law; automobile 76038

medical-payment insurance; or insurance under which benefits are 76039  
payable with or without regard to fault and that is statutorily 76040  
required to be contained in any liability insurance policy or 76041  
equivalent self-insurance. 76042

(F) As used in this section, "health benefit plan" has the 76043  
same meaning as in section 3924.01 of the Revised Code and also 76044  
includes both of the following: 76045

(1) A public employee benefit plan; 76046

(2) A health benefit plan as regulated under the "Employee 76047  
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 76048

Sec. 3923.241. (A) Notwithstanding section 3901.71 of the 76049  
Revised Code, any public employee benefit plan that provides that 76050  
coverage of an unmarried dependent child will terminate upon 76051  
attainment of the limiting age for dependent children specified in 76052  
the plan shall also provide in substance both of the following: 76053

(1) Once an unmarried child has attained the limiting age for 76054  
dependent children, as provided in the plan, upon the request of 76055  
the employee, the public employee benefit plan shall offer to 76056  
cover the unmarried child until the child attains twenty-nine 76057  
years of age if all of the following are true: 76058

(a) The child is a resident of this state or a full-time 76059  
student at an accredited public or private institution of higher 76060  
education. 76061

(b) The child is not employed by an employer that offers any 76062  
health benefit plan under which the child is eligible for 76063  
coverage. 76064

(c) The child is not eligible for coverage under the medicaid 76065  
program established under Chapter 5111. of the Revised Code or the 76066  
medicare program established under Title XVIII of the "Social 76067  
Security Act," 42 U.S.C. 1395. 76068

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following: 76069  
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76071  
76072

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap; 76073  
76074

(b) Primarily dependent upon the plan member for support and maintenance. 76075  
76076

(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency. 76077  
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(C) Nothing in this section shall do any of the following: 76084

(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan; 76085  
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76087  
76088

(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan; 76089  
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76091

(3) Require an employer to offer health insurance coverage to the dependents of any employee. 76092  
76093

(D) This section does not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, or vision care; coverage under a one-time-limited-duration policy of not longer than six months; 76094  
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coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance. 76099  
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(E) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following: 76105  
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(1) A public employee benefit plan; 76108

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 76109  
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**Sec. 3923.57.** Notwithstanding any provision of this chapter, every individual policy of sickness and accident insurance that is delivered, issued for delivery, or renewed in this state is subject to the following conditions, as applicable: 76111  
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(A) Pre-existing conditions provisions shall not exclude or limit coverage for a period beyond twelve months following the policyholder's effective date of coverage and may only relate to conditions during the six months immediately preceding the effective date of coverage. 76115  
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(B) In determining whether a pre-existing conditions provision applies to a policyholder or dependent, each policy shall credit the time the policyholder or dependent was covered under a previous policy, contract, or plan if the previous coverage was continuous to a date not more than ~~thirty~~ sixty-three days prior to the effective date of the new coverage, exclusive of any applicable service waiting period under the policy. 76120  
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(C)(1) Except as otherwise provided in division (C) of this section, an insurer that provides an individual sickness and 76127  
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accident insurance policy to an individual shall renew or continue 76129  
in force such coverage at the option of the individual. 76130

(2) An insurer may nonrenew or discontinue coverage of an 76131  
individual in the individual market based only on one or more of 76132  
the following reasons: 76133

(a) The individual failed to pay premiums or contributions in 76134  
accordance with the terms of the policy or the insurer has not 76135  
received timely premium payments. 76136

(b) The individual performed an act or practice that 76137  
constitutes fraud or made an intentional misrepresentation of 76138  
material fact under the terms of the policy. 76139

(c) The insurer is ceasing to offer coverage in the 76140  
individual market in accordance with division (D) of this section 76141  
and the applicable laws of this state. 76142

(d) If the insurer offers coverage in the market through a 76143  
network plan, the individual no longer resides, lives, or works in 76144  
the service area, or in an area for which the insurer is 76145  
authorized to do business; provided, however, that such coverage 76146  
is terminated uniformly without regard to any health 76147  
status-related factor of covered individuals. 76148

(e) If the coverage is made available in the individual 76149  
market only through one or more bona fide associations, the 76150  
membership of the individual in the association, on the basis of 76151  
which the coverage is provided, ceases; provided, however, that 76152  
such coverage is terminated under division (C)(2)(e) of this 76153  
section uniformly without regard to any health status-related 76154  
factor of covered individuals. 76155

An insurer offering coverage to individuals solely through 76156  
membership in a bona fide association shall not be deemed, by 76157  
virtue of that offering, to be in the individual market for 76158  
purposes of sections 3923.58 and 3923.581 of the Revised Code. 76159

Such an insurer shall not be required to accept applicants for 76160  
coverage in the individual market pursuant to sections 3923.58 and 76161  
3923.581 of the Revised Code unless the insurer also offers 76162  
coverage to individuals other than through bona fide associations. 76163

(3) An insurer may cancel or decide not to renew the coverage 76164  
of a dependent of an individual if the dependent has performed an 76165  
act or practice that constitutes fraud or made an intentional 76166  
misrepresentation of material fact under the terms of the coverage 76167  
and if the cancellation or nonrenewal is not based, either 76168  
directly or indirectly, on any health status-related factor in 76169  
relation to the dependent. 76170

(D)(1) If an insurer decides to discontinue offering a 76171  
particular type of health insurance coverage offered in the 76172  
individual market, coverage of such type may be discontinued by 76173  
the insurer if the insurer does all of the following: 76174

(a) Provides notice to each individual provided coverage of 76175  
this type in such market of the discontinuation at least ninety 76176  
days prior to the date of the discontinuation of the coverage; 76177

(b) Offers to each individual provided coverage of this type 76178  
in such market, the option to purchase any other individual health 76179  
insurance coverage currently being offered by the insurer for 76180  
individuals in that market; 76181

(c) In exercising the option to discontinue coverage of this 76182  
type and in offering the option of coverage under division 76183

(D)(1)(b) of this section, acts uniformly without regard to any 76184  
health status-related factor of covered individuals or of 76185  
individuals who may become eligible for such coverage. 76186

(2) If an insurer elects to discontinue offering all health 76187  
insurance coverage in the individual market in this state, health 76188  
insurance coverage may be discontinued by the insurer only if both 76189  
of the following apply: 76190

(a) The insurer provides notice to the department of insurance and to each individual of the discontinuation at least one hundred eighty days prior to the date of the expiration of the coverage. 76191  
76192  
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(b) All health insurance delivered or issued for delivery in this state in such market is discontinued and coverage under that health insurance in that market is not renewed. 76195  
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(3) In the event of a discontinuation under division (D)(2) of this section in the individual market, the insurer shall not provide for the issuance of any health insurance coverage in the market and this state during the five-year period beginning on the date of the discontinuation of the last health insurance coverage not so renewed. 76198  
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(E) Notwithstanding divisions (C) and (D) of this section, an insurer may, at the time of coverage renewal, modify the health insurance coverage for a policy form offered to individuals in the individual market if the modification is consistent with the law of this state and effective on a uniform basis among all individuals with that policy form. 76204  
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(F) Such policies are subject to sections 2743 and 2747 of the "Health Insurance Portability and Accountability Act of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-43 and 300gg-47, as amended. 76210  
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(G) Sections 3924.031 and 3924.032 of the Revised Code shall apply to sickness and accident insurance policies offered in the individual market in the same manner as they apply to health benefit plans offered in the small employer market. 76214  
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In accordance with 45 C.F.R. 148.102, divisions (C) to (G) of this section also apply to all group sickness and accident insurance policies that are not sold in connection with an employment-related group health plan and that provide more than 76218  
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short-term, limited duration coverage. 76222

In applying divisions (C) to (G) of this section with respect 76223  
to health insurance coverage that is made available by an insurer 76224  
in the individual market to individuals only through one or more 76225  
associations, the term "individual" includes the association of 76226  
which the individual is a member. 76227

For purposes of this section, any policy issued pursuant to 76228  
division (C) of section 3923.13 of the Revised Code in connection 76229  
with a public or private college or university student health 76230  
insurance program is considered to be issued to a bona fide 76231  
association. 76232

As used in this section, "bona fide association" has the same 76233  
meaning as in section 3924.03 of the Revised Code, and "health 76234  
status-related factor" and "network plan" have the same meanings 76235  
as in section 3924.031 of the Revised Code. 76236

This section does not apply to any policy that provides 76237  
coverage for specific diseases or accidents only, or to any 76238  
hospital indemnity, medicare supplement, long-term care, 76239  
disability income, one-time-limited-duration policy of no longer 76240  
than six months, or other policy that offers only supplemental 76241  
benefits. 76242

**Sec. 3923.58.** (A) As used in sections 3923.58 and 3923.59 of 76243  
the Revised Code: 76244

(1) "Health "Base rate" means, as to any health benefit plan 76245  
that is issued by an insurer in the individual market, the lowest 76246  
premium rate for new or existing business prescribed by the 76247  
insurer for the same or similar coverage under a plan or 76248  
arrangement covering any individual with similar case 76249  
characteristics. 76250

(2) "Carrier," "health benefit plan," and "MEWA" have the 76251



same meanings as in section 3924.01 of the Revised Code. 76252

~~(2)~~(3) "Insurer" means any sickness and accident insurance 76253  
company authorized to do business in this state, or MEWA 76254  
authorized to issue insured health benefit plans in this state. 76255  
"Insurer" does not include any health insuring corporation that is 76256  
owned or operated by an insurer. 76257

~~(3)~~(4) "Ohio health care basic and standard plans" means 76258  
those plans established under section 3924.10 of the Revised Code. 76259

(5) "Pre-existing conditions provision" means a policy 76260  
provision that excludes or limits coverage for charges or expenses 76261  
incurred during a specified period following the insured's 76262  
effective date of coverage as to a condition which, during a 76263  
specified period immediately preceding the effective date of 76264  
coverage, had manifested itself in such a manner as would cause an 76265  
ordinarily prudent person to seek medical advice, diagnosis, care, 76266  
or treatment or for which medical advice, diagnosis, care, or 76267  
treatment was recommended or received, or a pregnancy existing on 76268  
the effective date of coverage. 76269

(B) Beginning in January of each year, insurers in the 76270  
business of issuing individual policies of sickness and accident 76271  
insurance as contemplated by section 3923.021 of the Revised Code, 76272  
except individual policies issued pursuant to section 3923.122 of 76273  
the Revised Code, shall accept applicants for open enrollment 76274  
coverage, as set forth in this division, in the order in which 76275  
they apply for coverage and subject to the limitation set forth in 76276  
division (G) of this section. Insurers shall accept for coverage 76277  
pursuant to this section individuals to whom both of the following 76278  
conditions apply: 76279

(1) The individual is not applying for coverage as an 76280  
employee of an employer, as a member of an association, or as a 76281  
member of any other group. 76282

(2) The individual is not covered, and is not eligible for coverage, under any other private or public health benefits arrangement, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, or any other act of congress or law of this or any other state of the United States that provides benefits comparable to the benefits provided under this section, any medicare supplement policy, or any continuation of coverage policy under state or federal law.

(C) An insurer shall offer to any individual accepted under this section the Ohio health care basic and standard plans ~~established by the board of directors of the Ohio health reinsurance program under division (A) of section 3924.10 of the Revised Code~~ or health benefit plans that are substantially similar to the Ohio health care basic and standard plans in benefit plan design and scope of covered services.

An insurer may offer other health benefit plans in addition to, but not in lieu of, the plans required to be offered under this division. A basic health benefit plan shall provide, at a minimum, the coverage provided by the Ohio health care basic plan or any health benefit plan that is substantially similar to the Ohio health care basic plan in benefit plan design and scope of covered services. A standard health benefit plan shall provide, at a minimum, the coverage provided by the Ohio health care standard plan or any health benefit plan that is substantially similar to the Ohio health care standard plan in benefit plan design and scope of covered services.

For purposes of this division, the superintendent of insurance shall determine whether a health benefit plan is substantially similar to the Ohio health care basic and standard plans in benefit plan design and scope of covered services.

(D)(1) Health benefit plans issued under this section may

establish pre-existing conditions provisions that exclude or limit 76315  
coverage for a period of up to twelve months following the 76316  
individual's effective date of coverage and that may relate only 76317  
to conditions during the six months immediately preceding the 76318  
effective date of coverage. 76319

(2) In determining whether a pre-existing conditions 76320  
provision applies to a policyholder or dependent, each policy 76321  
shall credit the time the policyholder or dependent was covered 76322  
under a previous policy, contract, or plan if the previous 76323  
coverage was continuous to a date not more than sixty-three days 76324  
prior to the effective date of the new coverage, exclusive of any 76325  
applicable service waiting period under the policy. 76326

(E) Premiums charged to individuals under this section may 76327  
not exceed an amount that is ~~two~~ one and one-half times the 76328  
~~highest base rate charged for coverage offered to any other~~ 76329  
individual to which the insurer is currently accepting new 76330  
business, and for which similar copayments and deductibles are 76331  
applied. 76332

(F) In offering health benefit plans under this section, an 76333  
insurer may require the purchase of health benefit plans that 76334  
condition the reimbursement of health services upon the use of a 76335  
specific network of providers. 76336

(G)(1) ~~In no event shall an~~ An insurer shall not be required 76337  
to accept new applicants under this section if the total number of 76338  
new insureds accepted annually under this section ~~individuals who,~~ 76339  
~~in the aggregate, would cause the insurer to have a total number~~ 76340  
~~of new insureds that is more than~~ and section 3923.581 of the 76341  
Revised Code exceeds four and one-half per cent of ~~its~~ the 76342  
insurer's total number of insured individuals and nonemployer 76343  
group insureds in this state per year, as ~~contemplated by section~~ 76344  
~~3923.021 of the Revised Code,~~ calculated as of the immediately 76345  
preceding thirty-first day of December and excluding the insurer's 76346

medicare supplement policies and conversion or continuation of 76347  
coverage policies under state or federal law and any policies 76348  
described in division (L) of this section. 76349

(2) An officer of the insurer shall certify to the department 76350  
of insurance when it has met the enrollment limit set forth in 76351  
division (G)(1) of this section. Upon providing such 76352  
certification, the insurer shall be relieved of its open 76353  
enrollment requirement under this section for the remainder of the 76354  
calendar year. 76355

(H) An insurer shall not be required to accept under this 76356  
section applicants who, at the time of enrollment, are confined to 76357  
a health care facility because of chronic illness, permanent 76358  
injury, or other infirmity that would cause economic impairment to 76359  
the insurer if the applicants were accepted, ~~or~~. An insurer shall 76360  
not be required to make the effective date of benefits for 76361  
individuals accepted under this section earlier than ninety days 76362  
after the date of acceptance, except that when the individual had 76363  
prior coverage with a health benefit plan that was terminated by a 76364  
carrier because the carrier exited the market and the individual 76365  
was accepted for open enrollment under this section within 76366  
sixty-three days of that termination, the effective date of 76367  
benefits shall be the date of enrollment. 76368

(I) The requirements of this section do not apply to any 76369  
insurer that is currently in a state of supervision, insolvency, 76370  
or liquidation. If an insurer demonstrates to the satisfaction of 76371  
the superintendent that the requirements of this section would 76372  
place the insurer in a state of supervision, insolvency, or 76373  
liquidation, the superintendent may waive or modify the 76374  
requirements of division (B) or (G) of this section. The actions 76375  
of the superintendent under this division shall be effective for a 76376  
period of not more than one year. At the expiration of such time, 76377  
a new showing of need for a waiver or modification by the insurer 76378

shall be made before a new waiver or modification is issued or 76379  
imposed. 76380

(J) No hospital, health care facility, or health care 76381  
practitioner, and no person who employs any health care 76382  
practitioner, shall balance bill any individual or dependent of an 76383  
individual for any health care supplies or services provided to 76384  
the individual or dependent who is insured under a policy issued 76385  
under this section. The hospital, health care facility, or health 76386  
care practitioner, or any person that employs the health care 76387  
practitioner, shall accept payments made to it by the insurer 76388  
under the terms of the policy or contract insuring or covering 76389  
such individual as payment in full for such health care supplies 76390  
or services. 76391

As used in this division, "hospital" has the same meaning as 76392  
in section 3727.01 of the Revised Code; "health care practitioner" 76393  
has the same meaning as in section 4769.01 of the Revised Code; 76394  
and "balance bill" means charging or collecting an amount in 76395  
excess of the amount reimbursable or payable under the policy or 76396  
health care service contract issued to an individual under this 76397  
section for such health care supply or service. "Balance bill" 76398  
does not include charging for or collecting copayments or 76399  
deductibles required by the policy or contract. 76400

(K) An insurer ~~shall~~ may pay an agent a commission in the 76401  
amount of not more than five per cent of the premium charged for 76402  
initial placement or for otherwise securing the issuance of a 76403  
policy or contract issued to an individual under this section, and 76404  
not more than four per cent of the premium charged for the renewal 76405  
of such a policy or contract. The superintendent may adopt, in 76406  
accordance with Chapter 119. of the Revised Code, such rules as 76407  
are necessary to enforce this division. 76408

(L) This section does not apply to any policy that provides 76409  
coverage for specific diseases or accidents only, or to any 76410

hospital indemnity, medicare supplement, long-term care, 76411  
disability income, one-time-limited-duration policy of no longer 76412  
than six months, or other policy that offers only supplemental 76413  
benefits. 76414

**Sec. 3923.581.** (A) As used in this section: 76415

(1) "Base rate" means, as to any health benefit plan that is 76416  
issued by a carrier in the individual market, the lowest premium 76417  
rate for new or existing business prescribed by the carrier for 76418  
the same or similar coverage under a plan or arrangement covering 76419  
any individual with similar case characteristics. 76420

(2) "Carrier," "health benefit plan," "MEWA," and 76421  
"pre-existing conditions provision" have the same meanings as in 76422  
section 3924.01 of the Revised Code. 76423

~~(2)~~(3) "Federally eligible individual" means an eligible 76424  
individual as defined in 45 C.F.R. 148.103. 76425

~~(3)~~(4) "Health status-related factor" means any of the 76426  
following: 76427

(a) Health status; 76428

(b) Medical condition, including both physical and mental 76429  
illnesses; 76430

(c) Claims experience; 76431

(d) Receipt of health care; 76432

(e) Medical history; 76433

(f) Genetic information; 76434

(g) Evidence of insurability, including conditions arising 76435  
out of acts of domestic violence; 76436

(h) Disability. 76437

~~(4)~~ "Midpoint rate" means, for individuals with similar case 76438

~~characteristics and plan designs and as determined by the~~ 76439  
~~applicable carrier for a rating period, the arithmetic average of~~ 76440  
~~the applicable base premium rate and the corresponding highest~~ 76441  
~~premium rate.~~ 76442

(5) "Network plan" means a health benefit plan of a carrier 76443  
under which the financing and delivery of medical care, including 76444  
items and services paid for as medical care, are provided, in 76445  
whole or in part, through a defined set of providers under 76446  
contract with the carrier. 76447

(6) "Ohio health care basic and standard plans" means those 76448  
plans established under section 3924.10 of the Revised Code. 76449

(B) Beginning in January of each year, carriers in the 76450  
business of issuing health benefit plans to individuals or 76451  
nonemployer groups shall accept federally eligible individuals for 76452  
open enrollment coverage, as provided in this section, in the 76453  
order in which they apply for coverage and subject to the 76454  
limitation set forth in division (J) of this section. 76455

(C) No carrier shall do either of the following: 76456

(1) Decline to offer such coverage to, or deny enrollment of, 76457  
such individuals; 76458

(2) Apply any pre-existing conditions provision to such 76459  
coverage. 76460

(D) A carrier shall offer to federally eligible individuals 76461  
the Ohio health care basic and standard plan ~~established by the~~ 76462  
~~board of directors of the Ohio health reinsurance program~~ plans or 76463  
plans substantially similar to the basic and standard ~~plan~~ plans 76464  
in benefit design and scope of covered services. For purposes of 76465  
this division, the superintendent of insurance shall determine 76466  
whether a plan is substantially similar to the basic or standard 76467  
plan in benefit design and scope of covered services. 76468

(E) Premiums charged to individuals under this section may 76469  
not exceed an amount that is ~~two~~ one and one-half times the 76470  
~~midpoint base~~ rate charged for coverage offered to any other 76471  
individual to which the carrier is currently accepting new 76472  
business, and for which similar copayments and deductibles are 76473  
applied. 76474

(F) If a carrier offers a health benefit plan in the 76475  
individual market through a network plan, the carrier may do both 76476  
of the following: 76477

(1) Limit the federally eligible individuals that may apply 76478  
for such coverage to those who live, work, or reside in the 76479  
service area of the network plan; 76480

(2) Within the service area of the network plan, deny the 76481  
coverage to federally eligible individuals if the carrier has 76482  
demonstrated both of the following to the superintendent: 76483

(a) The carrier will not have the capacity to deliver 76484  
services adequately ~~to~~ to any additional individuals because of the 76485  
carrier's obligations to existing group contract holders and 76486  
individuals. 76487

(b) The carrier is applying division (F)(2) of this section 76488  
uniformly to all federally eligible individuals without regard to 76489  
any health status-related factor of those individuals. 76490

(G) A carrier that, pursuant to division (F)(2) of this 76491  
section, denies coverage to an individual in the service area of a 76492  
network plan, shall not offer coverage in the individual market 76493  
within that service area for at least one hundred eighty days 76494  
after the date the coverage is denied. 76495

(H) A carrier may refuse to issue health benefit plans to 76496  
federally eligible individuals if the carrier has demonstrated 76497  
both of the following to the superintendent: 76498



(1) The carrier does not have the financial reserves 76499  
necessary to underwrite additional coverage. 76500

(2) The carrier is applying division (H) of this section 76501  
uniformly to all federally eligible individuals in this state 76502  
consistent with the applicable laws and rules of this state and 76503  
without regard to any health status-related factor relating to 76504  
those individuals. 76505

(I) A carrier that, pursuant to division (H) of this section, 76506  
refuses to issue health benefit plans to federally eligible 76507  
individuals, shall not offer health benefit plans in the 76508  
individual market in this state for at least one hundred eighty 76509  
days after the date the coverage is denied or until the carrier 76510  
has demonstrated to the superintendent that the carrier has 76511  
sufficient financial reserves to underwrite additional coverage, 76512  
whichever is later. 76513

(J)(1) Except as provided in division (J)(2) of this section, 76514  
a carrier shall not be required to accept annually new applicants 76515  
under this section ~~federally eligible individuals who, in the~~ 76516  
~~aggregate, would cause the carrier to have a total number of new~~ 76517  
~~insureds that is more than~~ if the total number of new insureds 76518  
accepted annually under this section and section 3923.58 of the 76519  
Revised Code exceeds four and one-half per cent of its the 76520  
carrier's total number of insured individuals and nonemployer 76521  
~~groups~~ group insureds in this state per year, calculated as of the 76522  
immediately preceding thirty-first day of December and excluding 76523  
the carrier's medicare supplement policies and conversion or 76524  
continuation of coverage policies under state or federal law and 76525  
any policies described in division ~~(M)~~(L) of section 3923.58 of 76526  
the Revised Code. 76527

(2) An officer of the carrier shall certify to the department 76528  
of insurance when it has met the enrollment limit set forth in 76529  
division (J)(1) of this section. Upon providing such 76530

certification, the carrier shall be relieved of its open 76531  
enrollment requirement under this section for the remainder of the 76532  
calendar year unless, prior to the end of the calendar year, all 76533  
the carriers subject to this section have individually met the 76534  
enrollment limit set forth in division (J)(1) of this section. In 76535  
that event, carriers shall again accept applicants for open 76536  
enrollment coverage pursuant to this section, subject to ~~the~~ an 76537  
additional enrollment limit equal to that set forth in division 76538  
(J)(1) of this section. 76539

(K) The superintendent may provide for the application of 76540  
this section on a service-area-specific basis. 76541

(L) The requirements of this section do not apply to any 76542  
health benefit plan described in division ~~(M)~~(L) of section 76543  
3923.58 of the Revised Code. 76544

(M) A carrier may pay an agent a commission in the amount of 76545  
not more than five per cent of the premium charged for initial 76546  
placement or for otherwise securing the issuance of a policy or 76547  
contract issued to an individual under this section, and not more 76548  
than four per cent of the premium charged for the renewal of such 76549  
a policy or contract. The superintendent may adopt, in accordance 76550  
with Chapter 119. of the Revised Code, such rules as are necessary 76551  
to enforce this division. 76552

**Sec. 3923.66.** (A) As used in sections 3923.66 to 3923.70 of 76553  
the Revised Code: 76554

(1) "Clinical peer" and "physician" have the same meanings as 76555  
in section 1751.77 of the Revised Code. 76556

(2) "Authorized person" means a parent, guardian, or other 76557  
person authorized to act on behalf of an insured with respect to 76558  
health care decisions. 76559

(B) Sections 3923.66 to 3923.70 of the Revised Code do not 76560

apply to any individual or group policy of sickness and accident 76561  
insurance covering only accident, credit, dental, disability 76562  
income, long-term care, hospital indemnity, medicare supplement, 76563  
medicare, tricare, specified disease, or vision care; coverage 76564  
issued as a supplement to liability insurance; insurance arising 76565  
out of workers' compensation or similar law; automobile medical 76566  
payment insurance; or insurance under which benefits are payable 76567  
with or without regard to fault and which is statutorily required 76568  
to be contained in any liability insurance policy or equivalent 76569  
self-insurance. 76570

(C) The superintendent of insurance shall establish and 76571  
maintain a system for receiving and reviewing requests for review 76572  
from insureds who have been denied coverage of a health care 76573  
service on the grounds that the service is not a service covered 76574  
under the terms of the insured's policy or certificate. 76575

On receipt of a written request from an insured or authorized 76576  
person, the superintendent shall consider whether the health care 76577  
service is a service covered under the terms of the insured's 76578  
policy or certificate, except that the superintendent shall not 76579  
conduct a review under this section unless the insured has 76580  
exhausted the insurer's internal review process. The insurer and 76581  
the insured or authorized person shall provide the superintendent 76582  
with any information required by the superintendent that is in 76583  
their possession and is germane to the review. 76584

Unless the superintendent is not able to do so because making 76585  
the determination requires resolution of a medical issue, the 76586  
superintendent shall determine whether the health care service at 76587  
issue is a service covered under the terms of the insured's policy 76588  
or certificate. The superintendent shall notify the insured, or 76589  
authorized person, and the insurer of its determination or that it 76590  
is not able to make a determination because the determination 76591  
requires the resolution of a medical issue. 76592

If the superintendent notifies the insurer that making the determination requires the resolution of a medical issue, the insurer shall ~~afford the insured an opportunity for~~ initiate an external review under section 3923.67 or 3923.68 of the Revised Code. If the superintendent notifies the insurer that the health care service is not a covered service, the insurer is not required to cover the service or afford the insured an external review.

**Sec. 3923.67.** (A) Except as provided in divisions (B) and (C) of this section, an insurer shall afford an insured an opportunity for an external review of a coverage denial when requested by the insured or authorized person, if both of the following are the case:

(1) The insurer has denied, reduced, or terminated coverage for what would be a covered health care service except that the insurer has determined that the health care service is not medically necessary.

(2) Except in the case of expedited review, the proposed service, plus any ancillary services and follow-up care, will cost the insured more than five hundred dollars if the proposed service is not covered by the insurer.

External review shall be conducted in accordance with this section, except that if an insured with a terminal condition meets all of the criteria of division (A) of section 3923.68 of the Revised Code, an external review shall be conducted under that section.

(B) An insured need not be afforded a review under this section in any of the following circumstances:

(1) The superintendent of insurance has determined under section 3923.66 of the Revised Code that the health care service is not a service covered under the terms of the insured's policy

or certificate. 76623

(2) The insured has failed to exhaust the insurer's internal review process. 76624  
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(3) The insured has previously afforded an external review for the same denial of coverage, and no new clinical information has been submitted to the insurer. 76626  
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(C)(1) An insurer may deny a request from an insured for an external review of an adverse decision from the insurer's internal appeal process if it is requested later than ~~sixty~~ one hundred eighty days after receipt ~~by the insured~~ of notice ~~from the superintendent of insurance under section 3923.66 of the Revised Code that making a determination requires the resolution of a medical issue~~ from the insurer of the adverse decision. An external review may be requested by the insured, an authorized person, the insured's provider, or a health care facility rendering health care service to the insured. The insured may request a review without the approval of the provider or the health care facility rendering the health care service. The provider or health care facility may not request a review without the prior consent of the insured. 76629  
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(2) An external review must be requested in writing, except that if the insured has a condition that requires expedited review, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request must be submitted to the insurer not later than five days after the request is made. 76643  
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Except in the case of an expedited review, a request for an external review must be accompanied by written certification from the insured's provider or the health care facility rendering the health care service to the insured that the proposed service, plus any ancillary services and follow-up care, will cost the insured 76649  
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more than five hundred dollars if the proposed service is not covered by the insurer. 76654  
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(3) For an expedited review, the insured's provider must certify that the insured's condition could, in the absence of immediate medical attention, result in any of the following: 76656  
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(a) Placing the health of the insured or, with respect to a pregnant woman, the health of the insured or the unborn child, in serious jeopardy; 76659  
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(b) Serious impairment to bodily functions; 76662

(c) Serious dysfunction of any bodily organ or part. 76663

(D) The procedures used in conducting an external review shall include all of the following: 76664  
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(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code. 76666  
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(2) Except as provided in divisions (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following: 76669  
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(a) The insurer or any officer, director, or managerial employee of the insurer; 76674  
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(b) The insured, the insured's provider, or the practice group of the insured's provider; 76676  
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(c) The health care facility at which the health care service requested by the insured would be provided; 76678  
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(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the insured. 76680  
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(3) Division (D)(2) of this section does not prohibit a 76682

clinical peer from conducting a review under any of the following 76683  
circumstances: 76684

(a) The clinical peer is affiliated with an academic medical 76685  
center that provides health care services to insureds of the 76686  
insurer. 76687

(b) The clinical peer has staff privileges at a health care 76688  
facility that provides health care services to insureds of the 76689  
insurer. 76690

(c) The clinical peer has a contractual relationship with the 76691  
insurer but was not involved with the insurer's coverage decision. 76692

(4) Division (D)(2) of this section does not prohibit the 76693  
insurer from paying the independent review organization for the 76694  
conduct of the review. 76695

(5) An insured shall not be required to pay for any part of 76696  
the cost of the review. The cost of the review shall be borne by 76697  
the insurer. 76698

(6)(a) The insurer shall provide to the independent review 76699  
organization conducting the review a copy of those records in its 76700  
possession that are relevant to the insured's medical condition 76701  
and the review. 76702

Records shall be used solely for the purpose of this 76703  
division. At the request of the independent review organization, 76704  
the insurer, insured, provider, or health care facility rendering 76705  
health care services to the insured shall provide any additional 76706  
information the independent review organization requests to 76707  
complete the review. A request for additional information may be 76708  
made in writing, orally, or by electronic means. The independent 76709  
review organization shall submit the request to the insured and 76710  
insurer. If a request is submitted orally or by electronic means 76711  
to an insured or insurer, not later than five days after the 76712  
request is submitted, the independent review organization shall 76713

provide written confirmation of the request. If the review was 76714  
initiated by a provider or health care facility, a copy of the 76715  
request shall be submitted to the provider or health care 76716  
facility. 76717

(b) An independent review organization is not required to 76718  
make a decision if it has not received any requested information 76719  
that it considers necessary to complete a review. An independent 76720  
review organization that does not make a decision for this reason 76721  
shall notify the insured and the insurer that a decision is not 76722  
being made. The notice may be made in writing, orally, or by 76723  
electronic means. An oral or electronic notice shall be confirmed 76724  
in writing not later than five days after the oral or electronic 76725  
notice is made. If the review was initiated by a provider or 76726  
health care facility, a copy of the notice shall be submitted to 76727  
the provider or health care facility. 76728

(7) The insurer may elect to cover the service requested and 76729  
terminate the review. The insurer shall notify the insured and all 76730  
other parties involved with the decision by mail, or with the 76731  
consent or approval of the insured, by electronic means. 76732

(8) In making its decision, an independent review 76733  
organization conducting the review shall take into account all of 76734  
the following: 76735

(a) Information submitted by the insurer, the insured, the 76736  
insured's provider, and the health care facility rendering the 76737  
health care service, including the following: 76738

(i) The insured's medical records; 76739

(ii) The standards, criteria, and clinical rationale used by 76740  
the insurer to make its decision. 76741

(b) Findings, studies, research, and other relevant documents 76742  
of government agencies and nationally recognized organizations, 76743  
including the national institutes of health or any board 76744



recognized by the national institutes of health, the national 76745  
cancer institute, the national academy of sciences, the United 76746  
States food and drug administration, the health care financing 76747  
administration of the United States department of health and human 76748  
services, and the agency for health care policy and research; 76749

(c) Relevant findings in peer-reviewed medical or scientific 76750  
literature, published opinions of nationally recognized medical 76751  
experts, and clinical guidelines adopted by relevant national 76752  
medical societies. 76753

(9)(a) In the case of an expedited review, the independent 76754  
review organization shall issue a written decision not later than 76755  
seven days after the filing of the request for review. In all 76756  
other cases, the independent review organization shall issue a 76757  
written decision not later than thirty days after the filing of 76758  
the request. The independent review organization shall send a copy 76759  
of its decision to the insurer and the insured. If the insured's 76760  
provider or the health care facility rendering health care 76761  
services to the insured requested the review, the independent 76762  
review organization shall also send a copy of its decision to the 76763  
insured's provider or the health care facility. 76764

(b) The independent review organization's decision shall 76765  
include a description of the insured's condition and the principal 76766  
reasons for the decision and an explanation of the clinical 76767  
rationale for the decision. 76768

(E) The independent review organization shall base its 76769  
decision on the information submitted under division (D)(8) of 76770  
this section. In making its decision, the independent review 76771  
organization shall consider safety, efficacy, appropriateness, and 76772  
cost-effectiveness. 76773

(F) The insurer shall provide any coverage determined by the 76774  
independent review organization's decision to be medically 76775

necessary, subject to the other terms, limitations, and conditions 76776  
of the insured's policy or certificate. 76777

**Sec. 3923.68.** (A) Each insurer shall establish a reasonable 76778  
external, independent review process to examine the insurer's 76779  
coverage decisions for insureds who meet all of the following 76780  
criteria: 76781

(1) The insured has a terminal condition that, according to 76782  
the current diagnosis of the insured's physician, has a high 76783  
probability of causing death within two years. 76784

(2) The insured requests a review not later than ~~sixty one~~ sixty one 76785  
hundred eighty days after receipt by the insured of notice from 76786  
the ~~superintendent of insurance under section 3923.66 of the~~ 76787  
~~Revised Code that making a determination requires resolution of a~~ 76788  
~~medical issue~~ insurer of the adverse decision. 76789

(3) The insured's physician certifies that the insured has 76790  
the condition described in division (A)(1) of this section and any 76791  
of the following situations are applicable: 76792

(a) Standard therapies have not been effective in improving 76793  
the condition of the insured. 76794

(b) Standard therapies are not medically appropriate for the 76795  
insured. 76796

(c) There is no standard therapy covered by the insurer that 76797  
is more beneficial than therapy described in division (A)(4) of 76798  
this section. 76799

(4) The insured's physician has recommended a drug, device, 76800  
procedure, or other therapy that the physician certifies, in 76801  
writing, is likely to be more beneficial to the insured, in the 76802  
physician's opinion, than standard therapies, or the insured has 76803  
requested a therapy that has been found in a preponderance of 76804  
peer-reviewed published studies to be associated with effective 76805

clinical outcomes for the same condition. 76806

(5) The insured has been denied coverage by the insurer for a 76807  
drug, device, procedure, or other therapy recommended or requested 76808  
pursuant to division (A)(4) of this section, and has exhausted the 76809  
insurer's internal review process. 76810

(6) The drug, device, procedure, or other therapy, for which 76811  
coverage has been denied, would be a covered health care service 76812  
except for the insurer's determination that the drug, device, 76813  
procedure, or other therapy is experimental or investigational. 76814

(B) A review shall be requested in writing, except that if 76815  
the insured's physician determines that a therapy would be 76816  
significantly less effective if not promptly initiated, the review 76817  
may be requested orally or by electronic means. When an oral or 76818  
electronic request for review is made, written confirmation of the 76819  
request shall be submitted to the insurer not later than five days 76820  
after the oral or written request is submitted. 76821

(C) The external, independent review process established by 76822  
an insurer shall meet all of the following criteria: 76823

(1) Except as provided in division (E) of this section, the 76824  
process shall afford all insureds who meet the criteria set forth 76825  
in division (A) of this section the opportunity to have the 76826  
insurer's decision to deny coverage of the recommended or 76827  
requested therapy reviewed under the process. Each eligible 76828  
insured shall be notified of that opportunity within thirty 76829  
business days after the insurer denies coverage. 76830

(2) The review shall be conducted by an independent review 76831  
organization assigned by the superintendent of insurance under 76832  
section 3901.80 of the Revised Code. 76833

The independent review organization shall select a panel to 76834  
conduct the review, which panel shall be composed of at least 76835  
three physicians or other providers who, through clinical 76836

experience in the past three years, are experts in the treatment 76837  
of the insured's medical condition and knowledgeable about the 76838  
recommended or requested therapy. 76839

In either of the following circumstances, an exception may be 76840  
made to the requirement that the review be conducted by an expert 76841  
panel composed of a minimum of three physicians or other 76842  
providers: 76843

(a) A review may be conducted by an expert panel composed of 76844  
only two physicians or other providers if an insured has consented 76845  
in writing to a review by the smaller panel. 76846

(b) A review may be conducted by a single expert physician or 76847  
other provider if only the expert physician or other provider is 76848  
available for the review. 76849

(3) Neither the insurer nor the insured shall choose, or 76850  
control the choice of, the physician or other provider experts. 76851

(4) The selected experts, any health care facility with which 76852  
an expert is affiliated, and the independent review organization 76853  
arranging for the experts' review shall not have any professional, 76854  
familial, or financial affiliation with any of the following: 76855

(a) The insurer or any officer, director, or managerial 76856  
employee of the insurer; 76857

(b) The insured, the insured's physician, ~~of~~ or the practice 76858  
group of the insured's physician; 76859

(c) The health care facility at which the recommended or 76860  
requested therapy would be provided; 76861

(d) The development or manufacture of the principal drug, 76862  
device, procedure, or therapy involved in the recommended or 76863  
requested therapy. 76864

However, experts affiliated with academic medical centers who 76865  
provide health care services to insureds of the insurer may serve 76866

as experts on the review panel. Further, experts with staff 76867  
privileges at a health care facility that provides health care 76868  
services to insureds of the insurer, as well as experts who have a 76869  
contractual relationship with the insurer, but who were not 76870  
involved with the insurer's denial of coverage for the therapy 76871  
under review, may serve as experts on the review panel. These 76872  
nonaffiliation provisions do not preclude an insurer from paying 76873  
for the experts' review, as specified in division (C)(5) of this 76874  
section. 76875

(5) Insureds shall not be required to pay for any part of the 76876  
cost of the review. The cost of the review shall be borne by the 76877  
insurer. 76878

(6) The insurer shall provide to the independent review 76879  
organization arranging for the experts' review a copy of those 76880  
records in the insurer's possession that are relevant to the 76881  
insured's medical condition and the review. The records shall be 76882  
disclosed solely to the expert reviewers and shall be used solely 76883  
for the purpose of this section. At the request of the expert 76884  
reviewers, the insurer or the physician requesting the therapy 76885  
shall provide any additional information that the expert reviewers 76886  
request to complete the review. An expert reviewer is not required 76887  
to render an opinion if the reviewer has not received any 76888  
requested information that the reviewer considers necessary to 76889  
complete the review. 76890

(7)(a) In the case of an expedited review, the independent 76891  
review organization shall issue a written decision not later than 76892  
seven days after the filing of the request for review. In all 76893  
other cases, the independent review organization shall issue a 76894  
written decision not later than thirty days after the filing of 76895  
the request. The independent review organization shall send a copy 76896  
of its decision to the insurer and the insured. If the insured's 76897  
provider or the health care facility rendering health care 76898

services to the insured requested the review, the independent 76899  
review organization shall also send a copy of its decision to the 76900  
insured's provider or the health care facility. 76901

(b) In conducting the review, the experts on the panel shall 76902  
take into account all of the following: 76903

(i) Information submitted by the insurer, the insured, and 76904  
the insured's physician, including the insured's medical records 76905  
and the standards, criteria, and clinical rationale used by the 76906  
insurer to reach its coverage decision; 76907

(ii) Findings, studies, research, and other relevant 76908  
documents of government agencies and nationally recognized 76909  
organizations; 76910

(iii) Relevant findings in peer-reviewed medical or 76911  
scientific literature and published opinions of nationally 76912  
recognized medical experts; 76913

(iv) Clinical guidelines adopted by relevant national medical 76914  
societies; 76915

(v) Safety, efficacy, appropriateness, and cost 76916  
effectiveness. 76917

(8) Each expert on the panel shall provide the independent 76918  
review organization with a professional opinion as to whether 76919  
there is sufficient evidence to demonstrate that the recommended 76920  
or requested therapy is likely to be more beneficial to the 76921  
insured than standard therapies. 76922

(9) Each expert's opinion shall be presented in written form 76923  
and shall include the following information: 76924

(a) A description of the insured's condition; 76925

(b) A description of the indicators relevant to determining 76926  
whether there is sufficient evidence to demonstrate that the 76927  
recommended or requested therapy is more likely than not to be 76928

more beneficial to the insured than standard therapies; 76929

(c) A description and analysis of any relevant findings 76930  
published in peer-reviewed medical or scientific literature or the 76931  
published opinions of medical experts or specialty societies; 76932

(d) A description of the insured's suitability to receive the 76933  
recommended or requested therapy according to a treatment protocol 76934  
in a clinical trial, if applicable. 76935

(10) The independent review organization shall provide the 76936  
insurer with the opinions of the experts. The insurer shall make 76937  
the experts' opinions available to the insured and the insured's 76938  
physician, upon request. 76939

(11) The opinion of the majority of the experts on the panel, 76940  
rendered pursuant to division (C)(8) of this section, is binding 76941  
on the insurer with respect to that insured. If the opinions of 76942  
the experts on the panel are evenly divided as to whether the 76943  
therapy should be covered, the insurer's final decision shall be 76944  
in favor of coverage. If less than a majority of the experts on 76945  
the panel recommend coverage of the therapy, the insurer may, in 76946  
its discretion, cover the therapy. However, any coverage provided 76947  
pursuant to division (C)(11) of this section is subject to the 76948  
terms, limitations, and conditions of the insured's policy or 76949  
certificate with the insurer. 76950

(12) The insurer shall have written policies describing the 76951  
external, independent review process. 76952

(D) If an insurer's initial denial of coverage for a therapy 76953  
recommended or requested pursuant to division (A)(3) of this 76954  
section is based upon an external, independent review of that 76955  
therapy meeting the requirements of division (C) of this section, 76956  
this section shall not be a basis for requiring a second external, 76957  
independent review of the recommended or requested therapy. 76958

(E) At any time during the external, independent review 76959

process, the insurer may elect to cover the recommended or 76960  
requested health care service and terminate the review. The 76961  
insurer shall notify the insured and all other parties involved by 76962  
mail or, with consent or approval of the insured, by electronic 76963  
means. 76964

(F) The insurer shall annually file a certificate with the 76965  
superintendent of insurance certifying its compliance with the 76966  
requirements of this section. 76967

**Sec. 3923.75.** (A) As used in sections 3923.75 to 3923.79 of 76968  
the Revised Code: 76969

(1) "Clinical peer" and "physician" have the same meanings as 76970  
in section 1751.77 of the Revised Code. 76971

(2) "Authorized person" means a parent, guardian, or other 76972  
person authorized to act on behalf of a plan member with respect 76973  
to health care decisions. 76974

(B) Sections 3923.75 to 3923.79 of the Revised Code do not 76975  
apply to any public employee benefit plan covering only accident, 76976  
credit, dental, disability income, long-term care, hospital 76977  
indemnity, medicare supplement, medicare, tricare, specified 76978  
disease, or vision care; coverage issued as a supplement to 76979  
liability insurance; insurance arising out of workers' 76980  
compensation or similar law; automobile medical payment insurance; 76981  
or insurance under which benefits are payable with or without 76982  
regard to fault and which is statutorily required to be contained 76983  
in any liability insurance policy or equivalent self-insurance. 76984

(C) The superintendent of insurance shall establish and 76985  
maintain a system for receiving and reviewing requests for review 76986  
from plan members who have been denied coverage of a health care 76987  
service on the grounds that the service is not a service covered 76988  
under the terms of the public employee benefit plan. 76989



On receipt of a written request from a plan member or 76990  
authorized person, the superintendent shall consider whether the 76991  
health care service is a service covered under the terms of the 76992  
plan, except that the superintendent shall not conduct a review 76993  
under this section unless the plan member has exhausted the plan's 76994  
internal review process. The plan and the plan member or 76995  
authorized person shall provide the superintendent with any 76996  
information required by the superintendent that is in their 76997  
possession and is germane to the review. 76998

Unless the superintendent is not able to do so because making 76999  
the determination requires resolution of a medical issue, the 77000  
superintendent shall determine whether the health care service at 77001  
issue is a service covered under the terms of the plan. The 77002  
superintendent shall notify the plan member, or authorized person, 77003  
and the plan of its determination or that it is not able to make a 77004  
determination because the determination requires the resolution of 77005  
a medical issue. 77006

If the superintendent notifies the plan that making the 77007  
determination requires the resolution of a medical issue, the plan 77008  
shall ~~afford the plan member~~ initiate an ~~opportunity for~~ external 77009  
review under section 3923.76 or 3923.77 of the Revised Code. If 77010  
the superintendent notifies the plan that the health care service 77011  
is not a covered service, the plan is not required to cover the 77012  
service or afford the plan member an external review. 77013

**Sec. 3923.76.** (A) Except as provided in divisions (B) and (C) 77014  
of this section, a public employee benefit plan shall afford a 77015  
plan member an opportunity for an external review of a coverage 77016  
denial when requested by the plan member or authorized person, if 77017  
both of the following are the case: 77018

(1) The plan has denied, reduced, or terminated coverage for 77019  
what would be a covered health care service except that the plan 77020

has determined that the health care service is not medically 77021  
necessary. 77022

(2) Except in the case of expedited review, the proposed 77023  
service, plus any ancillary services and follow-up care, will cost 77024  
the plan member more than five hundred dollars if the proposed 77025  
service is not covered by the plan. 77026

External review shall be conducted in accordance with this 77027  
section, except that if a plan member with a terminal condition 77028  
meets all of the criteria of division (A) of section 3923.77 of 77029  
the Revised Code, an external review shall be conducted under that 77030  
section. 77031

(B) A plan member need not be afforded a review under this 77032  
section in any of the following circumstances: 77033

(1) The superintendent of insurance has determined under 77034  
section 3923.75 of the Revised Code that the health care service 77035  
is not a service covered under the terms of the plan. 77036

(2) The plan member has failed to exhaust the plan's internal 77037  
review process. 77038

(3) The plan member has previously been afforded an external 77039  
review for the same denial of coverage, and no new clinical 77040  
information has been submitted to the plan. 77041

(C)(1) A plan may deny a request from a plan member for an 77042  
external review of an adverse decision from the plan's internal 77043  
appeal process if it is requested later than ~~sixty~~ one hundred 77044  
eighty days after receipt by the plan member of notice from the 77045  
~~superintendent of insurance under section 3923.75 of the Revised~~ 77046  
~~Code that making the determination requires the resolution of a~~ 77047  
medical issue plan of the adverse decision. An external review may 77048  
be requested by the plan member, an authorized person, the plan 77049  
member's provider, or a health care facility rendering health care 77050  
service to the plan member. The plan member may request a review 77051

without the approval of the provider or the health care facility 77052  
rendering the health care service. The provider or health care 77053  
facility may not request a review without the prior consent of the 77054  
plan member. 77055

(2) An external review must be requested in writing, except 77056  
that if the plan member has a condition that requires expedited 77057  
review, the review may be requested orally or by electronic means. 77058  
When an oral or electronic request for review is made, written 77059  
confirmation of the request must be submitted to the plan not 77060  
later than five days after the request is made. 77061

Except in the case of an expedited review, a request for an 77062  
external review must be accompanied by written certification from 77063  
the plan member's provider or the health care facility rendering 77064  
the health care service to the plan member that the proposed 77065  
service, plus any ancillary services and follow-up care, will cost 77066  
the plan member more than five hundred dollars if the proposed 77067  
service is not covered by the plan. 77068

(3) For an expedited review, the plan member's provider must 77069  
certify that the plan member's condition could, in the absence of 77070  
immediate medical attention, result in any of the following: 77071

(a) Placing the health of the plan member or, with respect to 77072  
a pregnant woman, the health of the plan member or the unborn 77073  
child, in serious jeopardy; 77074

(b) Serious impairment to bodily functions; 77075

(c) Serious dysfunction of any bodily organ or part. 77076

(D) The procedures used in conducting an external review 77077  
shall include all of the following: 77078

(1) The review shall be conducted by an independent review 77079  
organization assigned by the superintendent of insurance under 77080  
section 3901.80 of the Revised Code. 77081

(2) Except as provided in divisions (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:

(a) The plan or any officer, director, or managerial employee of the plan;

(b) The plan member, the plan member's provider, or the practice group of the plan member's provider;

(c) The health care facility at which the health care service requested by the plan member would be provided;

(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the plan member.

(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:

(a) The clinical peer is affiliated with an academic medical center that provides health care services to members of the plan.

(b) The clinical peer has staff privileges at a health care facility that provides health care services to members of the plan.

(c) The clinical peer has a contractual relationship with the plan but was not involved with the plan's coverage decision.

(4) Division (D)(2) of this section does not prohibit the plan from paying the independent review organization for the conduct of the review.

(5) A plan member shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the plan.

(6)(a) The plan shall provide to the independent review

organization conducting the review a copy of those records in its 77112  
possession that are relevant to the plan member's medical 77113  
condition and the review. 77114

Records shall be used solely for the purpose of this 77115  
division. At the request of the independent review organization, 77116  
the plan, plan member, provider, or health care facility rendering 77117  
health care services to the plan member shall provide any 77118  
additional information the independent review organization 77119  
requests to complete the review. A request for additional 77120  
information may be made in writing, orally, or by electronic 77121  
means. The independent review organization shall submit the 77122  
request to the plan member and the plan. If a request is submitted 77123  
orally or by electronic means to a plan member or plan, not later 77124  
than five days after the request is submitted, the independent 77125  
review organization shall provide written confirmation of the 77126  
request. If the review was initiated by a provider or health care 77127  
facility, a copy of the request shall be submitted to the provider 77128  
or health care facility. 77129

(b) An independent review organization is not required to 77130  
make a decision if it has not received any requested information 77131  
that it considers necessary to complete a review. An independent 77132  
review organization that does not make a decision for this reason 77133  
shall notify the plan member and the plan that a decision is not 77134  
being made. The notice may be made in writing, orally, or by 77135  
electronic means. An oral or electronic notice shall be confirmed 77136  
in writing not later than five days after the oral or electronic 77137  
notice is made. If the review was initiated by a provider or 77138  
health care facility, a copy of the notice shall be submitted to 77139  
the provider or health care facility. 77140

(7) The plan may elect to cover the service requested and 77141  
terminate the review. The plan shall notify the plan member and 77142  
all other parties involved with the decision by mail, or with the 77143

consent or approval of the plan member, by electronic means. 77144

(8) In making its decision, an independent review 77145  
organization conducting the review shall take into account all of 77146  
the following: 77147

(a) Information submitted by the plan, the plan member, the 77148  
plan member's provider, and the health care facility rendering the 77149  
health care service, including the following: 77150

(i) The plan member's medical records; 77151

(ii) The standards, criteria, and clinical rationale used by 77152  
the plan to make its decision. 77153

(b) Findings, studies, research, and other relevant documents 77154  
of government agencies and nationally recognized organizations, 77155  
including the national institutes of health or any board 77156  
recognized by the national institutes of health, the national 77157  
cancer institute, the national academy of sciences, the United 77158  
States food and drug administration, the health care financing 77159  
administration of the United States department of health and human 77160  
services, and the agency for health care policy and research; 77161

(c) Relevant findings in peer-reviewed medical or scientific 77162  
literature, published opinions of nationally recognized medical 77163  
experts, and clinical guidelines adopted by relevant national 77164  
medical societies. 77165

(9)(a) In the case of an expedited review, the independent 77166  
review organization shall issue a written decision not later than 77167  
seven days after the filing of the request for review. In all 77168  
other cases, the independent review organization shall issue a 77169  
written decision not later than thirty days after the filing of 77170  
the request. The independent review organization shall send a copy 77171  
of its decision to the plan and the plan member. If the plan 77172  
member's provider or the health care facility rendering health 77173  
care services to the plan member requested the review, the 77174

independent review organization shall also send a copy of its 77175  
decision to the plan member's provider or the health care 77176  
facility. 77177

(b) The independent review organization's decision shall 77178  
include a description of the plan member's condition and the 77179  
principal reasons for the decision and an explanation of the 77180  
clinical rationale for the decision. 77181

(E) The independent review organization shall base its 77182  
decision on the information submitted under division (D)(8) of 77183  
this section. In making its decision, the independent review 77184  
organization shall consider safety, efficacy, appropriateness, and 77185  
cost-effectiveness. 77186

(F) The plan shall provide any coverage determined by the 77187  
independent review organization's decision to be medically 77188  
necessary, subject to the other terms, limitations, and conditions 77189  
of the plan. 77190

**Sec. 3923.77.** (A) Each public employee benefit plan shall 77191  
establish a reasonable external review process to examine the 77192  
plan's coverage decisions for plan members who meet all of the 77193  
following criteria: 77194

(1) The plan member has a terminal condition that, according 77195  
to the current diagnosis of the plan member's physician, has a 77196  
high probability of causing death within two years. 77197

(2) The plan member requests a review not later than ~~sixty~~ 77198  
one hundred eighty days after receipt by the plan member of notice 77199  
from the ~~superintendent of insurance under section 3923.75 of the~~ 77200  
~~Revised Code that making a determination requires resolution of a~~ 77201  
~~medical issue~~ plan of the adverse decision. 77202

(3) The plan member's physician certifies that the plan 77203  
member has the condition described in division (A)(1) of this 77204

section and any of the following situations are applicable: 77205

(a) Standard therapies have not been effective in improving 77206  
the condition of the plan member. 77207

(b) Standard therapies are not medically appropriate for the 77208  
plan member. 77209

(c) There is no standard therapy covered by the plan that is 77210  
more beneficial than therapy described in division (A)(4) of this 77211  
section. 77212

(4) The plan member's physician has recommended a drug, 77213  
device, procedure, or other therapy that the physician certifies, 77214  
in writing, is likely to be more beneficial to the plan member, in 77215  
the physician's opinion, than standard therapies, or the plan 77216  
member has requested a therapy that has been found in a 77217  
preponderance of peer-reviewed published studies to be associated 77218  
with effective clinical outcomes for the same condition. 77219

(5) The plan member has been denied coverage by the plan for 77220  
a drug, device, procedure, or other therapy recommended or 77221  
requested pursuant to division (A)(4) of this section, and has 77222  
exhausted all internal appeals. 77223

(6) The drug, device, procedure, or other therapy, for which 77224  
coverage has been denied, would be a covered health care service 77225  
except for the plan's determination that the drug, device, 77226  
procedure, or other therapy is experimental or investigational. 77227

(B) A review shall be requested in writing, except that if 77228  
the plan member's physician determines that a therapy would be 77229  
significantly less effective if not promptly initiated, the review 77230  
may be requested orally or by electronic means. When an oral or 77231  
electronic request for review is made, written confirmation of the 77232  
request shall be submitted to the plan not later than five days 77233  
after the oral or written request is submitted. For an expedited 77234  
review, the plan member's provider must certify that the requested 77235



or recommended therapy would be significantly less effective if 77236  
not promptly initiated. 77237

(C) The external review process established by a plan shall 77238  
meet all of the following criteria: 77239

(1) Except as provided in division (E) of this section, the 77240  
process shall afford all plan members who meet the criteria set 77241  
forth in division (A) of this section the opportunity to have the 77242  
plan's decision to deny coverage of the recommended or requested 77243  
therapy reviewed under the process. Each eligible plan member 77244  
shall be notified of that opportunity within thirty business days 77245  
after the plan denies coverage. 77246

(2) The review shall be conducted by an independent review 77247  
organization assigned by the superintendent of insurance under 77248  
section 3901.80 of the Revised Code. The independent review 77249  
organization shall select a panel to conduct the review, which 77250  
panel shall be composed of at least three physicians or other 77251  
providers who, through clinical experience in the past three 77252  
years, are experts in the treatment of the plan member's medical 77253  
condition and knowledgeable about the recommended or requested 77254  
therapy. If the independent review organization retained by the 77255  
plan is an academic medical center, the panel may include experts 77256  
affiliated with or employed by the academic medical center. 77257

In either of the following circumstances, an exception may be 77258  
made to the requirement that the review be conducted by an expert 77259  
panel composed of a minimum of three physicians or other 77260  
providers: 77261

(a) A review may be conducted by an expert panel composed of 77262  
only two physicians or other providers if a plan member has 77263  
consented in writing to a review by the smaller panel. 77264

(b) A review may be conducted by a single expert physician or 77265  
other provider if only the expert physician or other provider is 77266

available for the review. 77267

(3) Neither the plan nor the plan member shall choose, or 77268  
control the choice of, the physician or other provider experts. 77269

(4) The selected experts, any health care facility with which 77270  
an expert is affiliated, and the independent review organization 77271  
arranging for the experts' review shall not have any professional, 77272  
familial, or financial affiliation with any of the following: 77273

(a) The plan or any officer, director, or managerial employee 77274  
of the plan; 77275

(b) The plan member, the plan member's physician, or the 77276  
practice group of the plan member's physician; 77277

(c) The health care facility at which the recommended or 77278  
requested therapy would be provided; 77279

(d) The development or manufacture of the principal drug, 77280  
device, procedure, or therapy involved in the recommended or 77281  
requested therapy. However, experts affiliated with academic 77282  
medical centers who provide health care services to members of the 77283  
plan may serve as experts on the review panel. Further, experts 77284  
with staff privileges at a health care facility that provides 77285  
health care services to members of the plan, as well as experts 77286  
who have a contractual relationship with the plan, but who were 77287  
not involved with the plan's denial of coverage for the therapy 77288  
under review, may serve as experts on the review panel. These 77289  
nonaffiliation provisions do not preclude a plan from paying for 77290  
the experts' review, as specified in division (C)(5) of this 77291  
section. 77292

(5) Plan members shall not be required to pay for any part of 77293  
the cost of the review. The cost of the review shall be borne by 77294  
the plan. 77295

(6) The plan shall provide to the independent review 77296

organization arranging for the experts' review a copy of those 77297  
records in the plan's possession that are relevant to the plan 77298  
member's medical condition and the review. The records shall be 77299  
disclosed solely to the expert reviewers and shall be used solely 77300  
for the purpose of this section. At the request of the expert 77301  
reviewers, the plan or the physician requesting the therapy shall 77302  
provide any additional information that the expert reviewers 77303  
request to complete the review. An expert reviewer is not required 77304  
to render an opinion if the reviewer has not received any 77305  
requested information that the reviewer considers necessary to 77306  
complete the review. 77307

(7)(a) In the case of an expedited review, the independent 77308  
review organization shall issue a written decision not later than 77309  
seven days after the filing of the request for review. In all 77310  
other cases, the independent review organization shall issue a 77311  
written decision not later than thirty days after the filing of 77312  
the request. The independent review organization shall send a copy 77313  
of its decision to the plan and the plan member. If the plan 77314  
member's provider or the health care facility rendering health 77315  
care services to the plan member requested the review, the 77316  
independent review organization shall also send a copy of its 77317  
decision to the plan member's provider or the health care 77318  
facility. 77319

(b) In conducting the review, the experts on the panel shall 77320  
take into account all of the following: 77321

(i) Information submitted by the plan, the plan member, and 77322  
the plan member's physician, including the plan member's medical 77323  
records and the standards, criteria, and clinical rationale used 77324  
by the plan to reach its coverage decision; 77325

(ii) Findings, studies, research, and other relevant 77326  
documents of government agencies and nationally recognized 77327  
organizations; 77328

- (iii) Relevant findings in peer-reviewed medical or scientific literature and published opinions of nationally recognized medical experts; 77329  
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- (iv) Clinical guidelines adopted by relevant national medical societies; 77332  
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- (v) Safety, efficacy, appropriateness, and cost\_effectiveness. 77334  
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- (8) Each expert on the panel shall provide the independent review organization with a professional opinion as to whether there is sufficient evidence to demonstrate that the recommended or requested therapy is likely to be more beneficial to the plan member than standard therapies. 77336  
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- (9) Each expert's opinion shall be presented in written form and shall include the following information: 77341  
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- (a) A description of the plan member's condition; 77343
- (b) A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested therapy is more likely than not to be more beneficial to the plan member than standard therapies; 77344  
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- (c) A description and analysis of any relevant findings published in peer-reviewed medical or scientific literature or the published opinions of medical experts or specialty societies; 77348  
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- (d) A description of the plan member's suitability to receive the recommended or requested therapy according to a treatment protocol in a clinical trial, if applicable. 77351  
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- (10) The independent review organization shall provide the plan with the opinions of the experts. The plan shall make the experts' opinions available to the plan member and the plan member's physician, upon request. 77354  
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- (11) The opinion of the majority of the experts on the panel, 77358

rendered pursuant to division (C)(8) of this section, is binding 77359  
on the plan with respect to that plan member. If the opinions of 77360  
the experts on the panel are evenly divided as to whether the 77361  
therapy should be covered, the plan's final decision shall be in 77362  
favor of coverage. If less than a majority of the experts on the 77363  
panel recommend coverage of the therapy, the plan may, in its 77364  
discretion, cover the therapy. However, any coverage provided 77365  
pursuant to division (C)(11) of this section is subject to the 77366  
terms, limitations, and conditions of the plan. 77367

(12) The plan shall have written policies describing the 77368  
external review process. 77369

(D) If a plan's initial denial of coverage for a therapy 77370  
recommended or requested pursuant to division (A)(3) of this 77371  
section is based upon an external review of that therapy meeting 77372  
the requirements of division (C) of this section, this section 77373  
shall not be a basis for requiring a second external review of the 77374  
recommended or requested therapy. 77375

(E) At any time during the external review process, the plan 77376  
may elect to cover the recommended or requested health care 77377  
service and terminate the review. The plan shall notify the plan 77378  
member and all other parties involved by mail or, with consent or 77379  
approval of the plan member, by electronic means. 77380

(F) The plan shall annually file a certificate with the 77381  
superintendent of insurance certifying its compliance with the 77382  
requirements of this section. 77383

**Sec. 3923.84.** (A) Notwithstanding section 3901.71 of the 77384  
Revised Code, no individual or group policy of sickness and 77385  
accident insurance that is delivered, issued for delivery, or 77386  
renewed in this state or public employee benefit plan established 77387  
or modified in this state shall exclude coverage for the screening 77388  
and diagnosis of autism spectrum disorders or for any of the 77389

following services when those services are medically necessary and 77390  
are prescribed, provided, or ordered for an individual diagnosed 77391  
with an autism spectrum disorder by a health care professional 77392  
licensed or certified under the laws of this state to prescribe, 77393  
provide, or order such services: 77394

(1) Habilitative or rehabilitative care; 77395

(2) Pharmacy care if the policy, contract, or agreement 77396  
provides coverage for other prescription drug services; 77397

(3) Psychiatric care; 77398

(4) Psychological care; 77399

(5) Therapeutic care; 77400

(6) Counseling services; 77401

(7) Any additional treatments or therapies adopted by the 77402  
director of mental retardation and developmental disabilities 77403  
pursuant to division (I)(4) of this section. 77404

(B) Coverage provided under this section shall be delineated 77405  
in a treatment plan developed by the attending psychologist or 77406  
physician and shall not be subject to any limits on the number or 77407  
duration of visits an individual may make to any autism services 77408  
provider, except as indicated in the treatment plan, if the 77409  
services are medically necessary. 77410

(C) Coverage provided under this section may be subject to 77411  
any copayment, deductible, and coinsurance provisions of the 77412  
policy or plan to the extent that other medical services covered 77413  
by the policy or plan are subject to those provisions. Coverage 77414  
provided under this section may be subject to a yearly maximum 77415  
limitation of thirty-six thousand dollars on claims paid for 77416  
services related to coverage provided under this section. 77417

(D)(1) Not more than once every six months, an insurer may 77418

request a review of any treatment provided under this section 77419  
unless the insured's licensed physician or licensed psychologist 77420  
agrees that more frequent review is necessary. The insurer shall 77421  
pay for any review requested under this division. 77422

(2) If requested by the insurer, the provider shall provide 77423  
the insurer with an annual treatment plan. 77424

(3) Inpatient services are not subject to the six-month 77425  
review limitation under division (D)(1) of this section. 77426

(E) This section shall not be construed as limiting benefits 77427  
otherwise available under an individual's policy or plan. 77428

(F) This section shall not be construed as affecting any 77429  
obligation to provide services to an individual under an 77430  
individualized family service plan developed under 20 U.S.C. 1436 77431  
or individualized service plan developed under section 5126.31 of 77432  
the Revised Code, or affecting the duty of a public school to 77433  
provide a child with a disability with a free appropriate public 77434  
education under the "Individuals with Disabilities Education 77435  
Improvement Act of 2004," 20 U.S.C. 1400 et seq., as amended, and 77436  
Chapter 3323. of the Revised Code. 77437

(G) This section does not apply to the offer or renewal of 77438  
any individual or group policy of sickness and accident insurance 77439  
that provides coverage for specific diseases or accidents only, or 77440  
to any hospital indemnity, medicare supplement, medicare, tricare, 77441  
long-term care, disability income, one-time limited duration 77442  
policy of not longer than six months, or other policy that offers 77443  
only supplemental benefits. 77444

(H) A public employee benefit plan or insurer that offers a 77445  
policy of sickness and accident insurance is not required to offer 77446  
the coverage required under division (A) of this section if all of 77447  
the following apply: 77448

(1) The insurer or public employee benefit plan submits 77449

documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for the coverage required under division (A) of this section for a period of at least six months independently caused the costs for claims and administrative expenses for the coverage of all covered services to increase by more than one per cent per year. 77450  
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(2) The insurer or public employee benefit plan submits a signed letter from an independent member of the American academy of actuaries to the superintendent of insurance opining that the increase in costs described in division (D)(1) of this section could reasonably justify an increase of more than one per cent in the annual premiums or rates charged by the insurer or public employee benefit plan for the coverage of all covered services. 77457  
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(3) The superintendent of insurance makes the following determinations from the documentation and opinion submitted pursuant to divisions (D)(1) and (2) of this section: 77464  
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(a) Incurred claims for the coverage required under division (A) of this section for a period of at least six months independently caused the costs for claims and administrative expenses for the coverage of all covered services to increase by more than one per cent per year. 77467  
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(b) The increase in costs reasonably justifies an increase of more than one per cent in the annual premiums or rates charged by the insurer or public employee benefit plan for the coverage of all covered services. 77472  
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Any determination made by the superintendent under this division is subject to Chapter 119. of the Revised Code. 77476  
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(I)(1) The director of mental retardation and developmental disabilities shall convene a committee on the coverage of autism spectrum disorders to investigate and recommend treatments or 77478  
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therapies for autism spectrum disorders that the committee 77481  
believes should be included in the services that health benefit 77482  
plans and public employee benefit plans are required to cover 77483  
under division (A) of this section and the qualifications of the 77484  
providers of those treatments or therapies. 77485

(2) The committee shall consist of nine members appointed by 77486  
the director of mental retardation and developmental disabilities 77487  
including the director of mental retardation and developmental 77488  
disabilities, the director of health, at least one licensed 77489  
physician, licensed psychologist, and parent of an individual 77490  
diagnosed with an autism spectrum disorder. 77491

(3) The committee shall serve at the pleasure of the 77492  
director. 77493

(4) The committee shall submit its recommendations to the 77494  
director of mental retardation and developmental disabilities. The 77495  
director may adopt rules in accordance with Chapter 119. of the 77496  
Revised Code to include additional treatments or therapies for 77497  
autism spectrum disorders in the services that health benefit 77498  
plans and public employee benefit plans are required to cover 77499  
under division (A) of this section. 77500

(J) As used in this section: 77501

(1) "Applied behavior analysis" means the design, 77502  
implementation, and evaluation of environmental modifications 77503  
using behavioral stimuli and consequences to produce socially 77504  
significant improvement in human behavior, including, but not 77505  
limited to, the use of direct observation, measurement, and 77506  
functional analysis of the relationship between environment and 77507  
behavior. 77508

(2) "Autism services provider" means any person whose 77509  
professional scope of practice allows treatment of autism spectrum 77510  
disorders, whose services are delineated in the treatment plan 77511

under division (B) of this section, and of whom one of the 77512  
following is true: 77513

(a) The person is licensed, certified, or registered by an 77514  
appropriate agency of this state to perform the services assigned 77515  
to the person in the treatment plan. 77516

(b) The person is directly supervised by an individual who is 77517  
licensed, certified, or registered by an appropriate agency of 77518  
this state to perform the services assigned to the person in the 77519  
treatment plan. 77520

(3) "Autism spectrum disorder" means any of the pervasive 77521  
developmental disorders as defined by the most recent edition of 77522  
the diagnostic and statistical manual of mental disorders, 77523  
published by the American psychiatric association, or if that 77524  
manual is no longer published, a similar diagnostic manual. Autism 77525  
spectrum disorders includes, but is not limited to, autistic 77526  
disorder, Asperger's disorder, Rett's disorder, childhood 77527  
disintegrative disorder, and pervasive developmental disorder. 77528

(4) "Diagnosis of autism spectrum disorders" means medically 77529  
necessary assessments, evaluations, or tests, including but not 77530  
limited to genetic and psychological tests to determine whether an 77531  
individual has an autism spectrum disorder. 77532

(5) "Habilitative or rehabilitative care" means professional, 77533  
counseling, and guidance services and treatment programs, 77534  
including applied behavior analysis, that are necessary to 77535  
develop, maintain, or restore the functioning of an individual to 77536  
the maximum extent practicable. 77537

(6) "Health benefit plan" has the same meaning as in section 77538  
3924.01 of the Revised Code. 77539

(7) "Medically necessary" means the service is based upon 77540  
evidence; is prescribed, provided, or ordered by a health care 77541  
professional licensed or certified under the laws of this state to 77542

prescribe, provide, or order autism-related services in accordance 77543  
with accepted standards of practice; and will or is reasonably 77544  
expected to do any of the following: 77545

(a) Prevent the onset of an illness, condition, injury, or 77546  
disability; 77547

(b) Reduce or ameliorate the physical, mental or 77548  
developmental effects of an illness, condition, injury, or 77549  
disability; 77550

(c) Assist in achieving or maintaining maximum functional 77551  
capacity for performing daily activities, taking into account both 77552  
the functional capacity of the individual and the appropriate 77553  
functional capacities of individuals of the same age. 77554

(8) "Pharmacy care" means prescribed medications and any 77555  
medically necessary health-related services used to determine the 77556  
need or effectiveness of the medications. 77557

(9) "Psychiatric care" means direct or consultative services 77558  
provided by a psychiatrist licensed in the state in which the 77559  
psychiatrist practices psychiatry. 77560

(10) "Psychological care" means direct or consultative 77561  
services provided by a psychologist licensed in the state in which 77562  
the psychologist practices psychology. 77563

(11) "Therapeutic care" means services, communication 77564  
devices, or other adaptive devices or equipment provided by a 77565  
licensed speech-language pathologist, licensed occupational 77566  
therapist, or licensed physical therapist. 77567

**Sec. 3923.90.** (A) There is hereby created the health care 77568  
coverage and quality council to advise the governor, general 77569  
assembly, entities in the public and private sectors, and 77570  
consumers on strategies to expand affordable health insurance 77571  
coverage to more individuals and to improve the cost and quality 77572

<u>of the state's health insurance system and health care system.</u>	77573
<u>(B) The council shall consist of the following members:</u>	77574
<u>(1) The superintendent of insurance or the superintendent's designee;</u>	77575 77576
<u>(2) The director of the executive medicaid management administration;</u>	77577 77578
<u>(3) The director of medicaid;</u>	77579
<u>(4) The director of health;</u>	77580
<u>(5) The benefits administrator of the office of benefits administration within the department of administrative services;</u>	77581 77582
<u>(6) Two members of the house of representatives, one member appointed by the speaker of the house of representatives and one member appointed by the minority leader of the house of representatives;</u>	77583 77584 77585 77586
<u>(7) Two members of the senate, one member appointed by the president of the senate and one member appointed by the minority leader of the senate;</u>	77587 77588 77589
<u>(8) The following members appointed by the governor:</u>	77590
<u>(a) Two representatives of consumers of health care services;</u>	77591
<u>(b) Two representatives of employers that provide health care coverage to their employees;</u>	77592 77593
<u>(c) Two representatives of medical facilities, at least one of whom is a representative of a research and academic medical center;</u>	77594 77595 77596
<u>(d) Two individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	77597 77598 77599
<u>(e) Two individuals or representatives of individuals</u>	77600

authorized to practice any of the following: 77601

(i) Dentistry under Chapter 4715. of the Revised Code; 77602

(ii) Optometry under Chapter 4725. of the Revised Code; 77603

(iii) Podiatry under Chapter 4731. of the Revised Code; 77604

(iv) Chiropractic under Chapter 4734. of the Revised Code. 77605

(f) Two representatives of companies authorized under Chapter 77606  
3923. of the Revised Code to do the business of sickness and 77607  
accident insurance in this state or of health insuring 77608  
corporations holding certificates of authority under Chapter 1751. 77609  
of the Revised Code; 77610

(g) Two representatives of organized labor; 77611

(h) One representative of a nonprofit organization 77612  
experienced in health care data collection and analysis; 77613

(i) One individual with expertise in health information 77614  
technology and exchange; 77615

(j) One representative of a state retirement system; 77616

(k) One public health professional. 77617

(9) Other members appointed by the superintendent of 77618  
insurance. 77619

(C) Not later than thirty days after the effective date of 77620  
this section, initial appointments shall be made to the council. 77621  
The initial legislative members shall be appointed for terms 77622  
ending three years from the date of appointment. The initial 77623  
members appointed by the governor and the superintendent of 77624  
insurance shall serve staggered terms of one, two, or three years, 77625  
as selected by the governor or superintendent when making their 77626  
respective appointments. Thereafter, terms of office for all 77627  
appointed members shall be three years, with each term ending on 77628  
the same day of the same month as the term it succeeds. Each 77629

member shall hold office from the date of appointment until the 77630  
end of the term for which the member was appointed, except that a 77631  
legislative member ceases to be a member of the council on ceasing 77632  
to be a member of the general assembly. Members may be 77633  
reappointed. 77634

Vacancies shall be filled in the same manner as original 77635  
appointments. Any member appointed to fill a vacancy occurring 77636  
prior to the expiration of the term for which the member's 77637  
predecessor was appointed shall hold office for the remainder of 77638  
that term. A member shall continue in office subsequent to the 77639  
expiration date of the member's term until the member's successor 77640  
takes office or until a period of sixty days has elapsed, 77641  
whichever occurs first. 77642

(D) The superintendent or the superintendent's designee shall 77643  
serve as chairperson of the council. The council shall meet at the 77644  
call of the chair. A majority of the members of the council 77645  
constitutes a quorum. 77646

(E) Members shall serve without compensation, but may be 77647  
reimbursed for mileage and actual and necessary expenses incurred 77648  
in the performance of their official duties. 77649

(F) The superintendent may provide staff and other 77650  
administrative support for the council to carry out its duties. In 77651  
making staffing decisions, the superintendent may consider any 77652  
recommendations made by the council. 77653

(G) Sections 101.82 to 101.87 of the Revised Code do not 77654  
apply to the health care coverage and quality council. 77655

**Sec. 3923.91.** (A) The health care coverage and quality 77656  
council shall do all of the following: 77657

(1) Advise the governor and general assembly on strategies to 77658  
improve health care programs and health insurance policies and 77659

<u>benefit plans;</u>	77660
<u>(2) Monitor and evaluate implementation of strategies for</u>	77661
<u>improving access to health insurance coverage and improving the</u>	77662
<u>quality of the state's health care system, identify barriers to</u>	77663
<u>implementing those strategies, and identify methods for overcoming</u>	77664
<u>the barriers;</u>	77665
<u>(3) Catalog existing health care data reporting efforts and</u>	77666
<u>make recommendations to improve data reporting in a manner that</u>	77667
<u>increases transparency and consistency in the health care and</u>	77668
<u>insurance coverage systems;</u>	77669
<u>(4) Study health care financing alternatives that will</u>	77670
<u>increase access to health insurance coverage, promote disease</u>	77671
<u>prevention and injury prevention, contain costs, and improve</u>	77672
<u>quality;</u>	77673
<u>(5) Evaluate the systems that individuals use to obtain or</u>	77674
<u>otherwise become connected with health insurance and recommend</u>	77675
<u>improvements to those systems or the use of alternative systems;</u>	77676
<u>(6) Recommend minimum coverage standards for basic and</u>	77677
<u>standard health insurance plans offered by insurance carriers;</u>	77678
<u>(7) Recommend strategies, such as subsidies, to assist</u>	77679
<u>individuals in being able to afford health insurance coverage;</u>	77680
<u>(8) Recommend strategies to implement health information</u>	77681
<u>technology to support improved access and quality and reduced</u>	77682
<u>costs in the state's health care system;</u>	77683
<u>(9) Develop programs to assist employers in adopting</u>	77684
<u>cafeteria plans meeting the requirements of federal law;</u>	77685
<u>(10) Perform any other duties specified in rules adopted by</u>	77686
<u>the superintendent of insurance.</u>	77687
<u>(B) The council shall prepare and issue an annual report,</u>	77688
<u>which may include recommendations, on or before the thirty-first</u>	77689

day of December of each year. The council may prepare and issue 77690  
other reports and recommendations at other times that the council 77691  
finds appropriate. 77692

(C) The superintendent may adopt rules as necessary for the 77693  
council to carry out its duties. The rules shall be adopted under 77694  
Chapter 119. of the Revised Code. In adopting the rules, the 77695  
superintendent may consider any recommendations made by the 77696  
council. 77697

**Sec. 3924.01.** As used in sections 3924.01 to 3924.14 of the 77698  
Revised Code: 77699

(A) "Actuarial certification" means a written statement 77700  
prepared by a member of the American academy of actuaries, or by 77701  
any other person acceptable to the superintendent of insurance, 77702  
that states that, based upon the person's examination, a carrier 77703  
offering health benefit plans to small employers is in compliance 77704  
with sections 3924.01 to 3924.14 of the Revised Code. "Actuarial 77705  
certification" shall include a review of the appropriate records 77706  
of, and the actuarial assumptions and methods used by, the carrier 77707  
relative to establishing premium rates for the health benefit 77708  
plans. 77709

(B) "Adjusted average market premium price" means the average 77710  
market premium price as determined by the board of directors of 77711  
the Ohio health reinsurance program either on the basis of the 77712  
arithmetic mean of all carriers' premium rates for an OHC plan 77713  
sold to groups with similar case characteristics by all carriers 77714  
selling OHC plans in the state, or on any other equitable basis 77715  
determined by the board. 77716

(C) "Base premium rate" means, as to any health benefit plan 77717  
that is issued by a carrier and that covers at least two but no 77718  
more than fifty employees of a small employer, the lowest premium 77719  
rate for a new or existing business prescribed by the carrier for 77720



the same or similar coverage under a plan or arrangement covering 77721  
any small employer with similar case characteristics. 77722

(D) "Carrier" means any sickness and accident insurance 77723  
company or health insuring corporation authorized to issue health 77724  
benefit plans in this state or a MEWA. A sickness and accident 77725  
insurance company that owns or operates a health insuring 77726  
corporation, either as a separate corporation or as a line of 77727  
business, shall be considered as a separate carrier from that 77728  
health insuring corporation for purposes of sections 3924.01 to 77729  
3924.14 of the Revised Code. 77730

(E) "Case characteristics" means, with respect to a small 77731  
employer, the geographic area in which the employees work; the age 77732  
and sex of the individual employees and their dependents; the 77733  
appropriate industry classification as determined by the carrier; 77734  
the number of employees and dependents; and such other objective 77735  
criteria as may be established by the carrier. "Case 77736  
characteristics" does not include claims experience, health 77737  
status, or duration of coverage from the date of issue. 77738

(F) "Dependent" means the spouse or child of an eligible 77739  
employee, subject to applicable terms of the health benefits plan 77740  
covering the employee. 77741

(G) "Eligible employee" means an employee who works a normal 77742  
work week of twenty-five or more hours. "Eligible employee" does 77743  
not include a temporary or substitute employee, or a seasonal 77744  
employee who works only part of the calendar year on the basis of 77745  
natural or suitable times or circumstances. 77746

(H) "Health benefit plan" means any hospital or medical 77747  
expense policy or certificate or any health plan provided by a 77748  
carrier, that is delivered, issued for delivery, renewed, or used 77749  
in this state on or after the date occurring six months after 77750  
November 24, 1995. "Health benefit plan" does not include policies 77751

covering only accident, credit, dental, disability income, 77752  
long-term care, hospital indemnity, medicare supplement, specified 77753  
disease, or vision care; coverage under a 77754  
one-time-limited-duration policy of no longer than six months; 77755  
coverage issued as a supplement to liability insurance; insurance 77756  
arising out of a workers' compensation or similar law; automobile 77757  
medical-payment insurance; or insurance under which benefits are 77758  
payable with or without regard to fault and which is statutorily 77759  
required to be contained in any liability insurance policy or 77760  
equivalent self-insurance. 77761

(I) "Late enrollee" means an eligible employee or dependent 77762  
who enrolls in a small employer's health benefit plan other than 77763  
during the first period in which the employee or dependent is 77764  
eligible to enroll under the plan or during a special enrollment 77765  
period described in section 2701(f) of the "Health Insurance 77766  
Portability and Accountability Act of 1996," Pub. L. No. 104-191, 77767  
110 Stat. 1955, 42 U.S.C.A. 300gg, as amended. 77768

(J) "MEWA" means any "multiple employer welfare arrangement" 77769  
as defined in section 3 of the "Federal Employee Retirement Income 77770  
Security Act of 1974," 88 Stat. 832, 29 U.S.C.A. 1001, as amended, 77771  
except for any arrangement which is fully insured as defined in 77772  
division (b)(6)(D) of section 514 of that act. 77773

(K) "Midpoint rate" means, for small employers with similar 77774  
case characteristics and plan designs and as determined by the 77775  
applicable carrier for a rating period, the arithmetic average of 77776  
the applicable base premium rate and the corresponding highest 77777  
premium rate. 77778

(L) "Pre-existing conditions provision" means a policy 77779  
provision that excludes or limits coverage for charges or expenses 77780  
incurred during a specified period following the insured's 77781  
enrollment date as to a condition for which medical advice, 77782  
diagnosis, care, or treatment was recommended or received during a 77783

specified period immediately preceding the enrollment date. 77784  
Genetic information shall not be treated as such a condition in 77785  
the absence of a diagnosis of the condition related to such 77786  
information. 77787

For purposes of this division, "enrollment date" means, with 77788  
respect to an individual covered under a group health benefit 77789  
plan, the date of enrollment of the individual in the plan or, if 77790  
earlier, the first day of the waiting period for such enrollment. 77791

(M) "Service waiting period" means the period of time after 77792  
employment begins before an employee is eligible to be covered for 77793  
benefits under the terms of any applicable health benefit plan 77794  
offered by the small employer. 77795

(N)(1) "Small employer" means, in connection with a group 77796  
health benefit plan and with respect to a calendar year and a plan 77797  
year, an employer who employed an average of at least two but no 77798  
more than fifty eligible employees on business days during the 77799  
preceding calendar year and who employs at least two employees on 77800  
the first day of the plan year. 77801

(2) For purposes of division (N)(1) of this section, all 77802  
persons treated as a single employer under subsection (b), (c), 77803  
(m), or (o) of section 414 of the "Internal Revenue Code of 1986," 77804  
100 Stat. 2085, 26 U.S.C.A. 1, as amended, shall be considered one 77805  
employer. In the case of an employer that was not in existence 77806  
throughout the preceding calendar year, the determination of 77807  
whether the employer is a small or large employer shall be based 77808  
on the average number of eligible employees that it is reasonably 77809  
expected the employer will employ on business days in the current 77810  
calendar year. Any reference in division (N) of this section to an 77811  
"employer" includes any predecessor of the employer. Except as 77812  
otherwise specifically provided, provisions of sections 3924.01 to 77813  
3924.14 of the Revised Code that apply to a small employer that 77814  
has a health benefit plan shall continue to apply until the plan 77815

anniversary following the date the employer no longer meets the 77816  
requirements of this division. 77817

(O) "OHC plan" means an Ohio health care plan, which is the 77818  
basic, standard, or carrier reimbursement plan for small employers 77819  
and individuals established ~~by the board~~ in accordance with 77820  
section 3924.10 of the Revised Code. 77821

**Sec. 3924.06.** (A) Compliance with the underwriting and rating 77822  
requirements contained in sections 3924.01 to 3924.14 of the 77823  
Revised Code shall be demonstrated through actuarial 77824  
certification. Carriers offering health benefit plans to small 77825  
employers shall file annually with the superintendent of insurance 77826  
an actuarial certification stating that the underwriting and 77827  
rating methods of the carrier do all of the following: 77828

(1) Comply with accepted actuarial practices; 77829

(2) Are uniformly applied to health benefit plans covering 77830  
small employers; 77831

(3) Comply with the applicable provisions of sections 3924.01 77832  
to 3924.14 of the Revised Code. 77833

(B) If a carrier has established a separate class of business 77834  
for one or more small employer health care alliances in accordance 77835  
with section 1731.09 of the Revised Code, this section shall apply 77836  
in accordance with section 1731.09 of the Revised Code. 77837

(C) Carriers offering health benefit plans to small employers 77838  
shall file premium rates with the superintendent in accordance 77839  
with section 3923.02 of the Revised Code with respect to the 77840  
carrier's sickness and accident insurance policies sold to small 77841  
employers and in accordance with section 1751.12 of the Revised 77842  
Code with respect to the carrier's health insuring corporation 77843  
policies sold to small employers. 77844

Sec. 3924.09. The Ohio health reinsurance program shall have 77845  
the general powers and authority granted under the laws of the 77846  
state to insurance companies licensed to transact sickness and 77847  
accident insurance, except the power to issue insurance. The board 77848  
of directors of the program also shall have the specific authority 77849  
to do all of the following: 77850

(A) Enter into contracts as are necessary or proper to carry 77851  
out the provisions and purposes of sections 3924.07 to 3924.14 of 77852  
the Revised Code, including the authority to enter into contracts 77853  
with similar programs of other states for the joint performance of 77854  
common functions, or with persons or other organizations for the 77855  
performance of administrative functions; 77856

(B) Sue or be sued, including taking any legal actions 77857  
necessary or proper for recovery of any assessments for, on behalf 77858  
of, or against any program or board member; 77859

(C) Take such legal action as is necessary to avoid the 77860  
payment of improper claims against the program; 77861

(D) ~~Design~~ Make recommendations to the superintendent of 77862  
insurance regarding the design of the OHC plans which, when 77863  
offered by a carrier, are eligible for reinsurance and issue 77864  
reinsurance policies in accordance with the requirements of 77865  
sections 3924.07 to 3924.14 of the Revised Code; 77866

(E) Establish rules, conditions, and procedures pertaining to 77867  
the reinsurance of members' risks by the program; 77868

(F) Establish appropriate rates, rate schedules, rate 77869  
adjustments, rate classifications, and any other actuarial 77870  
functions appropriate to the operation of the program; 77871

(G) Assess members in accordance with division (G) of section 77872  
3924.11 and the provisions of section 3924.13 of the Revised Code, 77873  
and make such advance interim assessments as may be reasonable and 77874

necessary for organizational and interim operating expenses. Any 77875  
interim assessments shall be credited as offsets against any 77876  
regular assessments due following the close of the calendar year. 77877

(H) Appoint members to appropriate legal, actuarial, and 77878  
other committees if necessary to provide technical assistance with 77879  
respect to the operation of the program, policy and other contract 77880  
design, and any other function within the authority of the 77881  
program; 77882

(I) Borrow money to effect the purposes of the program. Any 77883  
notes or other evidence of indebtedness of the program not in 77884  
default shall be legal investments for carriers and may be carried 77885  
as admitted assets. 77886

(J) Reinsure risks, collect assessments, and otherwise carry 77887  
out its duties under division (G) of section 3924.11 of the 77888  
Revised Code; 77889

(K) Study the operation of the Ohio health reinsurance 77890  
program and the open enrollment reinsurance program and, based on 77891  
its findings, make legislative recommendations to the general 77892  
assembly for improvements in the effectiveness, operation, and 77893  
integrity of the programs; 77894

(L) ~~Design~~ Make recommendations to the superintendent 77895  
regarding the design of a basic and standard plan for purposes of 77896  
sections 1751.16, 3923.122, and 3923.581 of the Revised Code. 77897

**Sec. 3924.10.** (A) The board of directors of the Ohio health 77898  
reinsurance program ~~shall design~~ may make recommendations to the 77899  
superintendent of insurance, and the superintendent may adopt or 77900  
amend by rule adopted in accordance with Chapter 119. of the 77901  
Revised Code the OHC basic, standard, and carrier reimbursement 77902  
plans which, when offered by a carrier, are eligible for 77903  
reinsurance under the program. The ~~board~~ superintendent shall 77904

establish the form and level of coverage to be made available by 77905  
carriers in their OHC plans. ~~In designing the~~ The plans the board 77906  
~~shall also establish~~ include benefit levels, deductibles, 77907  
coinsurance factors, exclusions, and limitations for the plans. 77908  
The forms and levels of coverage ~~established by the board~~ shall 77909  
specify which components of health benefit plans offered by a 77910  
carrier may be reinsured. The OHC plans are subject to division 77911  
(C) of section 3924.02 of the Revised Code and to the provisions 77912  
in Chapters 1751., 1753., 3923., and any other chapter of the 77913  
Revised Code that require coverage or the offer of coverage of a 77914  
health care service or benefit. 77915

(B) ~~The board shall adopt the OHC plans within one hundred~~ 77916  
~~eighty days after the effective date of this amendment~~ Prior to 77917  
adopting rules relating to the OHC basic and standard plans, the 77918  
superintendent shall conduct an actuarial analysis of the cost 77919  
impacts of any proposed rule that makes changes to the basic and 77920  
standard plans. The superintendent also may consider 77921  
recommendations of the Ohio health care coverage and quality 77922  
council established under section 3923.90 of the Revised Code. The 77923  
plans may include cost containment features including any of the 77924  
following: 77925

(1) Utilization review of health care services, including 77926  
review of the medical necessity of hospital and physician 77927  
services; 77928

(2) Case management benefit alternatives; 77929

(3) Selective contracting with hospitals, physicians, and 77930  
other health care providers; 77931

(4) Reasonable benefit differentials applicable to 77932  
participating and nonparticipating providers; 77933

(5) Employee assistance program options that provide 77934  
preventive and early intervention mental health and substance 77935

abuse services; 77936

(6) Other provisions for the cost-effective management of the 77937  
plans. 77938

(C) OHC plans established for use by health insuring 77939  
corporations shall be consistent with the basic method of 77940  
operation of such corporations. 77941

(D) Each carrier shall certify to the superintendent of 77942  
insurance, in the form and manner prescribed by the 77943  
superintendent, that the OHC plans filed by the carrier are in 77944  
substantial compliance with the provisions of the board OHC plans. 77945  
Upon receipt by the superintendent of the certification, the 77946  
carrier may use the certified plans. 77947

(E) Each carrier shall, on and after sixty days after the 77948  
date that the program becomes operational and as a condition of 77949  
transacting business in this state, renew coverage provided to any 77950  
individual or group under its OHC plans. 77951

(F) The OHC plans in effect as of June 1, 2009, shall remain 77952  
in effect until those plans are amended or new plans are adopted 77953  
in accordance with this section. 77954

**Sec. 3929.43.** (A) The Ohio fair plan underwriting association 77955  
is hereby created consisting of all insurers authorized to write 77956  
within this state, on a direct basis, basic property insurance or 77957  
any component thereof in multi-peril policies, to assist 77958  
applicants in urban areas to secure basic property insurance or 77959  
homeowners insurance, and to formulate and administer a program 77960  
for the equitable apportionment of basic property insurance or 77961  
homeowners insurance which cannot be obtained in the normal 77962  
market. Every such insurer shall be a member of the association 77963  
and shall remain a member as a condition of its authority to write 77964  
any of such insurance in this state. 77965



(B) The association, pursuant to sections 3929.41 to 3929.49 77966  
of the Revised Code, and the plan of operation, with respect to 77967  
basic property insurance or homeowners insurance, may assume and 77968  
cede reinsurance on insurable risks written by its members. 77969

(C) The board of governors of the association shall submit to 77970  
the superintendent of insurance, for ~~his~~ approval, a proposed plan 77971  
of operation which shall provide for economical, fair, and 77972  
nondiscriminatory administration of a program for the equitable 77973  
apportionment among members of basic property insurance or 77974  
homeowners insurance which may be afforded in urban areas to 77975  
applicants whose property is insurable in accordance with 77976  
reasonable underwriting standards, but who are unable to procure 77977  
such insurance through normal channels. The association is under 77978  
no obligation to issue basic property insurance or homeowners 77979  
insurance to any person, unless that person and ~~his~~ that person's 77980  
property would be insurable in the normal insurance market, and 77981  
such property, except for its location, would constitute an 77982  
insurable risk in accordance with reasonable underwriting 77983  
standards. The plan of operation shall provide that the 77984  
association, in determining whether the property is insurable, 77985  
shall give no consideration to the condition of surrounding 77986  
property or properties, where such condition is not within the 77987  
control of the applicant. Rates for basic property insurance and 77988  
homeowners insurance shall ~~not exceed those rates filed with~~ be 77989  
subject to the approval of the superintendent ~~by the major rating~~ 77990  
~~organization in this state, except that in the case of homeowners~~ 77991  
~~insurance the association may file deviations to the rating plan~~ 77992  
~~previously filed by such rating organization, and such deviations~~ 77993  
~~shall be subject to the approval of the superintendent in the same~~ 77994  
~~manner as other deviations under Chapter 3935. of the Revised~~ 77995  
Code. The plan of operation may also provide for assessment of all 77996  
members in amounts sufficient to operate the association, maximum 77997  
limits of liability per location to be placed through the program, 77998

reasonable underwriting standards for determining insurability of 77999  
a risk, and the commission to be paid to the licensed producer 78000  
designated by the applicant. The superintendent shall adopt such 78001  
plan and all amendments thereto pursuant to Chapter 119. of the 78002  
Revised Code. 78003

If the superintendent disapproves the proposed plan of 78004  
operation, the board of governors shall, within fifteen days, 78005  
submit for approval an appropriately revised plan of operation and 78006  
if the board of governors fails to do so, or if the revised plan 78007  
submitted is unacceptable, the superintendent shall promulgate a 78008  
plan of operation. 78009

If amendment of the plan of operation is requested by the 78010  
superintendent or the board of governors, the board of governors 78011  
shall submit to the superintendent, for ~~his~~ approval, such 78012  
amendments. If such amendments are not approved by the 78013  
superintendent, the board of governors shall, within fifteen days, 78014  
submit for approval an appropriately revised amendment. If the 78015  
board of governors fails to do so, or if the amendment is not 78016  
approved by the superintendent, the superintendent shall 78017  
promulgate such amendment as ~~he~~ the superintendent finds 78018  
necessary. 78019

(D)(1) The plan of operation may provide for periodic advance 78020  
assessments against member insurers in amounts considered 78021  
necessary to cover any deficit or projected deficit arising out of 78022  
the operation of the association. Any provision in the plan for 78023  
implementation of such advance assessments shall be approved by 78024  
the superintendent. Any such provision in the plan shall also 78025  
provide for quarterly or other periodic installment payment of 78026  
such assessments. 78027

(2) Such plan shall provide a method whereby member insurers 78028  
may recoup assessments levied by the association. In order to 78029  
recoup such assessments the plan may also provide for the 78030

calculation and use of rates or rating factors to be applied to 78031  
direct premiums for basic property insurance and homeowners 78032  
insurance located in this state. Such a provision is subject to 78033  
the approval of the superintendent. Member insurers of the 78034  
association implementing a change in rates pursuant to this 78035  
section shall file such changes with the superintendent. Such 78036  
changes shall not increase rates more than the amount authorized 78037  
by the association and approved by the superintendent pursuant to 78038  
the plan. The association may consult with member insurers or 78039  
licensed rating bureaus in connection with the establishment and 78040  
operation of any such provision. 78041

(E) Any insurer which is a member of the association shall 78042  
participate in the writings, expenses, profits, and losses of the 78043  
association in the proportion that its premiums written bear to 78044  
the aggregate premiums written by all members of the association, 78045  
except that this division shall not be construed to preclude the 78046  
board of governors from taking action to adjust assessments in 78047  
accordance with a program adopted pursuant to division (I) of this 78048  
section. 78049

(F) Such plan shall require the issuance of a binder 78050  
providing coverage for which the applicant tenders an amount equal 78051  
to the annual premium as estimated by the association, ~~such or an~~ 78052  
appropriate percentage of that annual premium as determined by the 78053  
association. The binder taking shall take effect fifteen days 78054  
following the date of the day after the association receives the 78055  
application, provided that the application meets the underwriting 78056  
standards of the association, for such term, and under such 78057  
conditions as are determined by the superintendent ~~of insurance.~~ 78058  
The superintendent may alter such time requirement on a specific 78059  
risk under such conditions as ~~he~~ the superintendent finds 78060  
appropriate. 78061

(G) The association shall be governed by a board of governors 78062

consisting of twelve members, four of whom shall be appointed by 78063  
the governor with the advice and consent of the senate. One of 78064  
such members shall be a licensed agent writing basic property 78065  
insurance for more than one insurer. None of the other three such 78066  
members shall be a director, officer, salaried employee, agent, or 78067  
substantial shareholder of any insurance company and not more than 78068  
two of these three members shall be members of the same political 78069  
party. Terms of office of members appointed by the governor shall 78070  
be for two years, commencing on the nineteenth day of September 78071  
and ending on the eighteenth day of September. Each member shall 78072  
hold office from the date of ~~his~~ appointment until the end of the 78073  
term for which ~~he~~ the member was appointed. Any member appointed 78074  
to fill a vacancy occurring prior to the expiration of the term 78075  
for which ~~his~~ the member's predecessor was appointed shall hold 78076  
office for the remainder of such term. Any appointed member shall 78077  
continue in office subsequent to the expiration date of ~~his~~ the 78078  
member's term until ~~his~~ the member's successor takes office, or 78079  
until a period of sixty days has elapsed, whichever occurs first. 78080  
The remaining eight members shall be representatives from member 78081  
companies, at least five of whom shall be Ohio domiciled members, 78082  
elected annually by accumulated voting by members of the 78083  
association whose votes shall be weighed in accordance with each 78084  
member's premiums written during the second preceding calendar 78085  
year. Not more than one insurer in a group under the same 78086  
management or ownership shall serve on the board of governors at 78087  
the same time. The eight representatives of member companies shall 78088  
be elected at a meeting of the members or their authorized 78089  
representatives, which shall be held at a time and place 78090  
designated by the superintendent. 78091

(H) The plan shall be administered under the supervision of 78092  
the superintendent. 78093

(I) The board of governors shall adopt a written program for 78094

decreasing the overall utilization of the association as a source 78095  
of insurance. The program shall set forth actions that the board 78096  
shall take to decrease such utilization, including actions 78097  
intended to reduce the number of policies issued, the number of 78098  
persons whose properties are insured, and the total amount and 78099  
kinds of insurance written by the association, provided this 78100  
division does not authorize the board to take action intended to 78101  
decrease utilization of the association as a source of insurance 78102  
if such action would substantially conflict with the purposes set 78103  
forth in divisions (A), (B), and (D) of section 3929.41 of the 78104  
Revised Code or the plan of operation of the association. 78105

**Sec. 3929.67.** (A) A medical liability insurance policy that 78106  
insures a physician or podiatrist, written by or on behalf of the 78107  
medical liability underwriting association pursuant to sections 78108  
3929.62 to 3929.70 of the Revised Code, may only be cancelled 78109  
during the term of the policy for one of the following reasons: 78110

(1) Nonpayment of premiums; 78111

(2) The license of the insured to practice medicine and 78112  
surgery, osteopathic medicine and surgery, or podiatric medicine 78113  
and surgery has been suspended or revoked; 78114

(3) The insured's failure to meet minimum eligibility and 78115  
underwriting standards; 78116

(4) The occurrence of a change in the individual risk that 78117  
substantially increases any hazard insured against after the 78118  
coverage has been issued or renewed, except to the extent that the 78119  
medical liability underwriting association reasonably should have 78120  
foreseen the change or contemplated the risk in writing the 78121  
policy; 78122

(5) Discovery of fraud or material misrepresentation in the 78123  
procurement of insurance or with respect to any claim submitted 78124

thereunder. 78125

(B) A medical liability insurance policy that insures a 78126  
hospital, written by or on behalf of the medical liability 78127  
underwriting association pursuant to sections 3929.62 to 3929.70 78128  
of the Revised Code, may only be cancelled during the term of the 78129  
policy for one of the following reasons: 78130

(1) Nonpayment of premiums; 78131

(2) The hospital is not certified or accredited in accordance 78132  
with Chapter 3727. of the Revised Code; 78133

(3) An injunction against the hospital has been granted under 78134  
section ~~3727.05~~ 3727.04 of the Revised Code; 78135

(4) The insured's failure to meet minimum eligibility and 78136  
underwriting standards; 78137

(5) The occurrence of a change in the individual risk that 78138  
substantially increases any hazard insured against after the 78139  
coverage has been issued or renewed, except to the extent that the 78140  
medical liability underwriting association reasonably should have 78141  
foreseen the change or contemplated the risk in writing the 78142  
policy; 78143

(6) Discovery of fraud or material misrepresentation in the 78144  
procurement of insurance or with respect to any claim submitted 78145  
thereunder. 78146

**Sec. 3953.23.** (A) Every title insurance agent shall keep 78147  
books of account and record and vouchers pertaining to the 78148  
business of title insurance in such manner that the title 78149  
insurance company may readily ascertain from time to time whether 78150  
the agent has complied with this chapter. 78151

(B)(1) A title insurance agent may engage in the business of 78152  
handling escrows of real property transactions ~~provided that~~ 78153  
subject to all of the following: 78154

(a) The agent shall maintain a separate record of all receipts and disbursements of escrow funds and shall not. 78155  
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(b) The agent shall deposit funds held in trust at interest in either of the following accounts: 78157  
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(i) An account as required in section 3953.231 of the Revised Code and in accordance with all applicable rules; 78159  
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(ii) A separate escrow account for the benefit of one or more parties to the escrow transaction. 78161  
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(c) The agent shall not commingle any such funds with the agent's own funds or with funds held by the agent in any other capacity; and if. 78163  
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(d) The agent shall ensure that any person or entity delegated or assigned by the agent with the responsibility for handling escrows of real property transactions complies with all provisions of the Revised Code and any rules that are applicable to the agent. 78166  
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(e) If at any time the superintendent of insurance determines that an agent has failed to comply with any of the provisions of this section, the superintendent may revoke the license of the agent pursuant to section 3905.14 of the Revised Code, subject to review as provided for in Chapter 119. of the Revised Code. 78171  
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(C) All title insurance agents or agencies that handle escrows in real property transactions not involving the issuance of title insurance shall have coverage that protects the parties to such transactions against theft, misappropriation, fraud, or any other failure to properly disburse settlement, closing, or escrow funds. The superintendent shall adopt rules under Chapter 119. of the Revised Code setting forth the minimum requirements for such coverage, including, but not limited to, the minimum amounts, terms, and conditions of such coverage. 78177  
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(D) The superintendent shall require every title insurance agent or agency and any subcontractors to maintain an errors and omissions policy, in any amount exceeding minimum limits established by the superintendent, that includes but is not limited to coverage for the agent's or agency's delegation of any agent or agency function. The superintendent shall adopt rules under Chapter 119. of the Revised Code setting forth the minimum requirements for that coverage, including but not limited to the minimum amounts, terms, and conditions of the coverage.

**Sec. 3953.231.** (A)(1) Each title insurance agent or title insurance company shall establish and maintain an interest-bearing trust account for the deposit of all non-directed escrow funds ~~that meet the requirements of sections 1349.20 to 1349.22 of the Revised Code~~ received by the agent to affect an escrow transaction.

(2) The account established under division (A)(1) of this section shall be established and maintained in ~~any federally insured bank, savings and loan association, credit union, or savings bank that is authorized to transact business in this state~~ an eligible depository.

(3) ~~The~~ Each account established under division (A)(1) of this section shall be in the name of the title insurance agent or company, and shall be identified as an "interest on trust account" or "IOTA." The name of the account may contain additional identifying information to distinguish it from other accounts.

(4) The title insurance agent or company establishing the account shall submit, in writing, to the superintendent of insurance the name, account number, and location of the ~~bank, savings and loan association, credit union, or savings bank~~ eligible depository in which the trust account is maintained.

(B) Each title insurance agent or company shall deposit all



non-directed escrow funds that are nominal in amount or are to be held for a short period of time into the account established under division (A) of this section no later than the next business day after receipt.

(C) Each account established under division (A) of this section shall comply with all of the following:

(1) All funds ~~in the~~ shall be deposited into an IOTA account product at an eligible depository and shall be subject to withdrawal or transfer upon request and without delay, or as soon as permitted by law;

(2) ~~The rate of interest payable on the account shall not be less than the rate paid by the bank, savings and loan, credit union, or savings bank to its regular depositors. The rate may be higher if there is no impairment of the right to the immediate withdrawal or transfer of the principal;~~ (a) The approved rate of interest payable on the account shall equal or exceed the highest interest rate or dividend paid by the eligible depository on its account products that are not IOTA account products. The eligible depository shall pay on its IOTA account product any higher rates offered by it on its account products that are not IOTA account products.

(b) In paying not less than the highest interest rate or dividend paid by the eligible depository on its account products that are not IOTA account products, an eligible depository shall do both of the following:

(i) For IOTA accounts with balances of less than one hundred thousand dollars, pay a rate that equals or exceeds the highest rate paid on its business checking account paying preferred interest rates, such as money market or indexed rates, or any other similar, suitable interest-bearing account offered by the eligible depository on its account products that are not IOTA

account products; 78248

(ii) For IOTA accounts with balances of one hundred thousand 78249  
dollars or more, pay a rate that equals or exceeds the highest 78250  
rate paid on its business checking account with an automated 78251  
investment feature, such as an overnight sweep account, business 78252  
investment or other similar premium checking account, short-term 78253  
jumbo certificate of deposit, money market account, or any other 78254  
similar, suitable interest-bearing account offered by the eligible 78255  
depository on its account products that are not IOTA account 78256  
products. 78257

(c) In determining the highest interest rate or dividend paid 78258  
by the eligible depository on its account products that are not 78259  
IOTA account products, an eligible depository shall consider the 78260  
rates it offers its customers from internal rate sheets or through 78261  
preferred or negotiated rates on a per customer basis. In 78262  
considering the rate for the IOTA account product, the eligible 78263  
depository may also take into consideration and discount for 78264  
factors such as fees paid by the account-holder, time commitments, 78265  
and withdrawal limitations. The eligible depository shall not use 78266  
these factors to preclude the consideration of the rates paid on 78267  
one or more of its account products that are not IOTA account 78268  
products in the eligible depository's establishment of a rate for 78269  
the IOTA account product. 78270

(d) If an eligible depository determines that it is unable to 78271  
pay the approved rate during any reporting period, the eligible 78272  
depository may request from the Ohio legal assistance foundation a 78273  
waiver from the approved rate requirement for that reporting 78274  
period. If an eligible depository requests a waiver from the 78275  
approved rate requirement, the eligible depository shall 78276  
demonstrate in the form and manner prescribed in rules adopted by 78277  
the Ohio legal assistance foundation pursuant to section 120.52 of 78278  
the Revised Code that the rates of interest paid on its IOTA 78279

account product are generally not less than the highest rates paid 78280  
by the eligible depository on its account products that are not 78281  
IOTA account products. At a minimum, the eligible depository shall 78282  
demonstrate by an independent, third-party auditor's certification 78283  
that not more than five per cent of the eligible depository's 78284  
account products that are not IOTA account products with an 78285  
average daily balance of greater than or equal to one hundred 78286  
thousand dollars have rates that are higher than the rate paid on 78287  
the its IOTA account product during the same reporting period. 78288

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(3) All interest earned on ~~the an~~ an account, net of service 78290  
~~charges and other related charges, established under division~~ 78291  
(A)(1) of this section shall be transmitted to the treasurer of 78292  
state for deposit in the legal aid fund established under section 78293  
120.52 of the Revised Code. No part of the interest earned on 78294  
funds deposited in an interest-bearing trust account established 78295  
under division (A) of this section shall be paid to, or inure to 78296  
the benefit of, the title insurance agent or company, the client 78297  
or other person who owns or has a beneficial ownership of the 78298  
funds deposited, or any other account, person, or entity other 78299  
than in accordance with this section and sections 120.51 to 120.55 78300  
of the Revised Code. 78301

(D) The title insurance agent or company establishing an 78302  
account under division (A) of this section shall direct the ~~bank,~~ 78303  
~~savings and loan association, credit union, or savings bank~~ 78304  
eligible depository to do ~~both~~ all of the following: 78305

(1) Remit by the fifteenth day of each month interest or 78306  
dividends on the average monthly balance in the account earned in 78307  
the preceding month, or as otherwise computed in accordance with 78308  
the standard accounting practice of the ~~bank, savings and loan~~ 78309  
~~association, credit union, or savings bank,~~ less reasonable 78310  
~~service charges and other related charges,~~ eligible depository, to 78311

the treasurer of state ~~at least quarterly~~ for deposit in the legal 78312  
aid fund established under section 120.52 of the Revised Code; 78313

(2) At the time of each remittance, transmit to the treasurer 78314  
of state, ~~and if requested~~, to the Ohio legal assistance 78315  
foundation, and, if requested, to the title insurance agent or 78316  
company, a statement showing the name of the title insurance agent 78317  
or company for whom the remittance is sent, the comparable 78318  
accounts or product types and the rates paid as required in 78319  
division (C)(2)(b) of this section, the rate of interest applied, 78320  
the accounting period, the net amount remitted to the treasurer of 78321  
state for each account, the total remitted, the average account 78322  
balance for each month of the period for which the report is made, 78323  
and the amount ~~deducted for~~ of service charges and other related 78324  
charges assessed to and paid by the account holder or other party. 78325

(3) Notify the superintendent or other entity designated by 78326  
the superintendent on each occasion when a properly payable 78327  
instrument is presented for payment from the account and the 78328  
account contains insufficient funds, provide this notice without 78329  
regard to whether the instrument is honored by the eligible 78330  
depository, provide this notice by electronic or other means 78331  
within five banking days of the date that the instrument was 78332  
honored or returned as dishonored, and include in the notice all 78333  
of the following: 78334

(a) The name and address of the eligible depository; 78335

(b) The name and address of the title insurance agent or 78336  
company that maintains the account; 78337

(c) The account number and either the amount of the overdraft 78338  
and the date issued or the amount of the dishonored instrument and 78339  
the date returned. 78340

(E) The statements and reports submitted by the ~~bank, savings~~ 78341  
~~and loan association, credit union, or savings bank~~ eligible 78342

depository under this section, ~~are~~ confidential and are not public 78343  
records subject to section 149.43 of the Revised Code and shall be 78344  
used ~~only~~ by the Ohio legal assistance foundation to administer 78345  
the legal aid fund and by the superintendent for the enforcement 78346  
of this section. If any statement or report submitted by an 78347  
eligible depository under this section is used by the 78348  
superintendent for the enforcement of this section, that statement 78349  
or report may become a public record subject to section 149.43 of 78350  
the Revised Code. 78351

(F) No funds belonging to a title insurance agent or company 78352  
shall be deposited into an account established under division (A) 78353  
of this section except funds necessary to establish the account or 78354  
to pay service charges and other related charges of the ~~bank,~~ 78355  
~~savings and loan association, credit union, or savings bank that~~ 78356  
~~are in excess of earnings on the account~~ eligible depository. 78357

(G) No liability arising out of any negligent act or omission 78358  
of any title insurance agent or company with respect to any 78359  
account established under division (A) of this section shall be 78360  
imputed to the ~~bank, savings and loan association, credit union,~~ 78361  
~~or savings bank~~ eligible depository. 78362

~~(H) No liability or responsibility arising out of any~~ 78363  
~~negligent act or omission of any title insurance agent with~~ 78364  
~~respect to any account established under division (A) of this~~ 78365  
~~section shall be imputed to a title insurance company.~~ 78366

~~(I)~~ The superintendent may adopt, in accordance with Chapter 78367  
119. of the Revised Code, rules that pertain to the use of 78368  
accounts established under division (A) of this section and to the 78369  
enforcement of this section. Any rules adopted by the 78370  
superintendent under this division that pertain to the use of 78371  
accounts established under division (A) of this section shall 78372  
conform to the provisions of this section, section 3953.23 of the 78373  
Revised Code, and any rules adopted by the Ohio legal assistance 78374

foundation pursuant to section 120.52 of the Revised Code. 78375

(I) As used in this section: 78376

(1) "Approved rate" means the minimum allowable rate of 78377  
interest payable on an IOTA account product established and 78378  
maintained under this section or an IOLTA account product 78379  
established and maintained under sections 4705.09 and 4705.10 of 78380  
the Revised Code. 78381

(2) "Eligible depository" means a depository or financial 78382  
institution that satisfies all of the following requirements: 78383

(a) It voluntarily offers and maintains account products 78384  
pursuant to sections 3953.231, 4705.09, and 4705.10 of the Revised 78385  
Code and meets the requirements prescribed in those sections and 78386  
any rules adopted by the Ohio legal assistance foundation pursuant 78387  
to section 120.52 of the Revised Code. 78388

(b) It is a bank, savings bank, or savings and loan 78389  
association authorized by federal or state law to do business in 78390  
this state and insured by the Federal deposit insurance 78391  
corporation or any successor insurance corporation or is a credit 78392  
union authorized by federal or state law to do business in this 78393  
state and insured by the national credit union administration or 78394  
by a credit union share guaranty corporation in this state. 78395

(c) It has been certified by the Ohio legal assistance 78396  
foundation as an eligible depository, based on the criterion 78397  
provided in sections 120.52, 3953.231, 4705.09, and 4705.10 of the 78398  
Revised Code, subject to a dispute resolution process established 78399  
by rules adopted by the Ohio legal assistance foundation pursuant 78400  
to section 120.52 of the Revised Code. 78401

(3) "Escrow transaction" means a transaction in which a 78402  
person, for the purpose of effecting and closing the sale, 78403  
purchase, exchange, transfer, encumbrance, or lease of an interest 78404  
in commercial or residential real property located in this state 78405

to another person, provides a written instrument or document, 78406  
money, negotiable instrument, check, evidence of title to real 78407  
property, or anything of value to an escrow or closing agent to be 78408  
held by the agent until a specified event occurs or until the 78409  
performance of a prescribed condition, at which time the agent 78410  
shall deliver it to a specific person in compliance with 78411  
applicable instructions by filing that written instrument or 78412  
document with the appropriate public entity or by direct tender to 78413  
the appropriate person. 78414

(4) "IOTA account product" means a separate and unique 78415  
product offered by an eligible depository that is used exclusively 78416  
for the deposit of funds transferred electronically or otherwise, 78417  
cash, money orders, or negotiable instruments that are received by 78418  
a title insurance agent to effect an escrow transaction and fully 78419  
complies with the account requirements of sections 120.52, 78420  
3953.23, and 3953.231 of the Revised Code. 78421

**Sec. 4104.01.** As used in sections 4104.01 to 4104.20 and 78422  
section 4104.99 of the Revised Code: 78423

(A) "Board of building standards" or "board" means the board 78424  
established by section 3781.07 of the Revised Code. 78425

(B) "Superintendent" means the superintendent of ~~the division~~ 78426  
~~of industrial compliance labor~~ created by section 121.04 of the 78427  
Revised Code. 78428

(C) "Boiler" means a closed vessel in which water is heated, 78429  
steam is generated, steam is superheated, or any combination 78430  
thereof, under pressure or vacuum for use externally to itself by 78431  
the direct application of heat from the combustion of fuels, or 78432  
from electricity or nuclear energy. "Boiler" includes fired units 78433  
for heating or vaporizing liquids other than water where these 78434  
units are separate from processing systems and are complete within 78435  
themselves. 78436

(D) "Power boiler" means a boiler in which steam or other vapor (to be used externally to itself) is generated at a pressure of more than fifteen psig.

(E) "High pressure, high temperature water boiler" means a water heating boiler operating at pressures exceeding one hundred sixty psig or temperatures exceeding two hundred fifty degrees Fahrenheit.

(F) "Low pressure boiler" means a steam boiler operating at pressures not exceeding fifteen psig, or a hot water heating boiler operating at pressures not exceeding one hundred sixty psig or temperatures not exceeding two hundred fifty degrees Fahrenheit.

(G) "Pressure vessel" means a container for the containment of pressure, either internal or external. This pressure may be obtained from an external source or by the application of heat from a direct or indirect source or any combination thereof.

(H) "Process boiler" means a boiler to which all of the following apply:

(1) The steam in the boiler is either generated or superheated, or both, under pressure or vacuum for use external to itself.

(2) The source of heat for the boiler is in part or in whole from a process other than the boiler itself.

(3) The boiler is part of a continuous processing unit, such as used in chemical manufacture or petroleum refining, other than a steam-generated process unit.

(I) "Stationary steam engine" means an engine or turbine in which the mechanical force arising from the elasticity and expansion action of steam or from its property of rapid condensation or from a combination of the two is made available as



a motive power. 78467

**Sec. 4104.02.** The board of building standards shall: 78468

(A) Formulate rules for the construction, installation, 78469  
repair, conservation of energy, and operation of boilers and the 78470  
construction and repair of pressure vessels and for ascertaining 78471  
the safe working pressures to be carried on such boilers and 78472  
pressure vessels and the qualification of inspectors of boilers 78473  
and pressure vessels; 78474

(B) Prescribe tests, if it is considered necessary, to 78475  
ascertain the qualities of materials used in the construction of 78476  
boilers and pressure vessels; 78477

(C) Adopt rules regulating the construction and sizes of 78478  
safety valves for boilers and pressure vessels of different sizes 78479  
and pressures, for the construction, use, and location of fusible 78480  
plugs, appliances for indicating the pressure of steam and level 78481  
of water in the boiler or pressure vessels, and such other 78482  
appliances as the board considers necessary to safety in operating 78483  
boilers; 78484

(D) Establish reasonable fees for the performance of reviews, 78485  
surveys, or audits of manufacturer's facilities by the division of 78486  
~~industrial compliance~~ labor for certification by the American 78487  
society of mechanical engineers and the national board of boiler 78488  
and pressure vessel inspectors; 78489

(E) The definitions and rules adopted by the board for the 78490  
construction, installation, repair, conservation of energy, and 78491  
operation of boilers and the construction and repair of pressure 78492  
vessels and for ascertaining the safe working pressures to be used 78493  
on such boilers and pressure vessels shall be based upon and 78494  
follow generally accepted engineering standards, formulae, and 78495  
practices established and pertaining to boilers and pressure 78496

vessel construction, operation, and safety, and the board may, for 78497  
this purpose, adopt existing published standards as well as 78498  
amendments thereto subsequently published by the same authority. 78499

When a person desires to manufacture a special type of boiler 78500  
or pressure vessel, the design of which is not covered by the 78501  
rules of the board, the person shall submit drawings and 78502  
specifications of such boiler or pressure vessel to the board for 78503  
investigation, after which the board may permit its installation. 78504

The provisions of sections 119.03 and 119.11 of the Revised 78505  
Code in particular, and the applicable provisions of Chapter 119. 78506  
of the Revised Code in general, shall govern the proceedings of 78507  
the board of building standards in adopting, amending, or 78508  
rescinding rules pursuant to this section. 78509

**Sec. 4104.06.** (A) The inspection of boilers and their 78510  
appurtenances and pressure vessels shall be made by the inspectors 78511  
mentioned in sections 4104.07 to 4104.20 of the Revised Code. The 78512  
superintendent of ~~industrial compliance~~ labor shall administer and 78513  
enforce such sections and rules adopted by the board of building 78514  
standards pursuant to section 4104.02 of the Revised Code. 78515

(B) The superintendent shall adopt, amend, and repeal rules 78516  
exclusively for the issuance, renewal, suspension, and revocation 78517  
of certificates of competency and certificates of operation, for 78518  
conducting hearings in accordance with Chapter 119. of the Revised 78519  
Code related to these actions, and for the inspection of boilers 78520  
and their appurtenances, and pressure vessels. 78521  
78522

(C) Notwithstanding division (B) of this section, the 78523  
superintendent shall not adopt rules relating to construction, 78524  
maintenance, or repair of boilers and their appurtenances, or 78525  
repair of pressure vessels. 78526

(D) The superintendent and each general inspector may enter any premises and any building or room at all reasonable hours to perform an examination or inspection.

**Sec. 4104.07.** (A) An application for examination as an inspector of boilers and pressure vessels shall be in writing, accompanied by a fee of one hundred fifty dollars, upon a blank to be furnished by the superintendent of ~~industrial compliance~~ labor. Any moneys collected under this section shall be paid into the state treasury to the credit of the ~~industrial compliance~~ labor operating fund created in section 121.084 of the Revised Code.

(B) The superintendent shall determine if an applicant meets all the requirements for examination in accordance with rules adopted by the board of building standards under section 4104.02 of the Revised Code. An application shall be rejected which contains any willful falsification, or untruthful statements.

(C) An applicant shall be examined by the superintendent, by a written examination, prescribed by the board, dealing with the construction, installation, operation, maintenance, and repair of boilers and pressure vessels and their appurtenances, and the applicant shall be accepted or rejected on the merits of the applicant's application and examination.

(D) Upon a favorable report by the superintendent of the result of an examination, the superintendent shall immediately issue to the successful applicant a certificate of competency to that effect.

**Sec. 4104.08.** (A) The director of commerce may appoint from the holders of certificates of competency provided for in section 4104.07 of the Revised Code, general inspectors of boilers and pressure vessels.

(B) Any company authorized to insure boilers and pressure vessels against explosion in this state may designate from holders of certificates of competency issued by the superintendent of ~~industrial compliance labor~~, or holders of certificates of competency or commissions issued by other states or nations whose examinations for certificates or commissions have been approved by the board of building standards, persons to inspect and stamp boilers and pressure vessels covered by the company's policies, and the superintendent shall issue to such persons commissions authorizing them to act as special inspectors. Special inspectors shall be compensated by the company designating them.

(C) The director of ~~commerce~~ shall establish an annual fee to be charged by the superintendent for each certificate of competency or commission the superintendent issues.

(D) The superintendent shall issue to each general or special inspector a commission to the effect that the holder thereof is authorized to inspect boilers and pressure vessels in this state.

(E) No person shall be authorized to act as a general inspector or a special inspector who is directly or indirectly interested in the manufacture or sale of boilers or pressure vessels.

**Sec. 4104.09.** The certificate of competency issued under section 4104.07 of the Revised Code or the commission provided for in section 4104.08 of the Revised Code may be revoked by the superintendent of ~~industrial compliance labor~~ for the incompetence or untrustworthiness of the holder thereof, or for willful falsification of any matter or statement contained in the holder's application or in a report of any inspection in accordance with Chapter 119 of the Revised Code. If a certificate or commission is lost or destroyed, a new certificate or commission shall be issued in its place without another examination.

**Sec. 4104.10.** All unfired pressure vessels, except unfired 78588  
pressure vessels exempt under section 4104.04 of the Revised Code, 78589  
shall be thoroughly inspected during fabrication and upon 78590  
completion and shall not be operated until a copy of the 78591  
manufacturers' data report, properly executed and signed by the 78592  
inspector is filed in the office of the superintendent of 78593  
~~industrial compliance labor~~. All unfired pressure vessels shall 78594  
conform in every detail with applicable rules adopted by the board 78595  
of building standards pursuant to section 4104.02 of the Revised 78596  
Code. 78597

**Sec. 4104.101.** (A) No person shall install or make major 78598  
repairs or modifications to any boiler without first registering 78599  
to do so with the division of ~~industrial compliance labor~~. 78600

(B) No person shall make any installation or major repair or 78601  
modification of any boiler without first obtaining a permit to do 78602  
so from the division. The permit application form shall provide 78603  
the name and address of the owner, location of the boiler, and 78604  
type of repair or modification that will be made. The application 78605  
permit fee shall be ~~fifty~~ one hundred dollars. 78606

(C) The superintendent of ~~industrial compliance labor~~ shall 78607  
require annual registration of all contractors who install, make 78608  
major repairs to, or modify any boiler. The board of building 78609  
standards shall establish a reasonable fee to cover the cost of 78610  
processing registrations. 78611

**Sec. 4104.12.** All boilers, except boilers mentioned in 78612  
section 4104.04 of the Revised Code, shall be inspected when 78613  
installed and shall not be operated until an appropriate 78614  
certificate of operation has been issued by the superintendent of 78615  
~~the division of industrial compliance labor~~. The certificate of 78616  
operation required by this section shall not be issued for any 78617

boiler which has not been thoroughly inspected during construction 78618  
and upon completion, by either a general or special inspector, and 78619  
which does not conform in every detail with the rules adopted by 78620  
the board of building standards and unless, upon completion, such 78621  
boiler is distinctly stamped under such rules by such inspector. 78622

**Sec. 4104.15.** (A) All certificates of inspection for boilers, 78623  
issued prior to October 15, 1965, are valid and effective for the 78624  
period set forth in such certificates unless sooner withdrawn by 78625  
the superintendent of ~~industrial compliance~~ labor. The owner or 78626  
user of any such boiler shall obtain an appropriate certificate of 78627  
operation for such boiler, and shall not operate such boiler, or 78628  
permit it to be operated unless a certificate of operation has 78629  
been obtained in accordance with section 4104.17 of the Revised 78630  
Code. 78631

(B) If, upon making the internal and external inspection 78632  
required under sections 4104.11, 4104.12, and 4104.13 of the 78633  
Revised Code, the inspector finds the boiler to be in safe working 78634  
order, with the fittings necessary to safety, and properly set up, 78635  
upon the inspector's report to the superintendent, the 78636  
superintendent shall issue to the owner or user thereof, or renew, 78637  
upon application and upon compliance with sections 4104.17 and 78638  
4104.18 of the Revised Code, a certificate of operation which 78639  
shall state the maximum pressure at which the boiler may be 78640  
operated, as ascertained by the rules of the board of building 78641  
standards. Such certificates shall also state the name of the 78642  
owner or user, the location, size, and number of each boiler, and 78643  
the date of issuance, and shall be so placed as to be easily read 78644  
in the engine room or boiler room of the plant where the boiler is 78645  
located, except that the certificate of operation for a portable 78646  
boiler shall be kept on the premises and shall be accessible at 78647  
all times. 78648

(C) If an inspector at any inspection finds that the boiler 78649  
or pressure vessel is not in safe working condition, or is not 78650  
provided with the fittings necessary to safety, or if the fittings 78651  
are improperly arranged, the inspector shall immediately notify 78652  
the owner or user and person in charge of the boiler and shall 78653  
report the same to the superintendent who may revoke, suspend, or 78654  
deny the certificate of operation and not renew the same until the 78655  
boiler or pressure vessel and its fittings are put in condition to 78656  
insure safety of operation, and the owner or user shall not 78657  
operate the boiler or pressure vessel, or permit it to be operated 78658  
until such certificate has been granted or restored. 78659

(D) If the superintendent or a general boiler inspector finds 78660  
that a pressure vessel or boiler or a part thereof poses an 78661  
explosion hazard that reasonably can be regarded as posing an 78662  
imminent danger of death or serious physical harm to persons, the 78663  
superintendent or the general boiler inspector shall seal the 78664  
pressure vessel or boiler and order, in writing, the operator or 78665  
owner of the pressure vessel or boiler to immediately cease the 78666  
pressure vessel's or boiler's operation. The order shall be 78667  
effective until the nonconformities are eliminated, corrected, or 78668  
otherwise remedied, or for a period of seventy-two hours from the 78669  
time of issuance, whichever occurs first. During the 78670  
seventy-two-hour period, the superintendent may request that the 78671  
prosecuting attorney or city attorney of Franklin county or of the 78672  
county in which the pressure vessel or boiler is located obtain an 78673  
injunction restraining the operator or owner of the pressure 78674  
vessel or boiler from continuing its operation after the 78675  
seventy-two-hour period expires until the nonconformities are 78676  
eliminated, corrected, or otherwise remedied. 78677

(E) Each boiler which has been inspected shall be assigned a 78678  
number by the superintendent, which number shall be stamped on a 78679  
nonferrous metal tag affixed to the boiler or its fittings by seal 78680

or otherwise. No person except an inspector shall deface or remove 78681  
any such number or tag. 78682

(F) If the owner or user of any pressure vessel or boiler 78683  
disagrees with the inspector as to the necessity for shutting down 78684  
a pressure vessel or boiler or for making repairs or alterations 78685  
in it, or taking any other measures for safety that are requested 78686  
by an inspector, the owner or user may appeal from the decision of 78687  
the inspector to the superintendent, who may, after such other 78688  
inspection by a general inspector or special inspector as the 78689  
superintendent deems necessary, decide the issue. 78690

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 78691  
nor an inspection or report by any inspector, shall relieve the 78692  
owner or user of a pressure vessel or boiler of the duty of using 78693  
due care in the inspection, operation, and repair of the pressure 78694  
vessel or boiler or of any liability for damages for failure to 78695  
inspect, repair, or operate the pressure vessel or boiler safely. 78696

**Sec. 4104.16.** The owner or user of any boiler required by 78697  
sections 4104.01 to 4104.20 of the Revised Code, to be inspected, 78698  
shall immediately notify the superintendent of ~~the division of~~ 78699  
~~industrial compliance labor~~ in case a defect affecting the safety 78700  
of the boiler is discovered. 78701

The owner or user of any stationary boiler required by such 78702  
sections to be inspected, who moves the same, shall report to the 78703  
superintendent the new location of the boiler. Such boiler shall 78704  
be inspected before it is again operated. 78705

**Sec. 4104.17.** Certificates of operation issued for boilers 78706  
subject to inspection under Chapter 4104. of the Revised Code 78707  
shall be issued and renewed in accordance with and at dates 78708  
prescribed by rules and regulations adopted by the superintendent 78709  
of ~~industrial compliance labor~~. 78710



Sec. 4104.18. (A) The owner or user of a boiler required 78711  
under section 4104.12 of the Revised Code to be inspected upon 78712  
installation, and the owner or user of a boiler for which a 78713  
certificate of inspection has been issued which is replaced with 78714  
an appropriate certificate of operation, shall pay to the 78715  
superintendent of ~~industrial compliance~~ labor a fee in the amount 78716  
of ~~forty-five~~ fifty dollars for boilers subject to annual 78717  
inspections under section 4104.11 of the Revised Code, ~~ninety one~~ 78718  
hundred dollars for boilers subject to biennial inspection under 78719  
section 4104.13 of the Revised Code, one hundred ~~thirty-five~~ fifty 78720  
dollars for boilers subject to triennial inspection under section 78721  
4104.11 of the Revised Code, or two hundred ~~twenty-five~~ fifty 78722  
dollars for boilers subject to quinquennial inspection under 78723  
section 4104.13 of the Revised Code. 78724

~~A renewal fee in the amount of forty-five dollars shall be 78725  
paid to the treasurer of state before the renewal of any 78726  
certificate of operation. 78727~~

(B) The fee for complete inspection during construction by a 78728  
general inspector on boilers and pressure vessels manufactured 78729  
within the state shall be thirty-five dollars per hour. Boiler and 78730  
pressure vessel manufacturers other than those located in the 78731  
state may secure inspection by a general inspector on work during 78732  
construction, upon application to the superintendent, and upon 78733  
payment of a fee of thirty-five dollars per hour, plus the 78734  
necessary traveling and hotel expenses incurred by the inspector. 78735

(C) The application fee for applicants for steam engineer, 78736  
high pressure boiler operator, or low pressure boiler operator 78737  
licenses is ~~fifty~~ seventy-five dollars. The fee for each original 78738  
or renewal steam engineer, high pressure boiler operator, or low 78739  
pressure boiler operator license is ~~thirty-five~~ fifty dollars. 78740

(D) The director of commerce, subject to the approval of the 78741

controlling board, may establish fees in excess of the fees 78742  
provided in divisions (A), (B), and (C) of this section. Any 78743  
moneys collected under this section shall be paid into the state 78744  
treasury to the credit of the ~~industrial compliance~~ labor 78745  
operating fund created in section 121.084 of the Revised Code. 78746

(E) Any person who fails to pay an invoiced renewal fee or an 78747  
invoiced inspection fee required for any inspection conducted by 78748  
the division of ~~industrial compliance~~ labor pursuant to this 78749  
chapter within forty-five days of the invoice date shall pay a 78750  
late payment fee equal to twenty-five per cent of the invoiced 78751  
fee. 78752

(F) In addition to the fees assessed in divisions (A) and (B) 78753  
of this section, the board of building standards shall assess the 78754  
owner or user a fee of three dollars and twenty-five cents for 78755  
each certificate of operation or renewal thereof issued under 78756  
division (A) of this section and for each inspection conducted 78757  
under division (B) of this section. The board shall adopt rules, 78758  
in accordance with Chapter 119. of the Revised Code, specifying 78759  
the manner by which the superintendent shall collect and remit to 78760  
the board the fees assessed under this division and requiring that 78761  
remittance of the fees be made at least quarterly. 78762

**Sec. 4104.19.** (A) Any person seeking a license to operate as 78763  
a steam engineer, high pressure boiler operator, or low pressure 78764  
boiler operator shall file a written application with the 78765  
superintendent of ~~industrial compliance~~ labor on a form prescribed 78766  
by the superintendent with the appropriate application fee as set 78767  
forth in section 4104.18 of the Revised Code. The application 78768  
shall contain information satisfactory to the superintendent to 78769  
demonstrate that the applicant meets the requirements of division 78770  
(B) of this section. The application shall be filed with the 78771  
superintendent not more than sixty days and not less than thirty 78772

days before the license examination is offered. 78773

(B) To qualify to take the examination required to obtain a 78774  
steam engineer, high pressure boiler operator, or low pressure 78775  
boiler operator license, a person shall meet both of the following 78776  
requirements: 78777

(1) Be at least eighteen years of age; 78778

(2) Have one year of experience in the operation of steam 78779  
engines, high pressure boilers, or low pressure boilers as 78780  
applicable to the type of license being sought, or a combination 78781  
of experience and education for the type of license sought as 78782  
determined to be acceptable by the superintendent. 78783

(C) No applicant shall qualify to take an examination or to 78784  
renew a license if the applicant has violated this chapter or if 78785  
the applicant has obtained or renewed a license issued under this 78786  
chapter by fraud, misrepresentation, or deception. 78787

(D) The superintendent shall issue a license to each 78788  
applicant who receives a passing score on the examination, as 78789  
determined by the superintendent, for the license for which the 78790  
applicant applied. 78791

(E) The superintendent may select and contract with one or 78792  
more persons to do all of the following relative to the 78793  
examinations for a license to operate as a steam engineer, high 78794  
pressure boiler operator, or low pressure boiler operator: 78795

(1) Prepare, administer, score, and maintain the 78796  
confidentiality of the examination; 78797

(2) Maintain responsibility for all expenses required to 78798  
fulfill division (E)(1) of this section; 78799

(3) Charge each applicant a fee for administering the 78800  
examination, in an amount authorized by the superintendent; 78801

(4) Design the examination for each type of license to 78802

determine an applicant's competence to operate the equipment for 78803  
which the applicant is seeking licensure. 78804

(F) Each license issued under this chapter expires one year 78805  
after the date of issue. Each person holding a valid, unexpired 78806  
license may renew the license, without reexamination, by applying 78807  
to the superintendent not more than ninety days before the 78808  
expiration of the license, and submitting with the application the 78809  
renewal fee established in section 4104.18 of the Revised Code. 78810  
Upon receipt of the renewal information and fee, the 78811  
superintendent shall issue the licensee a certificate of renewal. 78812

(G) The superintendent, in accordance with Chapter 119. of 78813  
the Revised Code, may suspend or revoke any license, or may refuse 78814  
to issue a license under this chapter upon finding that a licensee 78815  
or an applicant for a license has violated or is violating the 78816  
requirements of this chapter. 78817

**Sec. 4104.21.** On receipt of a notice pursuant to section 78818  
3123.43 of the Revised Code, the superintendent of ~~industrial~~ 78819  
~~compliance labor~~ shall comply with sections 3123.41 to 3123.50 of 78820  
the Revised Code and any applicable rules adopted under section 78821  
3123.63 of the Revised Code with respect to a certificate or 78822  
license issued pursuant to this chapter. 78823

**Sec. 4104.33.** There is hereby created the historical boilers 78824  
licensing board consisting of seven members, three of whom shall 78825  
be appointed by the governor with the advice and consent of the 78826  
senate. The governor shall make initial appointments to the board 78827  
within ninety days after ~~the effective date of this section~~ 78828  
October 24, 2002. Of the initial members appointed by the 78829  
governor, one shall be for a term ending three years after ~~the~~ 78830  
~~effective date of this section~~ October 24, 2002, one shall be for 78831  
a term ending four years after ~~the effective date of this section~~ 78832

October 24, 2002, and one shall be for a term ending five years 78833  
after ~~the effective date of this section~~ October 24, 2002. 78834

Thereafter, terms of office shall be for five years, each term 78835  
ending on the same day of the same month of the year as did the 78836  
term that it succeeds. Of the three members the governor appoints, 78837  
one member shall be an employee of the division of boiler 78838  
inspection in the department of commerce; one member shall be an 78839  
independent mechanical engineer who is not involved in selling or 78840  
inspecting historical boilers; and one shall be an active member 78841  
of an association that represents managers of fairs or festivals. 78842

Two members of the board shall be appointed by the president 78843  
of the senate and two members of the board shall be appointed by 78844  
the speaker of the house of representatives. The president and 78845  
speaker shall make initial appointments to the board within ninety 78846  
days after ~~the effective date of this section~~ October 24, 2002. Of 78847  
the initial members appointed by the president, one shall be for a 78848  
term ending four years after ~~the effective date of this section~~ 78849  
October 24, 2002 and one shall be for a term ending five years 78850  
after ~~the effective date of this section~~ October 24, 2002. Of the 78851  
initial members appointed by the speaker, one shall be for a term 78852  
ending three years after ~~the effective date of this section~~ 78853  
October 24, 2002 and one shall be for a term ending five years 78854  
after ~~the effective date of this section~~ October 24, 2002. 78855  
Thereafter, terms of office shall be for five years, each term 78856  
ending on the same day of the same month of the year as did the 78857  
term that it succeeds. Of the four members appointed by the 78858  
president and speaker, each shall own a historical boiler and also 78859  
have at least ten years of experience in the operation of 78860  
historical boilers, and each of these four members shall reside in 78861  
a different region of the state. 78862

Each member shall hold office from the date of the member's 78863  
appointment until the end of the term for which the member was 78864

appointed. Members may be reappointed. Vacancies shall be filled 78865  
in the manner provided for initial appointments. Any member 78866  
appointed to fill a vacancy occurring prior to the expiration date 78867  
of the term for which the member's predecessor was appointed shall 78868  
hold office as a member for the remainder of that term. A member 78869  
shall continue in office subsequent to the expiration date of the 78870  
member's term until the successor takes office or until a period 78871  
of sixty days has elapsed, whichever occurs first. 78872

The members of the board, annually, shall elect, by majority 78873  
vote, a chairperson from among their members. The board shall meet 78874  
at least once annually and at other times at the call of the 78875  
chairperson. Board members shall receive their actual and 78876  
necessary expenses incurred in the discharge of their duties as 78877  
board members. 78878

The superintendent of ~~the division of industrial compliance~~ 78879  
labor shall furnish office space, staff, and supplies to the board 78880  
as the superintendent determines are necessary for the board to 78881  
carry out its official duties under sections 4104.33 to 4104.37 of 78882  
the Revised Code. 78883

**Sec. 4104.42.** (A) The owner of any power piping or process 78884  
piping system shall ensure that all of the following are performed 78885  
in compliance with applicable sections of the B31 standards 78886  
contained in the code for pressure piping, published by the 78887  
American society of mechanical engineers: 78888

(1) The design, fabrication, assembly, installation, testing, 78889  
examination, and inspection of power and process piping systems; 78890

(2) Qualification of personnel and qualification of welding 78891  
and brazing procedures; 78892

(3) The implementation of an inspection program. 78893

(B) The owner of a power piping or process piping system 78894

shall do both of the following: 78895

(1) Maintain for five years complete records documenting the 78896  
design, examination, and testing of the piping system that include 78897  
all of the following: 78898

(a) The specific edition of the code for pressure piping used 78899  
in the design; 78900

(b) The design assumptions; 78901

(c) The calculations, piping material specifications, and 78902  
construction documents for the piping; 78903

(d) The records of piping alterations; 78904

(e) The piping examination and inspection records. 78905

(2) Disclose the types and quantities of flammable, 78906  
combustible, or hazardous materials proposed to be used in the 78907  
facility to the building and fire code enforcement authorities who 78908  
have inspection authority to enable those authorities to determine 78909  
compliance with the rules the board of building standards adopts 78910  
pursuant to section 3781.10 of the Revised Code and the rules the 78911  
state fire marshal adopts pursuant to section 3737.82 of the 78912  
Revised Code. 78913

(C) No person or state agency shall require that the records 78914  
described in division (B)(1) of this section be submitted to the 78915  
division of ~~industrial compliance~~ labor in the department of 78916  
commerce or to a certified building department for approval. 78917

(D) Nothing in this section limits the application of 78918  
Chapters 4703. and 4733. of the Revised Code. 78919

**Sec. 4104.43.** (A)(1) The board of building standards shall 78920  
adopt rules establishing requirements for the design, 78921  
installation, inspection of and design review procedure for 78922  
building services piping. 78923

(2) The board of building standards shall adopt rules 78924  
establishing requirements for the design, installation, inspection 78925  
of and design review procedure for nonflammable medical gas, 78926  
medical oxygen, and medical vacuum piping systems. 78927

(B) A municipal, township, or county building department 78928  
certified under division (E) of section 3781.10 of the Revised 78929  
Code shall enforce the rules the board adopts pursuant to division 78930  
(A)(2) of this section if that building department requests and 78931  
obtains special certification to enforce those rules. 78932

(C) In a health district where no municipal, township, or 78933  
county building department is specially certified under division 78934  
(B) of this section, an employee of the health district shall 78935  
enforce the rules adopted pursuant to division (A)(2) of this 78936  
section if both of the following conditions are satisfied: 78937

(1) The health district employee requests and obtains special 78938  
certification by the board to enforce those rules. 78939

(2) The health district notifies the superintendent of the 78940  
division of ~~industrial compliance~~ labor in the department of 78941  
commerce that the health district's specially certified employee 78942  
shall enforce those rules. 78943

(D) In a jurisdiction where enforcement authority as 78944  
described in divisions (B) and (C) of this section does not exist, 78945  
the superintendent of ~~the division of industrial compliance~~ labor 78946  
shall enforce the rules the board adopts pursuant to division 78947  
(A)(2) of this section. 78948

**Sec. 4104.44.** All welding and brazing of metallic piping 78949  
systems shall be performed in accordance with section IX of the 78950  
boiler and pressure vessel code, published by the American society 78951  
of mechanical engineers. The owner shall maintain, at the job 78952  
site, the certified performance qualification records of all 78953



welders and brazers employed at the facility. The owner shall 78954  
submit copies of all certified welding and brazing procedure 78955  
specifications, procedure qualification records, and performance 78956  
qualification records for building services piping for review to 78957  
the superintendent of ~~the division of industrial compliance~~ labor 78958  
in the department of commerce in accordance with rules the 78959  
superintendent adopts. The submission shall be accompanied by the 78960  
fee the superintendent establishes. 78961

**Sec. 4104.48.** (A) No person shall violate sections 4104.41 to 78962  
4104.48 of the Revised Code, fail to perform any duty lawfully 78963  
enjoined in connection with those sections, or fail to comply with 78964  
any order issued by the superintendent of ~~the division of~~ 78965  
~~industrial compliance~~ labor or any judgment or decree issued by 78966  
any court in connection with the enforcement of sections 4104.41 78967  
to 4104.48 of the Revised Code. 78968

(B) Every day during which a person violates sections 4104.41 78969  
to 4104.48 of the Revised Code, fails to perform any duty lawfully 78970  
enjoined in connection with those sections, or fails to comply 78971  
with any order issued by the superintendent ~~of the division of~~ 78972  
~~industrial compliance~~ or any judgment or decree issued by any 78973  
court in connection with the enforcement of sections 4104.41 to 78974  
4104.48 of the Revised Code constitutes a separate offense. 78975

**Sec. 4105.01.** As used in this chapter: 78976

(A) "Elevator" means a hoisting and lowering apparatus 78977  
equipped with a car, cage, or platform which moves on or between 78978  
permanent rails or guides and serves two or more fixed landings in 78979  
a building or structure to which section 3781.06 of the Revised 78980  
Code applies. "Elevator" includes dumb-waiters other than 78981  
hand-powered dumb-waiters, escalators, ~~manlifts~~ peoplelifts, 78982  
moving walks, of the endless belt type, other lifting or lowering 78983

apparatus permanently installed on or between rails or guides, and 78984  
all equipment, machinery, and construction related to any 78985  
elevator; but does not include construction hoists and other 78986  
similar temporary lifting or lowering apparatuses, ski lifts, 78987  
traveling, portable amusement rides or devices that are not 78988  
affixed to a permanent foundation, or nonportable amusement rides 78989  
or devices that are affixed to a permanent foundation. 78990

(B) "Passenger elevator" means an elevator that is designed 78991  
to carry persons to its contract capacity. 78992

(C) "Freight elevator" means an elevator normally used for 78993  
carrying freight and on which only the operator and employees in 78994  
the pursuit of their duties, by the permission of the employer, 78995  
are allowed to ride. 78996

(D) "Gravity elevator" means an elevator utilizing gravity to 78997  
move. 78998

(E) "General inspector" means a state inspector examined and 78999  
hired to inspect elevators and lifting apparatus for that state. 79000

(F) "Special inspector" means an inspector examined and 79001  
commissioned by the superintendent of ~~the division of industrial~~ 79002  
~~compliance labor~~ to inspect elevators and lifting apparatus in the 79003  
state. 79004

(G) "Inspector" means either a general or special inspector. 79005

**Sec. 4105.02.** No person may act, either as a general 79006  
inspector or as a special inspector, of elevators, unless ~~he~~ the 79007  
person holds a certificate of competency from the division of 79008  
~~industrial compliance labor~~. 79009

Application for examination as an inspector of elevators 79010  
shall be in writing, accompanied by a fee to be established as 79011  
provided in section 4105.17 of the Revised Code, and upon a blank 79012  
to be furnished by the division, stating the school education of 79013

the applicant, a list of ~~his~~ the applicant's employers, ~~his~~ the applicant's period of employment, and the position held with each. 79014  
An applicant shall also submit a letter from one or more of ~~his~~ 79016  
the applicant's previous employers certifying as to ~~his~~ the 79017  
applicant's character and experience. 79018

Applications shall be rejected which contain any willful 79019  
falsification or untruthful statements. An applicant, if the 79020  
division considers ~~his~~ the applicant's history and experience 79021  
sufficient, shall be examined by the superintendent of ~~the~~ 79022  
~~division of industrial compliance~~ labor by a written examination 79023  
dealing with the construction, installation, operation, 79024  
maintenance, and repair of elevators and their appurtenances, and 79025  
the applicant shall be accepted or rejected on the merits of ~~his~~ 79026  
the applicant's application and examination. 79027

The superintendent shall issue a certificate of competency in 79028  
the inspection of elevators to any applicant found competent upon 79029  
examination. A rejected applicant shall be entitled, after the 79030  
expiration of ninety days and upon payment of an examination fee 79031  
to be established as provided in section 4105.17 of the Revised 79032  
Code, to another examination. Should an applicant fail to pass the 79033  
prescribed examination on second trial, ~~he~~ the applicant will not 79034  
be permitted to be an applicant for another examination for a 79035  
period of one year after the second examination. 79036

**Sec. 4105.03.** The superintendent of ~~the division of~~ 79037  
~~industrial compliance~~ labor, with the consent of the director of 79038  
commerce, shall hire an assistant who has at least ten years of 79039  
experience in the construction, installation, maintenance, and 79040  
repair of elevators and their appurtenances. 79041

The superintendent, with the consent of the director ~~of~~ 79042  
~~commerce~~, and in compliance with Chapter 124. of the Revised Code, 79043  
may appoint and hire general inspectors of elevators from the 79044

holders of certificates of competency. 79045

**Sec. 4105.04.** From the holders of certificates of competency 79046  
in the inspection of elevators, any company that is authorized to 79047  
insure elevators in the state, may designate persons to inspect 79048  
elevators covered by such company's policies, and the department 79049  
of public safety of any city and the clerk of any village may 79050  
designate persons to inspect elevators in such city or village. 79051  
Such persons shall, upon the payment of a fee to be established as 79052  
provided in section 4105.17 of the Revised Code, have issued to 79053  
them annually by the division of ~~industrial-compliance~~ labor, 79054  
commissions to serve as special inspectors of elevators in the 79055  
state. 79056

**Sec. 4105.05.** A commission to serve as a special inspector 79057  
may be suspended or revoked by the superintendent of ~~the division~~ 79058  
~~of industrial-compliance~~ labor, for the incompetence or 79059  
untrustworthiness of the holder thereof, or for the falsification 79060  
of any matter or statement contained in ~~his~~ the holder's 79061  
application or in a report of any inspection. 79062

**Sec. 4105.06.** If a certificate or commission issued under 79063  
sections 4105.02 and 4105.04 of the Revised Code is lost or 79064  
destroyed a new one shall be issued in its place by the division 79065  
of ~~industrial-compliance~~ labor without another examination, upon 79066  
the payment of a fee to be established as provided in section 79067  
4105.07 of the Revised Code. 79068

**Sec. 4105.09.** The owner or user of any elevator shall 79069  
register, with the division of ~~industrial-compliance~~ labor, every 79070  
elevator operated by ~~him~~ the owner or user, giving the type, 79071  
capacity, and description, name of manufacturer, and purpose for 79072  
which each is used. Such registration shall be made on a form to 79073

be furnished by the division. 79074

**Sec. 4105.11.** The inspection of elevators shall be made by 79075  
the inspectors authorized in sections 4105.03 and 4105.04 of the 79076  
Revised Code, under the supervision of the superintendent of ~~the~~ 79077  
~~division of industrial compliance labor~~, and the superintendent 79078  
shall enforce this chapter and any rules adopted pursuant thereto. 79079

Every inspector shall forward to the superintendent a full 79080  
and complete report of each inspection made of any elevator and 79081  
shall, on the day the inspection is completed, leave a copy of 79082  
such report with the owner or operator of the elevator, or ~~his~~ the 79083  
owner's or operator's agent or representative. Such report shall 79084  
indicate the exact condition of the elevator and shall list any 79085  
and all of the provisions of this chapter and any rules adopted 79086  
pursuant thereto, with which the elevator does not comply. Before 79087  
attempting to enforce, by any remedy, civil or criminal, the 79088  
provisions with which the inspected elevator does not comply, the 79089  
chief shall issue an adjudication order within the meaning of 79090  
Chapter 119. of the Revised Code. 79091

The approval of construction plans, or an application of 79092  
specifications under section 4105.16 of the Revised Code is a 79093  
license, and the failure to approve such plans or specifications 79094  
by the chief within sixty days after they are filed is an 79095  
adjudication order denying the issuance of a license. 79096

Every adjudication order shall specify what appliances, site 79097  
preparations, additions, repairs, or alterations to any elevators, 79098  
plans, materials, assemblages, or procedures are necessary for the 79099  
same to comply with this chapter, or any rules adopted pursuant 79100  
thereto. Such adjudication order shall be issued pursuant to 79101  
Chapter 119. of the Revised Code and shall be effective without 79102  
prior hearing, within thirty days after the receipt of such order, 79103  
the owner of the elevator specified therein may appeal to the 79104

board of building appeals under section 3781.19 of the Revised Code. 79105  
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Notwithstanding the provisions of Chapter 119. of the Revised Code relating to adjudication hearings, a stenographic or mechanical record of the testimony and other evidence submitted before the board of building appeals shall be taken at the expense of the agency. A party adversely affected by an order issued following such adjudication hearing may appeal to the court of common pleas of the county in which ~~he~~ the party is a resident or in which the elevator affected by such order is located. The court in such case shall not be confined to the record as certified to it by the agency, but any party may produce additional evidence and the court shall hear the matter upon such record and such additional evidence as is introduced by any party. The court shall not affirm the order of the agency unless the preponderance of the evidence before it supports the reasonableness and lawfulness of such order, and of any rules upon which the order of the agency is based in its application to the facts involved in the appeal. 79107  
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Failure to comply with the requirements of any order issued pursuant to this section or the continued operation of any elevator after it has been sealed pursuant to section 4105.21 of the Revised Code is hereby declared a public nuisance. 79123  
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**Sec. 4105.12.** (A) The superintendent of ~~the division of industrial compliance~~ labor shall adopt, amend, and repeal rules exclusively for the issuance, renewal, suspension, and revocation of certificates of competency and certificates of operation, for the conduct of hearings related to these actions, and for the inspection of elevators. 79127  
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(B) Notwithstanding division (A) of this section, the superintendent shall not adopt rules relating to construction, maintenance, and repair of elevators. 79133  
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**Sec. 4105.13.** Every elevator shall be constructed, equipped, 79136  
maintained, and operated, with respect to the supporting members, 79137  
elevator car, shaftways, guides, cables, doors, and gates, safety 79138  
stops and mechanism, electrical apparatus and wiring, mechanical 79139  
apparatus, counterweights, and all other appurtenances, in 79140  
accordance with state laws and rules as are authorized in respect 79141  
thereto. Where reasonable safety is obtained without complying to 79142  
the literal requirements of such rules as in cases of practical 79143  
difficulty or unnecessary hardship, the literal requirements of 79144  
such rules shall not be required. The superintendent of ~~the~~ 79145  
~~division of industrial compliance~~ labor may permit the 79146  
installation of vertical wheelchair lifts in public buildings to 79147  
provide for handicapped accessibility where such lifts do not meet 79148  
the literal requirements of the rules adopted by the board of 79149  
building standards pursuant to section 4105.011 of the Revised 79150  
Code, provided that reasonable safety may be obtained. 79151

**Sec. 4105.15.** No certificate of operation for any elevator 79152  
shall be issued by the director of commerce until such elevator 79153  
has been inspected as required by this chapter. Certificates of 79154  
operation shall be renewed by the owner or user of the elevator in 79155  
accordance with rules adopted by the superintendent of ~~the~~ 79156  
~~division of industrial compliance~~ labor pursuant to section 79157  
4105.12 of the Revised Code. 79158

**Sec. 4105.16.** Before any new installation of an elevator of 79159  
permanent nature is erected or before any existing elevator is 79160  
removed to and installed in a different location, an application 79161  
of specifications in duplicate shall be submitted to the division 79162  
of ~~industrial compliance~~ labor giving such information concerning 79163  
the construction, installation, and operation of said elevator as 79164  
the division may require on forms to be furnished by the division, 79165

together with complete construction plans in duplicate. In all 79166  
cases where any changes or repairs are made which alter its 79167  
construction of classification, grade or rated lifting capacity, 79168  
except when made pursuant to a report of an inspector, an 79169  
application of specifications in duplicate shall be submitted to 79170  
the division, containing such information, or approval, except in 79171  
those municipal corporations which maintain their own elevator 79172  
inspection departments, in which event such specifications shall 79173  
be submitted to the elevator department of the municipal 79174  
corporation for its approval, and if approved, a permit for the 79175  
erection or repair of such elevator shall be issued by the 79176  
municipal corporation. Upon approval of such application and 79177  
construction plans, the superintendent of ~~industrial compliance~~ 79178  
labor shall issue a permit for the erection or repair of such 79179  
elevator. No new elevator shall be operated until completion in 79180  
accordance with the approved plans and specifications, unless a 79181  
temporary permit is granted by the division. 79182

The final inspection, before operation, of a permanent, new 79183  
or repaired elevator shall be made by a general inspector or a 79184  
special inspector designated by the superintendent. 79185

**Sec. 4105.17.** (A) The fee for each inspection, or attempted 79186  
inspection that, due to no fault of a general inspector or the 79187  
division of ~~industrial compliance~~ labor, is not successfully 79188  
completed, by a general inspector before the operation of a 79189  
permanent new elevator prior to the issuance of a certificate of 79190  
operation, before operation of an elevator being put back into 79191  
service after a repair or after an adjudication under section 79192  
4105.11 of the Revised Code, or as a result of the operation of 79193  
section 4105.08 of the Revised Code and is an elevator required to 79194  
be inspected under this chapter is one hundred twenty dollars plus 79195  
ten dollars for each floor where the elevator stops. The 79196  
superintendent of ~~industrial compliance~~ labor may assess an 79197



additional fee of one hundred ~~twenty-five~~ twenty dollars plus ~~five~~ ten dollars for each floor where an elevator stops for the  
reinspection of an elevator when a previous attempt to inspect  
that elevator has been unsuccessful through no fault of a general  
inspector or the division ~~of industrial compliance~~.

(B) The fee for each inspection, or attempted inspection,  
that due to no fault of the general inspector or the division ~~of~~  
~~industrial compliance~~, is not successfully completed by a general  
inspector before operation of a permanent new escalator or moving  
walk prior to the issuance of a certificate of operation, before  
operation of an escalator or moving walk being put back in service  
after a repair, or as a result of the operation of section 4105.08  
of the Revised Code is three hundred dollars. The superintendent  
~~of the division of industrial compliance~~ may assess an additional  
fee of one hundred fifty dollars for the reinspection of an  
escalator or moving walk when a previous attempt to inspect that  
escalator or moving walk has been unsuccessful through no fault of  
the general inspector or the division ~~of industrial compliance~~.

(C) The fee for issuing or renewing a certificate of  
operation under section 4105.15 of the Revised Code for an  
elevator that is inspected every six months in accordance with  
division (A) of section 4105.10 of the Revised Code is two hundred  
twenty dollars plus ~~ten~~ twelve dollars for each floor where the  
elevator stops, except where the elevator has been inspected by a  
special inspector in accordance with section 4105.07 of the  
Revised Code.

(D) The fee for issuing or renewing a certificate of  
operation under section 4105.05 of the Revised Code for an  
elevator that is inspected every twelve months in accordance with  
division (A) of section 4105.10 of the Revised Code is fifty-five  
dollars plus ten dollars for each floor where the elevator stops,  
except where the elevator has been inspected by a special

inspector in accordance with section 4105.07 of the Revised Code. 79230

(E) The fee for issuing or renewing a certificate of 79231  
operation under section 4105.15 of the Revised Code for an 79232  
escalator or moving walk is three hundred dollars, except where 79233  
the escalator or moving walk has been inspected by a special 79234  
inspector in accordance section 4105.07 of the Revised Code. 79235

(F) All other fees to be charged for any examination given or 79236  
other service performed by the division ~~of industrial compliance~~ 79237  
pursuant to this chapter shall be prescribed by the director of 79238  
commerce. The fees shall be reasonably related to the costs of 79239  
such examination or other service. 79240

(G) The director ~~of commerce~~, subject to the approval of the 79241  
controlling board, may establish fees in excess of the fees 79242  
provided in divisions (A), (B), (C), (D), and (E) of this section. 79243  
Any moneys collected under this section shall be paid into the 79244  
state treasury to the credit of the ~~industrial compliance~~ labor 79245  
operating fund created in section 121.084 of the Revised Code. 79246

(H) Any person who fails to pay an inspection fee required 79247  
for any inspection conducted by the division pursuant to this 79248  
chapter within forty-five days after the inspection is conducted 79249  
shall pay a late payment fee equal to twenty-five per cent of the 79250  
inspection fee. 79251

(I) In addition to the fees assessed in divisions (A), (B), 79252  
(C), (D), and (E) of this section, the board of building standards 79253  
shall assess a fee of three dollars and twenty-five cents for each 79254  
certificate of operation or renewal thereof issued under divisions 79255  
(A), (B), (C), (D), or (E) of this section and for each permit 79256  
issued under section 4105.16 of the Revised Code. The board shall 79257  
adopt rules, in accordance with Chapter 119. of the Revised Code, 79258  
specifying the manner by which the superintendent ~~of industrial~~ 79259  
~~compliance~~ shall collect and remit to the board the fees assessed 79260

under this division and requiring that remittance of the fees be 79261  
made at least quarterly. 79262

(J) For purposes of this section: 79263

(1) "Escalator" means a power driven, inclined, continuous 79264  
stairway used for raising or lowering passengers. 79265

(2) "Moving walk" means a passenger carrying device on which 79266  
passengers stand or walk, with a passenger carrying surface that 79267  
is uninterrupted and remains parallel to its direction of motion. 79268

**Sec. 4105.191.** Any person owning or operating any elevator 79269  
subject to this chapter shall file a written report with the 79270  
superintendent of ~~the division of industrial compliance~~ labor 79271  
within seventy-two hours after the occurrence of any accident 79272  
involving such elevator which results in death or bodily injury to 79273  
any person. 79274

**Sec. 4105.20.** No person shall violate any law relative to the 79275  
operation, construction, maintenance, and repair of elevators. All 79276  
fines collected for violation of this section shall be forwarded 79277  
to the superintendent of ~~the division of industrial compliance~~ 79278  
labor, who shall pay them into the state treasury to the credit of 79279  
the ~~industrial compliance labor~~ operating fund created in section 79280  
121.084 of the Revised Code. 79281

**Sec. 4105.21.** The superintendent of ~~the division of~~ 79282  
~~industrial compliance~~ labor shall enforce this chapter. If the 79283  
superintendent or a general inspector of elevators finds that an 79284  
elevator or a part thereof does not afford reasonable safety as 79285  
required by section 4105.13 of the Revised Code, the 79286  
superintendent or the general inspector may seal such elevator and 79287  
post a notice thereon prohibiting further use of the elevator 79288  
until the changes or alterations set forth in the notice have been 79289

made to the satisfaction of the superintendent or the inspector. 79290  
The notice shall contain a statement that operators or passengers 79291  
are subject to injury by its continued use, a description of the 79292  
alteration or other change necessary to be made in order to secure 79293  
safety of operation, date of such notice, name and signature of 79294  
the superintendent or inspector issuing the notice. 79295

**Sec. 4112.01.** (A) As used in this chapter: 79296

(1) "Person" includes one or more individuals, partnerships, 79297  
associations, organizations, corporations, legal representatives, 79298  
trustees, trustees in bankruptcy, receivers, and other organized 79299  
groups of persons. "Person" also includes, but is not limited to, 79300  
any owner, lessor, assignor, builder, manager, broker, 79301  
salesperson, appraiser, agent, employee, lending institution, and 79302  
the state and all political subdivisions, authorities, agencies, 79303  
boards, and commissions of the state. 79304

(2) "Employer" includes the state, any political subdivision 79305  
of the state, any person employing four or more persons within the 79306  
state, and any person acting directly or indirectly in the 79307  
interest of an employer. 79308

(3) "Employee" means an individual employed by any employer 79309  
but does not include any individual employed in the domestic 79310  
service of any person. 79311

(4) "Labor organization" includes any organization that 79312  
exists, in whole or in part, for the purpose of collective 79313  
bargaining or of dealing with employers concerning grievances, 79314  
terms or conditions of employment, or other mutual aid or 79315  
protection in relation to employment. 79316

(5) "Employment agency" includes any person regularly 79317  
undertaking, with or without compensation, to procure 79318  
opportunities to work or to procure, recruit, refer, or place 79319

employees. 79320

(6) "Commission" means the Ohio civil rights commission 79321  
created by section 4112.03 of the Revised Code. 79322

(7) "Discriminate" includes segregate or separate. 79323

(8) "Unlawful discriminatory practice" means any act 79324  
prohibited by section 4112.02, 4112.021, or 4112.022 of the 79325  
Revised Code. 79326

(9) "Place of public accommodation" means any inn, 79327  
restaurant, eating house, barbershop, public conveyance by air, 79328  
land, or water, theater, store, other place for the sale of 79329  
merchandise, or any other place of public accommodation or 79330  
amusement of which the accommodations, advantages, facilities, or 79331  
privileges are available to the public. 79332

(10) "Housing accommodations" includes any building or 79333  
structure, or portion of a building or structure, that is used or 79334  
occupied or is intended, arranged, or designed to be used or 79335  
occupied as the home residence, dwelling, dwelling unit, or 79336  
sleeping place of one or more individuals, groups, or families 79337  
whether or not living independently of each other; and any vacant 79338  
land offered for sale or lease. "Housing accommodations" also 79339  
includes any housing accommodations held or offered for sale or 79340  
rent by a real estate broker, salesperson, or agent, by any other 79341  
person pursuant to authorization of the owner, by the owner, or by 79342  
the owner's legal representative. 79343

(11) "Restrictive covenant" means any specification limiting 79344  
the transfer, rental, lease, or other use of any housing 79345  
accommodations because of race, color, religion, sex, military 79346  
status, familial status, national origin, disability, or ancestry, 79347  
or any limitation based upon affiliation with or approval by any 79348  
person, directly or indirectly, employing race, color, religion, 79349  
sex, military status, familial status, national origin, 79350

disability, or ancestry as a condition of affiliation or approval. 79351

(12) "Burial lot" means any lot for the burial of deceased 79352  
persons within any public burial ground or cemetery, including, 79353  
but not limited to, cemeteries owned and operated by municipal 79354  
corporations, townships, or companies or associations incorporated 79355  
for cemetery purposes. 79356

(13) "Disability" means a physical or mental impairment that 79357  
substantially limits one or more major life activities, including 79358  
the functions of caring for one's self, performing manual tasks, 79359  
walking, seeing, hearing, speaking, breathing, learning, and 79360  
working; a record of a physical or mental impairment; or being 79361  
regarded as having a physical or mental impairment. 79362

(14) Except as otherwise provided in section 4112.021 of the 79363  
Revised Code, "age" means at least forty years old. 79364

(15) "Familial status" means either of the following: 79365

(a) One or more individuals who are under eighteen years of 79366  
age and who are domiciled with a parent or guardian having legal 79367  
custody of the individual or domiciled, with the written 79368  
permission of the parent or guardian having legal custody, with a 79369  
designee of the parent or guardian; 79370

(b) Any person who is pregnant or in the process of securing 79371  
legal custody of any individual who is under eighteen years of 79372  
age. 79373

(16)(a) Except as provided in division (A)(16)(b) of this 79374  
section, "physical or mental impairment" includes any of the 79375  
following: 79376

(i) Any physiological disorder or condition, cosmetic 79377  
disfigurement, or anatomical loss affecting one or more of the 79378  
following body systems: neurological; musculoskeletal; special 79379  
sense organs; respiratory, including speech organs; 79380

cardiovascular; reproductive; digestive; genito-urinary; hemic and	79381
lymphatic; skin; and endocrine;	79382
(ii) Any mental or psychological disorder, including, but not	79383
limited to, mental retardation, organic brain syndrome, emotional	79384
or mental illness, and specific learning disabilities;	79385
(iii) Diseases and conditions, including, but not limited to,	79386
orthopedic, visual, speech, and hearing impairments, cerebral	79387
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis,	79388
cancer, heart disease, diabetes, human immunodeficiency virus	79389
infection, mental retardation, emotional illness, drug addiction,	79390
and alcoholism.	79391
(b) "Physical or mental impairment" does not include any of	79392
the following:	79393
(i) Homosexuality and bisexuality;	79394
(ii) Transvestism, transsexualism, pedophilia, exhibitionism,	79395
voyeurism, gender identity disorders not resulting from physical	79396
impairments, or other sexual behavior disorders;	79397
(iii) Compulsive gambling, kleptomania, or pyromania;	79398
(iv) Psychoactive substance use disorders resulting from the	79399
current illegal use of a controlled substance or the current use	79400
of alcoholic beverages.	79401
(17) "Dwelling unit" means a single unit of residence for a	79402
family of one or more persons.	79403
(18) "Common use areas" means rooms, spaces, or elements	79404
inside or outside a building that are made available for the use	79405
of residents of the building or their guests, and includes, but is	79406
not limited to, hallways, lounges, lobbies, laundry rooms, refuse	79407
rooms, mail rooms, recreational areas, and passageways among and	79408
between buildings.	79409
(19) "Public use areas" means interior or exterior rooms or	79410

spaces of a privately or publicly owned building that are made 79411  
available to the general public. 79412

(20) "Controlled substance" has the same meaning as in 79413  
section 3719.01 of the Revised Code. 79414

(21) "Disabled tenant" means a tenant or prospective tenant 79415  
who is a person with a disability. 79416

(22) "Military status" means a person's status in "service in 79417  
the uniformed services" as defined in section 5923.05 of the 79418  
Revised Code. 79419

(23) "Aggrieved person" means both of the following: 79420

(a) Any person who claims to have been injured by, or who 79421  
believes that the person will be injured by, any unlawful 79422  
discriminatory practice described in division (H) of section 79423  
4112.02 of the Revised Code; 79424

(b) Any individual, fair housing enforcement organization as 79425  
defined in 42 U.S.C. 3616a, other private nonprofit fair housing 79426  
enforcement organization, or nonprofit group performing 79427  
investigations and enforcement activities designed to identify, 79428  
eliminate, and remedy the unlawful discriminatory practices 79429  
described in division (H) of section 4112.02 of the Revised Code. 79430

(B) For the purposes of divisions (A) to (F) of section 79431  
4112.02 of the Revised Code, the terms "because of sex" and "on 79432  
the basis of sex" include, but are not limited to, because of or 79433  
on the basis of pregnancy, any illness arising out of and 79434  
occurring during the course of a pregnancy, childbirth, or related 79435  
medical conditions. Women affected by pregnancy, childbirth, or 79436  
related medical conditions shall be treated the same for all 79437  
employment-related purposes, including receipt of benefits under 79438  
fringe benefit programs, as other persons not so affected but 79439  
similar in their ability or inability to work, and nothing in 79440  
division (B) of section 4111.17 of the Revised Code shall be 79441



interpreted to permit otherwise. This division shall not be 79442  
construed to require an employer to pay for health insurance 79443  
benefits for abortion, except where the life of the mother would 79444  
be endangered if the fetus were carried to term or except where 79445  
medical complications have arisen from the abortion, provided that 79446  
nothing in this division precludes an employer from providing 79447  
abortion benefits or otherwise affects bargaining agreements in 79448  
regard to abortion. 79449

**Sec. 4112.04.** (A) The commission shall do all of the 79450  
following: 79451

(1) Establish and maintain a principal office in the city of 79452  
Columbus and any other offices within the state that it considers 79453  
necessary; 79454

(2) Appoint an executive director who shall serve at the 79455  
pleasure of the commission and be its principal administrative 79456  
officer. The executive director shall be paid a salary fixed 79457  
pursuant to Chapter 124. of the Revised Code. 79458

(3) Appoint hearing examiners and other employees and agents 79459  
who it considers necessary and prescribe their duties subject to 79460  
Chapter 124. of the Revised Code; 79461

(4) Adopt, promulgate, amend, and rescind rules to effectuate 79462  
the provisions of this chapter and the policies and practice of 79463  
the commission in connection with this chapter; 79464

(5) Formulate policies to effectuate the purposes of this 79465  
chapter and make recommendations to agencies and officers of the 79466  
state or political subdivisions to effectuate the policies; 79467

(6) Receive, investigate, and pass upon written charges made 79468  
under oath of unlawful discriminatory practices; 79469

(7) Make periodic surveys of the existence and effect of 79470  
discrimination because of race, color, religion, sex, military 79471

status, familial status, national origin, disability, age, or 79472  
ancestry on the enjoyment of civil rights by persons within the 79473  
state; 79474

(8) Report, from time to time, but not less than once a year, 79475  
to the general assembly and the governor, describing in detail the 79476  
investigations, proceedings, and hearings it has conducted and 79477  
their outcome, the decisions it has rendered, and the other work 79478  
performed by it, which report shall include a copy of any surveys 79479  
prepared pursuant to division (A)(7) of this section and shall 79480  
include the recommendations of the commission as to legislative or 79481  
other remedial action; 79482

(9) Prepare a comprehensive educational program, in 79483  
cooperation with the department of education, for the students of 79484  
the public schools of this state and for all other residents of 79485  
this state that is designed to eliminate prejudice on the basis of 79486  
race, color, religion, sex, military status, familial status, 79487  
national origin, disability, age, or ancestry in this state, to 79488  
further good will among those groups, and to emphasize the origin 79489  
of prejudice against those groups, its harmful effects, and its 79490  
incompatibility with American principles of equality and fair 79491  
play; 79492

(10) Receive progress reports from agencies, 79493  
instrumentalities, institutions, boards, commissions, and other 79494  
entities of this state or any of its political subdivisions and 79495  
their agencies, instrumentalities, institutions, boards, 79496  
commissions, and other entities regarding affirmative action 79497  
programs for the employment of persons against whom discrimination 79498  
is prohibited by this chapter, or regarding any affirmative 79499  
housing accommodations programs developed to eliminate or reduce 79500  
an imbalance of race, color, religion, sex, military status, 79501  
familial status, national origin, disability, or ancestry. All 79502  
agencies, instrumentalities, institutions, boards, commissions, 79503

and other entities of this state or its political subdivisions, 79504  
and all political subdivisions, that have undertaken affirmative 79505  
action programs pursuant to a conciliation agreement with the 79506  
commission, an executive order of the governor, any federal 79507  
statute or rule, or an executive order of the president of the 79508  
United States shall file progress reports with the commission 79509  
annually on or before the first day of November. The commission 79510  
shall analyze and evaluate the progress reports and report its 79511  
findings annually to the general assembly on or before the 79512  
thirtieth day of January of the year immediately following the 79513  
receipt of the reports. 79514

(B) The commission may do any of the following: 79515

(1) Meet and function at any place within the state; 79516

(2) Initiate and undertake on its own motion investigations 79517  
of problems of employment or housing accommodations 79518  
discrimination; 79519

(3) Hold hearings, subpoena witnesses, compel their 79520  
attendance, administer oaths, take the testimony of any person 79521  
under oath, require the production for examination of any books 79522  
and papers relating to any matter under investigation or in 79523  
question before the commission, and make rules as to the issuance 79524  
of subpoenas by individual commissioners. 79525

(a) In conducting a hearing or investigation, the commission 79526  
shall have access at all reasonable times to premises, records, 79527  
documents, individuals, and other evidence or possible sources of 79528  
evidence and may examine, record, and copy the premises, records, 79529  
documents, and other evidence or possible sources of evidence and 79530  
take and record the testimony or statements of the individuals as 79531  
reasonably necessary for the furtherance of the hearing or 79532  
investigation. In investigations, the commission shall comply with 79533  
the fourth amendment to the United States Constitution relating to 79534

unreasonable searches and seizures. The commission or a member of 79535  
the commission may issue subpoenas to compel access to or the 79536  
production of premises, records, documents, and other evidence or 79537  
possible sources of evidence or the appearance of individuals, and 79538  
may issue interrogatories to a respondent, to the same extent and 79539  
subject to the same limitations as would apply if the subpoenas or 79540  
interrogatories were issued or served in aid of a civil action in 79541  
a court of common pleas. 79542

(b) Upon written application by a ~~respondent party to a~~ 79543  
hearing under division (B) of section 4112.05 of the Revised Code, 79544  
the commission shall issue subpoenas in its name to the same 79545  
extent and subject to the same limitations as subpoenas issued by 79546  
the commission. Subpoenas issued at the request of a ~~respondent~~ 79547  
party shall show on their face the name and address of the 79548  
~~respondent party~~ and shall state that they were issued at the 79549  
~~respondent's party's~~ party's request. 79550

(c) Witnesses summoned by subpoena of the commission are 79551  
entitled to the witness and mileage fees provided for under 79552  
section 119.094 of the Revised Code. 79553

(d) Within five days after service of a subpoena upon any 79554  
person, the person may petition the commission to revoke or modify 79555  
the subpoena. The commission shall grant the petition if it finds 79556  
that the subpoena requires an appearance or attendance at an 79557  
unreasonable time or place, that it requires production of 79558  
evidence that does not relate to any matter before the commission, 79559  
that it does not describe with sufficient particularity the 79560  
evidence to be produced, that compliance would be unduly onerous, 79561  
or for other good reason. 79562

(e) In case of contumacy or refusal to obey a subpoena, the 79563  
commission or person at whose request it was issued may petition 79564  
for its enforcement in the court of common pleas in the county in 79565  
which the person to whom the subpoena was addressed resides, was 79566

served, or transacts business. 79567

(4) Create local or statewide advisory agencies and 79568  
conciliation councils to aid in effectuating the purposes of this 79569  
chapter. The commission may itself, or it may empower these 79570  
agencies and councils to, do either or both of the following: 79571

(a) Study the problems of discrimination in all or specific 79572  
fields of human relationships when based on race, color, religion, 79573  
sex, military status, familial status, national origin, 79574  
disability, age, or ancestry; 79575

(b) Foster through community effort, or otherwise, good will 79576  
among the groups and elements of the population of the state. 79577

The agencies and councils may make recommendations to the 79578  
commission for the development of policies and procedures in 79579  
general. They shall be composed of representative citizens who 79580  
shall serve without pay, except that reimbursement for actual and 79581  
necessary traveling expenses shall be made to citizens who serve 79582  
on a statewide agency or council. 79583

(5) Issue any publications and the results of investigations 79584  
and research that in its judgment will tend to promote good will 79585  
and minimize or eliminate discrimination because of race, color, 79586  
religion, sex, military status, familial status, national origin, 79587  
disability, age, or ancestry. 79588

**Sec. 4112.05.** (A) The commission, as provided in this 79589  
section, shall prevent any person from engaging in unlawful 79590  
discriminatory practices, provided that, before instituting the 79591  
formal hearing authorized by division (B) of this section, it 79592  
shall attempt, by informal methods of conference, conciliation, 79593  
and persuasion, to induce compliance with this chapter. 79594

(B)(1) Any person may file a charge with the commission 79595  
alleging that another person has engaged or is engaging in an 79596

unlawful discriminatory practice. In the case of a charge alleging 79597  
an unlawful discriminatory practice described in division (A), 79598  
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 79599  
section 4112.021 or 4112.022 of the Revised Code, the charge shall 79600  
be in writing and under oath and shall be filed with the 79601  
commission within six months after the alleged unlawful 79602  
discriminatory practice was committed. In the case of a charge 79603  
alleging an unlawful discriminatory practice described in division 79604  
(H) of section 4112.02 of the Revised Code, the charge shall be in 79605  
writing and under oath and shall be filed with the commission 79606  
within one year after the alleged unlawful discriminatory practice 79607  
was committed. 79608

(2) Upon receiving a charge, the commission may initiate a 79609  
preliminary investigation to determine whether it is probable that 79610  
an unlawful discriminatory practice has been or is being engaged 79611  
in. The commission also may conduct, upon its own initiative and 79612  
independent of the filing of any charges, a preliminary 79613  
investigation relating to any of the unlawful discriminatory 79614  
practices described in division (A), (B), (C), (D), (E), (F), (I), 79615  
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 79616  
the Revised Code. Prior to a notification of a complainant under 79617  
division (B)(4) of this section or prior to the commencement of 79618  
informal methods of conference, conciliation, and persuasion under 79619  
that division, the members of the commission and the officers and 79620  
employees of the commission shall not make public in any manner 79621  
and shall retain as confidential all information that was obtained 79622  
as a result of or that otherwise pertains to a preliminary 79623  
investigation other than one described in division (B)(3) of this 79624  
section. 79625

(3)(a) Unless it is impracticable to do so and subject to its 79626  
authority under division (B)(3)(d) of this section, the commission 79627  
shall complete a preliminary investigation of a charge filed 79628

pursuant to division (B)(1) of this section that alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, and shall take one of the following actions, within one hundred days after the filing of the charge:

(i) Notify the complainant and the respondent that it is not probable that an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code has been or is being engaged in and that the commission will not issue a complaint in the matter;

(ii) Initiate a complaint and schedule it for informal methods of conference, conciliation, and persuasion;

(iii) Initiate a complaint and refer it to the attorney general with a recommendation to seek a temporary or permanent injunction or a temporary restraining order. If this action is taken, the attorney general shall apply, as expeditiously as possible after receipt of the complaint, to the court of common pleas of the county in which the unlawful discriminatory practice allegedly occurred for the appropriate injunction or order, and the court shall hear and determine the application as expeditiously as possible.

(b) If it is not practicable to comply with the requirements of division (B)(3)(a) of this section within the one-hundred-day period described in that division, the commission shall notify the complainant and the respondent in writing of the reasons for the noncompliance.

(c) Prior to the issuance of a complaint under division (B)(3)(a)(ii) or (iii) of this section or prior to a notification of the complainant and the respondent under division (B)(3)(a)(i) of this section, the members of the commission and the officers and employees of the commission shall not make public in any

manner and shall retain as confidential all information that was 79660  
obtained as a result of or that otherwise pertains to a 79661  
preliminary investigation of a charge filed pursuant to division 79662  
(B)(1) of this section that alleges an unlawful discriminatory 79663  
practice described in division (H) of section 4112.05 of the 79664  
Revised Code. 79665

(d) Notwithstanding the types of action described in 79666  
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 79667  
issuance of a complaint or the referral of a complaint to the 79668  
attorney general and prior to endeavoring to eliminate an unlawful 79669  
discriminatory practice described in division (H) of section 79670  
4112.02 of the Revised Code by informal methods of conference, 79671  
conciliation, and persuasion, the commission may seek a temporary 79672  
or permanent injunction or a temporary restraining order in the 79673  
court of common pleas of the county in which the unlawful 79674  
discriminatory practice allegedly occurred. 79675

(4) If the commission determines after a preliminary 79676  
investigation other than one described in division (B)(3) of this 79677  
section that it is not probable that an unlawful discriminatory 79678  
practice has been or is being engaged in, it shall notify any 79679  
complainant under division (B)(1) of this section that it has so 79680  
determined and that it will not issue a complaint in the matter. 79681  
If the commission determines after a preliminary investigation 79682  
other than the one described in division (B)(3) of this section 79683  
that it is probable that an unlawful discriminatory practice has 79684  
been or is being engaged in, it shall endeavor to eliminate the 79685  
practice by informal methods of conference, conciliation, and 79686  
persuasion. 79687

(5) Nothing said or done during informal methods of 79688  
conference, conciliation, and persuasion under this section shall 79689  
be disclosed by any member of the commission or its staff or be 79690  
used as evidence in any subsequent hearing or other proceeding. 79691



If, after a preliminary investigation and the use of informal methods of conference, conciliation, and persuasion under this section, the commission is satisfied that any unlawful discriminatory practice will be eliminated, it may treat the charge involved as being conciliated and enter that disposition on the records of the commission. If the commission fails to effect the elimination of an unlawful discriminatory practice by informal methods of conference, conciliation, and persuasion under this section and to obtain voluntary compliance with this chapter, the commission shall issue and cause to be served upon any person, including the respondent against whom a complainant has filed a charge pursuant to division (B)(1) of this section, a complaint stating the charges involved and containing a notice of an opportunity for a hearing before the commission, a member of the commission, or a hearing examiner at a place that is stated in the notice and that is located within the county in which the alleged unlawful discriminatory practice has occurred or is occurring or in which the respondent resides or transacts business. The hearing shall be held not less than thirty days after the service of the complaint upon the complainant, the aggrieved persons other than the complainant on whose behalf the complaint is issued, and the respondent, unless the complainant, an aggrieved person, or the respondent elects to proceed under division (A)(2) of section 4112.051 of the Revised Code when that division is applicable. If a complaint pertains to an alleged unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint shall notify the complainant, an aggrieved person, and the respondent of the right of the complainant, an aggrieved person, or the respondent to elect to proceed with the administrative hearing process under this section or to proceed under division (A)(2) of section 4112.051 of the Revised Code.

(6) The attorney general shall represent the commission at

any hearing held pursuant to division (B)(5) of this section and shall present the evidence in support of the complaint.

(7) Any complaint issued pursuant to division (B)(5) of this section after the filing of a charge under division (B)(1) of this section shall be so issued within one year after the complainant filed the charge with respect to an alleged unlawful discriminatory practice.

(C) Any complaint issued pursuant to division (B) of this section may be amended by the commission, a member of the commission, or the hearing examiner conducting a hearing under division (B) of this section, at any time prior to or during the hearing. The respondent has the right to file an answer or an amended answer to the original and amended complaints and to appear at the hearing in person, by attorney, or otherwise to examine and cross-examine witnesses and present evidence.

(D) The complainant and any aggrieved person shall be a party to a hearing under division (B) of this section held in relation to a violation of division (H) of section 4112.02 of the Revised Code and may appear at the hearing in person, by attorney, or otherwise to examine and cross-examine witnesses and present evidence.

(E) In a hearing under division (B) of this section held in relation to a violation of this chapter, other than a violation of division (H) of section 4112.02 of the Revised Code, the complainant shall be a party to the hearing, and any person who is an indispensable party to a complete determination or settlement of a question involved in the hearing shall be joined. Any person who has or claims an interest in the subject of the hearing and in obtaining or preventing relief against the unlawful discriminatory practices complained of may be permitted, in the discretion of the person or persons conducting the hearing, to appear for the presentation of oral or written arguments.

~~(E)~~(F) In any hearing under division (B) of this section, the  
commission, a member of the commission, or the hearing examiner  
shall not be bound by the Rules of Evidence but, in ascertaining  
the practices followed by the respondent, shall take into account  
all reliable, probative, and substantial statistical or other  
evidence produced at the hearing that may tend to prove the  
existence of a predetermined pattern of employment or membership,  
provided that nothing contained in this section shall be construed  
to authorize or require any person to observe the proportion that  
persons of any race, color, religion, sex, military status,  
familial status, national origin, disability, age, or ancestry  
bear to the total population or in accordance with any criterion  
other than the individual qualifications of the applicant.

~~(F)~~(G) The testimony taken at a hearing under division (B) of  
this section shall be under oath and shall be reduced to writing  
and filed with the commission. Thereafter, in its discretion, the  
commission, upon the service of a notice upon the complainant and  
the respondent that indicates an opportunity to be present, may  
take further testimony or hear argument.

~~(G)~~(H)(1) If, upon all reliable, probative, and substantial  
evidence presented at a hearing under division (B) of this  
section, the commission determines that the respondent has engaged  
in, or is engaging in, any unlawful discriminatory practice,  
whether against the complainant or others, the commission shall  
state its findings of fact and conclusions of law and shall issue  
and, subject to the provisions of Chapter 119. of the Revised  
Code, cause to be served on the respondent an order requiring the  
respondent to cease and desist from the unlawful discriminatory  
practice, requiring the respondent to take any further affirmative  
or other action that will effectuate the purposes of this chapter,  
including, but not limited to, hiring, reinstatement, or upgrading  
of employees with or without back pay, or admission or restoration

to union membership, and requiring the respondent to report to the 79789  
commission the manner of compliance. If the commission directs 79790  
payment of back pay, it shall make allowance for interim earnings. 79791  
If it finds a violation of division (H) of section 4112.02 of the 79792  
Revised Code, the commission additionally shall require the 79793  
respondent to pay actual damages and reasonable attorney's fees, 79794  
and may award to the complainant punitive damages as follows: 79795

(a) If division ~~(G)~~(H)(1)(b) or (c) of this section does not 79796  
apply, punitive damages in an amount not to exceed ten thousand 79797  
dollars; 79798

(b) If division ~~(G)~~(H)(1)(c) of this section does not apply 79799  
and if the respondent has been determined by a final order of the 79800  
commission or by a final judgment of a court to have committed one 79801  
violation of division (H) of section 4112.02 of the Revised Code 79802  
during the five-year period immediately preceding the date on 79803  
which a complaint was issued pursuant to division (B) of this 79804  
section, punitive damages in an amount not to exceed twenty-five 79805  
thousand dollars; 79806

(c) If the respondent has been determined by a final order of 79807  
the commission or by a final judgment of a court to have committed 79808  
two or more violations of division (H) of section 4112.02 of the 79809  
Revised Code during the seven-year period immediately preceding 79810  
the date on which a complaint was issued pursuant to division (B) 79811  
of this section, punitive damages in an amount not to exceed fifty 79812  
thousand dollars. 79813

(2) Upon the submission of reports of compliance, the 79814  
commission may issue a declaratory order stating that the 79815  
respondent has ceased to engage in particular unlawful 79816  
discriminatory practices. 79817

~~(H)~~(I) If the commission finds that no probable cause exists 79818  
for crediting charges of unlawful discriminatory practices or if, 79819

upon all the evidence presented at a hearing under division (B) of 79820  
this section on a charge, the commission finds that a respondent 79821  
has not engaged in any unlawful discriminatory practice against 79822  
the complainant or others, it shall state its findings of fact and 79823  
shall issue and cause to be served on the complainant an order 79824  
dismissing the complaint as to the respondent. A copy of the order 79825  
shall be delivered in all cases to the attorney general and any 79826  
other public officers whom the commission considers proper. 79827

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~~(I)~~(J) Until the time period for appeal set forth in division 79829  
(H) of section 4112.06 of the Revised Code expires, the 79830  
commission, subject to the provisions of Chapter 119. of the 79831  
Revised Code, at any time, upon reasonable notice, and in the 79832  
manner it considers proper, may modify or set aside, in whole or 79833  
in part, any finding or order made by it under this section. 79834

**Sec. 4112.051.** (A)(1) Aggrieved persons may enforce the 79835  
rights granted by division (H) of section 4112.02 of the Revised 79836  
Code by filing a civil action in the court of common pleas of the 79837  
county in which the alleged unlawful discriminatory practice 79838  
occurred within one year after it allegedly occurred. Upon 79839  
application by an aggrieved person, upon a proper showing, and 79840  
under circumstances that it considers just, a court of common 79841  
pleas may appoint an attorney for the aggrieved person and 79842  
authorize the commencement of a civil action under this division 79843  
without the payment of costs. 79844

Each party to a civil action under this division has the 79845  
right to a jury trial of the action. To assert the right, a party 79846  
shall demand a jury trial in the manner prescribed in the Rules of 79847  
Civil Procedure. If a party demands a jury trial in that manner, 79848  
the civil action shall be tried to a jury. 79849

(2)(a) If a complaint is issued by the commission under 79850

division (B)(5) of section 4112.05 of the Revised Code for one or 79851  
more alleged unlawful discriminatory practices described in 79852  
division (H) of section 4112.02 of the Revised Code, the 79853  
complainant, any aggrieved person on whose behalf the complaint is 79854  
issued, or the respondent may elect, following receipt of the 79855  
relevant notice described in division (B)(5) of section 4112.05 of 79856  
the Revised Code, to proceed with the administrative hearing 79857  
process under that section or to have the alleged unlawful 79858  
discriminatory practices covered by the complaint addressed in a 79859  
civil action commenced in accordance with divisions (A)(1) and 79860  
(2)(b) of this section. An election to have the alleged unlawful 79861  
discriminatory practices so addressed shall be made in a writing 79862  
that is sent by certified mail, return receipt requested, to the 79863  
commission, to the civil rights section of the office of the 79864  
attorney general, and to the other parties to the pending 79865  
administrative process within thirty days after the electing 79866  
complainant, aggrieved person, or respondent received the relevant 79867  
notice described in division (B)(5) of section 4112.05 of the 79868  
Revised Code. 79869

(b) Upon receipt of a timely mailed election to have the 79870  
alleged unlawful discriminatory practices addressed in a civil 79871  
action, the commission shall authorize the office of the attorney 79872  
general to commence and maintain the civil action in the court of 79873  
common pleas of the county in which the alleged unlawful 79874  
discriminatory practices occurred. Notwithstanding the period of 79875  
limitations specified in division (A)(1) of this section, the 79876  
office of the attorney general shall commence the civil action 79877  
within thirty days after the receipt of the commission's 79878  
authorization to commence the civil action. 79879

(c) Upon commencement of the civil action in accordance with 79880  
division (A)(2)(b) of this section, the commission shall prepare 79881  
an order dismissing the complaint in the pending administrative 79882

matter and serve a copy of the order upon the complainant, each 79883  
aggrieved person on whose behalf the complaint was issued, and the 79884  
respondent. 79885

(d) If an election to have the alleged unlawful 79886  
discriminatory practices addressed in a civil action is not filed 79887  
in accordance with division (A)(2)(a) of this section, the 79888  
commission shall continue with the administrative hearing process 79889  
described in section 4112.05 of the Revised Code. 79890

(e) With respect to the issues to be determined in a civil 79891  
action commenced in accordance with division (A)(2)(b) of this 79892  
section, the complainant and any aggrieved person may intervene as 79893  
a matter of right in that civil action. 79894

(B) If the court or the jury in a civil action under this 79895  
section finds that a violation of division (H) of section 4112.02 79896  
of the Revised Code is about to occur, the court may order any 79897  
affirmative action it considers appropriate, including a permanent 79898  
or ~~temporary~~ temporary injunction or temporary restraining order. 79899

(C) Any sale, encumbrance, or rental consummated prior to the 79900  
issuance of any court order under the authority of this section 79901  
and involving a bona fide purchaser, encumbrancer, or tenant 79902  
without actual notice of the existence of a charge under division 79903  
(H) of section 4112.02 of the Revised Code or a civil action under 79904  
this section is not affected by the court order. 79905

(D) If the court or the jury in a civil action under this 79906  
section finds that a violation of division (H) of section 4112.02 79907  
of the Revised Code has occurred, the court shall award to the 79908  
plaintiff or to the complainant or aggrieved person on whose 79909  
behalf the office of the attorney general commenced or maintained 79910  
the civil action, whichever is applicable, actual damages, 79911  
reasonable attorney's fees, court costs incurred in the 79912  
prosecution of the action, expert witness fees, and other 79913

litigation expenses, and may grant other relief that it considers 79914  
appropriate, including a permanent or temporary injunction, a 79915  
temporary restraining order, or other order and punitive damages. 79916

(E) Any civil action brought under this section shall be 79917  
heard and determined as expeditiously as possible. 79918

(F) The court in a civil action under this section shall 79919  
notify the commission of any finding pertaining to discriminatory 79920  
housing practices within fifteen days after the entry of the 79921  
finding. 79922

**Sec. 4112.052.** (A) Whenever the Ohio civil rights commission 79923  
has reasonable cause to believe that any person or persons are 79924  
engaged in a pattern or practice of resistance to a person or 79925  
persons' full enjoyment of the rights granted by division (H) of 79926  
section 4112.02 of the Revised Code, or that any group of persons 79927  
has been denied any of the rights granted by that division and the 79928  
denial raises an issue of public importance, the commission may 79929  
refer the matter to the attorney general for commencement of a 79930  
civil action in a court of common pleas. ~~The attorney general may 79931  
seek any preventive relief considered necessary to ensure the full 79932  
enjoyment of the rights granted by that division, including a 79933  
permanent or temporary injunction or temporary restraining order. 79934~~

(B) Whenever a person breaches a conciliation agreement that 79935  
the person entered into with the Ohio civil rights commission, the 79936  
civil rights commission may refer the matter to the attorney 79937  
general for commencement of a civil action in a court of common 79938  
pleas. 79939

(C) In any action the attorney general brings pursuant to 79940  
this section, the court may do any of the following: 79941

(1) Award preventative relief, including a permanent or 79942  
temporary injunction, restraining order, or other order the court 79943



considers appropriate to assure the full enjoyment of the rights granted by division (H) of section 4112.02 of the Revised Code. No statute of limitation shall apply to such an award. 79944  
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(2) Award actual and punitive damages and other relief that the court considers appropriate; 79947  
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(3) Assess a penalty not to exceed fifty thousand dollars for a first violation or one hundred thousand dollars for any subsequent violation. 79949  
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(D)(1) Any person may intervene upon a timely application in a civil action the attorney general commences pursuant to this section when that action involves either of the following: 79952  
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(a) An alleged discriminatory housing practice with respect to which the person is an aggrieved person; 79955  
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(b) The breach of a conciliation agreement to which the person is a party. 79957  
79958

(2) The court may grant relief to an intervening party as the court considers appropriate and as section 4112.051 of the Revised Code authorizes to be granted in a civil action. 79959  
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(E) Nothing in this section limits any right or remedy that a person otherwise is entitled to under law. 79962  
79963

**Sec. 4113.11.** (A) As specified in division (B) of this section, all employers that employ ten or more employees shall adopt and maintain a cafeteria plan that allows the employer's employees to pay for health insurance coverage by a salary reduction arrangement as permitted under section 125 of the Internal Revenue Code. 79964  
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(B) Employers shall comply with the requirements of division (A) of this section as follows: 79970  
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(1) For employers that employ more than five hundred 79972

employees, by not later than January 1, 2011, or six months after 79973  
the superintendent of insurance adopts rules as required by 79974  
division (D) of this section, whichever is later. 79975

(2) For employers that employ one hundred fifty to five 79976  
hundred employees, by not later than July 1, 2011, or twelve 79977  
months after the superintendent adopts rules as required by 79978  
division (D) of this section, whichever is later. 79979

(3) For employers that employ ten to one hundred forty-nine 79980  
employees, by not later than January 1, 2012, or eighteen months 79981  
after the superintendent adopts rules as required by division (D) 79982  
of this section, whichever is later. 79983

(C) The health care coverage and quality council created 79984  
under section 3923.90 of the Revised Code shall make 79985  
recommendations to the superintendent for both of the following: 79986

(1) Development of strategies to educate, assist, and conduct 79987  
outreach to employers to simplify administrative processes with 79988  
respect to creating and maintaining cafeteria plans, including, 79989  
but not limited to, providing employers with model cafeteria plan 79990  
documents and technical assistance on creating and maintaining 79991  
cafeteria plans that conform with state and federal law; and 79992

(2) Development strategies to educate, assist, and conduct 79993  
outreach to employees with respect to finding, selecting, and 79994  
purchasing a health insurance plan to be paid for through their 79995  
employer's cafeteria plan under this section. 79996

(D) The superintendent shall adopt rules in accordance with 79997  
Chapter 119. of the Revised Code to implement and enforce this 79998  
section, including the strategies recommended by the council 79999  
pursuant to division (C) of this section. 80000

(E) As used in this section: 80001

(1) "Cafeteria plan" has the same meaning as in section 125 80002

of the Internal Revenue Code. 80003

(2) "Employer" has the same meaning as in section 4113.51 of the Revised Code. 80004  
80005

(3) "Employee" means an individual employed for consideration who works twenty-five or more hours per week or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment. 80006  
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Sec. 4113.81. For purposes of sections 4113.81, 4113.82, 4113.83, 4113.84, 4113.85, and 4113.86 of the Revised Code: 80010  
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(A) "Appropriate unit" means independent child care providers or independent home care providers, whichever is the subject of the bargaining activity. 80012  
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(B) "Independent child care provider" means a child care provider categorized under the Revised Code as either a Type A licensed provider who does not meet the definition of employee under the National Labor Relations Act, or a Type B certified or licensed provider or an in-home aide who is not a county or state employee. The terms in this division have the same meaning as the terms defined in Chapter 5104. of the Revised Code. 80015  
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(C)(1) "Independent home care provider" means any person who meets either of the following criteria: 80022  
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(a) The person provides home services under a medicaid waiver component as described in section 5111.851 or 5111.87 of the Revised Code. 80024  
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(b) The person provides home services through a state medicaid plan amendment as described in 42 U.S.C. 1396n(i). 80027  
80028

(2) "Independent home care provider" does not include any person employed by a private agency for purposes of performing the activities described in division (C)(1) of this section. 80029  
80030  
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(D) "Provider" means an independent child care provider or an independent home care provider. 80032  
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(E) "Recipient" means any person receiving the services of an independent child care provider or an independent home care provider, or that person's parent or legal guardian. 80034  
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(F) "Representative organization" means any employee organization as defined in division (D) of section 4117.01 of the Revised Code or any labor or bona fide organization in which providers participate and that exists for the purpose, in whole or in part, of dealing with the state concerning grievances, wages, hours, terms, and other conditions of employment of providers that are within the control of the state. 80037  
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**Sec. 4113.82. Providers may do all of the following:** 80044

(A) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in sections 4113.81 to 4113.86 of the Revised Code, any representative organization of their own choosing; 80045  
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(B) Engage in concerted activities, other than those described in division (A) of this section, for the purpose of collective bargaining or other mutual aid and protection; 80049  
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(C) Be represented by a representative organization; 80052

(D) Bargain collectively with the state to determine wages, hours, terms, other conditions of employment that are within the control of the state, the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into a collective bargaining agreement. 80053  
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(E) Present grievances and have them adjusted, without the intervention of the representative organization, so long as the adjustment is not inconsistent with the terms of any collective bargaining agreement then in effect and the representative 80058  
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organization has the opportunity to be present at the adjustment. 80062

Sec. 4113.83. (A) A representative organization shall become 80063  
the exclusive representative of all the providers in an 80064  
appropriate unit for the purpose of collective bargaining by 80065  
satisfying either of the following criteria: 80066

(1) Being certified by an impartial election monitor as 80067  
described in the governor's executive order 2008-02S for 80068  
independent child care providers or the governor's executive order 80069  
2007-23S for independent home care providers; 80070

(2) Filing a request with the state for recognition as an 80071  
exclusive representative, as described in division (B) of this 80072  
section, a copy of which shall be sent to the state employment 80073  
relations board. 80074

(B)(1) In the request for recognition, the representative 80075  
organization shall do all of the following: 80076

(a) Describe the bargaining unit; 80077

(b) Allege that a majority of the providers in the bargaining 80078  
unit wish to be represented by the representative organization; 80079

(c) Support the request with substantial evidence based on, 80080  
and in accordance with, rules prescribed by the state employment 80081  
relations board demonstrating that a majority of the providers in 80082  
the bargaining unit wish to be represented by the representative 80083  
organization. 80084

(2) Immediately upon receipt of the request described in 80085  
divisions (A)(2) and (B)(1) of this section, the state shall 80086  
request an election in accordance with the same requirements as 80087  
provided in division (A)(2) of section 4117.07 of the Revised 80088  
Code. 80089

(C) Nothing in this section shall be construed to permit the 80090  
state to recognize, or the state employment relations board to 80091

certify, a representative organization as an exclusive 80092  
representative if there is in effect a lawful written agreement, 80093  
contract, or memorandum of understanding between the state and 80094  
another representative organization that, on the effective date of 80095  
this section, has been recognized by the state as the exclusive 80096  
representative of the providers in an appropriate unit or that by 80097  
tradition, custom, practice, election, or negotiation has been the 80098  
only representative organization representing all providers in the 80099  
unit. This division does not apply to any agreement that has been 80100  
in effect in excess of three years. For purposes of this section, 80101  
extensions of an agreement do not affect the expiration of the 80102  
original agreement. 80103

**Sec. 4113.84.** (A) All matters pertaining to wages, hours, 80104  
terms and other conditions of employment that are within the 80105  
control of the state, the continuation, modification, or deletion 80106  
of an existing provision of a collective bargaining agreement 80107  
shall be subject to collective bargaining between the state and 80108  
the exclusive representative as described in section 4113.83 of 80109  
the Revised Code, except as otherwise specified in this section. 80110

(B) This section shall not alter the unique relations between 80111  
providers and recipients of care. The recipient retains the 80112  
absolute right to choose providers and to control the hiring, 80113  
termination, and supervision of providers. 80114

(C) This section shall not affect the ability of the state to 80115  
take appropriate action when a provider is no longer eligible to 80116  
provide care under state or federal law, or any rules or 80117  
regulations adopted thereunder. 80118

**Sec. 4113.85.** The parties to any collective bargaining 80119  
agreement entered into pursuant to sections 4113.81, 4113.82, 80120  
4113.83, and 4113.84 of the Revised Code shall record that 80121

agreement in writing, which is to be executed by all of the 80122  
parties to the agreement. The agreement shall contain the same 80123  
provisions as described in divisions (B), (C), and (E) of section 80124  
4117.09 of the Revised Code. Such provisions shall apply to the 80125  
state, its agents or representatives, any representative 80126  
organization, its agents or representatives, and to providers in 80127  
the same manner as the same provisions apply to public employers, 80128  
public employees, and employee organizations as described in 80129  
Chapter 4117. of the Revised Code. 80130

**Sec. 4113.86.** The state employment relations board has the 80131  
same authority as described in sections 4117.12 and 4117.13 of the 80132  
Revised Code to investigate, hold hearings, make determinations, 80133  
and issue complaints regarding unfair labor practices, insofar as 80134  
that authority does not conflict with sections 4113.81, 4113.82, 80135  
4113.83, 4113.84, 4113.85, and 4113.86 of the Revised Code. For 80136  
purposes of this section, "unfair labor practice" has the same 80137  
meaning as section 4117.11 of the Revised Code, except any 80138  
provisions applying to public employers shall apply to the state, 80139  
any provisions applying to employee organizations shall apply to 80140  
representative organizations, and any provisions applying to 80141  
public employees shall apply to providers. 80142

**Sec. 4117.01.** As used in this chapter: 80143

(A) "Person," in addition to those included in division (C) 80144  
of section 1.59 of the Revised Code, includes employee 80145  
organizations, public employees, and public employers. 80146

(B)(1) "Public employer" means the state or any political 80147  
subdivision of the state located entirely within the state, 80148  
including, without limitation, any municipal corporation with a 80149  
population of at least five thousand according to the most recent 80150  
federal decennial census; county; township with a population of at 80151

least five thousand in the unincorporated area of the township 80152  
according to the most recent federal decennial census; school 80153  
district; governing authority of a community school established 80154  
under Chapter 3314. of the Revised Code; state institution of 80155  
higher learning; public or special district; state agency, 80156  
authority, commission, or board; or other branch of public 80157  
employment. 80158

(2) With respect to permanent, full-time, paid members of a 80159  
fire department of a township, "public employer" also means a 80160  
township, regardless of the population of the township. 80161

(C) "Public employee" means any person holding a position by 80162  
appointment or employment in the service of a public employer, 80163  
including any person working pursuant to a contract between a 80164  
public employer and a private employer and over whom the national 80165  
labor relations board has declined jurisdiction on the basis that 80166  
the involved employees are employees of a public employer, except: 80167

(1) Persons holding elective office; 80168

(2) Employees of the general assembly and employees of any 80169  
other legislative body of the public employer whose principal 80170  
duties are directly related to the legislative functions of the 80171  
body; 80172

(3) Employees on the staff of the governor or the chief 80173  
executive of the public employer whose principal duties are 80174  
directly related to the performance of the executive functions of 80175  
the governor or the chief executive; 80176

(4) Persons who are members of the Ohio organized militia, 80177  
while training or performing duty under section 5919.29 or 5923.12 80178  
of the Revised Code; 80179

(5) Employees of the state employment relations board, 80180  
including those employees of the state employment relations board 80181  
utilized by the state personnel board of review in the exercise of 80182



<u>the powers and the performance of the duties and functions of the</u>	80183
<u>state personnel board of review;</u>	80184
(6) Confidential employees;	80185
(7) Management level employees;	80186
(8) <del>Employees and officers of the courts, assistants</del>	80187
<u>Assistants</u> to the attorney general, <u>and</u> assistant prosecuting	80188
attorneys, <del>and employees of the clerks of courts who perform a</del>	80189
<del>judicial function;</del>	80190
(9) Employees of a public official who act in a fiduciary	80191
capacity, appointed pursuant to section 124.11 of the Revised	80192
Code;	80193
(10) Supervisors;	80194
(11) Students whose primary purpose is educational training,	80195
including graduate assistants or associates, residents, interns,	80196
or other students working as part-time public employees less than	80197
fifty per cent of the normal year in the employee's bargaining	80198
unit;	80199
(12) Employees of county boards of election;	80200
(13) Seasonal and casual employees as determined by the state	80201
employment relations board;	80202
(14) Part-time faculty members of an institution of higher	80203
education;	80204
(15) <del>Employees of the state personnel board of review;</del>	80205
<del>(16)</del> Participants in a work activity, developmental activity,	80206
or alternative work activity under sections 5107.40 to 5107.69 of	80207
the Revised Code who perform a service for a public employer that	80208
the public employer needs but is not performed by an employee of	80209
the public employer if the participant is not engaged in paid	80210
employment or subsidized employment pursuant to the activity;	80211

~~(17)~~(16) Employees included in the career professional 80212  
service of the department of transportation under section 5501.20 80213  
of the Revised Code; 80214

~~(18) Employees of community-based correctional facilities and 80215  
district community based correctional facilities created under 80216  
sections 2301.51 to 2301.58 of the Revised Code who are not 80217  
subject to a collective bargaining agreement on June 1, 2005. 80218~~

(D) "Employee organization" means any labor or bona fide 80219  
organization in which public employees participate and that exists 80220  
for the purpose, in whole or in part, of dealing with public 80221  
employers concerning grievances, labor disputes, wages, hours, 80222  
terms, and other conditions of employment. 80223

(E) "Exclusive representative" means the employee 80224  
organization certified or recognized as an exclusive 80225  
representative under section 4117.05 of the Revised Code. 80226

(F) "Supervisor" means any individual who has authority, in 80227  
the interest of the public employer, to hire, transfer, suspend, 80228  
lay off, recall, promote, discharge, assign, reward, or discipline 80229  
other public employees; to responsibly direct them; to adjust 80230  
their grievances; or to effectively recommend such action, if the 80231  
exercise of that authority is not of a merely routine or clerical 80232  
nature, but requires the use of independent judgment, provided 80233  
that: 80234

(1) Employees of school districts who are department 80235  
chairpersons or consulting teachers shall not be deemed 80236  
supervisors; 80237

(2) With respect to members of a police or fire department, 80238  
no person shall be deemed a supervisor except the chief of the 80239  
department or those individuals who, in the absence of the chief, 80240  
are authorized to exercise the authority and perform the duties of 80241  
the chief of the department. Where prior to June 1, 1982, a public 80242

employer pursuant to a judicial decision, rendered in litigation 80243  
to which the public employer was a party, has declined to engage 80244  
in collective bargaining with members of a police or fire 80245  
department on the basis that those members are supervisors, those 80246  
members of a police or fire department do not have the rights 80247  
specified in this chapter for the purposes of future collective 80248  
bargaining. The state employment relations board shall decide all 80249  
disputes concerning the application of division (F)(2) of this 80250  
section. 80251

(3) With respect to faculty members of a state institution of 80252  
higher education, heads of departments or divisions are 80253  
supervisors; however, no other faculty member or group of faculty 80254  
members is a supervisor solely because the faculty member or group 80255  
of faculty members participate in decisions with respect to 80256  
courses, curriculum, personnel, or other matters of academic 80257  
policy; 80258

(4) No teacher as defined in section 3319.09 of the Revised 80259  
Code shall be designated as a supervisor or a management level 80260  
employee unless the teacher is employed under a contract governed 80261  
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 80262  
is assigned to a position for which a license deemed to be for 80263  
administrators under state board rules is required pursuant to 80264  
section 3319.22 of the Revised Code. 80265

(G) "To bargain collectively" means to perform the mutual 80266  
obligation of the public employer, by its representatives, and the 80267  
representatives of its employees to negotiate in good faith at 80268  
reasonable times and places with respect to wages, hours, terms, 80269  
and other conditions of employment and the continuation, 80270  
modification, or deletion of an existing provision of a collective 80271  
bargaining agreement, with the intention of reaching an agreement, 80272  
or to resolve questions arising under the agreement. "To bargain 80273  
collectively" includes executing a written contract incorporating 80274

the terms of any agreement reached. The obligation to bargain 80275  
collectively does not mean that either party is compelled to agree 80276  
to a proposal nor does it require the making of a concession. 80277

(H) "Strike" means continuous concerted action in failing to 80278  
report to duty; willful absence from one's position; or stoppage 80279  
of work in whole from the full, faithful, and proper performance 80280  
of the duties of employment, for the purpose of inducing, 80281  
influencing, or coercing a change in wages, hours, terms, and 80282  
other conditions of employment. "Strike" does not include a 80283  
stoppage of work by employees in good faith because of dangerous 80284  
or unhealthful working conditions at the place of employment that 80285  
are abnormal to the place of employment. 80286

(I) "Unauthorized strike" includes, but is not limited to, 80287  
concerted action during the term or extended term of a collective 80288  
bargaining agreement or during the pendency of the settlement 80289  
procedures set forth in section 4117.14 of the Revised Code in 80290  
failing to report to duty; willful absence from one's position; 80291  
stoppage of work; slowdown, or abstinence in whole or in part from 80292  
the full, faithful, and proper performance of the duties of 80293  
employment for the purpose of inducing, influencing, or coercing a 80294  
change in wages, hours, terms, and other conditions of employment. 80295  
"Unauthorized strike" includes any such action, absence, stoppage, 80296  
slowdown, or abstinence when done partially or intermittently, 80297  
whether during or after the expiration of the term or extended 80298  
term of a collective bargaining agreement or during or after the 80299  
pendency of the settlement procedures set forth in section 4117.14 80300  
of the Revised Code. 80301

(J) "Professional employee" means any employee engaged in 80302  
work that is predominantly intellectual, involving the consistent 80303  
exercise of discretion and judgment in its performance and 80304  
requiring knowledge of an advanced type in a field of science or 80305  
learning customarily acquired by a prolonged course in an 80306

institution of higher learning or a hospital, as distinguished 80307  
from a general academic education or from an apprenticeship; or an 80308  
employee who has completed the courses of specialized intellectual 80309  
instruction and is performing related work under the supervision 80310  
of a professional person to become qualified as a professional 80311  
employee. 80312

(K) "Confidential employee" means any employee who works in 80313  
the personnel offices of a public employer and deals with 80314  
information to be used by the public employer in collective 80315  
bargaining; or any employee who works in a close continuing 80316  
relationship with public officers or representatives directly 80317  
participating in collective bargaining on behalf of the employer. 80318

(L) "Management level employee" means an individual who 80319  
formulates policy on behalf of the public employer, who 80320  
responsibly directs the implementation of policy, or who may 80321  
reasonably be required on behalf of the public employer to assist 80322  
in the preparation for the conduct of collective negotiations, 80323  
administer collectively negotiated agreements, or have a major 80324  
role in personnel administration. Assistant superintendents, 80325  
principals, and assistant principals whose employment is governed 80326  
by section 3319.02 of the Revised Code are management level 80327  
employees. With respect to members of a faculty of a state 80328  
institution of higher education, no person is a management level 80329  
employee because of the person's involvement in the formulation or 80330  
implementation of academic or institution policy. 80331

(M) "Wages" means hourly rates of pay, salaries, or other 80332  
forms of compensation for services rendered. 80333

(N) "Member of a police department" means a person who is in 80334  
the employ of a police department of a municipal corporation as a 80335  
full-time regular police officer as the result of an appointment 80336  
from a duly established civil service eligibility list or under 80337  
section 737.15 or 737.16 of the Revised Code, a full-time deputy 80338

sheriff appointed under section 311.04 of the Revised Code, a 80339  
township constable appointed under section 509.01 of the Revised 80340  
Code, or a member of a township police district police department 80341  
appointed under section 505.49 of the Revised Code. 80342

(O) "Members of the state highway patrol" means highway 80343  
patrol troopers and radio operators appointed under section 80344  
5503.01 of the Revised Code. 80345

(P) "Member of a fire department" means a person who is in 80346  
the employ of a fire department of a municipal corporation or a 80347  
township as a fire cadet, full-time regular firefighter, or 80348  
promoted rank as the result of an appointment from a duly 80349  
established civil service eligibility list or under section 80350  
505.38, 709.012, or 737.22 of the Revised Code. 80351

(Q) "Day" means calendar day. 80352

**Sec. 4117.02.** (A) There is hereby created the state 80353  
employment relations board, consisting of three members to be 80354  
appointed by the governor with the advice and consent of the 80355  
senate. Members shall be knowledgeable about labor relations or 80356  
personnel practices. No more than two of the three members shall 80357  
belong to the same political party. A member of the state 80358  
employment relations board during the member's period of service 80359  
shall hold no other public office or public or private employment 80360  
and shall allow no other responsibilities to interfere or conflict 80361  
with the member's duties as a full-time state employment relations 80362  
board member. Of the initial appointments made to the state 80363  
employment relations board, one shall be for a term ending October 80364  
6, 1984, one shall be for a term ending October 6, 1985, and one 80365  
shall be for a term ending October 6, 1986. Thereafter, terms of 80366  
office shall be for six years, each term ending on the same day of 80367  
the same month of the year as did the term that it succeeds. Each 80368  
member shall hold office from the date of the member's appointment 80369

until the end of the term for which the member is appointed. Any 80370  
member appointed to fill a vacancy occurring prior to the 80371  
expiration of the term for which the member's predecessor was 80372  
appointed shall hold office for the remainder of the term. Any 80373  
member shall continue in office subsequent to the expiration of 80374  
the member's term until the member's successor takes office or 80375  
until a period of sixty days has elapsed, whichever occurs first. 80376  
The governor may remove any member of the state employment 80377  
relations board, upon notice and public hearing, for neglect of 80378  
duty or malfeasance in office, but for no other cause. 80379

(B)(1) The governor shall designate one member of the state 80380  
employment relations board to serve as chairperson of the state 80381  
employment relations board. The chairperson is the head of the 80382  
state employment relations board and its chief executive officer. 80383

(2) The chairperson shall exercise all administrative powers 80384  
and duties conferred upon the state employment relations board 80385  
under this chapter and shall do all of the following: 80386

(a) ~~Except as provided in division (F)(2) of this section,~~ 80387  
~~employ~~ Employ, promote, supervise, and remove all employees of the 80388  
state employment relations board, and establish, change, or 80389  
abolish positions and assign or reassign the duties of those 80390  
employees as the chairperson determines necessary to achieve the 80391  
most efficient performance of the ~~board's~~ duties of the state 80392  
employment relations board under this chapter; 80393

(b) Determine the utilization by the state personnel board of 80394  
review of employees of the state employment relations board as 80395  
necessary for the state personnel board of review to exercise the 80396  
powers and perform the duties of the state personnel board of 80397  
review. 80398

(c) Maintain the office of the state employment relations 80399  
board in Columbus and manage the office's daily operations, 80400

including securing offices, facilities, equipment, and supplies 80401  
necessary to house the state employment relations board, employees 80402  
of the state employment relations board, the state personnel board 80403  
of review, and files and records under the ~~board's~~ control of the 80404  
state employment relations board and under the control of the 80405  
state personnel board of review; 80406

~~(e)~~(d) Prepare and submit to the office of budget and 80407  
management a budget for each biennium according to section 107.03 80408  
of the Revised Code, and include in the budget the costs of the 80409  
state employment relations board and its staff and the ~~board's~~ 80410  
costs of the state employment relations board in discharging any 80411  
duty imposed by law upon the state employment relations board, the 80412  
chairperson, or any of the ~~board's~~ employees or agents of the 80413  
state employment relations board, and the costs of the state 80414  
personnel board of review in discharging any duty imposed by law 80415  
on the state personnel board of review or an agent of the state 80416  
personnel board of review. 80417

(C) The vacancy on the state employment relations board does 80418  
not impair the right of the remaining members to exercise all the 80419  
powers of the state employment relations board, and two members of 80420  
the state employment relations board, at all times, constitute a 80421  
quorum. The state employment relations board shall have an 80422  
official seal of which courts shall take judicial notice. 80423

(D) The state employment relations board shall make an annual 80424  
report in writing to the governor and to the general assembly, 80425  
stating in detail the work it has done. 80426

(E) Compensation of the chairperson and members shall be in 80427  
accordance with division (J) of section 124.15 of the Revised 80428  
Code. The chairperson and the members are eligible for 80429  
reappointment. In addition to such compensation, all members shall 80430  
be reimbursed for their necessary expenses incurred in the 80431  
performance of their work as members. 80432



(F)(1) The chairperson, after consulting with the other state 80433  
employment relations board members and receiving the consent of at 80434  
least one other board member, shall appoint an executive director. 80435  
The chairperson also shall appoint attorneys and ~~attorney-trial~~ 80436  
~~examiners~~ shall appoint an assistant executive director who shall 80437  
be an attorney admitted to practice law in this state and who 80438  
shall serve as a liaison to the attorney general on legal matters 80439  
before the state employment relations board. 80440

(2) The state employment relations board shall appoint 80441  
~~mediators, arbitrators,~~ members of fact-finding panels, ~~and~~ 80442  
~~directors for local areas,~~ and shall prescribe their job duties. 80443

(G)(1) The executive director shall serve at the pleasure of 80444  
the chairperson. The executive director, under the direction of 80445  
the chairperson, shall do all of the following: 80446

(a) Act as chief administrative officer for the state 80447  
employment relations board; 80448

(b) Ensure that all employees of the state employment 80449  
relations board comply with the rules of the state employment 80450  
relations board; 80451

(c) Do all things necessary for the efficient and effective 80452  
implementation of the duties of the state employment relations 80453  
board. 80454

(2) The duties of the executive director described in 80455  
division (G)(1) of this section do not relieve the chairperson 80456  
from final responsibility for the proper performance of the duties 80457  
described in that division. 80458

(H) The attorney general shall be the legal adviser of the 80459  
state employment relations board and shall appear for and 80460  
represent the state employment relations board and its agents in 80461  
all legal proceedings. The state employment relations board may 80462  
utilize regional, local, or other agencies, and utilize voluntary 80463

and uncompensated services as needed. The state employment 80464  
relations board may contract with the federal mediation and 80465  
conciliation service for the assistance of mediators, arbitrators, 80466  
and other personnel the service makes available. The ~~board and the~~ 80467  
chairperson, ~~respectively~~, shall appoint all employees on the 80468  
basis of training, practical experience, education, and character, 80469  
notwithstanding the requirements established by section 119.09 of 80470  
the Revised Code. The ~~board~~ chairperson shall give special regard 80471  
to the practical training and experience that employees have for 80472  
the particular position involved. ~~All full-time employees of the~~ 80473  
~~board excepting the~~ The executive director, the head of the bureau 80474  
~~of mediation~~ assistant executive director, administrative law 80475  
judges, employees holding a fiduciary or administrative relation 80476  
to the state employment relations board as described in division 80477  
(A)(9) of section 124.11 of the Revised Code, and the personal 80478  
secretaries and assistants of the state employment relations board 80479  
members are in the ~~classified~~ unclassified service. All other 80480  
full-time employees of the state employment relations board are in 80481  
the classified service. All employees of the state employment 80482  
relations board shall be paid in accordance with Chapter 124. of 80483  
the Revised Code. 80484

(I) The ~~board~~ chairperson shall select and assign ~~examiners~~ 80485  
administrative law judges and other agents whose functions are to 80486  
conduct hearings with due regard to their impartiality, judicial 80487  
temperament, and knowledge. If in any proceeding under this 80488  
chapter, any party prior to five days before the hearing thereto 80489  
files with the state employment relations board a sworn statement 80490  
charging that the ~~examiner~~ administrative law judge or other agent 80491  
designated to conduct the hearing is biased or partial in the 80492  
proceeding, the state employment relations board may disqualify 80493  
the person and designate another ~~examiner~~ administrative law judge 80494  
or agent to conduct the proceeding. At least ten days before any 80495  
hearing, the state employment relations board shall notify all 80496

parties to a proceeding of the name of the ~~examiner~~ administrative 80497  
law judge or agent designated to conduct the hearing. 80498

(J) The principal office of the state employment relations 80499  
board is in Columbus, but it may meet and exercise any or all of 80500  
its powers at any other place within the state. The state 80501  
employment relations board may, by one or more of its employees, 80502  
or any agents or agencies it designates, conduct in any part of 80503  
this state any proceeding, hearing, investigation, inquiry, or 80504  
election necessary to the performance of its functions; provided, 80505  
that no person so designated may later sit in determination of an 80506  
appeal of the decision of that cause or matter. 80507

(K) In addition to the powers and functions provided in other 80508  
sections of this chapter, the state employment relations board 80509  
shall do all of the following: 80510

(1) Create a bureau of mediation within the state employment 80511  
relations board, to perform the functions provided in section 80512  
4117.14 of the Revised Code. This bureau shall also establish, 80513  
after consulting representatives of employee organizations and 80514  
public employers, panels of qualified persons to be available to 80515  
serve as members of fact-finding panels and arbitrators. 80516

(2) Conduct studies of problems involved in representation 80517  
and negotiation and make recommendations for legislation; 80518

(3) Hold hearings pursuant to this chapter and, for the 80519  
purpose of the hearings and inquiries, administer oaths and 80520  
affirmations, examine witnesses and documents, take testimony and 80521  
receive evidence, compel the attendance of witnesses and the 80522  
production of documents by the issuance of subpoenas, and delegate 80523  
these powers to any members of the state employment relations 80524  
board or any ~~attorney trial examiner appointed~~ administrative law 80525  
judge employed by the state employment relations board for the 80526  
performance of its functions; 80527

(4) Train representatives of employee organizations and public employers in the rules and techniques of collective bargaining procedures;

(5) Make studies and analyses of, and act as a clearinghouse of information relating to, conditions of employment of public employees throughout the state and request assistance, services, and data from any public employee organization, public employer, or governmental unit. Public employee organizations, public employers, and governmental units shall provide such assistance, services, and data as will enable the state employment relations board to carry out its functions and powers.

(6) Make available to employee organizations, public employers, mediators, fact-finding panels, arbitrators, and joint study committees statistical data relating to wages, benefits, and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve issues in negotiations;

(7) Notwithstanding section 119.13 of the Revised Code, establish standards of persons who practice before it;

(8) Adopt, amend, and rescind rules and procedures and exercise other powers appropriate to carry out this chapter. Before the adoption, amendment, or rescission of rules and procedures under this section, the state employment relations board shall do all of the following:

(a) Maintain a list of interested public employers and employee organizations and mail notice to such groups of any proposed rule or procedure, amendment thereto, or rescission thereof at least thirty days before any public hearing thereon;

(b) Mail a copy of each proposed rule or procedure, amendment thereto, or rescission thereof to any person who requests a copy within five days after receipt of the request therefor;

(c) Consult with appropriate statewide organizations 80559  
representing public employers or employees who would be affected 80560  
by the proposed rule or procedure. 80561

Although the state employment relations board is expected to 80562  
discharge these duties diligently, failure to mail any notice or 80563  
copy, or to so consult with any person, is not jurisdictional and 80564  
shall not be construed to invalidate any proceeding or action of 80565  
the state employment relations board. 80566

(L) In case of neglect or refusal to obey a subpoena issued 80567  
to any person, the court of common pleas of the county in which 80568  
the investigation or the public hearing occurs, upon application 80569  
by the state employment relations board, may issue an order 80570  
requiring the person to appear before the state employment 80571  
relations board and give testimony about the matter under 80572  
investigation. The court may punish a failure to obey the order as 80573  
contempt. 80574

(M) Any subpoena, notice of hearing, or other process or 80575  
notice of the state employment relations board issued under this 80576  
section may be served personally, by certified mail, or by leaving 80577  
a copy at the principal office or personal residence of the 80578  
respondent required to be served. A return, made and verified by 80579  
the individual making the service and setting forth the manner of 80580  
service, is proof of service, and a return post office receipt, 80581  
when certified mail is used, is proof of service. All process in 80582  
any court to which application is made under this chapter may be 80583  
served in the county wherein the persons required to be served 80584  
reside or are found. 80585

(N) All expenses of the state employment relations board, 80586  
including all necessary traveling and subsistence expenses 80587  
incurred by the members or employees of the state employment 80588  
relations board under its orders, shall be paid pursuant to 80589  
itemized vouchers approved by the chairperson of the state 80590

employment relations board, the executive director, or both, or 80591  
such other person as the chairperson designates for that purpose. 80592

(O) Whenever the state employment relations board determines 80593  
that a substantial controversy exists with respect to the 80594  
application or interpretation of this chapter and the matter is of 80595  
public or great general interest, the state employment relations 80596  
board shall certify its final order directly to the court of 80597  
appeals having jurisdiction over the area in which the principal 80598  
office of the public employer directly affected by the application 80599  
or interpretation is located. The chairperson shall file with the 80600  
clerk of the court a certified copy of the transcript of the 80601  
proceedings before the state employment relations board pertaining 80602  
to the final order. If upon hearing and consideration the court 80603  
decides that the final order of the state employment relations 80604  
board is unlawful or is not supported by substantial evidence on 80605  
the record as a whole, the court shall reverse and vacate the 80606  
final order or modify it and enter final judgment in accordance 80607  
with the modification; otherwise, the court shall affirm the final 80608  
order. The notice of the final order of the state employment 80609  
relations board to the interested parties shall contain a 80610  
certification by the chairperson of the state employment relations 80611  
board that the final order is of public or great general interest 80612  
and that a certified transcript of the record of the proceedings 80613  
before the state employment relations board had been filed with 80614  
the clerk of the court as an appeal to the court. For the purposes 80615  
of this division, the state employment relations board has 80616  
standing to bring its final order properly before the court of 80617  
appeals. 80618

(P) Except as otherwise specifically provided in this 80619  
section, the state employment relations board is subject to 80620  
Chapter 119. of the Revised Code, including the procedure for 80621  
submission of proposed rules to the general assembly for 80622

legislative review under division (H) of section 119.03 of the Revised Code. 80623  
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**Sec. 4117.07.** (A) When a petition is filed, in accordance with rules prescribed by the state employment relations board: 80625  
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(1) By any employee or group of employees, or any individual or employee organization acting in their behalf, alleging that at least thirty per cent of the employees in an appropriate unit wish to be represented for collective bargaining by an exclusive representative, or asserting that the designated exclusive representative is no longer the representative of the majority of employees in the unit, the board shall investigate the petition, and if it has reasonable cause to believe that a question of representation exists, provide for an appropriate hearing upon due notice to the parties; 80627  
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(2) By the employer alleging that one or more employee organizations has presented to it a claim to be recognized as the exclusive representative in an appropriate unit, the board shall investigate the petition, and if it has reasonable cause to believe that a question of representation exists, provide for an appropriate hearing upon due notice to the parties. 80637  
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If the board finds upon the record of a hearing that a question of representation exists, it shall direct an election and certify the results thereof. No one may vote in an election by ~~mail-or~~ proxy. The board may also certify an employee organization as an exclusive representative if it determines that a free and untrammelled election cannot be conducted because of the employer's unfair labor practices and that at one time the employee organization had the support of the majority of the employees in the unit. 80643  
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(B) Only the names of those employee organizations designated by more than ten per cent of the employees in the unit found to be 80652  
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appropriate may be placed on the ballot. Nothing in this section 80654  
shall be construed to prohibit the waiving of hearings by 80655  
stipulation, in conformity with the rules of the board, for the 80656  
purpose of a consent election. 80657

(C) The board shall conduct representation elections by 80658  
secret ballot cast, at the board's discretion, by mail or 80659  
electronically or in person, and at times and places selected by 80660  
the board subject to the following: 80661

(1) The board shall give no less than ten days' notice of the 80662  
time and place of an election; 80663

(2) The board shall establish rules concerning the conduct of 80664  
any election including, but not limited to, rules to guarantee the 80665  
secrecy of the ballot; 80666

(3) The board may not certify a representative unless the 80667  
representative receives a majority of the valid ballots cast; 80668

(4) Except as provided in this section, the board shall 80669  
include on the ballot a choice of "no representative"; 80670

(5) In an election where none of the choices on the ballot 80671  
receives a majority, the board shall conduct a runoff election. In 80672  
that case, the ballot shall provide for a selection between the 80673  
two choices or parties receiving the highest and the second 80674  
highest number of ballots cast in the election. 80675

(6) The board may not conduct an election under this section 80676  
in any appropriate bargaining unit within which a board-conducted 80677  
election was held in the preceding twelve-month period, nor during 80678  
the term of any lawful collective bargaining agreement between a 80679  
public employer and an exclusive representative. 80680

Petitions for elections may be filed with the board no sooner 80681  
than one hundred twenty days or later than ninety days before the 80682  
expiration date of any collective bargaining agreement, or after 80683



the expiration date, until the public employer and exclusive 80684  
representative enter into a new written agreement. 80685

For the purposes of this section, extensions of agreements do 80686  
not affect the expiration date of the original agreement. 80687

**Sec. 4117.12.** (A) Whoever violates section 4117.11 of the 80688  
Revised Code is guilty of an unfair labor practice remediable by 80689  
the state employment relations board as specified in this section. 80690

(B) When anyone files a charge with the board alleging that 80691  
an unfair labor practice has been committed, the board or its 80692  
designated agent shall investigate the charge. If the board has 80693  
probable cause for believing that a violation has occurred, the 80694  
board shall issue a complaint and shall conduct a hearing 80695  
concerning the charge. The board shall cause the complaint to be 80696  
served upon the charged party which shall contain a notice of the 80697  
time at which the hearing on the complaint will be held either 80698  
before the board, a board member, or ~~a hearing officer~~ an 80699  
administrative law judge. The board may not issue a notice of 80700  
hearing based upon any unfair labor practice occurring more than 80701  
ninety days prior to the filing of the charge with the board, 80702  
unless the person aggrieved thereby is prevented from filing the 80703  
charge by reason of service in the armed forces, in which event 80704  
the ninety-day period shall be computed from the day of ~~his~~ the 80705  
person's discharge. If the board dismisses a complaint as 80706  
frivolous, it shall assess costs to the complainant pursuant to 80707  
its standards governing such matters, and for that purpose, the 80708  
board shall adopt a rule defining the standards by which the board 80709  
will declare a complaint to be frivolous and the costs that will 80710  
be assessed accordingly. 80711

(1) The board, board member, or ~~hearing officer~~ 80712  
administrative law judge shall hold a hearing on the charge within 80713  
ten days after service of the complaint. The board may amend a 80714

complaint, upon receipt of a notice from the charging party, at 80715  
any time prior to the close of the hearing, and the charged party 80716  
shall within ten days from receipt of the complaint or amendment 80717  
to the complaint, file an answer to the complaint or amendment to 80718  
the complaint. The charged party may file an answer to an original 80719  
or amended complaint. The agents of the board and the person 80720  
charged are parties and may appear or otherwise give evidence at 80721  
the hearing. At the discretion of the board, board member, or 80722  
~~hearing officer~~ administrative law judge, any interested party may 80723  
intervene and present evidence at the hearing. The board, board 80724  
member, or ~~hearing officer~~ administrative law judge is not bound 80725  
by the rules of evidence prevailing in the courts. 80726

(2) A board member or ~~hearing officer~~ administrative law 80727  
judge who conducts the hearing shall reduce the evidence taken to 80728  
writing and file it with the board. The board member or the 80729  
~~hearing officer~~ administrative law judge may thereafter take 80730  
further evidence or hear further argument if notice is given to 80731  
all interested parties. The ~~hearing officer~~ administrative law 80732  
judge or board member shall issue to the parties a proposed 80733  
decision, together with a recommended order and file it with the 80734  
board. If the parties file no exceptions within twenty days after 80735  
service thereof, the recommended order becomes the order of the 80736  
board effective as therein prescribed. If the parties file 80737  
exceptions to the proposed report, the board shall determine 80738  
whether substantial issues have been raised. The board may rescind 80739  
or modify the proposed order of the board member or ~~hearing~~ 80740  
~~officer~~ administrative law judge; however, if the board determines 80741  
that the exceptions do not raise substantial issues of fact or 80742  
law, it may refuse to grant review, and the recommended order 80743  
becomes effective as therein prescribed. 80744

(3) If upon the preponderance of the evidence taken, the 80745  
board believes that any person named in the complaint has engaged 80746

in any unfair labor practice, the board shall state its findings 80747  
of fact and issue and cause to be served on the person an order 80748  
requiring that ~~he~~ the person cease and desist from these unfair 80749  
labor practices, and take such affirmative action, including 80750  
reinstatement of employees with or without back pay, as will 80751  
effectuate the policies of Chapter 4117. of the Revised Code. If 80752  
upon a preponderance of the evidence taken, the board believes 80753  
that the person named in the complaint has not engaged in an 80754  
unfair labor practice it shall state its findings of fact and 80755  
issue an order dismissing the complaint. 80756

(4) The board may order the public employer to reinstate the 80757  
public employee and further may order either the public employer 80758  
or the employee organization, depending on who was responsible for 80759  
the discrimination suffered by the public employee, to make such 80760  
payment of back pay to the public employee as the board 80761  
determines. No order of the board shall require the reinstatement 80762  
of any individual as an employee who has been suspended or 80763  
discharged, or require the payment to ~~him~~ the employee of any back 80764  
pay, if the suspension or discharge was for just cause not related 80765  
to rights provided in section 4117.03 of the Revised Code and the 80766  
procedure contained in the collective bargaining agreement 80767  
governing suspension or discharge was followed. The order of the 80768  
board may require the party against whom the order is issued to 80769  
make periodic reports showing the extent to which ~~he~~ the party has 80770  
complied with the order. 80771

(C) Whenever a complaint alleges that a person has engaged in 80772  
an unfair labor practice and that the complainant will suffer 80773  
substantial and irreparable injury if not granted temporary 80774  
relief, the board may petition the court of common pleas for any 80775  
county wherein the alleged unfair labor practice in question 80776  
occurs, or wherein any person charged with the commission of any 80777  
unfair labor practice resides or transacts business for 80778

appropriate injunctive relief, pending the final adjudication by 80779  
the board with respect to the matter. Upon the filing of any 80780  
petition, the court shall cause notice thereof to be served upon 80781  
the parties, and thereupon has jurisdiction to grant the temporary 80782  
relief or restraining order it considers just and proper. 80783

(D) Until the record in a case is filed in a court, as 80784  
specified in Chapter 4117. of the Revised Code, the board may at 80785  
any time upon reasonable notice and in a manner it considers 80786  
proper, modify or set aside, in whole or in part, any finding or 80787  
order made or issued by it. 80788

**Sec. 4117.24.** (A) The training, publications, and grants fund 80789  
is hereby created in the state treasury. The state employment 80790  
relations board shall deposit into the training, publications, and 80791  
grants fund all moneys received from the following sources: 80792

~~(A)~~(1) Payments received by the state employment relations 80793  
board for copies of documents, rulebooks, and other publications; 80794

~~(B)~~(2) Fees received from seminar participants; 80795

~~(C)~~(3) Receipts from the sale of clearinghouse data; 80796

~~(D)~~(4) Moneys received from grants, donations, awards, 80797  
bequests, gifts, reimbursements, and similar funds; 80798

~~(E)~~(5) Reimbursement received for professional services and 80799  
expenses related to professional services; 80800

~~(F)~~(6) Funds received to support the development of labor 80801  
relations services and programs.—~~The~~; 80802

(7) Moneys received by the state personnel board of review 80803  
pursuant to division (C) of section 124.03 of the Revised Code. 80804

(B) The state employment relations board shall use all moneys 80805  
deposited into the training, publications, and grants fund to 80806  
defray ~~the~~ all of the following: 80807

(1) The costs of furnishing and making available copies of documents, rulebooks, and other publications; ~~the~~

(2) The costs of planning, organizing, and conducting training seminars; ~~the~~

(3) The costs associated with grant projects, innovative labor-management cooperation programs, research projects related to these grants and programs, and the advancement in professionalism of public sector relations; ~~the~~

(4) The professional development of state employment relations board employees; ~~and the~~

(5) The costs of compiling clearinghouse data;

(6) The cost of producing the administrative record of the state personnel board of review.

The state employment relations board may seek, solicit, apply for, receive, and accept grants, gifts, and contributions of money, property, labor, and other things of value to be held for, used for, and applied to only the purpose for which the grants, gifts, and contributions are made, from individuals, private and public corporations, the United States or any agency thereof, the state or any agency thereof, and any political subdivision of the state, and may enter into any contract with any such public or private source in connection therewith to be held for, used for, and applied to only the purposes for which such grants are made and contracts are entered into, all subject to and in accordance with the purposes of this chapter. Any money received from the grants, gifts, contributions, or contracts shall be deposited into the training, publications, and grants fund.

**Sec. 4121.125.** (A) The bureau of workers' compensation board of directors, based upon recommendations of the workers' compensation actuarial committee, may contract with one or more

outside actuarial firms and other professional persons, as the board determines necessary, to assist the board in measuring the performance of Ohio's workers' compensation system and in comparing Ohio's workers' compensation system to other state and private workers' compensation systems. The board, actuarial firm or firms, and professional persons shall make such measurements and comparisons using accepted insurance industry standards, including, but not limited to, standards promulgated by the National Council on Compensation Insurance.

(B) The board may contract with one or more outside firms to conduct management and financial audits of the workers' compensation system, including audits of the reserve fund belonging to the state insurance fund, and to establish objective quality management principles and methods by which to review the performance of the workers' compensation system.

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

(1) Contract to have prepared annually by or under the supervision of an actuary a report that meets the requirements specified under division (E) of this section and that consists of an actuarial valuation of the assets, liabilities, and funding requirements of the state insurance fund and all other funds specified in this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;

(2) Require that the actuary or person supervised by an actuary referred to in division (C)(1) of this section complete the valuation in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries;

(3) Submit the report referred to in division (C)(1) of this section to the workers' compensation council and the standing committees of the house of representatives and the senate with

primary responsibility for workers' compensation legislation not 80869  
later than the first day of September following the year for which 80870  
the valuation was made; 80871

(4) Have an actuary or a person who provides actuarial 80872  
services under the supervision of an actuary, at such time as the 80873  
board determines, and at least once during the five-year period 80874  
that commences on ~~the effective date of this amendment~~ September 80875  
10, 2007, and once within each five-year period thereafter, 80876  
conduct an actuarial investigation of the experience of employers, 80877  
the mortality, service, and injury rate of employees, and the 80878  
payment of temporary total disability, permanent partial 80879  
disability, and permanent total disability under sections 4123.56 80880  
to 4123.58 of the Revised Code to update the actuarial assumptions 80881  
used in the report required by division (C)(1) of this section; 80882  
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(5) Submit the report required under division (F) of this 80884  
section to the council and the standing committees of the house of 80885  
representatives and the senate with primary responsibility for 80886  
workers' compensation legislation not later than the first day of 80887  
November following the fifth year of the period that the report 80888  
covers; 80889

(6) Have prepared by or under the supervision of an actuary 80890  
an actuarial analysis of any introduced legislation expected to 80891  
have a measurable financial impact on the workers' compensation 80892  
system; 80893

(7) Submit the report required under division (G) of this 80894  
section to the legislative service commission, the standing 80895  
committees of the house of representatives and the senate with 80896  
primary responsibility for workers' compensation legislation, and 80897  
the council not later than sixty days after the date of 80898  
introduction of the legislation. 80899

(D) The administrator of workers' compensation and the industrial commission shall compile information and provide access to records of the bureau and the industrial commission to the board to the extent necessary for fulfillment of both of the following requirements:

(1) Conduct of the measurements and comparisons described in division (A) of this section;

(2) Conduct of the management and financial audits and establishment of the principles and methods described in division (B) of this section.

(E) The firm or person with whom the board contracts pursuant to division (C)(1) of this section shall prepare a report of the valuation and submit the report to the board. The firm or person shall include all of the following information in the report that is required under division (C)(1) of this section:

(1) A summary of the compensation and benefit provisions evaluated;

(2) A summary of the census data and financial information used in the valuation;

(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation;

(4) A summary of findings that includes a statement of the actuarial accrued compensation and benefit liabilities and unfunded actuarial accrued compensation and benefit liabilities;

(5) A schedule showing the effect of any changes in the compensation and benefit provisions, actuarial assumptions, or cost methods since the previous annual actuarial valuation report was submitted to the board.

(F) The actuary or person whom the board designates to conduct an actuarial investigation under division (C)(4) of this



section shall prepare a report of the actuarial investigation and 80930  
shall submit the report to the board. The actuary or person shall 80931  
prepare the report and make any recommended changes in actuarial 80932  
assumptions in accordance with the actuarial standards of practice 80933  
promulgated by the actuarial standards board of the American 80934  
academy of actuaries. The actuary or person shall include all of 80935  
the following information in the report: 80936

(1) A summary of relevant decrement and economic assumption 80937  
experience; 80938

(2) Recommended changes in actuarial assumptions to be used 80939  
in subsequent actuarial valuations required by division (C)(1) of 80940  
this section; 80941

(3) A measurement of the financial effect of the recommended 80942  
changes in actuarial assumptions. 80943

(G) The actuary or person whom the board designates to 80944  
conduct the actuarial analysis under division (C)(6) of this 80945  
section shall prepare a report of the actuarial analysis and shall 80946  
submit that report to the board. The actuary or person shall 80947  
complete the analysis in accordance with the actuarial standards 80948  
of practice promulgated by the actuarial standards board of the 80949  
American academy of actuaries. The actuary or person shall include 80950  
all of the following information in the report: 80951

(1) A summary of the statutory changes being evaluated; 80952

(2) A description of or reference to the actuarial 80953  
assumptions and actuarial cost method used in the report; 80954

(3) A description of the participant group or groups included 80955  
in the report; 80956

(4) A statement of the financial impact of the legislation, 80957  
including the resulting increase, if any, in employer premiums, in 80958  
actuarial accrued liabilities, and, if an increase in actuarial 80959

accrued liabilities is predicted, the per cent of premium increase 80960  
that would be required to amortize the increase in those 80961  
liabilities as a level per cent of employer premiums over a period 80962  
not to exceed thirty years. 80963

(5) A statement of whether the employer premiums paid to the 80964  
bureau of workers' compensation after the proposed change is 80965  
enacted are expected to be sufficient to satisfy the funding 80966  
objectives established by the board. 80967

(H) The board may, at any time, request an actuary to make 80968  
any studies or actuarial valuations to determine the adequacy of 80969  
the premium rates established by the administrator in accordance 80970  
with sections 4123.29 and 4123.34 of the Revised Code, and may 80971  
adjust those rates as recommended by the actuary. 80972

(I) The board shall have an independent auditor, at least 80973  
once every ten years, conduct a fiduciary performance audit of the 80974  
investment program of the bureau of workers' compensation. That 80975  
audit shall include an audit of the investment policies approved 80976  
by the board and investment procedures of the bureau. The board 80977  
shall submit a copy of that audit to the auditor of state. 80978

(J) ~~The administrator, with the advice and consent of the~~ 80979  
~~board, shall employ an chief internal auditor ~~who shall report or~~~~ 80980  
~~the office of internal auditing in the office of budget and~~ 80981  
~~management, as applicable, shall submit a copy of the preliminary~~ 80982  
~~report of the internal audit findings and recommendations and a~~ 80983  
~~copy of the final report directly to the board, and the workers'~~ 80984  
~~compensation audit committee, and in addition to the~~ 80985  
~~administrator, except that the internal auditor shall not report~~ 80986  
~~findings directly to the administrator when those findings involve~~ 80987  
~~malfeasance, misfeasance, or nonfeasance on the part of the~~ 80988  
~~administrator. The board and the workers' compensation audit~~ 80989  
~~committee may request and review internal audits conducted by the~~ 80990  
~~internal auditor as required under section 126.47 of the Revised~~ 80991

<u>Code.</u>	80992
(K) The administrator shall pay the expenses incurred by the board to effectively fulfill its duties and exercise its powers under this section as the administrator pays other operating expenses of the bureau.	80993 80994 80995 80996
<b>Sec. 4123.442.</b> When developing the investment policy for the investment of the assets of the funds specified in this chapter and Chapters 4121., 4127., and 4131. of the Revised Code, the workers' compensation investment committee shall do all of the following:	80997 80998 80999 81000 81001
(A) Specify the asset allocation targets and ranges, risk factors, asset class benchmarks, time horizons, total return objectives, and performance evaluation guidelines;	81002 81003 81004
(B) Prohibit investing the assets of those funds, directly or indirectly, in vehicles that target any of the following:	81005 81006
(1) Coins;	81007
(2) Artwork;	81008
(3) Horses;	81009
(4) Jewelry or gems;	81010
(5) Stamps;	81011
(6) Antiques;	81012
(7) Artifacts;	81013
(8) Collectibles;	81014
(9) Memorabilia;	81015
(10) Similar unregulated investments that are not commonly part of an institutional portfolio, that lack liquidity, and that lack readily determinable valuation.	81016 81017 81018
(C) Specify that the administrator of workers' compensation	81019

may invest in an investment class only if the bureau of workers' 81020  
compensation board of directors, by a majority vote, opens that 81021  
class; 81022

(D) Prohibit investing the assets of those funds in any class 81023  
of investments the board, by majority vote, closed, or any 81024  
specific investment in which the board prohibits the administrator 81025  
from investing; 81026

(E) Not specify in the investment policy that the 81027  
administrator or employees of the bureau of workers' compensation 81028  
are prohibited from conducting business with an investment 81029  
management firm, any investment management professional associated 81030  
with that firm, any third party solicitor associated with that 81031  
firm, or any political action committee controlled by that firm or 81032  
controlled by an investment management professional of that firm 81033  
based on criteria that are more restrictive than the restrictions 81034  
described in divisions (Y) and (Z) of section 3517.13 of the 81035  
Revised Code. 81036

(F) Specify in the investment policy that the administrator 81037  
or employees of the bureau of workers' compensation, when 81038  
contracting with agents and investment managers for the 81039  
administration of the assets of the funds, may set aside 81040  
approximately fifteen per cent of the contracts for minority owned 81041  
and controlled firms, to firms owned and controlled by women, to 81042  
ventures involving minority owned and controlled firms, and to 81043  
ventures involving firms owned and controlled by women that 81044  
otherwise meet the policies and criteria established by the 81045  
committee. 81046

**Sec. 4123.446.** (A) As used in this section: 81047

(1) "Minority business enterprise" has the meaning defined in 81048  
section 122.71 of the Revised Code. 81049

(2) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 81050  
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(B) The administrator of workers' compensation shall submit annually to the governor and to the general assembly (under section 101.68 of the Revised Code) a report containing the following information: 81054  
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(1) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the administrator contracts; 81058  
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(2) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the administrator has contracted; 81061  
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(3) Efforts by the administrator to increase utilization of investment managers that are minority business enterprises or women's business enterprises. 81065  
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**Sec. 4141.08.** (A) There is hereby created an unemployment compensation advisory council appointed as follows: 81068  
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(1) Three members who on account of their vocation, employment, or affiliations can be classed as representative of employers and three members who on account of their vocation, employment, or affiliation can be classed as representatives of employees appointed by the governor with the advice and consent of the senate. All appointees shall be persons whose training and experience qualify them to deal with the difficult problems of unemployment compensation, particularly with respect to the legal, accounting, actuarial, economic, and social aspects of unemployment compensation; 81070  
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(2) The chairpersons of the standing committees of the senate 81080  
and the house of representatives to which legislation pertaining 81081  
to Chapter 4141. of the Revised Code is customarily referred; 81082

(3) Two members of the senate appointed by the president of 81083  
the senate; and 81084

(4) Two members of the house of representatives appointed by 81085  
the speaker of the house of representatives. 81086

The speaker and the president shall arrange that of the six 81087  
legislative members appointed to the council, not more than three 81088  
are members of the same political party. 81089

(B) Members appointed by the governor shall serve for a term 81090  
of four years, each term ending on the same day as the date of 81091  
their original appointment. Legislative members shall serve during 81092  
the session of the general assembly to which they are elected and 81093  
for as long as they are members of the general assembly. Vacancies 81094  
shall be filled in the same manner as the original appointment but 81095  
only for the unexpired part of a term. 81096

(C) Members of the council shall serve without salary but, 81097  
notwithstanding section 101.26 of the Revised Code, shall be paid 81098  
a meeting stipend of fifty dollars per day each and their actual 81099  
and necessary expenses while engaged in the performance of their 81100  
duties as members of the council which shall be paid from funds 81101  
allocated to pay the expenses of the council pursuant to this 81102  
section. 81103

(D) The council shall organize itself and select a 81104  
chairperson or co-chairpersons and other officers and committees 81105  
as it considers necessary. Seven members constitute a quorum and 81106  
the council may act only upon the affirmative vote of seven 81107  
members. The council shall meet at least once each calendar 81108  
quarter but it may meet more often as the council considers 81109  
necessary or at the request of the chairperson. 81110

(E) The council may employ professional and clerical 81111  
assistance as it considers necessary and may request of the 81112  
director of job and family services assistance as it considers 81113  
necessary. The director shall furnish the council with office and 81114  
meeting space as requested by the council. 81115

(F) The director shall pay the operating expenses of the 81116  
council as determined by the council from moneys in the 81117  
unemployment compensation special administrative fund established 81118  
in section 4141.11 of the Revised Code. 81119

(G) The council shall have access to only the records of the 81120  
department of job and family services that are necessary for the 81121  
administration of this chapter and to the reasonable services of 81122  
the employees of the department. It may request the director, or 81123  
any of the employees appointed by the director, or any employer or 81124  
employee subject to this chapter, to appear before it and to 81125  
testify relative to the functioning of this chapter and to other 81126  
relevant matters. The council may conduct research of its own, 81127  
make and publish reports, and recommend to the director, the 81128  
unemployment compensation review commission, the governor, or the 81129  
general assembly needed changes in this chapter, or in the rules 81130  
of the department as it considers necessary. 81131

**Sec. 4141.11.** There is hereby created in the state treasury 81132  
the unemployment compensation special administrative fund. The 81133  
fund shall consist of all interest collected on delinquent 81134  
contributions pursuant to this chapter, all fines and forfeitures 81135  
collected under this chapter, and all court costs and interest 81136  
paid or collected in connection with the repayment of fraudulently 81137  
obtained benefits pursuant to section 4141.35 of the Revised Code. 81138  
All interest earned on the money in the fund shall be retained in 81139  
the fund and shall not be credited or transferred to any other 81140  
fund or account, except as provided in division (B) of this 81141

section. All moneys which are deposited or paid into this fund may 81142  
be used by: 81143

(A) The director of job and family services ~~with the approval~~ 81144  
~~of the unemployment compensation advisory council,~~ whenever it 81145  
appears that such use is necessary for: 81146

(1) The proper administration of this chapter and no federal 81147  
funds are available for the specific purpose for which the 81148  
expenditure is to be made, provided the moneys are not substituted 81149  
for appropriations from federal funds, which in the absence of 81150  
such moneys would be available; 81151

(2) The proper administration of this chapter for which 81152  
purpose appropriations from federal funds have been requested and 81153  
approved but not received, provided the fund would be reimbursed 81154  
upon receipt of the federal appropriation; 81155

(3) To the extent possible, the repayment to the unemployment 81156  
compensation administration fund of moneys found by the proper 81157  
agency of the United States to have been lost or expended for 81158  
purposes other than, or an amount in excess of, those found 81159  
necessary by the proper agency of the United States for the 81160  
administration of this chapter. 81161

(B) The director or the director's deputy whenever it appears 81162  
that such use is necessary for the payment of refunds or 81163  
adjustments of interest, fines, forfeitures, or court costs 81164  
erroneously collected and paid into this fund pursuant to this 81165  
chapter. 81166

(C) The director, to pay state disaster unemployment benefits 81167  
pursuant to section 4141.292 of the Revised Code. The director 81168  
need not have prior approval from the unemployment compensation 81169  
advisory council to make these payments. 81170

(D) The director, to pay any costs attributable to the 81171  
director that are associated with the sale of real property under 81172



section 4141.131 of the Revised Code. The director need not have 81173  
prior approval from the council to make these payments. 81174

Whenever the balance in the unemployment compensation special 81175  
administrative fund is considered to be excessive by the ~~council~~ 81176  
director, the director shall request the director of budget and 81177  
management to transfer to the unemployment compensation fund the 81178  
amount considered to be excessive. Any balance in the unemployment 81179  
compensation special administrative fund shall not lapse at any 81180  
time, but shall be continuously available to the director of ~~jobs~~ 81181  
job and family services ~~or to the council~~ for expenditures 81182  
consistent with this chapter. 81183

**Sec. 4141.162.** (A) The director of job and family services 81184  
shall establish an income and eligibility verification system that 81185  
complies with section 1137 of the "Social Security Act." The 81186  
programs included in the system are all of the following: 81187

(1) Unemployment compensation pursuant to section 3304 of the 81188  
"Internal Revenue Code of 1954"; 81189

(2) The state programs funded in part under part A of Title 81190  
IV of the "Social Security Act" and administered under Chapters 81191  
5107. and 5108. of the Revised Code; 81192

(3) Medicaid pursuant to Title XIX of the "Social Security 81193  
Act"; 81194

(4) ~~Food stamps~~ The supplemental nutrition assistance program 81195  
pursuant to the "Food Stamp and Nutrition Act of 1977," ~~91 Stat.~~ 81196  
~~958,~~ 2008 (7 U.S.C.A. 2011, as amended et seq.) 81197

(5) Any Ohio program under a plan approved under Title I, X, 81198  
XIV, or XVI of the "Social Security Act." 81199

Wage information provided by employers to the director shall 81200  
be furnished to the income and eligibility verification system. 81201  
Such information shall be used by the director to determine 81202

eligibility of individuals for unemployment compensation benefits 81203  
and the amount of those benefits and used by the agencies that 81204  
administer the programs identified in divisions (A)(2) to (5) of 81205  
this section to determine or verify eligibility for or the amount 81206  
of benefits under those programs. 81207

The director shall fully implement the use of wage 81208  
information to determine eligibility for and the amount of 81209  
unemployment compensation benefits by September 30, 1988. 81210

Information furnished under the system shall also be made 81211  
available to the appropriate state or local child support 81212  
enforcement agency for the purposes of an approved plan under 81213  
Title IV-D of the "Social Security Act" and to the appropriate 81214  
federal agency for the purposes of Titles II and XVI of the 81215  
"Social Security Act." 81216

(B) The director shall adopt rules as necessary under which 81217  
the department of job and family services and other state agencies 81218  
that the director determines must participate in order to ensure 81219  
compliance with section 1137 of the "Social Security Act" exchange 81220  
information with each other or authorized federal agencies about 81221  
individuals who are applicants for or recipients of benefits under 81222  
any of the programs enumerated in division (A) of this section. 81223  
The rules shall extend to all of the following: 81224

(1) A requirement for standardized formats and procedures for 81225  
a participating agency to request and receive information about an 81226  
individual, which information shall include the individual's 81227  
social security number; 81228

(2) A requirement that all applicants for and recipients of 81229  
benefits under any program enumerated in division (A) of this 81230  
section be notified at the time of application, and periodically 81231  
thereafter, that information available through the system may be 81232  
shared with agencies that administer other benefit programs and 81233

utilized in establishing or verifying eligibility or benefit 81234  
amounts under the other programs enumerated in division (A) of 81235  
this section; 81236

(3) A requirement that information is made available only to 81237  
the extent necessary to assist in the valid administrative needs 81238  
of the program receiving the information and is targeted for use 81239  
in ways which are most likely to be productive in identifying and 81240  
preventing ineligibility and incorrect payments; 81241

(4) A requirement that information is adequately protected 81242  
against unauthorized disclosures for purposes other than to 81243  
establish or verify eligibility or benefit amounts under the 81244  
programs enumerated in division (A) of this section; 81245

(5) A requirement that a program providing information is 81246  
reimbursed by the program using the information for the actual 81247  
costs of furnishing the information and that the director be 81248  
reimbursed by the participating programs for any actual costs 81249  
incurred in operating the system; 81250

(6) Requirements for any other matters necessary to ensure 81251  
the effective, efficient, and timely exchange of necessary 81252  
information or that the director determines must be addressed in 81253  
order to ensure compliance with the requirements of section 1137 81254  
of the "Social Security Act." 81255

(C) Each participating agency shall furnish to the income and 81256  
eligibility verification system established in division (A) of 81257  
this section that information, which the director, by rule, 81258  
determines is necessary in order to comply with section 1137 of 81259  
the "Social Security Act." 81260

(D) Notwithstanding the information disclosure requirements 81261  
of this section and section 4141.21 and division (A) of section 81262  
4141.284 of the Revised Code, the director shall administer those 81263  
provisions of law so as to comply with section 1137 of the "Social 81264

Security Act." 81265

(E) Requirements in section 4141.21 of the Revised Code with 81266  
respect to confidentiality of information obtained in the 81267  
administration of Chapter 4141. of the Revised Code and any 81268  
sanctions imposed for improper disclosure of such information 81269  
shall apply to the redisclosure of information disclosed under 81270  
this section. 81271

**Sec. 4169.02.** (A) For the purposes of regulating the 81272  
construction, maintenance, mechanical operation, and inspection of 81273  
passenger tramways that are associated with ski areas and of 81274  
registering operators of passenger tramways in this state, there 81275  
is hereby established in the division of ~~industrial compliance~~ 81276  
labor in the department of commerce a ski tramway board to be 81277  
appointed by the governor, with the advice and consent of the 81278  
senate. The board shall consist of three members, one of whom 81279  
shall be a public member who is an experienced skier and familiar 81280  
with ski areas in this state, one of whom shall be a ski area 81281  
operator actively engaged in the business of recreational skiing 81282  
in this state, and one of whom shall be a professional engineer 81283  
who is knowledgeable in the design or operation of passenger 81284  
tramways. 81285

Of the initial appointments, one member shall be appointed 81286  
for a term of one year, one for a term of two years, and one for a 81287  
term of three years. The member appointed to the term beginning on 81288  
July 1, 1996, shall be appointed to a term ending on June 30, 81289  
1997; the member appointed to a term beginning on July 1, 1997, 81290  
shall be appointed to a term ending on June 30, 1999; and the 81291  
member appointed to a term beginning on July 1, 1998, shall be 81292  
appointed to a term ending on June 30, 2001. Thereafter, each of 81293  
the members shall be appointed for a term of six years. Each 81294  
member shall hold office from the date of appointment until the 81295

end of the term for which the member was appointed. In the event 81296  
of a vacancy, the governor, with the advice and consent of the 81297  
senate, shall appoint a successor who shall hold office for the 81298  
remainder of the term for which the successor's predecessor was 81299  
appointed. A member shall continue in office subsequent to the 81300  
expiration date of the member's term until the member's successor 81301  
takes office or until a period of sixty days has elapsed, 81302  
whichever occurs first. The board shall elect a chairperson from 81303  
its members. 81304

The governor may remove any member of the board at any time 81305  
for misfeasance, nonfeasance, or malfeasance in office after 81306  
giving the member a copy of the charges against the member and an 81307  
opportunity to be heard publicly in person or by counsel in the 81308  
member's defense. Any such act of removal by the governor is 81309  
final. A statement of the findings of the governor, the reason for 81310  
the governor's action, and the answer, if any, of the member shall 81311  
be filed by the governor with the secretary of state and shall be 81312  
open to public inspection. 81313

Members of the board shall be paid two hundred fifty dollars 81314  
for each meeting that the member attends, except that no member 81315  
shall be paid or receive more than seven hundred fifty dollars for 81316  
attending meetings during any calendar year. Each member shall be 81317  
reimbursed for the member's actual and necessary expenses incurred 81318  
in the performance of official board duties. The chairperson shall 81319  
be paid two hundred fifty dollars annually in addition to any 81320  
compensation the chairperson receives under this division for 81321  
attending meetings and any other compensation the chairperson 81322  
receives for serving on the board. 81323

The division shall provide the board with such offices and 81324  
such clerical, professional, and other assistance as may be 81325  
reasonably necessary for the board to carry on its work. The 81326  
division shall maintain accurate copies of the board's rules as 81327

promulgated in accordance with division (B) of this section and 81328  
shall keep all of the board's records, including business records, 81329  
and inspection reports as well as its own records and reports. The 81330  
cost of administering the board and conducting inspections shall 81331  
be included in the budget of the division based on revenues 81332  
generated by the registration fees established under section 81333  
4169.03 of the Revised Code. 81334

(B) In accordance with Chapter 119. of the Revised Code, the 81335  
board shall adopt and may amend or rescind rules relating to 81336  
public safety in the construction, maintenance, mechanical 81337  
operation, and inspection of passenger tramways. The rules shall 81338  
be in accordance with established standards in the business of ski 81339  
area operation, if any, and shall not discriminate in their 81340  
application to ski area operators. 81341

No person shall violate the rules of the board. 81342

(C) The authority of the board shall not extend to any matter 81343  
relative to the operation of a ski area other than the 81344  
construction, maintenance, mechanical operation, and inspection of 81345  
passenger tramways. 81346

(D) A majority of the board constitutes a quorum and may 81347  
perform and exercise all the duties and powers devolving upon the 81348  
board. 81349

**Sec. 4169.03.** (A) Before a passenger tramway operator may 81350  
operate any passenger tramway in the state, the operator shall 81351  
apply to the ski tramway board, on forms prepared by it, for 81352  
registration by the board. The application shall contain an 81353  
inventory of the passenger tramways that the applicant intends to 81354  
operate and other information as the board may reasonably require 81355  
and shall be accompanied by the following annual fees: 81356

(1) Each aerial passenger tramway, five hundred dollars; 81357

- (2) Each skimobile, two hundred dollars; 81358
- (3) Each chair lift, two hundred dollars; 81359
- (4) Each J bar, T bar, or platter pull, one hundred dollars; 81360
- (5) Each rope tow, fifty dollars; 81361
- (6) Each wire rope tow, seventy-five dollars; 81362
- (7) Each conveyor, one hundred dollars. 81363

When an operator operates an aerial passenger tramway, a 81364  
skimobile, or a chair lift during both a winter and summer season, 81365  
the annual fee shall be one and one-half the above amount for the 81366  
respective passenger tramway. 81367

(B) Upon payment of the appropriate annual fees in accordance 81368  
with division (A) of this section, the board shall issue a 81369  
registration certificate to the operator. Each certificate shall 81370  
remain in force until the thirtieth day of September next ensuing. 81371  
The board shall renew an operator's certificate in accordance with 81372  
the standard renewal procedure in Chapter 4745. of the Revised 81373  
Code upon payment of the appropriate annual fees. 81374

(C) Money received from the registration fees and from the 81375  
fines collected pursuant to section 4169.99 of the Revised Code 81376  
shall be paid into the state treasury to the credit of the 81377  
~~industrial compliance labor~~ operating fund created in section 81378  
121.084 of the Revised Code. 81379

(D) No person shall operate a passenger tramway in this state 81380  
unless the person has been registered by the board. 81381

**Sec. 4169.04.** (A) The division of ~~industrial compliance labor~~ 81382  
in the department of commerce shall make such inspection of the 81383  
construction, maintenance, and mechanical operation of passenger 81384  
tramways as the ski tramway board may reasonably require. The 81385  
division may contract with other qualified engineers to make such 81386

inspection or may accept the inspection report by any qualified 81387  
inspector of an insurance company authorized to insure passenger 81388  
tramways in this state. 81389

(B) If, as the result of an inspection, an employee of the 81390  
division or other agent with whom the division has contracted 81391  
finds that a violation of the board's rules exists or a condition 81392  
in passenger tramway construction, maintenance, or mechanical 81393  
operation exists that endangers public safety, the employee or 81394  
agent shall make an immediate report to the board for appropriate 81395  
investigation and order. 81396

**Sec. 4171.04.** (A) Before a person may operate any roller 81397  
skating rink in the state, the person shall: 81398

(1) Apply to the superintendent of ~~the division of industrial~~ 81399  
~~compliance labor~~ in the department of commerce on forms designated 81400  
by the superintendent for a certificate of registration; 81401

(2) Provide an inventory of all the roller skating rinks that 81402  
the applicant intends to operate, and any other information the 81403  
superintendent may reasonably require on the application; 81404

(3) Include with the application a registration fee of 81405  
twenty-five dollars for each roller skating rink to be operated by 81406  
the applicant. 81407

(B) Upon compliance with division (A) of this section, the 81408  
superintendent shall issue a certificate of registration to the 81409  
operator for each roller skating rink to be operated by the 81410  
applicant. Each certificate shall remain in force as follows: 81411

(1) Until the thirty-first day of December next ensuing; or 81412

(2) For sixty days after the dissolution of a partnership. 81413

(C) In case of the dissolution of a partnership by death, the 81414  
surviving partner or partners may operate a roller skating rink 81415  
pursuant to the certificate of registration obtained by the 81416



partnership in accordance with this chapter for a period of sixty 81417  
days following dissolution. The heirs or representatives of 81418  
deceased persons and receivers or trustees in bankruptcy appointed 81419  
by any competent authority may operate under the certificate of 81420  
registration of the person succeeded in possession. 81421

(D) The superintendent shall renew an operator's certificate 81422  
of registration in accordance with the standard license renewal 81423  
procedure set forth in Chapter 4745. of the Revised Code upon 81424  
payment of a renewal fee of twenty-five dollars for each roller 81425  
skating rink to be operated by the applicant. 81426

(E) Money received from the registration and renewal fees 81427  
collected pursuant to this chapter shall be paid into the state 81428  
treasury to the credit of the ~~industrial compliance~~ labor 81429  
operating fund created in section 121.084 of the Revised Code. 81430

**Sec. 4301.333.** (A) The privilege of local option conferred by 81431  
section 4301.323 of the Revised Code may be exercised if, not 81432  
later than four p.m. of the seventy-fifth day before the day of a 81433  
general or primary election, a petition is presented to the board 81434  
of elections of the county in which the precinct is situated by a 81435  
petitioner who is one of the following: 81436

(1) An applicant for the issuance or transfer of a liquor 81437  
permit at, or to, a particular location within the precinct; 81438

(2) The holder of a liquor permit at a particular location 81439  
within the precinct; 81440

(3) A person who operates or seeks to operate a liquor agency 81441  
store at a particular location within the precinct; 81442

(4) The designated agent for an applicant, liquor permit 81443  
holder, or liquor agency store described in division (A)(1), (2), 81444  
or (3) of this section. 81445

(B) The petition shall be signed by the electors of the 81446

precinct equal in number to at least thirty-five per cent of the 81447  
total number of votes cast in the precinct for the office of 81448  
governor at the preceding general election for that office and 81449  
shall contain all of the following: 81450

(1) A notice that the petition is for the submission of the 81451  
question or questions set forth in section 4301.355 of the Revised 81452  
Code; 81453

(2) The name of the applicant for the issuance or transfer, 81454  
or the holder, of the liquor permit or, if applicable, the name of 81455  
the liquor agency store, including any trade or fictitious names 81456  
under which the applicant, holder, or liquor agency store either 81457  
intends to do or does business at the particular location; 81458

(3) The address and proposed use of the particular location 81459  
within the election precinct to which the results of the question 81460  
or questions specified in section 4301.355 of the Revised Code 81461  
shall apply. For purposes of this division, "use" means all of the 81462  
following: 81463

(a) The type of each liquor permit applied for by the 81464  
applicant or held by the liquor permit holder as described in 81465  
sections 4303.11 to 4303.183 of the Revised Code, including a 81466  
description of the type of beer or intoxicating liquor sales 81467  
authorized by each permit as provided in those sections; 81468

(b) If a liquor agency store, the fact that the business 81469  
operated as a liquor agency store authorized to operate by this 81470  
state; 81471

(c) A description of the general nature of the business of 81472  
the applicant, liquor permit holder, or liquor agency store. 81473

(4) If the petition seeks approval of Sunday sales under 81474  
question (B)(2) as set forth in section 4301.355 of the Revised 81475  
Code, a statement indicating whether the hours of sale sought are 81476  
between ten a.m. and midnight or between ~~one p.m.~~ eleven a.m. and 81477

midnight. 81478

(C)(1) At the time the petitioner files the petition with the 81479  
board of elections, the petitioner shall provide to the board both 81480  
of the following: 81481

(a) An affidavit that is signed by the petitioner and that 81482  
states the proposed use of the location following the election 81483  
held to authorize the sale of beer or intoxicating liquor 81484  
authorized by each permit as provided in sections 4303.11 to 81485  
4303.183 of the Revised Code; 81486

(b) Written evidence of the designation of an agent by the 81487  
applicant, liquor permit holder, or liquor agency store described 81488  
in division (A)(1), (2), or (3) of this section for the purpose of 81489  
petitioning for the local option election, if the petitioner is 81490  
the designated agent of the applicant, liquor permit holder, or 81491  
liquor agency store. 81492

(2) Failure to supply the affidavit, or the written evidence 81493  
of the designation of the agent if the petitioner for the local 81494  
option election is the agent of the applicant, liquor permit 81495  
holder, or liquor agency store described in division (A)(1), (2), 81496  
or (3) of this section, at the time the petition is filed 81497  
invalidates the entire petition. 81498

(D) Not later than the sixty-eighth day before the day of the 81499  
next general or primary election, whichever occurs first, the 81500  
board shall examine and determine the sufficiency of the 81501  
signatures and the validity of the petition. If the board finds 81502  
that the petition contains sufficient signatures and in other 81503  
respects is valid, it shall order the holding of an election in 81504  
the precinct on the day of the next general or primary election, 81505  
whichever occurs first, for the submission of the question or 81506  
questions set forth in section 4301.355 of the Revised Code. 81507

(E) A petition filed with the board of elections under this 81508

section shall be open to public inspection under rules adopted by 81509  
the board. 81510

(F) An elector who is eligible to vote on the question or 81511  
questions set forth in section 4301.355 of the Revised Code may 81512  
file, not later than four p.m. of the sixty-fourth day before the 81513  
day of the election at which the question or questions will be 81514  
submitted to the electors, a protest against a local option 81515  
petition circulated and filed pursuant to this section. The 81516  
protest shall be in writing and shall be filed with the election 81517  
officials with whom the petition was filed. Upon the filing of the 81518  
protest, the election officials with whom it is filed shall 81519  
promptly establish a time and place for hearing the protest and 81520  
shall mail notice of the time and place for the hearing to the 81521  
applicant for, or the holder of, the liquor permit who is 81522  
specified in the petition and to the elector who filed the 81523  
protest. At the time and place established in the notice, the 81524  
election officials shall hear the protest and determine the 81525  
validity of the petition. 81526

**Sec. 4301.334.** (A) The privilege of local option conferred by 81527  
section 4301.324 of the Revised Code may be exercised if, not 81528  
later than four p.m. of the seventy-fifth day before the day of a 81529  
general or primary election, a petition and other information 81530  
required by division (B) of this section are presented to the 81531  
board of elections of the county in which the community facility 81532  
named in the petition is located. The petition shall be signed by 81533  
electors of the municipal corporation or unincorporated area of 81534  
the township in which the community facility is located equal in 81535  
number to at least ten per cent of the total number of votes cast 81536  
in the municipal corporation or unincorporated area of the 81537  
township in which the community facility is located for the office 81538  
of governor at the most recent general election for that office 81539  
and shall contain both of the following: 81540

(1) A notice that the petition is for the submission of the question set forth in section 4301.356 of the Revised Code and a statement indicating whether the hours of Sunday sales sought in the local option election are between ten a.m. and midnight or between eleven a.m. and midnight;

(2) The name and address of the community facility for which the local option election is sought and, if the community facility is a community entertainment district, the boundaries of the district.

(B) Upon the request of a petitioner, a board of elections of a county shall furnish to the petitioner a copy of the instructions prepared by the secretary of state under division (P) of section 3501.05 of the Revised Code and, within fifteen days after the request, a certificate indicating the number of valid signatures that will be required on a petition to hold an election in the municipal corporation or unincorporated area of the township in which the community facility is located on the question specified in section 4301.356 of the Revised Code.

The petitioner shall, not less than thirty days before the petition-filing deadline for an election on the question specified in section 4301.356 of the Revised Code, specify to the division of liquor control the name and address of the community facility for which the election is sought and, if the community facility is a community entertainment district, the boundaries of the district, the municipal corporation or unincorporated area of a township in which the election is sought, and the filing deadline. The division shall, within a reasonable period of time and not later than ten days before the filing deadline, supply the petitioner with the name and address of any permit holder for or within the community facility.

The petitioner shall file the name and address of any permit holder who would be affected by the election at the time the

petitioner files the petition with the board of elections. Within 81573  
five days after receiving the petition, the board shall give 81574  
notice by certified mail to any permit holder within the community 81575  
facility that it has received the petition. Failure of the 81576  
petitioner to supply the name and address of any permit holder for 81577  
or within the community facility as furnished to the petitioner by 81578  
the division invalidates the petition. 81579

(C) Not later than the sixty-eighth day before the day of the 81580  
next general or primary election, whichever occurs first, the 81581  
board shall examine and determine the sufficiency of the 81582  
signatures on the petition. If the board finds that the petition 81583  
is valid, it shall order the holding of an election in the 81584  
municipal corporation or unincorporated area of a township on the 81585  
day of the next general or primary election, whichever occurs 81586  
first, for the submission of the question set forth in section 81587  
4301.356 of the Revised Code. 81588

(D) A petition filed with a board of elections under this 81589  
section shall be open to public inspection under rules adopted by 81590  
the board. 81591

(E) An elector who is eligible to vote on the question set 81592  
forth in section 4301.356 of the Revised Code or any permit holder 81593  
for or within the community facility may, not later than four p.m. 81594  
of the sixty-fourth day before the day of the election at which 81595  
the question will be submitted to the electors, file a written 81596  
protest against the local option petition with the board of 81597  
elections with which the petition was filed. Upon the filing of 81598  
the protest, the board shall promptly fix a time and place for 81599  
hearing the protest and shall mail notice of the time and place to 81600  
the person who filed the petition and to the person who filed the 81601  
protest. At the time and place fixed, the board shall hear the 81602  
protest and determine the validity of the petition. 81603

Sec. 4301.351. (A) If a petition is for submission of the 81604  
question of whether the sale of intoxicating liquor shall be 81605  
permitted on Sunday, a special election shall be held in the 81606  
precinct at the time fixed as provided in section 4301.33 of the 81607  
Revised Code. The expenses of holding the election shall be 81608  
charged to the municipal corporation or township of which the 81609  
precinct is a part. 81610

(B) At the election, one or more of the following questions, 81611  
question (B)(1), (B)(2), or (B)(3) as designated in a valid 81612  
petition or question (B)(4) as submitted by the legislative 81613  
authority of a municipal corporation or the board of trustees of a 81614  
township, shall be submitted to the electors of the precinct: 81615

(1) "Shall the sale of intoxicating liquor, of the same types 81616  
as may be legally sold in this precinct on other days of the week, 81617  
be permitted in this ..... for consumption on the premises 81618  
where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight 81619  
on Sunday?" 81620

(2) "Shall the sale of intoxicating liquor, of the same types 81621  
as may be legally sold in this precinct on other days of the week, 81622  
be permitted in this ..... for consumption on the premises 81623  
where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight 81624  
on Sunday, at licensed premises where the sale of food and other 81625  
goods and services exceeds fifty per cent of the total gross 81626  
receipts of the permit holder at the premises?" 81627

(3) "Shall the sale of wine and mixed beverages, of the same 81628  
types as may be legally sold in this precinct on other days of the 81629  
week, be permitted in this ..... for consumption off the 81630  
premises where sold, between the hours of ~~one p.m.~~ eleven a.m. and 81631  
midnight on Sunday?" 81632

(4) "Shall the sale of intoxicating liquor, of the same types 81633  
as may be legally sold in this precinct on other days of the week, 81634

be permitted in this ..... for consumption on the premises where 81635  
sold, between the hours of one p.m. and midnight on Sunday, at 81636  
outdoor performing arts centers, as defined in section 4303.182 of 81637  
the Revised Code, that have been issued a D-6 permit?" 81638

Question (B)(4) shall be presented to the electors of a 81639  
precinct in which an outdoor performing arts center is located 81640  
only if the legislative authority of the municipal corporation in 81641  
which, or the board of trustees of the township in which, the 81642  
outdoor performing arts center is located submits, not later than 81643  
four p.m. of the seventy-fifth day before the day of a primary or 81644  
general election that occurs within two years after ~~the effective~~ 81645  
~~date of this amendment~~ April 9, 2001, to the board of elections of 81646  
the county in which the precinct is located, a copy of an 81647  
ordinance or resolution requesting the submission of that question 81648  
to the electors of the precinct. An election on question (B)(4) 81649  
may not be sought by a petition under section 4301.33 of the 81650  
Revised Code. 81651

(C) At the election, one or more of the following questions, 81652  
as designated in a valid petition, shall be submitted to the 81653  
electors of the precinct: 81654

(1) "Shall the sale of intoxicating liquor, of the same types 81655  
as may be legally sold in this precinct on other days of the week, 81656  
be permitted in this ..... for consumption on the premises 81657  
where sold, between the hours of ten a.m. and midnight on Sunday?" 81658

(2) "Shall the sale of intoxicating liquor, of the same types 81659  
as may be legally sold in this precinct on other days of the week, 81660  
be permitted in this ..... for consumption on the premises 81661  
where sold, between the hours of ten a.m. and midnight on Sunday, 81662  
at licensed premises where the sale of food and other goods and 81663  
services exceeds fifty per cent of the total gross receipts of the 81664  
permit holder at the premises?" 81665



(3) "Shall the sale of wine and mixed beverages, of the same 81666  
types as may be legally sold in this precinct on other days of the 81667  
week, be permitted in this ..... for consumption off the 81668  
premises where sold, between the hours of ten a.m. and midnight on 81669  
Sunday?" 81670

(D) No C or D permit holder who first applied for such a 81671  
permit after April 15, 1982, shall sell beer on Sunday unless the 81672  
sale of intoxicating liquor is authorized in the precinct or 81673  
portion of the precinct at an election on question (B)(1), (B)(2), 81674  
or (B)(3) of this section, on question (C)(1), (C)(2), or (C)(3) 81675  
of this section, on question (B)(1), (B)(2), or (B)(3) of section 81676  
4301.354 of the Revised Code, on question (C)(1), (C)(2), or 81677  
(C)(3) of section 4301.354 of the Revised Code, or on question 81678  
(B)(2) of section 4301.355 of the Revised Code. No D-6 permit is 81679  
required for the sale of beer on Sunday. 81680

The board of elections to which the petition is presented 81681  
shall furnish printed ballots at the election in accordance with 81682  
section 3505.06 of the Revised Code, and separate ballots shall be 81683  
used for the special election under this section. One or more of 81684  
the questions prescribed by divisions (B) and (C) of this section, 81685  
as designated in the petition, shall be set forth on each ballot, 81686  
and the board shall insert in each question the name or an 81687  
accurate description of the precinct in which the election is to 81688  
be held. Votes shall be cast as provided in section 3505.06 of the 81689  
Revised Code. 81690

**Sec. 4301.354.** (A) If a petition is filed under section 81691  
4301.332 of the Revised Code for the submission of one or more 81692  
questions set forth in this section, a special election shall be 81693  
held in the precinct as ordered by the board of elections under 81694  
that section. The expense of holding the special election shall be 81695  
charged to the municipal corporation or township of which the 81696

precinct is a part. 81697

(B) At the election, one or more of the following questions, 81698  
as designated in a valid petition, shall be submitted to the 81699  
electors of the precinct concerning Sunday sales: 81700

(1) "Shall the sale of intoxicating liquor be permitted in a 81701  
portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 81702  
and midnight on Sunday for consumption on the premises where sold, 81703  
where the status of such Sunday sales as allowed or prohibited is 81704  
inconsistent with the status of such Sunday sales in the remainder 81705  
of the precinct?" 81706

(2) "Shall the sale of intoxicating liquor be permitted in a 81707  
portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 81708  
and midnight on Sunday for consumption on the premises where sold 81709  
at licensed premises where the sale of food and other goods 81710  
exceeds fifty per cent of the total gross receipts of the permit 81711  
holder at the premises, where the status of such Sunday sales as 81712  
allowed or prohibited is inconsistent with the status of such 81713  
Sunday sales in the remainder of the precinct?" 81714

(3) "Shall the sale of wine and mixed beverages be permitted 81715  
in a portion of this precinct between the hours of ~~one p.m.~~ eleven 81716  
a.m. and midnight on Sunday for consumption off the premises where 81717  
sold, where the status of such Sunday sales as allowed or 81718  
prohibited is inconsistent with the status of such Sunday sales in 81719  
the remainder of the precinct?" 81720

(C) At the election, one or more of the following questions, 81721  
as designated in a valid petition, shall be submitted to the 81722  
electors of the precinct concerning Sunday sales: 81723

(1) "Shall the sale of intoxicating liquor be permitted in a 81724  
portion of this precinct between the hours of ten a.m. and 81725  
midnight on Sunday for consumption on the premises where sold, 81726  
where the status of such Sunday sales as allowed or prohibited is 81727

inconsistent with the status of such Sunday sales in the remainder 81728  
of the precinct?" 81729

(2) "Shall the sale of intoxicating liquor be permitted in a 81730  
portion of this precinct between the hours of ten a.m. and 81731  
midnight on Sunday for consumption on the premises where sold at 81732  
licensed premises where the sale of food and other goods exceeds 81733  
fifty per cent of the total gross receipts of the permit holder at 81734  
the premises, where the status of such Sunday sales as allowed or 81735  
prohibited is inconsistent with the status of such Sunday sales in 81736  
the remainder of the precinct?" 81737

(3) "Shall the sale of wine and mixed beverages be permitted 81738  
in a portion of this precinct between the hours of ten a.m. and 81739  
midnight on Sunday for consumption off the premises where sold, 81740  
where the status of such Sunday sales as allowed or prohibited is 81741  
inconsistent with the status of such Sunday sales in the remainder 81742  
of the precinct?" 81743

(D) The board of elections shall furnish printed ballots at 81744  
the special election as provided under section 3505.06 of the 81745  
Revised Code, except that a separate ballot shall be used for the 81746  
special election. The one or more questions set forth in divisions 81747  
(B) and (C) of this section shall be printed on each ballot, and 81748  
the board shall insert in the ~~question and statement~~ questions 81749  
appropriate words to complete each and a description of the 81750  
portion of the precinct that would be affected by the results of 81751  
the election. 81752

The description of the portion of the precinct shall include 81753  
either the complete listing of street addresses in that portion or 81754  
a condensed text that accurately describes the boundaries of the 81755  
portion of the precinct by street name or by another name 81756  
generally known by the residents of the portion of the precinct. 81757  
If other than a full street listing is used, the full street 81758  
listing also shall be posted in each polling place in a location 81759

that is easily accessible to all voters. Failure of the board of 81760  
elections to completely and accurately list all street addresses 81761  
in the affected area of the precinct does not affect the validity 81762  
of the election at which the failure occurred and is not grounds 81763  
for contesting an election under section 3515.08 of the Revised 81764  
Code. Votes shall be cast as provided under section 3505.06 of the 81765  
Revised Code. 81766

**Sec. 4301.355.** (A) If a petition is filed under section 81767  
4301.333 of the Revised Code for the submission of the question or 81768  
questions set forth in this section, it shall be held in the 81769  
precinct as ordered by the board of elections under that section. 81770  
The expense of holding the election shall be charged to the 81771  
municipal corporation or township of which the precinct is a part. 81772

(B) At the election, one or more of the following questions, 81773  
as designated in a valid petition, shall be submitted to the 81774  
electors of the precinct: 81775

(1) "Shall the sale of ..... (insert beer, wine and 81776  
mixed beverages, or spirituous liquor) be permitted by ..... 81777  
(insert name of applicant, liquor permit holder, or liquor agency 81778  
store, including trade or fictitious name under which applicant 81779  
for, or holder of, liquor permit or liquor agency store either 81780  
intends to do, or does, business at the particular location), an 81781  
..... (insert "applicant for" or "holder of" or "operator 81782  
of") a ..... (insert class name of liquor permit or permits 81783  
followed by the words "liquor permit(s)" or, if appropriate, the 81784  
words "liquor agency store for the State of Ohio"), who is engaged 81785  
in the business of ..... (insert general nature of the 81786  
business in which applicant or liquor permit holder is engaged or 81787  
will be engaged in at the particular location, as described in the 81788  
petition) at ..... (insert address of the particular location 81789  
within the precinct as set forth in the petition) in this 81790

precinct?" 81791

(2) "Shall the sale of ..... (insert beer, wine and 81792  
mixed beverages, or spirituous liquor) be permitted for sale on 81793  
Sunday between the hours of ..... (insert "ten a.m. and 81794  
midnight" or "~~one p.m.~~ eleven a.m. and midnight") by ..... 81795  
(insert name of applicant, liquor permit holder, or liquor agency 81796  
store, including trade or fictitious name under which applicant 81797  
for, or holder of, liquor permit or liquor agency store either 81798  
intends to do, or does, business at the particular location), an 81799  
..... (insert "applicant for a D-6 liquor permit," "holder of a 81800  
D-6 liquor permit," "applicant for or holder of an A-1-A, A-2, 81801  
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, 81802  
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 liquor 81803  
permit," if only the approval of beer sales is sought, or "liquor 81804  
agency store") who is engaged in the business of ..... 81805  
(insert general nature of the business in which applicant or 81806  
liquor permit holder is engaged or will be engaged in at the 81807  
particular location, as described in the petition) at ..... 81808  
(insert address of the particular location within the precinct) in 81809  
this precinct?" 81810

(C) The board of elections shall furnish printed ballots at 81811  
the election as provided under section 3505.06 of the Revised 81812  
Code, except that a separate ballot shall be used for the election 81813  
under this section. The question set forth in this section shall 81814  
be printed on each ballot, and the board shall insert in the 81815  
question appropriate words to complete it. Votes shall be cast as 81816  
provided under section 3505.06 of the Revised Code. 81817

**Sec. 4301.356.** If a petition is filed under section 4301.334 81818  
of the Revised Code for the submission of the question set forth 81819  
in this section, an election shall be held in the municipal 81820  
corporation or unincorporated area of a township as ordered by the 81821

board of elections under that section. 81822

Except as otherwise provided in this section, if the 81823  
legislative authority of a municipal corporation in whose 81824  
territory, or the board of township trustees of a township in 81825  
whose unincorporated area, a community facility is located 81826  
submits, not later than four p.m. of the seventy-fifth day before 81827  
the day of a primary or general election, to the board of 81828  
elections of the county in which the community facility is located 81829  
an ordinance or resolution requesting the submission of the 81830  
question set forth in this section to the electors of the 81831  
municipal corporation or unincorporated area of the township, the 81832  
board of elections shall order that an election be held on that 81833  
question in the municipal corporation or the unincorporated area 81834  
of the township on the day of the next primary or general 81835  
election, whichever occurs first. The legislative authority or 81836  
board of township trustees shall submit the name and address of 81837  
any permit holder who would be affected by the results of the 81838  
election to the board of elections at the same time it submits the 81839  
ordinance or resolution. The board of elections, within five days 81840  
after receiving the name and address, shall give notice by 81841  
certified mail to each permit holder that it has received the 81842  
ordinance or resolution. Failure of the legislative authority or 81843  
board of township trustees to supply the name and address of each 81844  
permit holder to the board of elections invalidates the effect of 81845  
the ordinance or resolution. 81846

At the election, the following question shall be submitted to 81847  
the electors of the municipal corporation or unincorporated area 81848  
of a township: 81849

"Shall the sale of beer and intoxicating liquor be permitted 81850  
on days of the week other than Sunday and between the hours of ~~one~~ 81851  
~~p.m.~~ ..... (insert "ten a.m." or "eleven a.m.") and midnight 81852  
on Sunday, at ..... (insert name of community facility), a 81853

community facility as defined by section 4301.01 of the Revised Code, and located at ..... (insert the address of the community facility and, if the community facility is a community entertainment district, the boundaries of the district, as set forth in the petition)?"

The board of elections shall furnish printed ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election under this section. The question set forth in this section shall be printed on each ballot, and the board shall insert in the question appropriate words to complete ~~each~~ it, subject to the approval of the secretary of state. Votes shall be cast as provided under section 3505.06 of the Revised Code.

**Sec. 4301.361.** (A) If a majority of the electors voting on questions set forth in section 4301.351 of the Revised Code in a precinct vote "yes" on question (B)(1) or (C)(1), or, if both questions (B)(1) and (B)(2), or questions (C)(1) and (C)(2), are submitted, "yes" on both questions or "yes" on question (B)(1) or (C)(1) but "no" on question (B)(2) or (C)(2), sales of intoxicating liquor shall be allowed on Sunday in the manner and under the conditions specified in question (B)(1) or (C)(1), under a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(B) If only question (B)(2) or (C)(2) is submitted to the voters or if questions (B)(2) and (B)(3) or (C)(2) and (C)(3) are submitted and a majority of the electors voting in a precinct vote "yes" on question (B)(2) or (C)(2) as set forth in section 4301.351 of the Revised Code, sales of intoxicating liquor shall be allowed on Sunday in the manner and under the conditions

specified in question (B)(2) or (C)(2), under a D-6 permit, within 81885  
the precinct concerned, during the hours specified in division (A) 81886  
of section 4303.182 of the Revised Code and during the period the 81887  
election is in effect as defined in section 4301.37 of the Revised 81888  
Code, even if question (B)(1) or (C)(1) was also submitted and a 81889  
majority of the electors voting in the precinct voted "no." 81890

(C) If question (B)(3) or (C)(3) is submitted and a majority 81891  
of electors voting on question (B)(3) or (C)(3) as set forth in 81892  
section 4301.351 of the Revised Code in a precinct vote "yes," 81893  
sales of wine and mixed beverages shall be allowed on Sunday in 81894  
the manner and under the conditions specified in question (B)(3) 81895  
or (C)(3), under a D-6 permit, within the precinct concerned, 81896  
during the hours specified in division (A) of section 4303.182 of 81897  
the Revised Code and during the period the election is in effect 81898  
as defined in section 4301.37 of the Revised Code. 81899

(D) If questions (B)(1), (B)(2), and (B)(3), or questions 81900  
(C)(1), (C)(2), and (C)(3), as set forth in section 4301.351 of 81901  
the Revised Code, are all submitted and a majority of the electors 81902  
voting in such precinct vote "no" on all three questions, no sales 81903  
of intoxicating liquor shall be made within the precinct concerned 81904  
after two-thirty a.m. on Sunday as specified in the questions 81905  
submitted, during the period the election is in effect as defined 81906  
in section 4301.37 of the Revised Code. 81907

(E) If question (C)(1) as set forth in section 4301.351 of 81908  
the Revised Code is submitted to the voters in a precinct in which 81909  
question (B)(1) as set forth in that section previously was 81910  
submitted and approved, and the results of the election on 81911  
question (B)(1) are still in effect in the precinct; or if 81912  
question (C)(2) as set forth in that section is submitted to the 81913  
voters in a precinct in which question (B)(2) as set forth in that 81914  
section previously was submitted and approved, and the results of 81915  
the election on question (B)(2) are still in effect in the 81916



precinct; or if question (C)(3) as set forth in that section is 81917  
submitted to the voters in a precinct in which question (B)(3) as 81918  
set forth in that section previously was submitted and approved, 81919  
and the results of the election on question (B)(3) are still in 81920  
effect in the precinct; and if a majority of the electors voting 81921  
on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall 81922  
continue to be allowed in the precinct in the manner and under the 81923  
conditions specified in the previously approved question (B)(1), 81924  
(B)(2), or (B)(3), as applicable. 81925

(F) If question (B)(4) as set forth in section 4301.351 of 81926  
the Revised Code is submitted and a majority of the electors 81927  
voting in the precinct vote "yes," sales of intoxicating liquor 81928  
shall be allowed on Sunday at outdoor performing arts centers in 81929  
the manner and under the conditions specified in question (B)(4) 81930  
under a D-6 permit, within the precinct concerned, during the 81931  
hours specified in division (F) of section 4303.182 of the Revised 81932  
Code and during the period the election is in effect as defined in 81933  
section 4301.37 of the Revised Code. If question (B)(4) as set 81934  
forth in section 4301.351 of the Revised Code is submitted and a 81935  
majority of the electors voting in the precinct vote "no," no 81936  
sales of intoxicating liquor shall be allowed at outdoor 81937  
performing arts centers in the precinct concerned under a D-6 81938  
permit, after 2:30 a.m. on Sunday, during the period the election 81939  
is in effect as defined in section 4301.37 of the Revised Code. 81940

**Sec. 4301.364.** (A) If a majority of the electors in a 81941  
precinct vote "yes" on question (B)(1) or (C)(1) as set forth in 81942  
section 4301.354 of the Revised Code, the sale of intoxicating 81943  
liquor, of the same types as may be legally sold in the precinct 81944  
on other days of the week, shall be permitted on Sunday in the 81945  
portion of the precinct affected by the results of the election 81946  
during the hours specified in division (A) of section 4303.182 of 81947  
the Revised Code and in the manner and under the conditions 81948

specified in the question, subject only to this chapter and 81949  
Chapter 4303. of the Revised Code. 81950

(B) If a majority of the electors in a precinct vote "yes" on 81951  
question (B)(2) or (C)(2) as set forth in section 4301.354 of the 81952  
Revised Code, the sale of intoxicating liquor, of the same types 81953  
as may be legally sold in the precinct on other days of the week, 81954  
shall be permitted on Sunday in the portion of the precinct 81955  
affected by the results of the election during the hours specified 81956  
in division (A) of section 4303.182 of the Revised Code and in the 81957  
manner and under the conditions specified in the question, subject 81958  
only to this chapter and Chapter 4303. of the Revised Code. 81959

(C) If a majority of the electors in a precinct vote "yes" on 81960  
question (B)(3) or (C)(3) as set forth in section 4301.354 of the 81961  
Revised Code, the sale of wine and mixed beverages shall be 81962  
permitted on Sunday in the portion of the precinct affected by the 81963  
results of the election during the hours specified in division (A) 81964  
of section 4303.182 of the Revised Code and in the manner and 81965  
under the conditions specified in the question, subject only to 81966  
this chapter and Chapter 4303. of the Revised Code. 81967

(D) If a majority of the electors in a precinct vote "no" on 81968  
question (B)(1) or (C)(1) as set forth in section 4301.354 of the 81969  
Revised Code, no sale of intoxicating liquor shall be permitted on 81970  
Sunday in the manner and under the conditions specified in the 81971  
question in the portion of the precinct affected by the results of 81972  
the election. 81973

(E) If a majority of the electors in a precinct vote "no" on 81974  
question (B)(2) or (C)(2) as set forth in section 4301.354 of the 81975  
Revised Code, no sale of intoxicating liquor shall be permitted on 81976  
Sunday in the manner and under the conditions specified in the 81977  
question in the portion of the precinct affected by the results of 81978  
the election. 81979

(F) If a majority of the electors in a precinct vote "no" on question (B)(3) or (C)(3) as set forth in section 4301.354 of the Revised Code, no sale of wine or mixed beverages shall be permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(G) If question (C)(1) as set forth in section 4301.354 of the Revised Code is submitted to the voters in a precinct in which question (B)(1) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(1) are still in effect in the precinct; or if question (C)(2) as set forth in that section is submitted to the voters in a precinct in which question (B)(2) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(2) are still in effect in the precinct; or if question (C)(3) as set forth in that section is submitted to the voters in a precinct in which question (B)(3) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(3) are still in effect in the precinct; and if a majority of the electors voting on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall continue to be allowed in the precinct in the manner and under the conditions specified in the previously approved question (B)(1), (B)(2), or (B)(3), as applicable.

**Sec. 4301.365.** (A) If a majority of the electors in a precinct vote "yes" on questions (B)(1) and (2) as set forth in section 4301.355 of the Revised Code, the sale of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location and for the use, ~~and during the hours on Sunday,~~ specified in the questions under each permit applied for by the petitioner or at the address listed for the liquor agency store, and, in relation

to question (B)(2), during the hours on Sunday specified in 82012  
division (A) of section 4303.182 of the Revised Code, subject only 82013  
to this chapter and Chapter 4303. of the Revised Code. Failure to 82014  
continue to use the particular location for any proposed or stated 82015  
use set forth in the petition is grounds for the denial of a 82016  
renewal of the liquor permit under division (A) of section 82017  
4303.271 of the Revised Code or is grounds for the nonrenewal or 82018  
cancellation of the liquor agency store contract by the division 82019  
of liquor control, except in the case where the liquor permit 82020  
holder or liquor agency store decides to cease the sale of beer, 82021  
wine and mixed beverages, or spirituous liquor, whichever was the 82022  
subject of the election, on Sundays. 82023

(B) Except as otherwise provided in division (H) of this 82024  
section, if a majority of the electors in a precinct vote "yes" on 82025  
question (B)(1) and "no" on question (B)(2) as set forth in 82026  
section 4301.355 of the Revised Code, the sale of beer, wine and 82027  
mixed beverages, or spirituous liquor, whichever was the subject 82028  
of the election, shall be allowed at the particular location for 82029  
the use specified in question (B)(1) of section 4301.355 of the 82030  
Revised Code and under each permit applied for by the petitioner, 82031  
except for a D-6 permit, subject only to this chapter and Chapter 82032  
4303. of the Revised Code. 82033

(C) If a majority of the electors in a precinct vote "no" on 82034  
question (B)(1) as set forth in section 4301.355 of the Revised 82035  
Code, no sales of beer, wine and mixed beverages, or spirituous 82036  
liquor, whichever was the subject of the election, shall be 82037  
allowed at the particular location for the use specified in the 82038  
petition during the period the election is in effect as defined in 82039  
section 4301.37 of the Revised Code. 82040

(D) If a majority of the electors in a precinct vote only on 82041  
question (B)(2) as set forth in section 4301.355 of the Revised 82042  
Code and that vote results in a majority "yes" vote, sales of 82043

beer, wine and mixed beverages, or spirituous liquor, whichever 82044  
was the subject of the election, shall be allowed at the 82045  
particular location for the use ~~and during the hours~~ specified in 82046  
the petition on Sunday during the hours specified in division (A) 82047  
of section 4303.182 of the Revised Code and during the period the 82048  
election is in effect as defined in section 4301.37 of the Revised 82049  
Code. 82050

(E) Except as otherwise provided in division (H) of this 82051  
section, if a majority of the electors in a precinct vote only on 82052  
question (B)(2) as set forth in section 4301.355 of the Revised 82053  
Code and that vote results in a majority "no" vote, no sales of 82054  
beer, wine and mixed beverages, or spirituous liquor, whichever 82055  
was the subject of the election, shall be allowed at the 82056  
particular location for the use and during the hours specified in 82057  
the petition on Sunday during the period the election is in effect 82058  
as defined in section 4301.37 of the Revised Code. 82059

(F) In case of elections in the same precinct for the 82060  
question or questions set forth in section 4301.355 of the Revised 82061  
Code and for a question or questions set forth in section 4301.35, 82062  
4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised 82063  
Code, the results of the election held on the question or 82064  
questions set forth in section 4301.355 of the Revised Code shall 82065  
apply to the particular location notwithstanding the results of 82066  
the election held on the question or questions set forth in 82067  
section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 82068  
of the Revised Code. 82069

(G) Sections 4301.32 to 4301.41 of the Revised Code do not 82070  
prohibit the transfer of ownership of a permit that was issued to 82071  
a particular location as the result of an election held on sales 82072  
of beer, wine and mixed beverages, spirituous liquor, or 82073  
intoxicating liquor at that particular location as long as the 82074  
general nature of the business at that particular location 82075

described in the petition for that election remains the same after 82076  
the transfer. 82077

(H) If question (B)(2) as set forth in section 4301.355 of 82078  
the Revised Code is submitted to the electors of a precinct 82079  
proposing to authorize the sale of beer, wine and mixed beverages, 82080  
or spirituous liquor between the hours of ten a.m. and midnight at 82081  
a particular location at which the sale of beer, wine and mixed 82082  
beverages, spirituous liquor, or intoxicating liquor is already 82083  
allowed between the hours of eleven a.m. and midnight or one p.m. 82084  
and midnight and the question submitted is defeated, the sale of 82085  
beer, wine and mixed beverages, spirituous liquor, or intoxicating 82086  
liquor between the hours of eleven a.m. and midnight or one p.m. 82087  
and midnight, as applicable, shall continue at that particular 82088  
location. 82089

**Sec. 4301.366.** If a majority of the electors voting on the 82090  
question specified in section 4301.356 of the Revised Code vote 82091  
"yes," the sale of beer and intoxicating liquor shall be allowed 82092  
at the community facility ~~and~~ on days of the week other than 82093  
Sunday and during the hours on Sunday specified in division (A) of 82094  
section 4303.182 of the Revised Code, for the use specified in the 82095  
question, subject only to this chapter and Chapter 4303. of the 82096  
Revised Code. Failure to continue to use the location as a 82097  
community facility constitutes good cause for rejection of the 82098  
renewal of the liquor permit under division (A) of section 82099  
4303.271 of the Revised Code. 82100

If a majority of the electors voting on the question 82101  
specified in section 4301.356 of the Revised Code vote "no," no 82102  
sales of beer or intoxicating liquor shall be made at or within 82103  
the community facility during the period the election is in effect 82104  
as defined in section 4301.37 of the Revised Code. 82105

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 82106  
the Revised Code: 82107

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 82108  
fluid ounces. 82109

(2) "Sale" or "sell" includes exchange, barter, gift, 82110  
distribution, and, except with respect to A-4 permit holders, 82111  
offer for sale. 82112

(B) For the purposes of providing revenues for the support of 82113  
the state and encouraging the grape industries in the state, a tax 82114  
is hereby levied on the sale or distribution of wine in Ohio, 82115  
except for known sacramental purposes, at the rate of thirty cents 82116  
per wine gallon for wine containing not less than four per cent of 82117  
alcohol by volume and not more than fourteen per cent of alcohol 82118  
by volume, ninety-eight cents per wine gallon for wine containing 82119  
more than fourteen per cent but not more than twenty-one per cent 82120  
of alcohol by volume, one dollar and eight cents per wine gallon 82121  
for vermouth, and one dollar and forty-eight cents per wine gallon 82122  
for sparkling and carbonated wine and champagne, the tax to be 82123  
paid by the holders of A-2 and B-5 permits or by any other person 82124  
selling or distributing wine upon which no tax has been paid. From 82125  
the tax paid under this section on wine, vermouth, and sparkling 82126  
and carbonated wine and champagne, the treasurer of state shall 82127  
credit to the Ohio grape industries fund created under section 82128  
924.54 of the Revised Code a sum equal to one cent per gallon for 82129  
each gallon upon which the tax is paid. 82130

(C) For the purpose of providing revenues for the support of 82131  
the state, there is hereby levied a tax on prepared and bottled 82132  
highballs, cocktails, cordials, and other mixed beverages at the 82133  
rate of one dollar and twenty cents per wine gallon to be paid by 82134  
holders of A-4 permits or by any other person selling or 82135  
distributing those products upon which no tax has been paid. Only 82136

one sale of the same article shall be used in computing the amount 82137  
of tax due. The tax on mixed beverages to be paid by holders of 82138  
A-4 permits under this section shall not attach until the 82139  
ownership of the mixed beverage is transferred for valuable 82140  
consideration to a wholesaler or retailer, and no payment of the 82141  
tax shall be required prior to that time. 82142

(D) During the period of July 1, ~~2007~~ 2009, through June 30, 82143  
~~2009~~ 2011, from the tax paid under this section on wine, vermouth, 82144  
and sparkling and carbonated wine and champagne, the treasurer of 82145  
state shall credit to the Ohio grape industries fund created under 82146  
section 924.54 of the Revised Code a sum equal to two cents per 82147  
gallon upon which the tax is paid. The amount credited under this 82148  
division is in addition to the amount credited to the Ohio grape 82149  
industries fund under division (B) of this section. 82150

(E) For the purpose of providing revenues for the support of 82151  
the state, there is hereby levied a tax on cider at the rate of 82152  
twenty-four cents per wine gallon to be paid by the holders of A-2 82153  
and B-5 permits or by any other person selling or distributing 82154  
cider upon which no tax has been paid. Only one sale of the same 82155  
article shall be used in computing the amount of the tax due. 82156

**Sec. 4303.182.** (A) Except as otherwise provided in divisions 82157  
(B) to (J) of this section, permit D-6 shall be issued to the 82158  
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 82159  
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 82160  
D-5k, D-5l, D-5m, or D-7 permit to allow sale under that permit 82161  
between as follows: 82162

(1) Between the hours of ten a.m. and midnight, or between on 82163  
Sunday if sale during those hours has been approved under question 82164  
(C)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 82165  
Code, under question (B)(2) of section 4301.355 of the Revised 82166  
Code, or under section 4301.356 of the Revised Code and has been 82167



authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 82168  
of the Revised Code, under the restrictions of that authorization; 82169

82170

(2) Between the hours of ~~one p.m.~~ eleven a.m. and midnight, 82171  
on Sunday, as applicable, if that sale during those hours has been 82172  
approved on or after the effective date of this amendment under 82173  
question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of 82174  
the Revised Code, under question (B)(2) of section 4301.355 of the 82175  
Revised Code, or under section 4301.356 of the Revised Code and 82176  
has been authorized under section 4301.361, 4301.364, 4301.365, or 82177  
4301.366 of the Revised Code and, under the restrictions of that 82178  
authorization; 82179

(3) Between the hours of eleven a.m. and midnight on Sunday 82180  
if sale between the hours of one p.m. and midnight was approved 82181  
before the effective date of this amendment under question (B)(1), 82182  
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 82183  
under question (B)(2) of section 4301.355 of the Revised Code, or 82184  
under section 4301.356 of the Revised Code and has been authorized 82185  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 82186  
Revised Code, under the other restrictions of that authorization. 82187

(B) Permit D-6 shall be issued to the holder of any permit, 82188  
including a D-4a and D-5d permit, authorizing the sale of 82189  
intoxicating liquor issued for a premises located at any publicly 82190  
owned airport, as defined in section 4563.01 of the Revised Code, 82191  
at which commercial airline companies operate regularly scheduled 82192  
flights on which space is available to the public, to allow sale 82193  
under such permit between the hours of ten a.m. and midnight on 82194  
Sunday, whether or not that sale has been authorized under section 82195  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 82196

(C) Permit D-6 shall be issued to the holder of a D-5a 82197  
permit, and to the holder of a D-3 or D-3a permit who is the owner 82198  
or operator of a hotel or motel that is required to be licensed 82199

under section 3731.03 of the Revised Code, that contains at least 82200  
fifty rooms for registered transient guests, and that has on its 82201  
premises a retail food establishment or a food service operation 82202  
licensed pursuant to Chapter 3717. of the Revised Code that 82203  
operates as a restaurant for purposes of this chapter and is 82204  
affiliated with the hotel or motel and within or contiguous to the 82205  
hotel or motel and serving food within the hotel or motel, to 82206  
allow sale under such permit between the hours of ten a.m. and 82207  
midnight on Sunday, whether or not that sale has been authorized 82208  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 82209  
Revised Code. 82210

(D) The holder of a D-6 permit that is issued to a sports 82211  
facility may make sales under the permit between the hours of 82212  
eleven a.m. and midnight on any Sunday on which a professional 82213  
baseball, basketball, football, hockey, or soccer game is being 82214  
played at the sports facility. As used in this division, "sports 82215  
facility" means a stadium or arena that has a seating capacity of 82216  
at least four thousand and that is owned or leased by a 82217  
professional baseball, basketball, football, hockey, or soccer 82218  
franchise or any combination of those franchises. 82219

(E) Permit D-6 shall be issued to the holder of any permit 82220  
that authorizes the sale of beer or intoxicating liquor and that 82221  
is issued to a premises located in or at the Ohio historical 82222  
society area or the state fairgrounds, as defined in division (B) 82223  
of section 4301.40 of the Revised Code, to allow sale under that 82224  
permit between the hours of ten a.m. and midnight on Sunday, 82225  
whether or not that sale has been authorized under section 82226  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 82227

(F) Permit D-6 shall be issued to the holder of any permit 82228  
that authorizes the sale of intoxicating liquor and that is issued 82229  
to an outdoor performing arts center to allow sale under that 82230  
permit between the hours of one p.m. and midnight on Sunday, 82231

whether or not that sale has been authorized under section 82232  
4301.361 of the Revised Code. A D-6 permit issued under this 82233  
division is subject to the results of an election, held after the 82234  
D-6 permit is issued, on question (B)(4) as set forth in section 82235  
4301.351 of the Revised Code. Following the end of the period 82236  
during which an election may be held on question (B)(4) as set 82237  
forth in that section, sales of intoxicating liquor may continue 82238  
at an outdoor performing arts center under a D-6 permit issued 82239  
under this division, unless an election on that question is held 82240  
during the permitted period and a majority of the voters voting in 82241  
the precinct on that question vote "no." 82242

As used in this division, "outdoor performing arts center" 82243  
means an outdoor performing arts center that is located on not 82244  
less than eight hundred acres of land and that is open for 82245  
performances from the first day of April to the last day of 82246  
October of each year. 82247

(G) Permit D-6 shall be issued to the holder of any permit 82248  
that authorizes the sale of beer or intoxicating liquor and that 82249  
is issued to a golf course owned by the state, a conservancy 82250  
district, a park district created under Chapter 1545. of the 82251  
Revised Code, or another political subdivision to allow sale under 82252  
that permit between the hours of ten a.m. and midnight on Sunday, 82253  
whether or not that sale has been authorized under section 82254  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 82255

(H) Permit D-6 shall be issued to the holder of a D-5g permit 82256  
to allow sale under that permit between the hours of ten a.m. and 82257  
midnight on Sunday, whether or not that sale has been authorized 82258  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 82259  
Revised Code. 82260

(I) Permit D-6 shall be issued to the holder of any D permit 82261  
for a premises that is licensed under Chapter 3717. of the Revised 82262  
Code and that is located at a ski area to allow sale under the D-6 82263

permit between the hours of ten a.m. and midnight on Sunday, 82264  
whether or not that sale has been authorized under section 82265  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 82266

As used in this division, "ski area" means a ski area as 82267  
defined in section 4169.01 of the Revised Code, provided that the 82268  
passenger tramway operator at that area is registered under 82269  
section 4169.03 of the Revised Code. 82270

(J) Permit D-6 shall be issued to the holder of a D-5j permit 82271  
for a permit premises that is located in a community entertainment 82272  
district, as defined in section 4301.80 of the Revised Code, that 82273  
was approved by the legislative authority of a municipal 82274  
corporation under that section between October 1 and October 15, 82275  
2005, to allow sale under the permit between the hours of ten a.m. 82276  
and midnight on Sunday, whether or not that sale has been 82277  
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 82278  
of the Revised Code. 82279

(K) If the restriction to licensed premises where the sale of 82280  
food and other goods and services exceeds fifty per cent of the 82281  
total gross receipts of the permit holder at the premises is 82282  
applicable, the division of liquor control may accept an affidavit 82283  
from the permit holder to show the proportion of the permit 82284  
holder's gross receipts derived from the sale of food and other 82285  
goods and services. If the liquor control commission determines 82286  
that affidavit to have been false, it shall revoke the permits of 82287  
the permit holder at the premises concerned. 82288

(L) The fee for the D-6 permit is five hundred dollars when 82289  
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 82290  
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 82291  
D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 permit. The fee for the D-6 82292  
permit is four hundred dollars when it is issued to the holder of 82293  
a C-2 permit. 82294

Sec. 4303.331. No permit holder shall purchase and import 82295  
into this state any beer from any manufacturer, bottler, importer, 82296  
wholesale dealer, or broker outside this state and within the 82297  
United States unless and until such manufacturer, bottler, 82298  
importer, wholesale dealer, or broker registers with the tax 82299  
commissioner and supplies such information as the commissioner may 82300  
require. 82301

The commissioner may, by rule, require any registrant to file 82302  
with the commissioner a bond payable to the state in such form and 82303  
amount as the commissioner prescribes with surety to the 82304  
satisfaction of the tax commissioner conditioned upon the making 82305  
of the report to be made to the tax commissioner and the payment 82306  
to the tax commissioner of taxes levied by sections 4301.42 and 82307  
4305.01 of the Revised Code, all as provided in section 4303.33 of 82308  
the Revised Code. 82309

Any such manufacturer, bottler, importer, wholesale dealer, 82310  
or broker shall, as a part of such registration, make the 82311  
secretary of state its agent for the service of process or notice 82312  
of any assessment, action, or proceedings instituted in the state 82313  
against such person under sections 4303.33, 4301.42, and 4305.01 82314  
of the Revised Code. 82315

~~Such process or notice shall be served, by the officer to 82316  
whom it is directed or by the tax commissioner, or by the sheriff 82317  
of Franklin county, who may be deputized for such purpose by the 82318  
officer to whom the service is directed, upon the secretary of 82319  
state by leaving at the office of the secretary of state, at least 82320  
fifteen days before the return day of such process or notice, a 82321  
true and attested copy thereof, and by sending to the defendant by 82322  
certified mail, postage prepaid, a like and true attested copy, 82323  
with an endorsement thereon of the service upon the secretary of 82324  
state, addressed to such defendant at the address listed in the 82325~~

~~registration or at the defendant's last known address in~~ 82326  
~~accordance with section 5703.37 of the Revised Code.~~ 82327

Any B-1 permit holder who purchases beer from any 82328  
manufacturer, bottler, importer, wholesale dealer, or broker 82329  
outside this state and within the United States who has not 82330  
registered with the tax commissioner and filed a bond as provided 82331  
in this section shall be liable for any tax due on any beer 82332  
purchased from such unregistered manufacturer, bottler, importer, 82333  
wholesale dealer, or broker and shall be subject to any penalties 82334  
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised 82335  
Code. 82336

Any B-1 permit holder who purchases beer from any 82337  
manufacturer, bottler, importer, wholesale dealer, or broker 82338  
outside this state and within the United States who has complied 82339  
with this section shall not be liable for any tax due to the state 82340  
on any beer purchased from any such manufacturer, bottler, 82341  
importer, wholesale dealer, or broker. 82342

All money collected by the tax commissioner under this 82343  
section shall be paid to the treasurer of state as revenue arising 82344  
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 82345  
4305.01 of the Revised Code. 82346

**Sec. 4501.06.** The taxes, fees, and fines levied, charged, or 82347  
referred to in division (O) of section 4503.04, division (E) of 82348  
section 4503.042, division (B) of section 4503.07, division (C)(1) 82349  
of section 4503.10, division (D) of section 4503.182, division (A) 82350  
of section 4503.19, division (D)(2) of section 4507.24, division 82351  
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 82352  
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 82353  
of the Revised Code, and the taxes charged in section 4503.65 that 82354  
are distributed in accordance with division (A)(2) of section 82355  
4501.044 of the Revised Code unless otherwise designated by law, 82356

shall be deposited in the state treasury to the credit of the 82357  
state highway safety fund, which is hereby created, and shall, 82358  
after receipt of certifications from the commissioners of the 82359  
sinking fund certifying, as required by sections 5528.15 and 82360  
5528.35 of the Revised Code, that there are sufficient moneys to 82361  
the credit of the highway improvement bond retirement fund created 82362  
by section 5528.12 of the Revised Code to meet in full all 82363  
payments of interest, principal, and charges for the retirement of 82364  
bonds and other obligations issued pursuant to Section 2g of 82365  
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 82366  
of the Revised Code due and payable during the current calendar 82367  
year, and that there are sufficient moneys to the credit of the 82368  
highway obligations bond retirement fund created by section 82369  
5528.32 of the Revised Code to meet in full all payments of 82370  
interest, principal, and charges for the retirement of highway 82371  
obligations issued pursuant to Section 2i of Article VIII, Ohio 82372  
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 82373  
due and payable during the current calendar year, be used for the 82374  
purpose of enforcing and paying the expenses of administering the 82375  
law relative to the registration and operation of motor vehicles 82376  
on the public roads or highways. Amounts credited to the fund may 82377  
also be used to pay the expenses of administering and enforcing 82378  
the laws under which such fees were collected. All investment 82379  
earnings of the state highway safety fund shall be credited to the 82380  
fund. 82381  
82382

**Sec. 4501.24.** There is hereby created in the state treasury 82383  
the scenic rivers protection fund. The fund shall consist of the 82384  
contributions not to exceed forty dollars that are paid to the 82385  
registrar of motor vehicles by applicants who voluntarily choose 82386  
to obtain scenic rivers license plates pursuant to section 4503.56 82387  
of the Revised Code. 82388

The contributions deposited in the fund shall be used by the department of natural resources to help finance wild, scenic, and recreational river areas conservation, education, ~~scenic river~~ corridor protection ~~and~~, restoration, ~~scenic river~~ and habitat enhancement, and clean-up projects along ~~scenic~~ rivers in those areas. The chief of the division of watercraft in the department may expend money in the fund for the acquisition of wild, scenic, and recreational river areas, for the maintenance, protection, and administration of such areas, and for construction of facilities within those areas. All investment earnings of the fund shall be credited to the fund.

As used in this section, "wild river areas," "scenic river areas," and "recreational river areas" have the same meanings as in section 1547.01 of the Revised Code.

**Sec. 4501.243.** There is hereby created in the state treasury the Ohio nature preserves fund. The fund shall consist of the contributions that are paid to the registrar of motor vehicles by applicants who obtain Ohio nature preserves license plates pursuant to section 4503.563 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

The department of natural resources shall use the money in the fund to help finance nature preserve education, nature preserve clean-up projects, and nature preserve maintenance, protection, and restoration.

**Sec. 4501.29.** The department of administrative services shall collect user fees from participants in the multi-agency radio communications system (MARCS). The director of administrative services, with the advice of the MARCS steering committee and the consent of the director of budget and management, shall determine the amount of the user fees and the manner by which the fees shall



be collected. All moneys from user fees shall be deposited in the 82419  
MARCS administration fund, which is hereby created in the state 82420  
treasury. All investment earnings on moneys in the fund shall be 82421  
credited to the fund. 82422

**Sec. 4503.068.** On or before the second Monday in September of 82423  
each year, the county treasurer shall total the amount by which 82424  
the manufactured home taxes levied in that year were reduced 82425  
pursuant to section 4503.065 of the Revised Code, and certify that 82426  
amount to the tax commissioner. Within ninety days of the receipt 82427  
of the certification, the commissioner shall ~~certify that amount~~ 82428  
~~to the director of budget and management and the director shall~~ 82429  
~~make two payments from the general revenue fund in favor of the~~ 82430  
~~county treasurer. One shall be in the full amount by which taxes~~ 82431  
~~were reduced. The other shall be in an amount equal to two per~~ 82432  
~~cent of such amount and shall be a payment~~ provide for payment to 82433  
the county treasurer, from the general revenue fund, of the amount 82434  
certified, which shall be credited upon receipt to the county's 82435  
undivided income tax fund, and an amount equal to two per cent of 82436  
the amount by which taxes were reduced, which shall be credited 82437  
upon receipt to the county general fund as a payment, in addition 82438  
to the fees and charges authorized by sections 319.54 and 321.26 82439  
of the Revised Code, to the county auditor and county treasurer 82440  
for the costs of administering sections 4503.064 to 4503.069 of 82441  
the Revised Code. 82442

Immediately upon receipt of ~~the payment in the full amount by~~ 82443  
~~which taxes were reduced, the full amount of the payment shall be~~ 82444  
~~distributed~~ funds into the county undivided income tax fund under 82445  
this section, the county auditor shall distribute the full amount 82446  
thereof among the taxing districts in the county as though it had 82447  
been received as taxes under section 4503.06 of the Revised Code 82448  
from each person for whom taxes were reduced under section 82449

4503.065 of the Revised Code. 82450

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 82451  
motorcycle, and all-purpose vehicle required to be registered 82452  
under section 4519.02 of the Revised Code shall file an 82453  
application for registration under section 4519.03 of the Revised 82454  
Code. The owner of a motor vehicle, other than a snowmobile, 82455  
off-highway motorcycle, or all-purpose vehicle, that is not 82456  
designed and constructed by the manufacturer for operation on a 82457  
street or highway may not register it under this chapter except 82458  
upon certification of inspection pursuant to section 4513.02 of 82459  
the Revised Code by the sheriff, or the chief of police of the 82460  
municipal corporation or township, with jurisdiction over the 82461  
political subdivision in which the owner of the motor vehicle 82462  
resides. Except as provided in section 4503.103 of the Revised 82463  
Code, every owner of every other motor vehicle not previously 82464  
described in this section and every person mentioned as owner in 82465  
the last certificate of title of a motor vehicle that is operated 82466  
or driven upon the public roads or highways shall cause to be 82467  
filed each year, by mail or otherwise, in the office of the 82468  
registrar of motor vehicles or a deputy registrar, a written or 82469  
electronic application or a preprinted registration renewal notice 82470  
issued under section 4503.102 of the Revised Code, the form of 82471  
which shall be prescribed by the registrar, for registration for 82472  
the following registration year, which shall begin on the first 82473  
day of January of every calendar year and end on the thirty-first 82474  
day of December in the same year. Applications for registration 82475  
and registration renewal notices shall be filed at the times 82476  
established by the registrar pursuant to section 4503.101 of the 82477  
Revised Code. A motor vehicle owner also may elect to apply for or 82478  
renew a motor vehicle registration by electronic means using 82479  
electronic signature in accordance with rules adopted by the 82480  
registrar. Except as provided in division (J) of this section, 82481

applications for registration shall be made on blanks furnished by 82482  
the registrar for that purpose, containing the following 82483  
information: 82484

(1) A brief description of the motor vehicle to be 82485  
registered, including the year, make, model, and vehicle 82486  
identification number, and, in the case of commercial cars, the 82487  
gross weight of the vehicle fully equipped computed in the manner 82488  
prescribed in section 4503.08 of the Revised Code; 82489

(2) The name and residence address of the owner, and the 82490  
township and municipal corporation in which the owner resides; 82491

(3) The district of registration, which shall be determined 82492  
as follows: 82493

(a) In case the motor vehicle to be registered is used for 82494  
hire or principally in connection with any established business or 82495  
branch business, conducted at a particular place, the district of 82496  
registration is the municipal corporation in which that place is 82497  
located or, if not located in any municipal corporation, the 82498  
county and township in which that place is located. 82499

(b) In case the vehicle is not so used, the district of 82500  
registration is the municipal corporation or county in which the 82501  
owner resides at the time of making the application. 82502

(4) Whether the motor vehicle is a new or used motor vehicle; 82503

(5) The date of purchase of the motor vehicle; 82504

(6) Whether the fees required to be paid for the registration 82505  
or transfer of the motor vehicle, during the preceding 82506  
registration year and during the preceding period of the current 82507  
registration year, have been paid. Each application for 82508  
registration shall be signed by the owner, either manually or by 82509  
electronic signature, or pursuant to obtaining a limited power of 82510  
attorney authorized by the registrar for registration, or other 82511

document authorizing such signature. If the owner elects to apply 82512  
for or renew the motor vehicle registration with the registrar by 82513  
electronic means, the owner's manual signature is not required. 82514

(7) The owner's social security number, driver's license 82515  
number, or state identification number, or, where a motor vehicle 82516  
to be registered is used for hire or principally in connection 82517  
with any established business, the owner's federal taxpayer 82518  
identification number. The bureau of motor vehicles shall retain 82519  
in its records all social security numbers provided under this 82520  
section, but the bureau shall not place social security numbers on 82521  
motor vehicle certificates of registration. 82522

(B) Except as otherwise provided in this division, each time 82523  
an applicant first registers a motor vehicle in the applicant's 82524  
name, the applicant shall present for inspection a physical 82525  
certificate of title or memorandum certificate showing title to 82526  
the motor vehicle to be registered in the name of the applicant if 82527  
a physical certificate of title or memorandum certificate has been 82528  
issued by a clerk of a court of common pleas. If, under sections 82529  
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 82530  
instead has issued an electronic certificate of title for the 82531  
applicant's motor vehicle, that certificate may be presented for 82532  
inspection at the time of first registration in a manner 82533  
prescribed by rules adopted by the registrar. An applicant is not 82534  
required to present a certificate of title to an electronic motor 82535  
vehicle dealer acting as a limited authority deputy registrar in 82536  
accordance with rules adopted by the registrar. When a motor 82537  
vehicle inspection and maintenance program is in effect under 82538  
section 3704.14 of the Revised Code and rules adopted under it, 82539  
each application for registration for a vehicle required to be 82540  
inspected under that section and those rules shall be accompanied 82541  
by an inspection certificate for the motor vehicle issued in 82542  
accordance with that section. The application shall be refused if 82543

any of the following applies: 82544

(1) The application is not in proper form. 82545

(2) The application is prohibited from being accepted by 82546  
division (D) of section 2935.27, division (A) of section 2937.221, 82547  
division (A) of section 4503.13, division (B) of section 4510.22, 82548  
or division (B)(1) of section 4521.10 of the Revised Code. 82549

(3) A certificate of title or memorandum certificate of title 82550  
is required but does not accompany the application or, in the case 82551  
of an electronic certificate of title, is required but is not 82552  
presented in a manner prescribed by the registrar's rules. 82553

(4) All registration and transfer fees for the motor vehicle, 82554  
for the preceding year or the preceding period of the current 82555  
registration year, have not been paid. 82556

(5) The owner or lessee does not have an inspection 82557  
certificate for the motor vehicle as provided in section 3704.14 82558  
of the Revised Code, and rules adopted under it, if that section 82559  
is applicable. 82560

This section does not require the payment of license or 82561  
registration taxes on a motor vehicle for any preceding year, or 82562  
for any preceding period of a year, if the motor vehicle was not 82563  
taxable for that preceding year or period under sections 4503.02, 82564  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 82565  
Revised Code. When a certificate of registration is issued upon 82566  
the first registration of a motor vehicle by or on behalf of the 82567  
owner, the official issuing the certificate shall indicate the 82568  
issuance with a stamp on the certificate of title or memorandum 82569  
certificate or, in the case of an electronic certificate of title, 82570  
an electronic stamp or other notation as specified in rules 82571  
adopted by the registrar, and with a stamp on the inspection 82572  
certificate for the motor vehicle, if any. The official also shall 82573  
indicate, by a stamp or by other means the registrar prescribes, 82574

on the registration certificate issued upon the first registration 82575  
of a motor vehicle by or on behalf of the owner the odometer 82576  
reading of the motor vehicle as shown in the odometer statement 82577  
included in or attached to the certificate of title. Upon each 82578  
subsequent registration of the motor vehicle by or on behalf of 82579  
the same owner, the official also shall so indicate the odometer 82580  
reading of the motor vehicle as shown on the immediately preceding 82581  
certificate of registration. 82582

The registrar shall include in the permanent registration 82583  
record of any vehicle required to be inspected under section 82584  
3704.14 of the Revised Code the inspection certificate number from 82585  
the inspection certificate that is presented at the time of 82586  
registration of the vehicle as required under this division. 82587

(C)(1) Except as otherwise provided in division (C)(1) of 82588  
this section, for each registration renewal with an expiration 82589  
date on or after October 1, 2003, and for each initial application 82590  
for registration received on and after that date, the registrar 82591  
and each deputy registrar shall collect an additional fee of 82592  
eleven dollars for each application for registration and 82593  
registration renewal received. For vehicles specified in divisions 82594  
(A)(1) to (21) of section 4503.042 of the Revised Code, commencing 82595  
with each registration renewal with an expiration date on or after 82596  
October 1, 2009, and for each initial application received on or 82597  
after that date, the registrar and deputy registrar shall collect 82598  
an additional fee of thirty dollars for each application for 82599  
registration and registration renewal received. The additional fee 82600  
is for the purpose of defraying the department of public safety's 82601  
costs associated with the administration and enforcement of the 82602  
motor vehicle and traffic laws of Ohio. Each deputy registrar 82603  
shall transmit the fees collected under division (C)(1) of this 82604  
section in the time and manner provided in this section. The 82605  
registrar shall deposit all moneys received under division (C)(1) 82606

of this section into the state highway safety fund established in 82607  
section 4501.06 of the Revised Code. 82608

82609

(2) In addition, a charge of twenty-five cents shall be made 82610  
for each reflectorized safety license plate issued, and a single 82611  
charge of twenty-five cents shall be made for each county 82612  
identification sticker or each set of county identification 82613  
stickers issued, as the case may be, to cover the cost of 82614  
producing the license plates and stickers, including material, 82615  
manufacturing, and administrative costs. Those fees shall be in 82616  
addition to the license tax. If the total cost of producing the 82617  
plates is less than twenty-five cents per plate, or if the total 82618  
cost of producing the stickers is less than twenty-five cents per 82619  
sticker or per set issued, any excess moneys accruing from the 82620  
fees shall be distributed in the same manner as provided by 82621  
section 4501.04 of the Revised Code for the distribution of 82622  
license tax moneys. If the total cost of producing the plates 82623  
exceeds twenty-five cents per plate, or if the total cost of 82624  
producing the stickers exceeds twenty-five cents per sticker or 82625  
per set issued, the difference shall be paid from the license tax 82626  
moneys collected pursuant to section 4503.02 of the Revised Code. 82627

(D) Each deputy registrar shall be allowed a fee of three 82628  
dollars and fifty cents for each application for registration and 82629  
registration renewal notice the deputy registrar receives, which 82630  
shall be for the purpose of compensating the deputy registrar for 82631  
the deputy registrar's services, and such office and rental 82632  
expenses, as may be necessary for the proper discharge of the 82633  
deputy registrar's duties in the receiving of applications and 82634  
renewal notices and the issuing of registrations. 82635

(E) Upon the certification of the registrar, the county 82636  
sheriff or local police officials shall recover license plates 82637  
erroneously or fraudulently issued. 82638

(F) Each deputy registrar, upon receipt of any application 82639  
for registration or registration renewal notice, together with the 82640  
license fee and any local motor vehicle license tax levied 82641  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 82642  
fee and tax, if any, in the manner provided in this section, 82643  
together with the original and duplicate copy of the application, 82644  
to the registrar. The registrar, subject to the approval of the 82645  
director of public safety, may deposit the funds collected by 82646  
those deputies in a local bank or depository to the credit of the 82647  
"state of Ohio, bureau of motor vehicles." Where a local bank or 82648  
depository has been designated by the registrar, each deputy 82649  
registrar shall deposit all moneys collected by the deputy 82650  
registrar into that bank or depository not more than one business 82651  
day after their collection and shall make reports to the registrar 82652  
of the amounts so deposited, together with any other information, 82653  
some of which may be prescribed by the treasurer of state, as the 82654  
registrar may require and as prescribed by the registrar by rule. 82655  
The registrar, within three days after receipt of notification of 82656  
the deposit of funds by a deputy registrar in a local bank or 82657  
depository, shall draw on that account in favor of the treasurer 82658  
of state. The registrar, subject to the approval of the director 82659  
and the treasurer of state, may make reasonable rules necessary 82660  
for the prompt transmittal of fees and for safeguarding the 82661  
interests of the state and of counties, townships, municipal 82662  
corporations, and transportation improvement districts levying 82663  
local motor vehicle license taxes. The registrar may pay service 82664  
charges usually collected by banks and depositories for such 82665  
service. If deputy registrars are located in communities where 82666  
banking facilities are not available, they shall transmit the fees 82667  
forthwith, by money order or otherwise, as the registrar, by rule 82668  
approved by the director and the treasurer of state, may 82669  
prescribe. The registrar may pay the usual and customary fees for 82670  
such service. 82671



(G) This section does not prevent any person from making an application for a motor vehicle license directly to the registrar by mail, by electronic means, or in person at any of the registrar's offices, upon payment of a service fee of three dollars and fifty cents for each application.

(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section.

(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code.

(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration.

(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under ~~division (D)~~ of section 3704.14 of the Revised

Code, an on-line computer data link to registration information 82704  
for all passenger cars, noncommercial motor vehicles, and 82705  
commercial cars that are subject to that section. The registrar 82706  
also shall provide to the director of environmental protection a 82707  
magnetic data tape containing registration information regarding 82708  
passenger cars, noncommercial motor vehicles, and commercial cars 82709  
for which a multi-year registration is in effect under section 82710  
4503.103 of the Revised Code or rules adopted under it, including, 82711  
without limitation, the date of issuance of the multi-year 82712  
registration, the registration deadline established under rules 82713  
adopted under section 4503.101 of the Revised Code that was 82714  
applicable in the year in which the multi-year registration was 82715  
issued, and the registration deadline for renewal of the 82716  
multi-year registration. 82717

(J) ~~Application~~ Subject to division (K) of this section, 82718  
application for registration under the international registration 82719  
plan, as set forth in sections 4503.60 to 4503.66 of the Revised 82720  
Code, shall be made to the registrar on forms furnished by the 82721  
registrar. In accordance with international registration plan 82722  
guidelines and pursuant to rules adopted by the registrar, the 82723  
forms shall include the following: 82724

(1) A uniform mileage schedule; 82725

(2) The gross vehicle weight of the vehicle or combined gross 82726  
vehicle weight of the combination vehicle as declared by the 82727  
registrant; 82728

(3) Any other information the registrar requires by rule. 82729

(K) The registrar shall determine the feasibility of 82730  
implementing an electronic commercial fleet licensing and 82731  
management program that will enable the owners of commercial 82732  
tractors, commercial trailers, and commercial semitrailers to 82733  
conduct electronic transactions by July 1, 2010, or sooner. If the 82734

registrar determines that implementing such a program is feasible, 82735  
the registrar shall adopt new rules under this division or amend 82736  
existing rules adopted under this division as necessary in order 82737  
to respond to advances in technology. 82738

If international registration plan guidelines and provisions 82739  
allow member jurisdictions to permit applications for 82740  
registrations under the international registration plan to be made 82741  
via the internet, the rules the registrar adopts under this 82742  
division shall permit such action. 82743

**Sec. 4503.103.** (A)(1)(a)(i) The registrar of motor vehicles 82744  
may adopt rules to permit any person or lessee, other than a 82745  
person receiving an apportioned license plate under the 82746  
international registration plan, who owns or leases one or more 82747  
motor vehicles to file a written application for registration for 82748  
no more than five succeeding registration years. The rules adopted 82749  
by the registrar may designate the classes of motor vehicles that 82750  
are eligible for such registration. At the time of application, 82751  
all annual taxes and fees shall be paid for each year for which 82752  
the person is registering. 82753

(ii) Not later than October 1, 2009, the registrar shall 82754  
adopt rules to permit any person or lessee who owns or leases ~~two~~ 82755  
~~or more trailers~~ a trailer or ~~semitrailers~~ semitrailer that ~~are~~ is 82756  
subject to the tax rates prescribed in section 4503.042 of the 82757  
Revised Code for such trailers or semitrailers to file a written 82758  
application for registration for not more than five succeeding 82759  
registration years. At the time of application, all annual taxes 82760  
and fees shall be paid for each year for which the person is 82761  
registering. A person who registers a vehicle under division 82762  
(A)(1)(a)(ii) of this section shall pay for each year of 82763  
registration the additional fee established under division (C)(1) 82764  
of section 4503.10 of the Revised Code. The person also shall pay 82765

for each year of registration the deputy registrar service fee 82766  
specified in division (D) of section 4503.10 of the Revised Code 82767  
or the bureau of motor vehicles service fee specified in division 82768  
(G) of that section, as applicable. 82769

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 82770  
section, the registrar shall adopt rules to permit any person who 82771  
owns a motor vehicle to file an application for registration for 82772  
the next two succeeding registration years. At the time of 82773  
application, the person shall pay the annual taxes and fees for 82774  
each registration year, calculated in accordance with division (C) 82775  
of section 4503.11 of the Revised Code. A person who is 82776  
registering a vehicle under division (A)(1)(b) of this section 82777  
shall pay for each year of registration the additional fee 82778  
established under division (C)(1) of section 4503.10 of the 82779  
Revised Code. The person shall also pay ~~one and one-half times~~ for 82780  
each year of registration the amount of the deputy registrar 82781  
service fee specified in division (D) of section 4503.10 of the 82782  
Revised Code or the bureau of motor vehicles service fee specified 82783  
in division (G) of that section, as applicable. 82784

(ii) Division (A)(1)(b)(i) of this section does not apply to 82785  
a person receiving an apportioned license plate under the 82786  
international registration plan, or the owner of a commercial car 82787  
used solely in intrastate commerce, or the owner of a bus as 82788  
defined in section 4513.50 of the Revised Code. 82789

(2) No person applying for a multi-year registration under 82790  
division (A)(1) of this section is entitled to a refund of any 82791  
taxes or fees paid. 82792

(3) The registrar shall not issue to any applicant who has 82793  
been issued a final, nonappealable order under division (B) of 82794  
this section a multi-year registration or renewal thereof under 82795  
this division or rules adopted under it for any motor vehicle that 82796  
is required to be inspected under section 3704.14 of the Revised 82797

Code the district of registration of which, as determined under 82798  
section 4503.10 of the Revised Code, is or is located in the 82799  
county named in the order. 82800

(B) Upon receipt from the director of environmental 82801  
protection of a notice issued under rules adopted under section 82802  
3704.14 of the Revised Code indicating that an owner of a motor 82803  
vehicle that is required to be inspected under that section who 82804  
obtained a multi-year registration for the vehicle under division 82805  
(A) of this section or rules adopted under that division has not 82806  
obtained a required inspection certificate for the vehicle, the 82807  
registrar in accordance with Chapter 119. of the Revised Code 82808  
shall issue an order to the owner impounding the certificate of 82809  
registration and identification license plates for the vehicle. 82810  
The order also shall prohibit the owner from obtaining or renewing 82811  
a multi-year registration for any vehicle that is required to be 82812  
inspected under that section, the district of registration of 82813  
which is or is located in the same county as the county named in 82814  
the order during the number of years after expiration of the 82815  
current multi-year registration that equals the number of years 82816  
for which the current multi-year registration was issued. 82817

An order issued under this division shall require the owner 82818  
to surrender to the registrar the certificate of registration and 82819  
license plates for the vehicle named in the order within five days 82820  
after its issuance. If the owner fails to do so within that time, 82821  
the registrar shall certify that fact to the county sheriff or 82822  
local police officials who shall recover the certificate of 82823  
registration and license plates for the vehicle. 82824

(C) Upon the occurrence of either of the following 82825  
circumstances, the registrar in accordance with Chapter 119. of 82826  
the Revised Code shall issue to the owner a modified order 82827  
rescinding the provisions of the order issued under division (B) 82828  
of this section impounding the certificate of registration and 82829

license plates for the vehicle named in that original order: 82830

(1) Receipt from the director of environmental protection of 82831  
a subsequent notice under rules adopted under section 3704.14 of 82832  
the Revised Code that the owner has obtained the inspection 82833  
certificate for the vehicle as required under those rules; 82834

(2) Presentation to the registrar by the owner of the 82835  
required inspection certificate for the vehicle. 82836

(D) The owner of a motor vehicle for which the certificate of 82837  
registration and license plates have been impounded pursuant to an 82838  
order issued under division (B) of this section, upon issuance of 82839  
a modified order under division (C) of this section, may apply to 82840  
the registrar for their return. A fee of two dollars and fifty 82841  
cents shall be charged for the return of the certificate of 82842  
registration and license plates for each vehicle named in the 82843  
application. 82844

**Sec. 4503.19.** (A) Upon the filing of an application for 82845  
registration and the payment of the tax for registration, the 82846  
registrar of motor vehicles or a deputy registrar shall determine 82847  
whether the owner previously has been issued license plates for 82848  
the motor vehicle described in the application. If no license 82849  
plates previously have been issued to the owner for that motor 82850  
vehicle, the registrar or deputy registrar shall assign to the 82851  
motor vehicle a distinctive number and issue and deliver to the 82852  
owner in the manner that the registrar may select a certificate of 82853  
registration, in the form that the registrar shall prescribe, and, 82854  
except as otherwise provided in this section, two license plates, 82855  
duplicates of each other, and a validation sticker, or a 82856  
validation sticker alone, to be attached to the number plates as 82857  
provided in section 4503.191 of the Revised Code. The registrar or 82858  
deputy registrar also shall charge the owner any fees required 82859  
under division (C) of section 4503.10 of the Revised Code. 82860

Trailers, manufactured homes, mobile homes, semitrailers, the 82861  
manufacturer thereof, the dealer, or in transit companies therein, 82862  
shall be issued one license plate only and one validation sticker, 82863  
or a validation sticker alone, and the license plate and 82864  
validation sticker shall be displayed only on the rear of such 82865  
vehicles. A commercial tractor that does not receive an 82866  
apportioned license plate under the international registration 82867  
plan shall be issued two license plates and one validation 82868  
sticker, and the validation sticker shall be displayed on the 82869  
front of the commercial tractor. An apportioned vehicle receiving 82870  
an apportioned license plate under the international registration 82871  
plan shall be issued one license plate only and one validation 82872  
sticker, or a validation sticker alone; the license plate shall be 82873  
displayed only on the front of a semitractor and on the rear of 82874  
all other vehicles. School buses shall not be issued license 82875  
plates but shall bear identifying numbers in the manner prescribed 82876  
by section 4511.764 of the Revised Code. The certificate of 82877  
registration and license plates and validation stickers, or 82878  
validation stickers alone, shall be issued and delivered to the 82879  
owner in person or by mail. Chauffeured limousines shall be issued 82880  
license plates, a validation sticker, and a livery sticker as 82881  
provided in section 4503.24 of the Revised Code. In the event of 82882  
the loss, mutilation, or destruction of any certificate of 82883  
registration, or of any license plates or validation stickers, or 82884  
if the owner chooses to replace license plates previously issued 82885  
for a motor vehicle, or if the registration certificate and 82886  
license plates have been impounded as provided by division (B)(1) 82887  
of section 4507.02 and section 4507.16 of the Revised Code, the 82888  
owner of a motor vehicle, or manufacturer or dealer, may obtain 82889  
from the registrar, or from a deputy registrar if authorized by 82890  
the registrar, a duplicate thereof or new license plates bearing a 82891  
different number, if the registrar considers it advisable, upon 82892

filing an application prescribed by the registrar, and upon paying 82893  
a fee of one dollar for such certificate of registration, which 82894  
one dollar fee shall be deposited into the state treasury to the 82895  
credit of the state bureau of motor vehicles fund created in 82896  
section 4501.25 of the Revised Code. Commencing with each request 82897  
made on or after October 1, 2009, or in conjunction with 82898  
replacement license plates issued for renewal registrations 82899  
expiring on or after October 1, 2009, a fee of seven dollars and 82900  
fifty cents for each set of two license plates, or six dollars and 82901  
fifty cents for each single license plate or validation sticker 82902  
shall be charged and collected, of which the registrar shall 82903  
deposit five dollars and fifty cents of each seven dollar and 82904  
fifty cent fee or each six dollar and fifty cent fee into the 82905  
state treasury to the credit of the state highway safety fund 82906  
created in section 4501.06 of the Revised Code and the remaining 82907  
portion of each such fee into the state treasury to the credit of 82908  
the state bureau of motor vehicles fund created in section 4501.25 82909  
of the Revised Code. In addition, each applicant for a replacement 82910  
certificate of registration, license plate, or validation sticker 82911  
shall pay the fees provided in divisions (C) and (D) of section 82912  
4503.10 of the Revised Code. 82913

~~The registrar shall pay five dollars and fifty cents of the 82914  
fee collected for each license plate or set of license plates 82915  
issued into the state highway safety fund created in section 82916  
4501.06 of the Revised Code.~~ 82917

Additionally, the registrar and each deputy registrar who 82918  
either issues license plates and a validation sticker for use on 82919  
any vehicle other than a commercial tractor, semitrailer, or 82920  
apportioned vehicle, or who issues a validation sticker alone for 82921  
use on such a vehicle and the owner has changed the owner's county 82922  
of residence since the owner last was issued county identification 82923  
stickers, also shall issue and deliver to the owner either one or 82924



two county identification stickers, as appropriate, which shall be 82925  
attached to the license plates in a manner prescribed by the 82926  
director of public safety. The county identification stickers 82927  
shall identify prominently by name or number the county in which 82928  
the owner of the vehicle resides at the time of registration. 82929

(B) Whoever violates this section is guilty of a minor 82930  
misdemeanor. 82931

**Sec. 4503.191.** (A)(1) The identification license plate shall 82932  
be issued for a multi-year period as determined by the director of 82933  
public safety, and shall be accompanied by a validation sticker, 82934  
to be attached to the license plate. Except as provided in 82935  
division (A)(2) of this section, the validation sticker shall 82936  
indicate the expiration of the registration period to which the 82937  
motor vehicle for which the license plate is issued is assigned, 82938  
in accordance with rules adopted by the registrar of motor 82939  
vehicles. During each succeeding year of the multi-year period 82940  
following the issuance of the plate and validation sticker, upon 82941  
the filing of an application for registration and the payment of 82942  
the tax therefor, a validation sticker alone shall be issued. The 82943  
validation stickers required under this section shall be of 82944  
different colors or shades each year, the new colors or shades to 82945  
be selected by the director. 82946

(2)(a) Not later than October 1, 2009, the director shall 82947  
develop a universal validation sticker that may be issued to any 82948  
owner of two hundred fifty or more passenger vehicles, so that a 82949  
sticker issued to the owner may be placed on any passenger vehicle 82950  
in that owner's fleet. The director may establish and charge an 82951  
additional fee of not more than one dollar per registration to 82952  
compensate for necessary costs of the universal validation sticker 82953  
program. The additional fee shall be credited to the state bureau 82954  
of motor vehicles fund created in section 4501.25 of the Revised 82955

Code. 82956

(b) A validation sticker issued for an all-purpose vehicle 82957  
that is registered under Chapter 4519. of the Revised Code or for 82958  
a trailer or semitrailer that is registered under division 82959  
(A)(1)(a)(ii) of section 4503.103 of the Revised Code for a period 82960  
of not more than five succeeding registration years may indicate 82961  
the expiration of the registration period by any manner determined 82962  
by the registrar by rule. 82963

(B) Identification license plates shall be produced by Ohio 82964  
penal industries. Validation stickers and county identification 82965  
stickers shall be produced by Ohio penal industries unless the 82966  
registrar adopts rules that permit the registrar or deputy 82967  
registrars to print or otherwise produce them in house. 82968

**Sec. 4503.235.** (A) If division (G) of section 4511.19 or 82969  
division (B) of section 4511.193 of the Revised Code requires a 82970  
court, as part of the sentence of an offender who is convicted of 82971  
or pleads guilty to a violation of division (A) of section 4511.19 82972  
of the Revised Code or as a sanction for an offender who is 82973  
convicted of or pleaded guilty to a violation of a municipal OVI 82974  
ordinance, to order the immobilization of a vehicle for a 82975  
specified period of time, notwithstanding the requirement, the 82976  
court in its discretion may determine not to order the 82977  
immobilization of the vehicle if both of the following apply: 82978

(1) Prior to the issuance of the order of immobilization, a 82979  
family or household member of the offender files a motion with the 82980  
court identifying the vehicle and requesting that the 82981  
immobilization order not be issued on the ground that the family 82982  
or household member is completely dependent on the vehicle for the 82983  
necessities of life and that the immobilization of the vehicle 82984  
would be an undue hardship to the family or household member. 82985

82986

(2) The court determines that the family or household member 82987  
who files the motion is completely dependent on the vehicle for 82988  
the necessities of life and that the immobilization of the vehicle 82989  
would be an undue hardship to the family or household member. 82990  
82991

(B) If a court pursuant to division (A) of this section 82992  
determines not to order the immobilization of a vehicle that 82993  
otherwise would be required pursuant to division (G) of section 82994  
4511.19 or division (B) of section 4511.193 of the Revised Code, 82995  
the court shall issue an order that waives the immobilization that 82996  
otherwise would be required pursuant to either of those divisions. 82997  
The immobilization waiver order shall be in effect for the period 82998  
of time for which the immobilization of the vehicle otherwise 82999  
would have been required under division (G) of section 4511.19 or 83000  
division (B) of section 4511.193 of the Revised Code if the 83001  
immobilization waiver order had not been issued, subject to 83002  
division (D) of this section. The immobilization waiver order 83003  
shall specify the period of time for which it is in effect. The 83004  
court shall provide a copy of an immobilization waiver order to 83005  
the offender and to the family or household member of the offender 83006  
who filed the motion requesting that the immobilization order not 83007  
be issued and shall place a copy of the immobilization waiver 83008  
order in the record in the case. The court shall impose an 83009  
immobilization waiver fee in the amount of fifty dollars. The 83010  
court shall determine whether the fee is to be paid by the 83011  
offender or by the family or household member. The clerk of the 83012  
court shall ~~transmit~~ deposit all of the fees collected during a 83013  
month on or before the twenty-third day of the following month ~~to~~ 83014  
into the ~~state treasury to be credited to the~~ county or municipal 83015  
indigent drivers alcohol treatment fund under the control of that 83016  
court, as created by the county or municipal corporation under 83017  
division (F) of section 4511.191 of the Revised Code. 83018  
83019

(C) If a court pursuant to division (B) of this section 83020  
issues an immobilization waiver order, the order shall identify 83021  
the family or household member who requested the order and the 83022  
vehicle to which the order applies, shall identify the family or 83023  
household members who are permitted to operate the vehicle, and 83024  
shall identify the offender and specify that the offender is not 83025  
permitted to operate the vehicle. The immobilization waiver order 83026  
shall require that the family or household member display on the 83027  
vehicle to which the order applies restricted license plates that 83028  
are issued under section 4503.231 of the Revised Code for the 83029  
entire period for which the immobilization of the vehicle 83030  
otherwise would have been required under division (G) of section 83031  
4511.19 or division (B) of section 4511.193 of the Revised Code if 83032  
the immobilization waiver order had not been issued. 83033

(D) A family or household member who is permitted to operate 83034  
a vehicle under an immobilization waiver order issued under this 83035  
section shall not permit the offender to operate the vehicle. If a 83036  
family or household member who is permitted to operate a vehicle 83037  
under an immobilization waiver order issued under this section 83038  
permits the offender to operate the vehicle, both of the following 83039  
apply: 83040

(1) The court that issued the immobilization waiver order 83041  
shall terminate that order and shall issue an immobilization order 83042  
in accordance with section 4503.233 of the Revised Code that 83043  
applies to the vehicle, and the immobilization order shall be in 83044  
effect for the remaining period of time for which the 83045  
immobilization of the vehicle otherwise would have been required 83046  
under division (G) of section 4511.19 or division (B) of section 83047  
4511.193 of the Revised Code if the immobilization waiver order 83048  
had not been issued. 83049

(2) The conduct of the family or household member in 83050  
permitting the offender to operate the vehicle is a violation of 83051

section 4511.203 of the Revised Code. 83052

(E) No offender shall operate a motor vehicle subject to an 83053  
immobilization waiver order. Whoever violates this division is 83054  
guilty of operating a motor vehicle in violation of an 83055  
immobilization waiver, a misdemeanor of the first degree. 83056

(F) "Family or household member" has the same meaning as in 83057  
section 2919.25 of the Revised Code, except that the person must 83058  
be currently residing with the offender. 83059

**Sec. 4503.40.** The For each registration renewal with an 83060  
expiration date before October 1, 2009, and for each initial 83061  
application for registration received before that date the 83062  
registrar of motor vehicles shall be allowed a fee not to exceed 83063  
ten dollars, and for each registration renewal with an expiration 83064  
date on or after October 1, 2009, and for each initial application 83065  
for registration received on or after that date the registrar of 83066  
motor vehicles shall be allowed a fee of twenty-five dollars, for 83067  
each application received by the registrar for special state 83068  
reserved license plate numbers and the issuing of such licenses, 83069  
and validation stickers, in the several series as the registrar 83070  
may designate. The fee shall be in addition to the license tax 83071  
established by this chapter and, where applicable, Chapter 4504. 83072  
of the Revised Code. Seven dollars and fifty cents of the fee 83073  
shall be for the purpose of compensating the bureau of motor 83074  
vehicles for additional services required in the issuing of such 83075  
licenses, and the remaining ~~seventeen dollars and fifty cents~~ 83076  
portion of the fee shall be deposited by the registrar into the 83077  
state treasury to the credit of the state highway safety fund 83078  
created by section 4501.06 of the Revised Code. The types of motor 83079  
vehicles for which special state reserved license plates may be 83080  
issued in accordance with this section shall include at least 83081  
motorcycles, buses, passenger cars, and noncommercial motor 83082

vehicles. 83083

**Sec. 4503.42.** The For each registration renewal with an 83084  
expiration date before October 1, 2009, and for each initial 83085  
application for registration received before that date the 83086  
registrar of motor vehicles shall be allowed a fee not to exceed 83087  
thirty-five dollars, and for each registration renewal with an 83088  
expiration date on or after October 1, 2009, and for each initial 83089  
application for registration received on or after that date the 83090  
registrar of motor vehicles shall be allowed a fee of fifty 83091  
dollars, which shall be in addition to the regular license fee for 83092  
tags as prescribed under section 4503.04 of the Revised Code and 83093  
any tax levied under section 4504.02 or 4504.06 of the Revised 83094  
Code, for each application received by the registrar for special 83095  
reserved license plate numbers containing more than three letters 83096  
or numerals, and the issuing of such licenses and validation 83097  
stickers in the several series as the registrar may designate. 83098  
Five dollars of the fee shall be for the purpose of compensating 83099  
the bureau of motor vehicles for additional services required in 83100  
the issuing of such licenses and validation stickers, and the 83101  
remaining ~~forty five dollars~~ portion of the fee shall be deposited 83102  
by the registrar into the state treasury to the credit of the 83103  
state highway safety fund created by section 4501.06 of the 83104  
Revised Code. 83105

This section does not apply to the issuance of reserved 83106  
license plates as authorized by sections 4503.14, 4503.15, and 83107  
4503.40 of the Revised Code. The types of motor vehicles for which 83108  
license plate numbers containing more than three letters or 83109  
numerals may be issued in accordance with this section shall 83110  
include at least buses, passenger cars, and noncommercial motor 83111  
vehicles. 83112

**Sec. 4503.44.** (A) As used in this section and in section 83113

4511.69 of the Revised Code:	83114
(1) "Person with a disability that limits or impairs the ability to walk" means any person who, as determined by a health care provider, meets any of the following criteria:	83115 83116 83117
(a) Cannot walk two hundred feet without stopping to rest;	83118
(b) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;	83119 83120 83121
(c) Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest;	83122 83123 83124 83125 83126
(d) Uses portable oxygen;	83127
(e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association;	83128 83129 83130 83131
(f) Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition;	83132 83133
(g) Is blind.	83134
(2) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports persons with disabilities that limit or impair the ability to walk on a regular basis in a motor vehicle that has not been altered for the purpose of providing it with special equipment for use by handicapped persons. This definition does not apply to division (J) of this section.	83135 83136 83137 83138 83139 83140 83141 83142
(3) "Health care provider" means a physician, physician	83143

assistant, advanced practice nurse, or chiropractor as defined in 83144  
this section. 83145

(4) "Physician" means a person licensed to practice medicine 83146  
or surgery or osteopathic medicine and surgery under Chapter 4731. 83147  
of the Revised Code. 83148

(5) "Chiropractor" means a person licensed to practice 83149  
chiropractic under Chapter 4734. of the Revised Code. 83150

(6) "Advanced practice nurse" means any certified nurse 83151  
practitioner, clinical nurse specialist, certified registered 83152  
nurse anesthetist, or certified nurse-midwife who holds a 83153  
certificate of authority issued by the board of nursing under 83154  
Chapter 4723. of the Revised Code. 83155

(7) "Physician assistant" means a person who holds a 83156  
certificate to practice as a physician assistant issued under 83157  
Chapter 4730. of the Revised Code. 83158

(B) Any organization or person with a disability that limits 83159  
or impairs the ability to walk may apply to the registrar of motor 83160  
vehicles for a removable windshield placard or, if the person owns 83161  
or leases a motor vehicle, the person may apply for the 83162  
registration of any motor vehicle the person owns or leases. In 83163  
addition to one or more sets of license plates or one placard, a 83164  
person with a disability that limits or impairs the ability to 83165  
walk is entitled to one additional placard, but only if the person 83166  
applies separately for the additional placard, states the reasons 83167  
why the additional placard is needed, and the registrar, in the 83168  
registrar's discretion, determines that good and justifiable cause 83169  
exists to approve the request for the additional placard. When a 83170  
motor vehicle has been altered for the purpose of providing it 83171  
with special equipment for a person with a disability that limits 83172  
or impairs the ability to walk, but is owned or leased by someone 83173  
other than such a person, the owner or lessee may apply to the 83174



registrar or a deputy registrar for registration under this 83175  
section. The application for registration of a motor vehicle owned 83176  
or leased by a person with a disability that limits or impairs the 83177  
ability to walk shall be accompanied by a signed statement from 83178  
the applicant's health care provider certifying that the applicant 83179  
meets at least one of the criteria contained in division (A)(1) of 83180  
this section and that the disability is expected to continue for 83181  
more than six consecutive months. The application for a removable 83182  
windshield placard made by a person with a disability that limits 83183  
or impairs the ability to walk shall be accompanied by a 83184  
prescription from the applicant's health care provider prescribing 83185  
such a placard for the applicant, provided that the applicant 83186  
meets at least one of the criteria contained in division (A)(1) of 83187  
this section. The health care provider shall state on the 83188  
prescription the length of time the health care provider expects 83189  
the applicant to have the disability that limits or impairs the 83190  
applicant's ability to walk. The application for a removable 83191  
windshield placard made by an organization shall be accompanied by 83192  
such documentary evidence of regular transport of persons with 83193  
disabilities that limit or impair the ability to walk by the 83194  
organization as the registrar may require by rule and shall be 83195  
completed in accordance with procedures that the registrar may 83196  
require by rule. The application for registration of a motor 83197  
vehicle that has been altered for the purpose of providing it with 83198  
special equipment for a person with a disability that limits or 83199  
impairs the ability to walk but is owned by someone other than 83200  
such a person shall be accompanied by such documentary evidence of 83201  
vehicle alterations as the registrar may require by rule. 83202

83203

(C) When an organization, a person with a disability that 83204  
limits or impairs the ability to walk, or a person who does not 83205  
have a disability that limits or impairs the ability to walk but 83206  
owns a motor vehicle that has been altered for the purpose of 83207

providing it with special equipment for a person with a disability 83208  
that limits or impairs the ability to walk first submits an 83209  
application for registration of a motor vehicle under this section 83210  
and every fifth year thereafter, the organization or person shall 83211  
submit a signed statement from the applicant's health care 83212  
provider, a completed application, and any required documentary 83213  
evidence of vehicle alterations as provided in division (B) of 83214  
this section, and also a power of attorney from the owner of the 83215  
motor vehicle if the applicant leases the vehicle. Upon submission 83216  
of these items, the registrar or deputy registrar shall issue to 83217  
the applicant appropriate vehicle registration and a set of 83218  
license plates and validation stickers, or validation stickers 83219  
alone when required by section 4503.191 of the Revised Code. In 83220  
addition to the letters and numbers ordinarily inscribed thereon, 83221  
the license plates shall be imprinted with the international 83222  
symbol of access. The license plates and validation stickers shall 83223  
be issued upon payment of the regular license fee as prescribed 83224  
under section 4503.04 of the Revised Code and any motor vehicle 83225  
tax levied under Chapter 4504. of the Revised Code, and the 83226  
payment of a service fee equal to the amount specified in division 83227  
(D) or (G) of section 4503.10 of the Revised Code. 83228

83229

(D)(1) Upon receipt of a completed and signed application for 83230  
a removable windshield placard, a prescription as described in 83231  
division (B) of this section, documentary evidence of regular 83232  
transport of persons with disabilities that limit or impair the 83233  
ability to walk, if required, and payment of a service fee equal 83234  
to the amount specified in division (D) or (G) of section 4503.10 83235  
of the Revised Code, the registrar or deputy registrar shall issue 83236  
to the applicant a removable windshield placard, which shall bear 83237  
the date of expiration on both sides of the placard and shall be 83238  
valid until expired, revoked, or surrendered. Every removable 83239  
windshield placard expires as described in division (D)(2) of this 83240

section, but in no case shall a removable windshield placard be 83241  
valid for a period of less than sixty days. Removable windshield 83242  
placards shall be renewable upon application as provided in 83243  
division (B) of this section, and a service fee equal to the 83244  
amount specified in division (D) or (G) of section 4503.10 of the 83245  
Revised Code shall be charged for the renewal of a removable 83246  
windshield placard. The registrar shall provide the application 83247  
form and shall determine the information to be included thereon. 83248  
The registrar also shall determine the form and size of the 83249  
removable windshield placard, the material of which it is to be 83250  
made, and any other information to be included thereon, and shall 83251  
adopt rules relating to the issuance, expiration, revocation, 83252  
surrender, and proper display of such placards. Any placard issued 83253  
after October 14, 1999, shall be manufactured in a manner that 83254  
allows the expiration date of the placard to be indicated on it 83255  
through the punching, drilling, boring, or creation by any other 83256  
means of holes in the placard. 83257

(2) At the time a removable windshield placard is issued to a 83258  
person with a disability that limits or impairs the ability to 83259  
walk, the registrar or deputy registrar shall enter into the 83260  
records of the bureau of motor vehicles the last date on which the 83261  
person will have that disability, as indicated on the accompanying 83262  
prescription. Not less than thirty days prior to that date and all 83263  
removable windshield placard renewal dates, the bureau shall send 83264  
a renewal notice to that person at the person's last known address 83265  
as shown in the records of the bureau, informing the person that 83266  
the person's removable windshield placard will expire on the 83267  
indicated date not to exceed five years from the date of issuance, 83268  
and that the person is required to renew the placard by submitting 83269  
to the registrar or a deputy registrar another prescription, as 83270  
described in division (B) of this section, and by complying with 83271  
the renewal provisions prescribed in division (D)(1) of this 83272  
section. If such a prescription is not received by the registrar 83273

or a deputy registrar by that date, the placard issued to that person expires and no longer is valid, and this fact shall be recorded in the records of the bureau.

(3) At least once every year, on a date determined by the registrar, the bureau shall examine the records of the office of vital statistics, located within the department of health, that pertain to deceased persons, and also the bureau's records of all persons who have been issued removable windshield placards and temporary removable windshield placards. If the records of the office of vital statistics indicate that a person to whom a removable windshield placard or temporary removable windshield placard has been issued is deceased, the bureau shall cancel that placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (D)(3) of this section.

(4) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(E)(1)(a) Any person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the

disability that limits or impairs the applicant's ability to walk, 83306  
which cannot exceed six months from the date of the prescription. 83307  
Upon receipt of an application for a temporary removable 83308  
windshield placard, presentation of the prescription from the 83309  
applicant's health care provider, and payment of a service fee 83310  
equal to the amount specified in division (D) or (G) of section 83311  
4503.10 of the Revised Code, the registrar or deputy registrar 83312  
shall issue to the applicant a temporary removable windshield 83313  
placard. 83314

(b) Any active-duty member of the armed forces of the United 83315  
States, including the reserve components of the armed forces and 83316  
the national guard, who has an illness or injury that limits or 83317  
impairs the ability to walk may apply to the registrar or a deputy 83318  
registrar for a temporary removable windshield placard. With the 83319  
application, the person shall present evidence of the person's 83320  
active-duty status and the illness or injury. Evidence of the 83321  
illness or injury may include a current department of defense 83322  
convalescent leave statement, any department of defense document 83323  
indicating that the person currently has an ill or injured 83324  
casualty status or has limited duties, or a prescription from any 83325  
health care provider prescribing the placard for the applicant. 83326  
Upon receipt of the application and the necessary evidence, the 83327  
registrar or deputy registrar shall issue the applicant the 83328  
temporary removable windshield placard without the payment of any 83329  
service fee. 83330

(2) The temporary removable windshield placard shall be of 83331  
the same size and form as the removable windshield placard, shall 83332  
be printed in white on a red-colored background, and shall bear 83333  
the word "temporary" in letters of such size as the registrar 83334  
shall prescribe. A temporary removable windshield placard also 83335  
shall bear the date of expiration on the front and back of the 83336  
placard, and shall be valid until expired, surrendered, or 83337

revoked, but in no case shall such a placard be valid for a period 83338  
of less than sixty days. The registrar shall provide the 83339  
application form and shall determine the information to be 83340  
included on it, provided that the registrar shall not require a 83341  
health care provider's prescription or certification for a person 83342  
applying under division (E)(1)(b) of this section. The registrar 83343  
also shall determine the material of which the temporary removable 83344  
windshield placard is to be made and any other information to be 83345  
included on the placard and shall adopt rules relating to the 83346  
issuance, expiration, surrender, revocation, and proper display of 83347  
those placards. Any temporary removable windshield placard issued 83348  
after October 14, 1999, shall be manufactured in a manner that 83349  
allows for the expiration date of the placard to be indicated on 83350  
it through the punching, drilling, boring, or creation by any 83351  
other means of holes in the placard. 83352

(F) If an applicant for a removable windshield placard is a 83353  
veteran of the armed forces of the United States whose disability, 83354  
as defined in division (A)(1) of this section, is 83355  
service-connected, the registrar or deputy registrar, upon receipt 83356  
of the application, presentation of a signed statement from the 83357  
applicant's health care provider certifying the applicant's 83358  
disability, and presentation of such documentary evidence from the 83359  
department of veterans affairs that the disability of the 83360  
applicant meets at least one of the criteria identified in 83361  
division (A)(1) of this section and is service-connected as the 83362  
registrar may require by rule, but without the payment of any 83363  
service fee, shall issue the applicant a removable windshield 83364  
placard that is valid until expired, surrendered, or revoked. 83365

(G) Upon a conviction of a violation of division (I), (J), or 83366  
(K) of this section, the court shall report the conviction, and 83367  
send the placard or parking card, if available, to the registrar, 83368  
who thereupon shall revoke the privilege of using the placard or 83369

parking card and send notice in writing to the placardholder or 83370  
cardholder at that holder's last known address as shown in the 83371  
records of the bureau, and the placardholder or cardholder shall 83372  
return the placard or card if not previously surrendered to the 83373  
court, to the registrar within ten days following mailing of the 83374  
notice. 83375

Whenever a person to whom a removable windshield placard or 83376  
parking card has been issued moves to another state, the person 83377  
shall surrender the placard or card to the registrar; and whenever 83378  
an organization to which a placard or card has been issued changes 83379  
its place of operation to another state, the organization shall 83380  
surrender the placard or card to the registrar. 83381

(H) Subject to division (F) of section 4511.69 of the Revised 83382  
Code, the operator of a motor vehicle displaying a removable 83383  
windshield placard, temporary removable windshield placard, 83384  
parking card, or the special license plates authorized by this 83385  
section is entitled to park the motor vehicle in any special 83386  
parking location reserved for persons with disabilities that limit 83387  
or impair the ability to walk, also known as handicapped parking 83388  
spaces or disability parking spaces. 83389

(I) No person or organization that is not eligible under 83390  
division (B) or (E) of this section shall willfully and falsely 83391  
represent that the person or organization is so eligible. 83392

No person or organization shall display license plates issued 83393  
under this section unless the license plates have been issued for 83394  
the vehicle on which they are displayed and are valid. 83395

(J) No person or organization to which a removable windshield 83396  
placard or temporary removable windshield placard is issued shall 83397  
do either of the following: 83398

(1) Display or permit the display of the placard on any motor 83399  
vehicle when having reasonable cause to believe the motor vehicle 83400

is being used in connection with an activity that does not include 83401  
providing transportation for persons with disabilities that limit 83402  
or impair the ability to walk; 83403

(2) Refuse to return or surrender the placard, when required. 83404

(K)(1) No person or organization to which a parking card is 83405  
issued shall do either of the following: 83406

(a) Display or permit the display of the parking card on any 83407  
motor vehicle when having reasonable cause to believe the motor 83408  
vehicle is being used in connection with an activity that does not 83409  
include providing transportation for a handicapped person; 83410

(b) Refuse to return or surrender the parking card, when 83411  
required. 83412

(2) As used in division (K) of this section: 83413

(a) "Handicapped person" means any person who has lost the 83414  
use of one or both legs or one or both arms, who is blind, deaf, 83415  
or so severely handicapped as to be unable to move about without 83416  
the aid of crutches or a wheelchair, or whose mobility is 83417  
restricted by a permanent cardiovascular, pulmonary, or other 83418  
handicapping condition. 83419

(b) "Organization" means any private organization or 83420  
corporation, or any governmental board, agency, department, 83421  
division, or office, that, as part of its business or program, 83422  
transports handicapped persons on a regular basis in a motor 83423  
vehicle that has not been altered for the purposes of providing it 83424  
with special equipment for use by handicapped persons. 83425

(L) If a removable windshield placard, temporary removable 83426  
windshield placard, or parking card is lost, destroyed, or 83427  
mutilated, the placardholder or cardholder may obtain a duplicate 83428  
by doing both of the following: 83429

(1) Furnishing suitable proof of the loss, destruction, or 83430



mutilation to the registrar; 83431

(2) Paying a service fee equal to the amount specified in 83432  
division (D) or (G) of section 4503.10 of the Revised Code. 83433

Any placardholder or cardholder who loses a placard or card 83434  
and, after obtaining a duplicate, finds the original, immediately 83435  
shall surrender the original placard or card to the registrar. 83436

(M) The registrar shall pay all fees received under this 83437  
section for the issuance of removable windshield placards or 83438  
temporary removable windshield placards or duplicate removable 83439  
windshield placards or cards into the state treasury to the credit 83440  
of the state bureau of motor vehicles fund created in section 83441  
4501.25 of the Revised Code. 83442

(N) In addition to the fees collected under this section, the 83443  
registrar or deputy registrar shall ask each person applying for a 83444  
removable windshield placard or temporary removable windshield 83445  
placard or duplicate removable windshield placard or license plate 83446  
issued under this section, whether the person wishes to make a 83447  
two-dollar voluntary contribution to support rehabilitation 83448  
employment services. The registrar shall transmit the 83449  
contributions received under this division to the treasurer of 83450  
state for deposit into the rehabilitation employment fund, which 83451  
is hereby created in the state treasury. A deputy registrar shall 83452  
transmit the contributions received under this division to the 83453  
registrar in the time and manner prescribed by the registrar. The 83454  
contributions in the fund shall be used by the rehabilitation 83455  
services commission to purchase services related to vocational 83456  
evaluation, work adjustment, personal adjustment, job placement, 83457  
job coaching, and community-based assessment from accredited 83458  
community rehabilitation program facilities. 83459

(O) For purposes of enforcing this section, every peace 83460  
officer is deemed to be an agent of the registrar. Any peace 83461

officer or any authorized employee of the bureau of motor vehicles 83462  
who, in the performance of duties authorized by law, becomes aware 83463  
of a person whose placard or parking card has been revoked 83464  
pursuant to this section, may confiscate that placard or parking 83465  
card and return it to the registrar. The registrar shall prescribe 83466  
any forms used by law enforcement agencies in administering this 83467  
section. 83468

No peace officer, law enforcement agency employing a peace 83469  
officer, or political subdivision or governmental agency employing 83470  
a peace officer, and no employee of the bureau is liable in a 83471  
civil action for damages or loss to persons arising out of the 83472  
performance of any duty required or authorized by this section. As 83473  
used in this division, "peace officer" has the same meaning as in 83474  
division (B) of section 2935.01 of the Revised Code. 83475

~~(P)~~(P) All applications for registration of motor vehicles, 83476  
removable windshield placards, and temporary removable windshield 83477  
placards issued under this section, all renewal notices for such 83478  
items, and all other publications issued by the bureau that relate 83479  
to this section shall set forth the criminal penalties that may be 83480  
imposed upon a person who violates any provision relating to 83481  
special license plates issued under this section, the parking of 83482  
vehicles displaying such license plates, and the issuance, 83483  
procurement, use, and display of removable windshield placards and 83484  
temporary removable windshield placards issued under this section. 83485

~~(P)~~(Q) Whoever violates this section is guilty of a 83486  
misdemeanor of the fourth degree. 83487

**Sec. 4503.563.** (A) The owner or lessee of any passenger car, 83488  
noncommercial motor vehicle, recreational vehicle, or other 83489  
vehicle of a class approved by the registrar of motor vehicles may 83490  
apply to the registrar for the registration of the vehicle and 83491  
issuance of Ohio nature preserves license plates. The application 83492

for Ohio nature preserves license plates may be combined with a 83493  
request for a special reserved license plate under section 4503.40 83494  
or 4503.42 of the Revised Code. Upon receipt of the completed 83495  
application and compliance with division (B) of this section, the 83496  
registrar shall issue to the applicant the appropriate vehicle 83497  
registration and a set of Ohio nature preserves license plates 83498  
with a validation sticker or a validation sticker alone when 83499  
required by section 4503.191 of the Revised Code. 83500

In addition to the letters and numbers ordinarily inscribed 83501  
thereon, Ohio nature preserves license plates shall be inscribed 83502  
with identifying words or markings designed by the department of 83503  
natural resources and approved by the registrar. Ohio nature 83504  
preserves license plates shall bear county identification stickers 83505  
that identify the county of registration by name or number. 83506

(B) The Ohio nature preserves license plates and validation 83507  
sticker shall be issued upon receipt of a contribution as provided 83508  
in division (C) of this section and upon payment of the regular 83509  
license fees as prescribed under section 4503.04 of the Revised 83510  
Code, a bureau of motor vehicles administrative fee of ten 83511  
dollars, any applicable motor vehicle tax levied under Chapter 83512  
4504. of the Revised Code, and compliance with all other 83513  
applicable laws relating to the registration of motor vehicles. If 83514  
the application for Ohio nature preserves license plates is 83515  
combined with a request for a special reserved license plate under 83516  
section 4503.40 or 4503.42 of the Revised Code, the license plates 83517  
and validation sticker shall be issued upon payment of the 83518  
contribution, fees, and taxes contained in this division and the 83519  
additional fee prescribed under section 4503.40 or 4503.42 of the 83520  
Revised Code. 83521

(C) For each application for registration and registration 83522  
renewal submitted under this section, the registrar shall collect 83523

a contribution in an amount not to exceed forty dollars as 83524  
determined by the department. The registrar shall transmit this 83525  
contribution to the treasurer of state for deposit in the Ohio 83526  
nature preserves fund created in section 4501.243 of the Revised 83527  
Code. 83528

The registrar shall deposit the ten-dollar bureau 83529  
administrative fee, the purpose of which is to compensate the 83530  
bureau for additional services required in issuing Ohio nature 83531  
preserves license plates, in the state bureau of motor vehicles 83532  
fund created in section 4501.25 of the Revised Code. 83533

**Sec. 4505.01.** (A) As used in this chapter: 83534

(1) "Lien" includes, unless the context requires a different 83535  
meaning, a security interest in a motor vehicle. 83536

(2) "Motor vehicle" includes manufactured homes, mobile 83537  
homes, recreational vehicles, and trailers and semitrailers whose 83538  
weight exceeds four thousand pounds. 83539

(3) "Manufactured home" has the same meaning as section 83540  
3781.06 of the Revised Code. 83541

(4) "Mobile home" has the same meaning as in section 4501.01 83542  
of the Revised Code. 83543

(5) "Manufactured housing dealer," "manufactured housing 83544  
broker," and "manufactured housing salesperson" have the same 83545  
meanings as in section 4781.01 of the Revised Code. 83546

(6) "Motor vehicle dealer" includes manufactured housing 83547  
dealers. 83548

(7) "Motor vehicle salesperson" includes manufactured housing 83549  
salespersons. 83550

(B) The various certificates, applications, and assignments 83551  
necessary to provide certificates of title for manufactured homes, 83552

mobile homes, recreational vehicles, and trailers and semitrailers 83553  
whose weight exceeds four thousand pounds, shall be made upon 83554  
forms prescribed by the registrar of motor vehicles. 83555

**Sec. 4505.06.** (A)(1) Application for a certificate of title 83556  
shall be made in a form prescribed by the registrar of motor 83557  
vehicles and shall be sworn to before a notary public or other 83558  
officer empowered to administer oaths. The application shall be 83559  
filed with the clerk of any court of common pleas. An application 83560  
for a certificate of title may be filed electronically by any 83561  
electronic means approved by the registrar in any county with the 83562  
clerk of the court of common pleas of that county. Any payments 83563  
required by this chapter shall be considered as accompanying any 83564  
electronically transmitted application when payment actually is 83565  
received by the clerk. Payment of any fee or taxes may be made by 83566  
electronic transfer of funds. 83567

(2) The application for a certificate of title shall be 83568  
accompanied by the fee prescribed in section 4505.09 of the 83569  
Revised Code. The fee shall be retained by the clerk who issues 83570  
the certificate of title and shall be distributed in accordance 83571  
with that section. If a clerk of a court of common pleas, other 83572  
than the clerk of the court of common pleas of an applicant's 83573  
county of residence, issues a certificate of title to the 83574  
applicant, the clerk shall transmit data related to the 83575  
transaction to the automated title processing system. 83576

(3) If a certificate of title previously has been issued for 83577  
a motor vehicle in this state, the application for a certificate 83578  
of title also shall be accompanied by that certificate of title 83579  
duly assigned, unless otherwise provided in this chapter. If a 83580  
certificate of title previously has not been issued for the motor 83581  
vehicle in this state, the application, unless otherwise provided 83582  
in this chapter, shall be accompanied by a manufacturer's or 83583

importer's certificate or by a certificate of title of another 83584  
state from which the motor vehicle was brought into this state. If 83585  
the application refers to a motor vehicle last previously 83586  
registered in another state, the application also shall be 83587  
accompanied by the physical inspection certificate required by 83588  
section 4505.061 of the Revised Code. If the application is made 83589  
by two persons regarding a motor vehicle in which they wish to 83590  
establish joint ownership with right of survivorship, they may do 83591  
so as provided in section 2131.12 of the Revised Code. If the 83592  
applicant requests a designation of the motor vehicle in 83593  
beneficiary form so that upon the death of the owner of the motor 83594  
vehicle, ownership of the motor vehicle will pass to a designated 83595  
transfer-on-death beneficiary or beneficiaries, the applicant may 83596  
do so as provided in section 2131.13 of the Revised Code. A person 83597  
who establishes ownership of a motor vehicle that is transferable 83598  
on death in accordance with section 2131.13 of the Revised Code 83599  
may terminate that type of ownership or change the designation of 83600  
the transfer-on-death beneficiary or beneficiaries by applying for 83601  
a certificate of title pursuant to this section. The clerk shall 83602  
retain the evidence of title presented by the applicant and on 83603  
which the certificate of title is issued, except that, if an 83604  
application for a certificate of title is filed electronically by 83605  
an electronic motor vehicle dealer on behalf of the purchaser of a 83606  
motor vehicle, the clerk shall retain the completed electronic 83607  
record to which the dealer converted the certificate of title 83608  
application and other required documents. The registrar, after 83609  
consultation with the attorney general, shall adopt rules that 83610  
govern the location at which, and the manner in which, are stored 83611  
the actual application and all other documents relating to the 83612  
sale of a motor vehicle when an electronic motor vehicle dealer 83613  
files the application for a certificate of title electronically on 83614  
behalf of the purchaser. 83615

The clerk shall use reasonable diligence in ascertaining 83616

whether or not the facts in the application for a certificate of 83617  
title are true by checking the application and documents 83618  
accompanying it or the electronic record to which a dealer 83619  
converted the application and accompanying documents with the 83620  
records of motor vehicles in the clerk's office. If the clerk is 83621  
satisfied that the applicant is the owner of the motor vehicle and 83622  
that the application is in the proper form, the clerk, within five 83623  
business days after the application is filed and except as 83624  
provided in section 4505.021 of the Revised Code, shall issue a 83625  
physical certificate of title over the clerk's signature and 83626  
sealed with the clerk's seal, unless the applicant specifically 83627  
requests the clerk not to issue a physical certificate of title 83628  
and instead to issue an electronic certificate of title. For 83629  
purposes of the transfer of a certificate of title, if the clerk 83630  
is satisfied that the secured party has duly discharged a lien 83631  
notation but has not canceled the lien notation with a clerk, the 83632  
clerk may cancel the lien notation on the automated title 83633  
processing system and notify the clerk of the county of origin. 83634

(4) In the case of the sale of a motor vehicle to a general 83635  
buyer or user by a dealer, by a motor vehicle leasing dealer 83636  
selling the motor vehicle to the lessee or, in a case in which the 83637  
leasing dealer subleased the motor vehicle, the sublessee, at the 83638  
end of the lease agreement or sublease agreement, or by a 83639  
manufactured ~~home~~ housing broker, the certificate of title shall 83640  
be obtained in the name of the buyer by the dealer, leasing 83641  
dealer, or manufactured ~~home~~ housing broker, as the case may be, 83642  
upon application signed by the buyer. The certificate of title 83643  
shall be issued, or the process of entering the certificate of 83644  
title application information into the automated title processing 83645  
system if a physical certificate of title is not to be issued 83646  
shall be completed, within five business days after the 83647  
application for title is filed with the clerk. If the buyer of the 83648  
motor vehicle previously leased the motor vehicle and is buying 83649

the motor vehicle at the end of the lease pursuant to that lease, 83650  
the certificate of title shall be obtained in the name of the 83651  
buyer by the motor vehicle leasing dealer who previously leased 83652  
the motor vehicle to the buyer or by the motor vehicle leasing 83653  
dealer who subleased the motor vehicle to the buyer under a 83654  
sublease agreement. 83655

In all other cases, except as provided in section 4505.032 83656  
and division (D)(2) of section 4505.11 of the Revised Code, such 83657  
certificates shall be obtained by the buyer. 83658

(5)(a)(i) If the certificate of title is being obtained in 83659  
the name of the buyer by a motor vehicle dealer or motor vehicle 83660  
leasing dealer and there is a security interest to be noted on the 83661  
certificate of title, the dealer or leasing dealer shall submit 83662  
the application for the certificate of title and payment of the 83663  
applicable tax to a clerk within seven business days after the 83664  
later of the delivery of the motor vehicle to the buyer or the 83665  
date the dealer or leasing dealer obtains the manufacturer's or 83666  
importer's certificate, or certificate of title issued in the name 83667  
of the dealer or leasing dealer, for the motor vehicle. Submission 83668  
of the application for the certificate of title and payment of the 83669  
applicable tax within the required seven business days may be 83670  
indicated by postmark or receipt by a clerk within that period. 83671

(ii) Upon receipt of the certificate of title with the 83672  
security interest noted on its face, the dealer or leasing dealer 83673  
shall forward the certificate of title to the secured party at the 83674  
location noted in the financing documents or otherwise specified 83675  
by the secured party. 83676

(iii) A motor vehicle dealer or motor vehicle leasing dealer 83677  
is liable to a secured party for a late fee of ten dollars per day 83678  
for each certificate of title application and payment of the 83679  
applicable tax that is submitted to a clerk more than seven 83680  
business days but less than twenty-one days after the later of the 83681



delivery of the motor vehicle to the buyer or the date the dealer 83682  
or leasing dealer obtains the manufacturer's or importer's 83683  
certificate, or certificate of title issued in the name of the 83684  
dealer or leasing dealer, for the motor vehicle and, from then on, 83685  
twenty-five dollars per day until the application and applicable 83686  
tax are submitted to a clerk. 83687

(b) In all cases of transfer of a motor vehicle except the 83688  
transfer of a manufactured home, the application for certificate 83689  
of title shall be filed within thirty days after the assignment or 83690  
delivery of the motor vehicle. ~~¶~~ 83691

(c) An application for a certificate of title for a new 83692  
manufactured home shall be filed within thirty days after the 83693  
delivery of the new manufactured home to the purchaser. The date 83694  
of the delivery shall be the date on which an occupancy permit for 83695  
the manufactured home is delivered to the purchaser of the home by 83696  
the appropriate legal authority. 83697

(d) An application for a certificate of title for a used 83698  
manufactured home or a used mobile home shall be filed as follows: 83699

(i) If a certificate of title for the used manufactured home 83700  
or used mobile home was issued to the motor vehicle dealer prior 83701  
to the sale of the manufactured or mobile home to the purchaser, 83702  
the application for certificate of title shall be filed within 83703  
thirty days after the date on which an occupancy permit for the 83704  
manufactured or mobile home is delivered to the purchaser by the 83705  
appropriate legal authority. 83706

(ii) If the motor vehicle dealer has been designated by a 83707  
secured party to display the manufactured or mobile home for sale, 83708  
or to sell the manufactured or mobile home under section 4505.20 83709  
of the Revised Code, but the certificate of title has not been 83710  
transferred by the secured party to the motor vehicle dealer, and 83711  
the dealer has complied with the requirements of division (A) of 83712

section 4505.181 of the Revised Code, the application for 83713  
certificate of title shall be filed within thirty days after the 83714  
date on which the motor vehicle dealer obtains the certificate of 83715  
title for the home from the secured party or the date on which an 83716  
occupancy permit for the manufactured or mobile home is delivered 83717  
to the purchaser by the appropriate legal authority, whichever 83718  
occurs later. 83719

(6) If an application for a certificate of title is not filed 83720  
within the period specified in division (A)(5)(b), (c), or (d) of 83721  
this section, the clerk shall collect a fee of five dollars for 83722  
the issuance of the certificate, except that no such fee shall be 83723  
required from a motor vehicle salvage dealer, as defined in 83724  
division (A) of section 4738.01 of the Revised Code, who 83725  
immediately surrenders the certificate of title for cancellation. 83726  
The fee shall be in addition to all other fees established by this 83727  
chapter, and shall be retained by the clerk. The registrar shall 83728  
provide, on the certificate of title form prescribed by section 83729  
4505.07 of the Revised Code, language necessary to give evidence 83730  
of the date on which the assignment or delivery of the motor 83731  
vehicle was made. 83732

~~(6)~~(7) As used in division (A) of this section, "lease 83733  
agreement," "lessee," and "sublease agreement" have the same 83734  
meanings as in section 4505.04 of the Revised Code and "new 83735  
manufactured home," "used manufactured home," and "used mobile 83736  
home" have the same meanings as in section 5739.021 of the Revised 83737  
Code. 83738

(B)(1) The clerk, except as provided in this section, shall 83739  
refuse to accept for filing any application for a certificate of 83740  
title and shall refuse to issue a certificate of title unless the 83741  
dealer ~~or manufactured home broker~~ or the applicant, in cases in 83742  
which the certificate shall be obtained by the buyer, submits with 83743  
the application payment of the tax levied by or pursuant to 83744

Chapters 5739. and 5741. of the Revised Code based on the 83745  
purchaser's county of residence. Upon payment of the tax in 83746  
accordance with division (E) of this section, the clerk shall 83747  
issue a receipt prescribed by the registrar and agreed upon by the 83748  
tax commissioner showing payment of the tax or a receipt issued by 83749  
the commissioner showing the payment of the tax. When submitting 83750  
payment of the tax to the clerk, a dealer shall retain any 83751  
discount to which the dealer is entitled under section 5739.12 of 83752  
the Revised Code. 83753

(2) For receiving and disbursing such taxes paid to the clerk 83754  
by a resident of the clerk's county, the clerk may retain a 83755  
poundage fee of one and one one-hundredth per cent, and the clerk 83756  
shall pay the poundage fee into the certificate of title 83757  
administration fund created by section 325.33 of the Revised Code. 83758  
The clerk shall not retain a poundage fee from payments of taxes 83759  
by persons who do not reside in the clerk's county. 83760

A clerk, however, may retain from the taxes paid to the clerk 83761  
an amount equal to the poundage fees associated with certificates 83762  
of title issued by other clerks of courts of common pleas to 83763  
applicants who reside in the first clerk's county. The registrar, 83764  
in consultation with the tax commissioner and the clerks of the 83765  
courts of common pleas, shall develop a report from the automated 83766  
title processing system that informs each clerk of the amount of 83767  
the poundage fees that the clerk is permitted to retain from those 83768  
taxes because of certificates of title issued by the clerks of 83769  
other counties to applicants who reside in the first clerk's 83770  
county. 83771

(3) In the case of casual sales of motor vehicles, as defined 83772  
in section 4517.01 of the Revised Code, the price for the purpose 83773  
of determining the tax shall be the purchase price on the assigned 83774  
certificate of title executed by the seller and filed with the 83775  
clerk by the buyer on a form to be prescribed by the registrar, 83776

which shall be prima-facie evidence of the amount for the 83777  
determination of the tax. 83778

(4) Each county clerk shall forward to the treasurer of state 83779  
all sales and use tax collections resulting from sales of motor 83780  
vehicles, off-highway motorcycles, and all-purpose vehicles during 83781  
a calendar week on or before the Friday following the close of 83782  
that week. If, on any Friday, the offices of the clerk of courts 83783  
or the state are not open for business, the tax shall be forwarded 83784  
to the treasurer of state on or before the next day on which the 83785  
offices are open. Every remittance of tax under division (B)(4) of 83786  
this section shall be accompanied by a remittance report in such 83787  
form as the tax commissioner prescribes. Upon receipt of a tax 83788  
remittance and remittance report, the treasurer of state shall 83789  
date stamp the report and forward it to the tax commissioner. If 83790  
the tax due for any week is not remitted by a clerk of courts as 83791  
required under division (B)(4) of this section, the commissioner 83792  
may require the clerk to forfeit the poundage fees for the sales 83793  
made during that week. The treasurer of state may require the 83794  
clerks of courts to transmit tax collections and remittance 83795  
reports electronically. 83796

(C)(1) If the transferor indicates on the certificate of 83797  
title that the odometer reflects mileage in excess of the designed 83798  
mechanical limit of the odometer, the clerk shall enter the phrase 83799  
"exceeds mechanical limits" following the mileage designation. If 83800  
the transferor indicates on the certificate of title that the 83801  
odometer reading is not the actual mileage, the clerk shall enter 83802  
the phrase "nonactual: warning - odometer discrepancy" following 83803  
the mileage designation. The clerk shall use reasonable care in 83804  
transferring the information supplied by the transferor, but is 83805  
not liable for any errors or omissions of the clerk or those of 83806  
the clerk's deputies in the performance of the clerk's duties 83807  
created by this chapter. 83808

The registrar shall prescribe an affidavit in which the transferor shall swear to the true selling price and, except as provided in this division, the true odometer reading of the motor vehicle. The registrar may prescribe an affidavit in which the seller and buyer provide information pertaining to the odometer reading of the motor vehicle in addition to that required by this section, as such information may be required by the United States secretary of transportation by rule prescribed under authority of subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(2) Division (C)(1) of this section does not require the giving of information concerning the odometer and odometer reading of a motor vehicle when ownership of a motor vehicle is being transferred as a result of a bequest, under the laws of intestate succession, to a survivor pursuant to section 2106.18, 2131.12, or 4505.10 of the Revised Code, to a transfer-on-death beneficiary or beneficiaries pursuant to section 2131.13 of the Revised Code, in connection with the creation of a security interest or for a vehicle with a gross vehicle weight rating of more than sixteen thousand pounds.

(D) When the transfer to the applicant was made in some other state or in interstate commerce, the clerk, except as provided in this section, shall refuse to issue any certificate of title unless the tax imposed by or pursuant to Chapter 5741. of the Revised Code based on the purchaser's county of residence has been paid as evidenced by a receipt issued by the tax commissioner, or unless the applicant submits with the application payment of the tax. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner, showing payment of the tax.

For receiving and disbursing such taxes paid to the clerk by

a resident of the clerk's county, the clerk may retain a poundage 83841  
fee of one and one one-hundredth per cent. The clerk shall not 83842  
retain a poundage fee from payments of taxes by persons who do not 83843  
reside in the clerk's county. 83844

A clerk, however, may retain from the taxes paid to the clerk 83845  
an amount equal to the poundage fees associated with certificates 83846  
of title issued by other clerks of courts of common pleas to 83847  
applicants who reside in the first clerk's county. The registrar, 83848  
in consultation with the tax commissioner and the clerks of the 83849  
courts of common pleas, shall develop a report from the automated 83850  
title processing system that informs each clerk of the amount of 83851  
the poundage fees that the clerk is permitted to retain from those 83852  
taxes because of certificates of title issued by the clerks of 83853  
other counties to applicants who reside in the first clerk's 83854  
county. 83855

When the vendor is not regularly engaged in the business of 83856  
selling motor vehicles, the vendor shall not be required to 83857  
purchase a vendor's license or make reports concerning those 83858  
sales. 83859

(E) The clerk shall accept any payment of a tax in cash, or 83860  
by cashier's check, certified check, draft, money order, or teller 83861  
check issued by any insured financial institution payable to the 83862  
clerk and submitted with an application for a certificate of title 83863  
under division (B) or (D) of this section. The clerk also may 83864  
accept payment of the tax by corporate, business, or personal 83865  
check, credit card, electronic transfer or wire transfer, debit 83866  
card, or any other accepted form of payment made payable to the 83867  
clerk. The clerk may require bonds, guarantees, or letters of 83868  
credit to ensure the collection of corporate, business, or 83869  
personal checks. Any service fee charged by a third party to a 83870  
clerk for the use of any form of payment may be paid by the clerk 83871  
from the certificate of title administration fund created in 83872

section 325.33 of the Revised Code, or may be assessed by the 83873  
clerk upon the applicant as an additional fee. Upon collection, 83874  
the additional fees shall be paid by the clerk into that 83875  
certificate of title administration fund. 83876

The clerk shall make a good faith effort to collect any 83877  
payment of taxes due but not made because the payment was returned 83878  
or dishonored, but the clerk is not personally liable for the 83879  
payment of uncollected taxes or uncollected fees. The clerk shall 83880  
notify the tax commissioner of any such payment of taxes that is 83881  
due but not made and shall furnish the information to the 83882  
commissioner that the commissioner requires. The clerk shall 83883  
deduct the amount of taxes due but not paid from the clerk's 83884  
periodic remittance of tax payments, in accordance with procedures 83885  
agreed upon by the tax commissioner. The commissioner may collect 83886  
taxes due by assessment in the manner provided in section 5739.13 83887  
of the Revised Code. 83888

Any person who presents payment that is returned or 83889  
dishonored for any reason is liable to the clerk for payment of a 83890  
penalty over and above the amount of the taxes due. The clerk 83891  
shall determine the amount of the penalty, and the penalty shall 83892  
be no greater than that amount necessary to compensate the clerk 83893  
for banking charges, legal fees, or other expenses incurred by the 83894  
clerk in collecting the returned or dishonored payment. The 83895  
remedies and procedures provided in this section are in addition 83896  
to any other available civil or criminal remedies. Subsequently 83897  
collected penalties, poundage fees, and title fees, less any title 83898  
fee due the state, from returned or dishonored payments collected 83899  
by the clerk shall be paid into the certificate of title 83900  
administration fund. Subsequently collected taxes, less poundage 83901  
fees, shall be sent by the clerk to the treasurer of state at the 83902  
next scheduled periodic remittance of tax payments, with 83903  
information as the commissioner may require. The clerk may abate 83904

all or any part of any penalty assessed under this division. 83905

(F) In the following cases, the clerk shall accept for filing 83906  
an application and shall issue a certificate of title without 83907  
requiring payment or evidence of payment of the tax: 83908

(1) When the purchaser is this state or any of its political 83909  
subdivisions, a church, or an organization whose purchases are 83910  
exempted by section 5739.02 of the Revised Code; 83911

(2) When the transaction in this state is not a retail sale 83912  
as defined by section 5739.01 of the Revised Code; 83913

(3) When the purchase is outside this state or in interstate 83914  
commerce and the purpose of the purchaser is not to use, store, or 83915  
consume within the meaning of section 5741.01 of the Revised Code; 83916

(4) When the purchaser is the federal government; 83917

(5) When the motor vehicle was purchased outside this state 83918  
for use outside this state; 83919

(6) When the motor vehicle is purchased by a nonresident 83920  
under the circumstances described in division (B)(1) of section 83921  
5739.029 of the Revised Code, and upon presentation of a copy of 83922  
the affidavit provided by that section, and a copy of the 83923  
exemption certificate provided by section 5739.03 of the Revised 83924  
Code. 83925

(G) An application, as prescribed by the registrar and agreed 83926  
to by the tax commissioner, shall be filled out and sworn to by 83927  
the buyer of a motor vehicle in a casual sale. The application 83928  
shall contain the following notice in bold lettering: "WARNING TO 83929  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 83930  
law to state the true selling price. A false statement is in 83931  
violation of section 2921.13 of the Revised Code and is punishable 83932  
by six months' imprisonment or a fine of up to one thousand 83933  
dollars, or both. All transfers are audited by the department of 83934



taxation. The seller and buyer must provide any information 83935  
requested by the department of taxation. The buyer may be assessed 83936  
any additional tax found to be due." 83937

(H) For sales of manufactured homes or mobile homes occurring 83938  
on or after January 1, 2000, the clerk shall accept for filing, 83939  
pursuant to Chapter 5739. of the Revised Code, an application for 83940  
a certificate of title for a manufactured home or mobile home 83941  
without requiring payment of any tax pursuant to section 5739.02, 83942  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 83943  
issued by the tax commissioner showing payment of the tax. For 83944  
sales of manufactured homes or mobile homes occurring on or after 83945  
January 1, 2000, the applicant shall pay to the clerk an 83946  
additional fee of five dollars for each certificate of title 83947  
issued by the clerk for a manufactured or mobile home pursuant to 83948  
division (H) of section 4505.11 of the Revised Code and for each 83949  
certificate of title issued upon transfer of ownership of the 83950  
home. The clerk shall credit the fee to the county certificate of 83951  
title administration fund, and the fee shall be used to pay the 83952  
expenses of archiving those certificates pursuant to division (A) 83953  
of section 4505.08 and division (H)(3) of section 4505.11 of the 83954  
Revised Code. The tax commissioner shall administer any tax on a 83955  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 83956  
of the Revised Code. 83957

(I) Every clerk shall have the capability to transact by 83958  
electronic means all procedures and transactions relating to the 83959  
issuance of motor vehicle certificates of title that are described 83960  
in the Revised Code as being accomplished by electronic means. 83961

**Sec. 4505.062.** Notwithstanding any general requirement in 83962  
this chapter to the effect that an application for a certificate 83963  
of title to a motor vehicle shall be "sworn to" or shall be "sworn 83964  
to before a notary public or other officer empowered to administer 83965

oaths," that requirement shall apply only in the case of a 83966  
transfer of a motor vehicle between parties in the course of a 83967  
casual sale, as defined in ~~section~~ sections 4517.01 and 4781.01 of 83968  
the Revised Code. 83969

**Sec. 4505.09.** (A)(1) The clerk of a court of common pleas 83970  
shall charge and retain fees as follows: 83971

(a) Five dollars for each certificate of title that is not 83972  
applied for within thirty days after the later of the assignment 83973  
or delivery of the motor vehicle described in it. The entire fee 83974  
shall be retained by the clerk. 83975

(b) Fifteen dollars for each certificate of title or 83976  
duplicate certificate of title including the issuance of a 83977  
memorandum certificate of title, or authorization to print a 83978  
non-negotiable evidence of ownership described in division (G) of 83979  
section 4505.08 of the Revised Code, non-negotiable evidence of 83980  
ownership printed by the clerk under division (H) of that section, 83981  
and notation of any lien on a certificate of title that is applied 83982  
for at the same time as the certificate of title. The clerk shall 83983  
retain eleven dollars and fifty cents of that fee for each 83984  
certificate of title when there is a notation of a lien or 83985  
security interest on the certificate of title, twelve dollars and 83986  
twenty-five cents when there is no lien or security interest noted 83987  
on the certificate of title, and eleven dollars and fifty cents 83988  
for each duplicate certificate of title. 83989

(c) Five dollars for each certificate of title with no 83990  
security interest noted that is issued to a licensed motor vehicle 83991  
dealer for resale purposes. The clerk shall retain two dollars and 83992  
twenty-five cents of that fee. 83993

(d) Five dollars for each memorandum certificate of title or 83994  
non-negotiable evidence of ownership that is applied for 83995  
separately. The clerk shall retain that entire fee. 83996

(2) The fees that are not retained by the clerk shall be paid 83997  
to the registrar of motor vehicles by monthly returns, which shall 83998  
be forwarded to the registrar not later than the fifth day of the 83999  
month next succeeding that in which the certificate is issued or 84000  
that in which the registrar is notified of a lien or cancellation 84001  
of a lien. 84002

(B)(1) The registrar shall pay twenty-five cents of the 84003  
amount received for each certificate of title issued to a motor 84004  
vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ 84005  
certificates of title issued with a lien or security interest 84006  
noted on the certificate of title, and twenty-five cents for each 84007  
certificate of title with no lien or security interest noted on 84008  
the certificate of title into the state bureau of motor vehicles 84009  
fund established in section 4501.25 of the Revised Code. 84010

(2) Fifty cents of the amount received for each certificate 84011  
of title shall be paid by the registrar as follows: 84012

(a) Four cents shall be paid into the state treasury to the 84013  
credit of the motor vehicle dealers board fund, which is hereby 84014  
created. All investment earnings of the fund shall be credited to 84015  
the fund. The moneys in the motor vehicle dealers board fund shall 84016  
be used by the motor vehicle dealers board created under section 84017  
4517.30 of the Revised Code, together with other moneys 84018  
appropriated to it, in the exercise of its powers and the 84019  
performance of its duties under Chapter 4517. of the Revised Code, 84020  
except that the director of budget and management may transfer 84021  
excess money from the motor vehicle dealers board fund to the 84022  
bureau of motor vehicles fund if the registrar determines that the 84023  
amount of money in the motor vehicle dealers board fund, together 84024  
with other moneys appropriated to the board, exceeds the amount 84025  
required for the exercise of its powers and the performance of its 84026  
duties under Chapter 4517. of the Revised Code and requests the 84027  
director to make the transfer. 84028

(b) Twenty-one cents shall be paid into the highway operating fund. 84029  
84030

(c) Twenty-five cents shall be paid into the state treasury 84031  
to the credit of the motor vehicle sales audit fund, which is 84032  
hereby created. The moneys in the fund shall be used by the tax 84033  
commissioner together with other funds available to the 84034  
commissioner to conduct a continuing investigation of sales and 84035  
use tax returns filed for motor vehicles in order to determine if 84036  
sales and use tax liability has been satisfied. The commissioner 84037  
shall refer cases of apparent violations of section 2921.13 of the 84038  
Revised Code made in connection with the titling or sale of a 84039  
motor vehicle and cases of any other apparent violations of the 84040  
sales or use tax law to the appropriate county prosecutor whenever 84041  
the commissioner considers it advisable. 84042

(3) Two dollars of the amount received by the registrar for 84043  
each certificate of title shall be paid into the state treasury to 84044  
the credit of the automated title processing fund, which is hereby 84045  
created and which shall consist of moneys collected under division 84046  
(B)(3) of this section and under sections 1548.10 and 4519.59 of 84047  
the Revised Code. All investment earnings of the fund shall be 84048  
credited to the fund. The moneys in the fund shall be used as 84049  
follows: 84050

(a) Except for moneys collected under section 1548.10 of the 84051  
Revised Code and as provided in division (B)(3)(c) of this 84052  
section, moneys collected under division (B)(3) of this section 84053  
shall be used to implement and maintain an automated title 84054  
processing system for the issuance of motor vehicle, off-highway 84055  
motorcycle, and all-purpose vehicle certificates of title in the 84056  
offices of the clerks of the courts of common pleas. 84057

(b) Moneys collected under section 1548.10 of the Revised 84058  
Code shall be used to issue marine certificates of title in the 84059  
offices of the clerks of the courts of common pleas as provided in 84060

Chapter 1548. of the Revised Code. 84061

(c) Moneys collected under division (B)(3) of this section 84062  
shall be used in accordance with section 4505.25 of the Revised 84063  
Code to implement Sub. S.B. 59 of the 124th general assembly. 84064

(C)(1) The automated title processing board is hereby created 84065  
consisting of the registrar or the registrar's representative, a 84066  
person selected by the registrar, the president of the Ohio clerks 84067  
of court association or the president's representative, and two 84068  
clerks of courts of common pleas appointed by the governor. The 84069  
director of budget and management or the director's designee, the 84070  
chief of the division of watercraft in the department of natural 84071  
resources or the chief's designee, and the tax commissioner or the 84072  
commissioner's designee shall be nonvoting members of the board. 84073  
The purpose of the board is to facilitate the operation and 84074  
maintenance of an automated title processing system and approve 84075  
the procurement of automated title processing system equipment. 84076  
Voting members of the board, excluding the registrar or the 84077  
registrar's representative, shall serve without compensation, but 84078  
shall be reimbursed for travel and other necessary expenses 84079  
incurred in the conduct of their official duties. The registrar or 84080  
the registrar's representative shall receive neither compensation 84081  
nor reimbursement as a board member. 84082  
84083

(2) The automated title processing board shall determine each 84084  
of the following: 84085

(a) The automated title processing equipment and certificates 84086  
of title requirements for each county; 84087

(b) The payment of expenses that may be incurred by the 84088  
counties in implementing an automated title processing system; 84089

(c) The repayment to the counties for existing title 84090  
processing equipment. 84091

(3) The registrar shall purchase, lease, or otherwise acquire 84092  
any automated title processing equipment and certificates of title 84093  
that the board determines are necessary from moneys in the 84094  
automated title processing fund established by division (B)(3) of 84095  
this section. 84096

(D) All counties shall conform to the requirements of the 84097  
registrar regarding the operation of their automated title 84098  
processing system for motor vehicle titles, certificates of title 84099  
for off-highway motorcycles and all-purpose vehicles, and 84100  
certificates of title for watercraft and outboard motors. 84101

**Sec. 4505.111.** (A) Every motor vehicle, other than a 84102  
manufactured home, a mobile home, or a motor vehicle as provided 84103  
in divisions (C), (D), and (E) of section 4505.11 of the Revised 84104  
Code, that is assembled from component parts by a person other 84105  
than the manufacturer, shall be inspected by the state highway 84106  
patrol prior to issuance of title to the motor vehicle. The 84107  
inspection shall include establishing proof of ownership and an 84108  
inspection of the motor number and vehicle identification number 84109  
of the motor vehicle, and any items of equipment the director of 84110  
public safety considers advisable and requires to be inspected by 84111  
rule. A fee of forty dollars in fiscal year 1998 and fifty dollars 84112  
in fiscal year 1999 and thereafter shall be assessed by the state 84113  
highway patrol for each inspection made pursuant to this section, 84114  
and shall be deposited in the state highway safety fund 84115  
established by section 4501.06 of the Revised Code. 84116

(B) Whoever violates this section shall be fined not more 84117  
than two thousand dollars, imprisoned not more than one year, or 84118  
both. 84119

**Sec. 4505.181.** (A) Notwithstanding divisions (A)(2), (5), and 84120  
(6) of section 4505.18 of the Revised Code, a motor vehicle dealer 84121

or person acting on behalf of a motor vehicle dealer may display, 84122  
offer for sale, or sell a used motor vehicle, used manufactured 84123  
home, or used mobile home without having first obtained a 84124  
certificate of title for the vehicle in the name of the dealer as 84125  
required by this chapter if the dealer or person acting on behalf 84126  
of the dealer complies with divisions (A)(1)(a) and (2) of this 84127  
section, or divisions (A)(1)(b) and (2) of this section, as 84128  
follows: 84129

(1)(a) If the dealer has been licensed as a motor vehicle 84130  
dealer or manufactured housing dealer for less than the three-year 84131  
period prior to the date on which the dealer or person acting on 84132  
behalf of the dealer displays, offers for sale, or sells the used 84133  
motor vehicle for which the dealer has not obtained a certificate 84134  
of title in the name of the dealer, or if the attorney general has 84135  
paid a retail purchaser of the dealer under division (C) of this 84136  
section within three years prior to such date, the dealer posts 84137  
with the attorney general's office in favor of this state a bond 84138  
of a surety company authorized to do business in this state, in an 84139  
amount of not less than twenty-five thousand dollars, to be used 84140  
solely for the purpose of compensating retail purchasers of motor 84141  
vehicles, manufactured homes, or mobile homes who suffer damages 84142  
due to failure of the dealer or person acting on behalf of the 84143  
dealer to comply with this section. The dealer's surety shall 84144  
notify the registrar and attorney general when a bond is canceled 84145  
and shall notify the manufactured homes commission and the 84146  
attorney general when a bond of a manufactured housing dealer is 84147  
canceled. Such notification of cancellation shall include the 84148  
effective date of and reason for cancellation. 84149

(b) If the dealer has been licensed as a motor vehicle dealer 84150  
or manufactured housing dealer for longer than the three-year 84151  
period prior to the date on which the dealer or person acting on 84152  
behalf of the dealer displays, offers for sale, or sells the used 84153

motor vehicle, used manufactured home, or used mobile home for 84154  
which the dealer has not obtained a certificate of title in the 84155  
name of the dealer and the attorney general has not paid a retail 84156  
purchaser of the dealer under division (C) of this section within 84157  
three years prior to such date, the dealer pays one hundred fifty 84158  
dollars to the attorney general for deposit into the title defect 84159  
recision fund created by section 1345.52 of the Revised Code. 84160

(2) The dealer or person acting on behalf of the dealer 84161  
possesses a bill of sale for each motor vehicle, used manufactured 84162  
home, and used mobile home proposed to be displayed, offered for 84163  
sale, or sold under this section and a properly executed power of 84164  
attorney or other related documents from the prior owner of the 84165  
motor vehicle, manufactured home, or mobile home giving the dealer 84166  
or person acting on behalf of the dealer authority to have a 84167  
certificate of title to the motor vehicle, manufactured home, or 84168  
mobile home issued in the name of the dealer, and retains copies 84169  
of all such documents in the dealer's or person's files until such 84170  
time as a certificate of title in the dealer's name is issued for 84171  
each such motor vehicle, manufactured home, or mobile home by the 84172  
clerk of the court of common pleas. Such documents shall be 84173  
available for inspection by the bureau of motor vehicles and the 84174  
manufactured homes commission during normal business hours. 84175

(B) If a retail purchaser purchases a motor vehicle, used 84176  
manufactured home, or used mobile home for which the dealer, 84177  
pursuant to and in accordance with division (A) of this section, 84178  
does not have a certificate of title issued in the name of the 84179  
dealer at the time of the sale, the retail purchaser has an 84180  
unconditional right to rescind the transaction and the dealer has 84181  
an obligation to refund to the retail purchaser the full purchase 84182  
price of the vehicle, if one of the following applies: 84183

(1) The dealer fails, on or before the fortieth day following 84184  
the date of the sale, to obtain a title in the name of the retail 84185



purchaser. 84186

(2) The title for the vehicle indicates that it is a rebuilt 84187  
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 84188  
was not disclosed to the retail purchaser in writing prior to the 84189  
execution of the purchase agreement. 84190

(3) The title for the vehicle indicates that the dealer has 84191  
made an inaccurate odometer disclosure to the retail purchaser. 84192

(4) The motor vehicle is a used manufactured home or used 84193  
mobile home, as defined by section 5739.021 of the Revised Code, 84194  
that has been repossessed under Chapter 1309. or 1317. of the 84195  
Revised Code, but a certificate of title for the repossessed home 84196  
has not yet been transferred by the repossessing party to the 84197  
dealer on the date the retail purchaser purchases the used 84198  
manufactured home or used mobile home from the dealer, and the 84199  
dealer fails to obtain a certificate of title on or before the 84200  
fortieth day after the dealer obtains the certificate of title for 84201  
the home from the repossessing party or the date on which an 84202  
occupancy permit for the home is delivered to the purchaser by the 84203  
appropriate legal authority, whichever occurs later. 84204

If any of the circumstances described in divisions (B)(1) to 84205  
~~(3)~~(4) of this section applies, a retail purchaser or the retail 84206  
purchaser's representative shall notify the dealer and afford the 84207  
dealer the opportunity to comply with the dealer's obligation to 84208  
refund the full purchase price of the motor vehicle. Nothing in 84209  
this division shall be construed as prohibiting the dealer and the 84210  
retail purchaser or their representatives from negotiating a 84211  
compromise resolution that is satisfactory to both parties. 84212

(C) If a retail purchaser notifies a dealer of one or more of 84213  
the circumstances listed in division (B) of this section and the 84214  
dealer fails to refund to the retail purchaser the full purchase 84215  
price of the vehicle or reach a satisfactory compromise with the 84216

retail purchaser within three business days of presentation of the 84217  
retail purchaser's rescision claim, the retail purchaser may apply 84218  
to the attorney general for payment from the fund of the full 84219  
purchase price to the retail purchaser. 84220

(D) Upon application by a retail purchaser for payment from 84221  
the fund, if the attorney general is satisfied that one or more of 84222  
the circumstances contained in divisions (B)(1) to ~~(3)~~(4) of this 84223  
section exist, the attorney general shall cause the full purchase 84224  
price of the vehicle, manufactured home, or mobile home to be paid 84225  
to the retail purchaser from the fund after delivery of the 84226  
vehicle, manufactured home, or mobile home to the attorney 84227  
general. The attorney general may sell or otherwise dispose of any 84228  
vehicle, manufactured home, or mobile home that is delivered to 84229  
the attorney general under this section, and may collect the 84230  
proceeds of any bond posted under division (A) of this section by 84231  
a dealer who has failed to comply with division (C) of this 84232  
section. The proceeds from all such sales and collections shall be 84233  
deposited into the title defect rescision fund for use as specified 84234  
in section 1345.52 of the Revised Code. 84235

(E) Failure by a dealer to comply with division (A) or (B) of 84236  
this section constitutes a deceptive act or practice in connection 84237  
with a consumer transaction, and is a violation of section 1345.02 84238  
of the Revised Code. 84239

(F) The remedy provided in this section to retail purchasers 84240  
is in addition to any remedies otherwise available to the retail 84241  
purchaser for the same conduct of the dealer or person acting on 84242  
behalf of the dealer under federal law or the laws of this state 84243  
or a political subdivision of this state. 84244

(G) All motor vehicle dealers licensed under Chapter 4517. of 84245  
the Revised Code and manufactured housing dealers licensed under 84246  
Chapter 4781. of the Revised Code shall pay to the attorney 84247  
general for deposit into the title defect rescision fund the amount 84248

described in division (A)(1)(b) of this section beginning with the 84249  
calendar year during which this section becomes effective and each 84250  
year subsequent to that year until the balance in the fund is not 84251  
less than three hundred thousand dollars. All such dealers also 84252  
shall pay to the attorney general for deposit into the fund that 84253  
amount during any year and subsequent years during which the 84254  
balance in the fund is less than three hundred thousand dollars 84255  
until the balance in the fund reaches three hundred thousand 84256  
dollars. 84257

If a motor vehicle dealer or manufactured housing dealer 84258  
fails to comply with this division, the attorney general may bring 84259  
a civil action in a court of competent jurisdiction to collect the 84260  
amount the dealer failed to pay to the attorney general for 84261  
deposit into the fund. 84262

**Sec. 4505.20.** (A) Notwithstanding division (A)(2) of section 84263  
4505.18 of the Revised Code or any other provision of this chapter 84264  
or Chapter 4517. of the Revised Code, a secured party may 84265  
designate any dealer to display, display for sale, or sell a 84266  
manufactured or mobile home if the home has come into the 84267  
possession of that secured party by a default in the terms of a 84268  
security instrument and the certificate of title remains in the 84269  
name and possession of the secured party. 84270

(B) Notwithstanding division (A)(2) of section 4505.18 of the 84271  
Revised Code or any other provision of this chapter or Chapter 84272  
4517. of the Revised Code, the owner of a recreational vehicle or 84273  
a secured party of a recreational vehicle who has come into 84274  
possession of the vehicle by a default in the terms of a security 84275  
instrument, may designate any dealer to display, display for sale, 84276  
or sell the vehicle while the certificate of title remains in the 84277  
possession of the owner or secured party. No dealer may display or 84278  
offer for sale more than five recreational vehicles at any time 84279

under this division. No dealer may display or offer for sale a recreational vehicle under this division unless the dealer maintains insurance or the bond of a surety company authorized to transact business within this state in an amount sufficient to satisfy the fair market value of the vehicle.

(C) The registrar of motor vehicles may adopt rules in accordance with Chapter 119. of the Revised Code prescribing the maximum number of manufactured or mobile homes that have come into the possession of a secured party by a default in the terms of a security instrument that any dealer may display or offer for sale at any time. The registrar may adopt other reasonable rules regarding the resale of such manufactured homes, mobile homes, and recreational vehicles that the registrar considers necessary.

(D) The secured party or owner shall provide the dealer with written authorization to display, display for sale, or sell the manufactured home, mobile home, or recreational vehicle. The dealer shall show and explain the written authorization to any prospective purchaser. The written authorization shall contain the vehicle identification number, make, model, year of manufacture, and physical description of the manufactured home, mobile home, or recreational vehicle that is provided to the dealer.

(E) As used in this section, "dealer" means a ~~new motor vehicle~~ manufactured housing dealer that is licensed under Chapter ~~4517. 4781.~~ of the Revised Code.

(F) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both.

**Sec. 4507.03.** (A)(1) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling a road roller or road machinery upon a street or highway.

(2) No person shall be required to obtain a driver's or 84311  
commercial driver's license for the purpose of temporarily 84312  
driving, operating, drawing, moving, or propelling any 84313  
agricultural tractor or implement of husbandry upon a street or 84314  
highway at a speed of twenty-five miles per hour or less. 84315

(3) No person shall drive, operate, draw, move, or propel any 84316  
agricultural tractor or implement of husbandry upon a street or 84317  
highway at a speed greater than twenty-five miles per hour unless 84318  
the person has a current, valid driver's or commercial driver's 84319  
license. 84320

(4) No person having a valid driver's or commercial driver's 84321  
license shall be required to have a motorcycle operator's 84322  
endorsement to operate a motorcycle having three wheels with a 84323  
motor of not more than fifty cubic centimeters piston 84324  
displacement. 84325

(B) Every person on active duty in the armed forces of the 84326  
United States, when furnished with a driver's permit and when 84327  
operating an official motor vehicle in connection with such duty, 84328  
is exempt from the license requirements of Chapters 4506. and 84329  
4507. of the Revised Code. 84330

Every person on active duty in the armed forces of the United 84331  
States or in service with the peace corps, volunteers in service 84332  
to America, or the foreign service of the United States is exempt 84333  
from the license requirements of those chapters for the period of 84334  
the person's active duty or service and for six months thereafter, 84335  
provided the person was a licensee under those chapters at the 84336  
time the person commenced ~~his~~ the person's active duty or service. 84337  
The spouse or a dependent of any such person on active duty or in 84338  
service also is exempt from the license requirements of those 84339  
chapters for the period of the person's active duty or service and 84340  
for six months thereafter, provided the spouse or dependent was a 84341  
licensee under those chapters at the time the person commenced the 84342

active duty or service, and provided further that the person's 84343  
active duty or service causes the spouse or dependent to relocate 84344  
outside of this state during the period of the active duty or 84345  
service. 84346

This section does not prevent such a person or ~~his~~ the 84347  
person's spouse or dependent from making an application, as 84348  
provided in division (C) of section 4507.10 of the Revised Code, 84349  
for the renewal of a driver's license or motorcycle operator's 84350  
endorsement or as provided in section 4506.14 of the Revised Code 84351  
for the renewal of a commercial driver's license during the period 84352  
of the person's active duty or service. 84353

(C) Whoever violates division (A)(3) of this section is 84354  
guilty of a misdemeanor of the first degree. 84355

**Sec. 4507.24.** (A) Except as provided in division (C) of this 84356  
section, the registrar of motor vehicles or a deputy registrar may 84357  
collect a fee not to exceed the following: 84358

(1) Four dollars and fifty cents commencing on January 1, 84359  
2004, and six dollars and twenty-five cents commencing on October 84360  
1, 2009, for each application for renewal of a driver's license 84361  
received by the deputy registrar, when the applicant is required 84362  
to submit to a screening of the applicant's vision under section 84363  
4507.12 of the Revised Code; 84364

(2) Three dollars and fifty cents commencing on January 1, 84365  
2004, for each application for a driver's license, or motorized 84366  
bicycle license, or for renewal of such a license, received by the 84367  
deputy registrar, when the applicant is not required to submit to 84368  
a screening of the applicant's vision under section 4507.12 of the 84369  
Revised Code. 84370

(B) The fees prescribed by division (A) of this section shall 84371  
be in addition to the fee for a temporary instruction permit and 84372

examination, a driver's license, a motorized bicycle license, or 84373  
duplicates thereof. The fees retained by a deputy registrar shall 84374  
compensate the deputy registrar for the deputy registrar's 84375  
services, for office and rental expense, and for costs as provided 84376  
in division (D) of this section, as are necessary for the proper 84377  
discharge of the deputy registrar's duties under sections 4507.01 84378  
to 4507.39 of the Revised Code. 84379

(C) A disabled veteran who has a service-connected disability 84380  
rated at one hundred per cent by the veterans' administration is 84381  
required to pay the applicable fee prescribed in division (A) of 84382  
this section if the disabled veteran submits an application for a 84383  
driver's license or motorized bicycle license or a renewal of 84384  
either of these licenses to a deputy registrar who is acting as a 84385  
deputy registrar pursuant to a contract with the registrar that is 84386  
in effect on the effective date of this amendment. The disabled 84387  
veteran also is required to submit with the disabled veteran's 84388  
application such documentary evidence of disability as the 84389  
registrar may require by rule. 84390

A disabled veteran who submits an application described in 84391  
this division is not required to pay either of the fees prescribed 84392  
in division (A) of this section if the disabled veteran submits 84393  
the application to a deputy registrar who is acting as a deputy 84394  
registrar pursuant to a contract with the registrar that is 84395  
executed after the effective date of this amendment. The disabled 84396  
veteran still is required to submit with the disabled veteran's 84397  
application such documentary evidence of disability as the 84398  
registrar may require by rule. 84399

A disabled veteran who submits an application described in 84400  
this division directly to the registrar is not required to pay 84401  
either of the fees prescribed in division (A) of this section if 84402  
the disabled veteran submits with the disabled veteran's 84403  
application such documentary evidence of disability as the 84404

registrar may require by rule. 84405

(D)(1) Each deputy registrar shall transmit to the registrar 84406  
of motor vehicles, at such time and in such manner as the 84407  
registrar shall require by rule, an amount of each fee collected 84408  
under division (A)(1) of this section as shall be determined by 84409  
the registrar. The registrar shall pay all such moneys so received 84410  
into the state bureau of motor vehicles fund created in section 84411  
4501.25 of the Revised Code. 84412

(2) Commencing on October 1, 2009, each deputy registrar 84413  
shall transmit one dollar and seventy-five cents of each fee 84414  
collected under division (A)(1) of this section to the registrar 84415  
at the time and in the manner provided by section 4503.10 of the 84416  
Revised Code. The registrar shall deposit all moneys received 84417  
under division (D)(2) of this section into the state highway 84418  
safety fund established in section 4501.06 of the Revised Code. 84419

**Sec. 4507.45.** If a person's driver's license, commercial 84420  
driver's license, or nonresident operating privilege is suspended, 84421  
disqualified, or canceled for an indefinite period of time or for 84422  
a period of at least ninety days, and if at the end of the period 84423  
of suspension, disqualification, or cancellation the person is 84424  
eligible to have the license or privilege reinstated, the 84425  
registrar of motor vehicles shall collect a reinstatement fee of 84426  
thirty forty dollars when the person requests reinstatement. 84427  
However, the registrar shall not collect the fee prescribed by 84428  
this section if a different driver's license, commercial driver's 84429  
license, or nonresident operating privilege reinstatement fee is 84430  
prescribed by law. 84431

The registrar shall deposit ten dollars of each forty-dollar 84432  
fee into the state treasury to the credit of the indigent defense 84433  
support fund created by section 120.08 of the Revised Code and 84434  
thirty dollars of each fee into the state treasury to the credit 84435



of the state bureau of motor vehicles fund created by section 84436  
4501.25 of the Revised Code. 84437

**Sec. 4509.101.** (A)(1) No person shall operate, or permit the 84438  
operation of, a motor vehicle in this state, unless proof of 84439  
financial responsibility is maintained continuously throughout the 84440  
registration period with respect to that vehicle, or, in the case 84441  
of a driver who is not the owner, with respect to that driver's 84442  
operation of that vehicle. 84443

(2) Whoever violates division (A)(1) of this section shall be 84444  
subject to the following civil penalties: 84445

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 84446  
class E suspension of the person's driver's license, commercial 84447  
driver's license, temporary instruction permit, probationary 84448  
license, or nonresident operating privilege for the period of time 84449  
specified in division (B)(5) of section 4510.02 of the Revised 84450  
Code and impoundment of the person's license. The court may grant 84451  
limited driving privileges to the person only if the person 84452  
presents proof of financial responsibility and has complied with 84453  
division (A)(5) of this section. 84454

(b) If, within five years of the violation, the person's 84455  
operating privileges are again suspended and the person's license 84456  
again is impounded for a violation of division (A)(1) of this 84457  
section, a class C suspension of the person's driver's license, 84458  
commercial driver's license, temporary instruction permit, 84459  
probationary license, or nonresident operating privilege for the 84460  
period of time specified in division (B)(3) of section 4510.02 of 84461  
the Revised Code. The court may grant limited driving privileges 84462  
to the person only if the person presents proof of financial 84463  
responsibility and has complied with division (A)(5) of this 84464  
section, and no court may grant limited driving privileges for the 84465  
first fifteen days of the suspension. 84466

(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. No court may grant limited driving privileges during the suspension.

(d) In addition to the suspension of an owner's license under division (A)(2)(a), (b), or (c) of this section, the suspension of the rights of the owner to register the motor vehicle and the impoundment of the owner's certificate of registration and license plates until the owner complies with division (A)(5) of this section.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under any of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(c) Whenever, in accordance with rules adopted by the registrar, the person is randomly selected by the registrar and requested to provide such verification.

(4) An order of the registrar that suspends and impounds a license or registration, or both, shall state the date on or before which the person is required to surrender the person's license or certificate of registration and license plates. The person is deemed to have surrendered the license or certificate of registration and license plates, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, personally delivers the license or certificate of registration and license plates, or causes the delivery of the items, to the registrar;

(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order.

(5) Except as provided in division (A)(6) or (L) of this section, the registrar shall not restore any operating privileges or registration rights suspended under this section, return any license, certificate of registration, or license plates impounded under this section, or reissue license plates under section 4503.232 of the Revised Code, if the registrar destroyed the impounded license plates under that section, or reissue a license under section 4510.52 of the Revised Code, if the registrar destroyed the suspended license under that section, unless the rights are not subject to suspension or revocation under any other law and unless the person, in addition to complying with all other conditions required by law for reinstatement of the operating privileges or registration rights, complies with all of the following:

(a) Pays a financial responsibility reinstatement fee of 84529  
~~seventy five~~ one hundred dollars for the first violation of 84530  
division (A)(1) of this section, ~~two~~ three hundred ~~fifty~~ dollars 84531  
for a second violation of that division, and ~~five~~ six hundred 84532  
dollars for a third or subsequent violation of that division; 84533

(b) If the person has not voluntarily surrendered the 84534  
license, certificate, or license plates in compliance with the 84535  
order, pays a financial responsibility nonvoluntary compliance fee 84536  
in an amount, not to exceed fifty dollars, determined by the 84537  
registrar; 84538

(c) Files and continuously maintains proof of financial 84539  
responsibility under sections 4509.44 to 4509.65 of the Revised 84540  
Code. 84541

(6) If the registrar issues an order under division (A)(2) of 84542  
this section resulting from the failure of a person to respond to 84543  
a financial responsibility random verification request under 84544  
division (A)(3)(c) of this section and the person successfully 84545  
maintains an affirmative defense to a violation of section 4510.16 84546  
of the Revised Code or is determined by the registrar or a deputy 84547  
registrar to have been in compliance with division (A)(1) of this 84548  
section at the time of the initial financial responsibility random 84549  
verification request, the registrar shall do both of the 84550  
following: 84551

(a) Terminate the order of suspension or impoundment; 84552

(b) Restore the operating privileges and registration rights 84553  
of the person without payment of the fees established in divisions 84554  
(A)(5)(a) and (b) of this section and without a requirement to 84555  
file proof of financial responsibility. 84556

(B)(1) Every party required to file an accident report under 84557  
section 4509.06 of the Revised Code also shall include with the 84558  
report a document described in division (G)(1) of this section. 84559

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose certificate of registration and license plates have been impounded or are under an order of impoundment, or whose license has been suspended or is under an order of suspension; the serial number of the person's license; the serial numbers of the person's certificate of registration and license plates; and the person's social security account number, if assigned, or, where the motor vehicle is used for hire or principally in connection with any established business, the person's federal taxpayer identification number. The information shall be recorded in such a manner that it becomes a part of the person's permanent record, and assists the registrar in monitoring compliance with the orders of suspension or impoundment.

(d) Send written notification to every person to whom the order pertains, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of this section, any certificate of registration and registration plates under an order of impoundment, or any license under an order of suspension.

(2) The registrar shall issue any order under division (B)(1) 84592  
of this section without a hearing. Any person adversely affected 84593  
by the order, within ten days after the issuance of the order, may 84594  
request an administrative hearing before the registrar, who shall 84595  
provide the person with an opportunity for a hearing in accordance 84596  
with this paragraph. A request for a hearing does not operate as a 84597  
suspension of the order. The scope of the hearing shall be limited 84598  
to whether the person in fact demonstrated to the registrar proof 84599  
of financial responsibility in accordance with this section. The 84600  
registrar shall determine the date, time, and place of any 84601  
hearing, provided that the hearing shall be held, and an order 84602  
issued or findings made, within thirty days after the registrar 84603  
receives a request for a hearing. If requested by the person in 84604  
writing, the registrar may designate as the place of hearing the 84605  
county seat of the county in which the person resides or a place 84606  
within fifty miles of the person's residence. The person shall pay 84607  
the cost of the hearing before the registrar, if the registrar's 84608  
order of suspension or impoundment is upheld. 84609

(C) Any order of suspension or impoundment issued under this 84610  
section or division (B) of section 4509.37 of the Revised Code may 84611  
be terminated at any time if the registrar determines upon a 84612  
showing of proof of financial responsibility that the operator or 84613  
owner of the motor vehicle was in compliance with division (A)(1) 84614  
of this section at the time of the traffic offense, motor vehicle 84615  
inspection, or accident that resulted in the order against the 84616  
person. A determination may be made without a hearing. This 84617  
division does not apply unless the person shows good cause for the 84618  
person's failure to present satisfactory proof of financial 84619  
responsibility to the registrar prior to the issuance of the 84620  
order. 84621

(D)(1) For the purpose of enforcing this section, every peace 84622  
officer is deemed an agent of the registrar. 84623

(a) Except as provided in division (D)(1)(b) of this section, 84624  
any peace officer who, in the performance of the peace officer's 84625  
duties as authorized by law, becomes aware of a person whose 84626  
license is under an order of suspension, or whose certificate of 84627  
registration and license plates are under an order of impoundment, 84628  
pursuant to this section, may confiscate the license, certificate 84629  
of registration, and license plates, and return them to the 84630  
registrar. 84631

(b) Any peace officer who, in the performance of the peace 84632  
officer's duties as authorized by law, becomes aware of a person 84633  
whose license is under an order of suspension, or whose 84634  
certificate of registration and license plates are under an order 84635  
of impoundment resulting from failure to respond to a financial 84636  
responsibility random verification, shall not, for that reason, 84637  
arrest the owner or operator or seize the vehicle or license 84638  
plates. Instead, the peace officer shall issue a citation for a 84639  
violation of section 4510.16 of the Revised Code specifying the 84640  
circumstances as failure to respond to a financial responsibility 84641  
random verification. 84642

(2) A peace officer shall request the owner or operator of a 84643  
motor vehicle to produce proof of financial responsibility in a 84644  
manner described in division (G) of this section at the time the 84645  
peace officer acts to enforce the traffic laws of this state and 84646  
during motor vehicle inspections conducted pursuant to section 84647  
4513.02 of the Revised Code. 84648

(3) A peace officer shall indicate on every traffic ticket 84649  
whether the person receiving the traffic ticket produced proof of 84650  
the maintenance of financial responsibility in response to the 84651  
officer's request under division (D)(2) of this section. The peace 84652  
officer shall inform every person who receives a traffic ticket 84653  
and who has failed to produce proof of the maintenance of 84654  
financial responsibility that the person must submit proof to the 84655

traffic violations bureau with any payment of a fine and costs for 84656  
the ticketed violation or, if the person is to appear in court for 84657  
the violation, the person must submit proof to the court. 84658

(4)(a) If a person who has failed to produce proof of the 84659  
maintenance of financial responsibility appears in court for a 84660  
ticketed violation, the court may permit the defendant to present 84661  
evidence of proof of financial responsibility to the court at such 84662  
time and in such manner as the court determines to be necessary or 84663  
appropriate. In a manner prescribed by the registrar, the clerk of 84664  
courts shall provide the registrar with the identity of any person 84665  
who fails to submit proof of the maintenance of financial 84666  
responsibility pursuant to division (D)(3) of this section. 84667

(b) If a person who has failed to produce proof of the 84668  
maintenance of financial responsibility also fails to submit that 84669  
proof to the traffic violations bureau with payment of a fine and 84670  
costs for the ticketed violation, the traffic violations bureau, 84671  
in a manner prescribed by the registrar, shall notify the 84672  
registrar of the identity of that person. 84673

(5)(a) Upon receiving notice from a clerk of courts or 84674  
traffic violations bureau pursuant to division (D)(4) of this 84675  
section, the registrar shall order the suspension of the license 84676  
of the person required under division (A)(2)(a), (b), or (c) of 84677  
this section and the impoundment of the person's certificate of 84678  
registration and license plates required under division (A)(2)(d) 84679  
of this section, effective thirty days after the date of the 84680  
mailing of notification. The registrar also shall notify the 84681  
person that the person must present the registrar with proof of 84682  
financial responsibility in accordance with this section, 84683  
surrender to the registrar the person's certificate of 84684  
registration, license plates, and license, or submit a statement 84685  
subject to section 2921.13 of the Revised Code that the person did 84686  
not operate or permit the operation of the motor vehicle at the 84687



time of the offense. Notification shall be in writing and shall be 84688  
sent to the person at the person's last known address as shown on 84689  
the records of the bureau of motor vehicles. The person, within 84690  
fifteen days after the date of the mailing of notification, shall 84691  
present proof of financial responsibility, surrender the 84692  
certificate of registration, license plates, and license to the 84693  
registrar in a manner set forth in division (A)(4) of this 84694  
section, or submit the statement required under this section 84695  
together with other information the person considers appropriate. 84696

If the registrar does not receive proof or the person does 84697  
not surrender the certificate of registration, license plates, and 84698  
license, in accordance with this division, the registrar shall 84699  
permit the order for the suspension of the license of the person 84700  
and the impoundment of the person's certificate of registration 84701  
and license plates to take effect. 84702

(b) In the case of a person who presents, within the 84703  
fifteen-day period, documents to show proof of financial 84704  
responsibility, the registrar shall terminate the order of 84705  
suspension and the impoundment of the registration and license 84706  
plates required under division (A)(2)(d) of this section and shall 84707  
send written notification to the person, at the person's last 84708  
known address as shown on the records of the bureau. 84709

(c) Any person adversely affected by the order of the 84710  
registrar under division (D)(5)(a) or (b) of this section, within 84711  
ten days after the issuance of the order, may request an 84712  
administrative hearing before the registrar, who shall provide the 84713  
person with an opportunity for a hearing in accordance with this 84714  
paragraph. A request for a hearing does not operate as a 84715  
suspension of the order. The scope of the hearing shall be limited 84716  
to whether, at the time of the hearing, the person presents proof 84717  
of financial responsibility covering the vehicle and whether the 84718  
person is eligible for an exemption in accordance with this 84719

section or any rule adopted under it. The registrar shall 84720  
determine the date, time, and place of any hearing; provided, that 84721  
the hearing shall be held, and an order issued or findings made, 84722  
within thirty days after the registrar receives a request for a 84723  
hearing. If requested by the person in writing, the registrar may 84724  
designate as the place of hearing the county seat of the county in 84725  
which the person resides or a place within fifty miles of the 84726  
person's residence. Such person shall pay the cost of the hearing 84727  
before the registrar, if the registrar's order of suspension or 84728  
impoundment under division (D)(5)(a) or (b) of this section is 84729  
upheld. 84730

(6) A peace officer may charge an owner or operator of a 84731  
motor vehicle with a violation of section 4510.16 of the Revised 84732  
Code when the owner or operator fails to show proof of the 84733  
maintenance of financial responsibility pursuant to a peace 84734  
officer's request under division (D)(2) of this section, if a 84735  
check of the owner or operator's driving record indicates that the 84736  
owner or operator, at the time of the operation of the motor 84737  
vehicle, is required to file and maintain proof of financial 84738  
responsibility under section 4509.45 of the Revised Code for a 84739  
previous violation of this chapter. 84740

(7) Any forms used by law enforcement agencies in 84741  
administering this section shall be prescribed, supplied, and paid 84742  
for by the registrar. 84743

(8) No peace officer, law enforcement agency employing a 84744  
peace officer, or political subdivision or governmental agency 84745  
that employs a peace officer shall be liable in a civil action for 84746  
damages or loss to persons arising out of the performance of any 84747  
duty required or authorized by this section. 84748

(9) As used in this division and divisions (E) and (G) of 84749  
this section, "peace officer" has the meaning set forth in section 84750  
2935.01 of the Revised Code. 84751

(E) All fees, except court costs and those portions of the 84752  
financial responsibility reinstatement fees as otherwise specified 84753  
in this division, collected under this section shall be paid into 84754  
the state treasury to the credit of the financial responsibility 84755  
compliance fund. The financial responsibility compliance fund 84756  
shall be used exclusively to cover costs incurred by the bureau in 84757  
the administration of this section and sections 4503.20, 4507.212, 84758  
and 4509.81 of the Revised Code, and by any law enforcement agency 84759  
employing any peace officer who returns any license, certificate 84760  
of registration, and license plates to the registrar pursuant to 84761  
division (C) of this section, except that the director of budget 84762  
and management may transfer excess money from the financial 84763  
responsibility compliance fund to the state bureau of motor 84764  
vehicles fund if the registrar determines that the amount of money 84765  
in the financial responsibility compliance fund exceeds the amount 84766  
required to cover such costs incurred by the bureau or a law 84767  
enforcement agency and requests the director to make the transfer. 84768

Of each financial responsibility reinstatement fee the 84769  
registrar collects pursuant to division (A)(5)(a) of this section, 84770  
the registrar shall deposit twenty-five dollars of each 84771  
one-hundred-dollar reinstatement fee, fifty dollars of each 84772  
three-hundred-dollar reinstatement fee, and one hundred dollars of 84773  
each six-hundred-dollar reinstatement fee into the state treasury 84774  
to the credit of the indigent defense support fund created by 84775  
section 120.08 of the Revised Code. 84776

All investment earnings of the financial responsibility 84777  
compliance fund shall be credited to the fund. 84778

(F) Chapter 119. of the Revised Code applies to this section 84779  
only to the extent that any provision in that chapter is not 84780  
clearly inconsistent with this section. 84781

(G)(1) The registrar, court, traffic violations bureau, or 84782  
peace officer may require proof of financial responsibility to be 84783

demonstrated by use of a standard form prescribed by the registrar. If the use of a standard form is not required, a person may demonstrate proof of financial responsibility under this section by presenting to the traffic violations bureau, court, registrar, or peace officer any of the following documents or a copy of the documents:

(a) A financial responsibility identification card as provided in section 4509.103 of the Revised Code;

(b) A certificate of proof of financial responsibility on a form provided and approved by the registrar for the filing of an accident report required to be filed under section 4509.06 of the Revised Code;

(c) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond complies with section 4509.20 or sections 4509.49 to 4509.61 of the Revised Code;

(d) A bond or certification of the issuance of a bond as provided in section 4509.59 of the Revised Code;

(e) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;

(f) A certificate of self-insurance as provided in section 4509.72 of the Revised Code.

(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.

(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate

proof of financial responsibility by providing a statement 84814  
designating the motor carrier's operating authority and averring 84815  
that the insurance coverage required by the certificating 84816  
authority is in full force and effect. 84817

(4)(a) A finding by the registrar or court that a person is 84818  
covered by proof of financial responsibility in the form of an 84819  
insurance policy or surety bond is not binding upon the named 84820  
insurer or surety or any of its officers, employees, agents, or 84821  
representatives and has no legal effect except for the purpose of 84822  
administering this section. 84823

(b) The preparation and delivery of a financial 84824  
responsibility identification card or any other document 84825  
authorized to be used as proof of financial responsibility under 84826  
this division does not do any of the following: 84827

(i) Create any liability or estoppel against an insurer or 84828  
surety, or any of its officers, employees, agents, or 84829  
representatives; 84830

(ii) Constitute an admission of the existence of, or of any 84831  
liability or coverage under, any policy or bond; 84832

(iii) Waive any defenses or counterclaims available to an 84833  
insurer, surety, agent, employee, or representative in an action 84834  
commenced by an insured or third-party claimant upon a cause of 84835  
action alleged to have arisen under an insurance policy or surety 84836  
bond or by reason of the preparation and delivery of a document 84837  
for use as proof of financial responsibility. 84838

(c) Whenever it is determined by a final judgment in a 84839  
judicial proceeding that an insurer or surety, which has been 84840  
named on a document accepted by a court or the registrar as proof 84841  
of financial responsibility covering the operation of a motor 84842  
vehicle at the time of an accident or offense, is not liable to 84843  
pay a judgment for injuries or damages resulting from such 84844

operation, the registrar, notwithstanding any previous contrary 84845  
finding, shall forthwith suspend the operating privileges and 84846  
registration rights of the person against whom the judgment was 84847  
rendered as provided in division (A)(2) of this section. 84848

(H) In order for any document described in division (G)(1)(b) 84849  
of this section to be used for the demonstration of proof of 84850  
financial responsibility under this section, the document shall 84851  
state the name of the insured or obligor, the name of the insurer 84852  
or surety company, and the effective and expiration dates of the 84853  
financial responsibility, and designate by explicit description or 84854  
by appropriate reference all motor vehicles covered which may 84855  
include a reference to fleet insurance coverage. 84856

(I) For purposes of this section, "owner" does not include a 84857  
licensed motor vehicle leasing dealer as defined in section 84858  
4517.01 of the Revised Code, but does include a motor vehicle 84859  
renting dealer as defined in section 4549.65 of the Revised Code. 84860  
Nothing in this section or in section 4509.51 of the Revised Code 84861  
shall be construed to prohibit a motor vehicle renting dealer from 84862  
entering into a contractual agreement with a person whereby the 84863  
person renting the motor vehicle agrees to be solely responsible 84864  
for maintaining proof of financial responsibility, in accordance 84865  
with this section, with respect to the operation, maintenance, or 84866  
use of the motor vehicle during the period of the motor vehicle's 84867  
rental. 84868

(J) The purpose of this section is to require the maintenance 84869  
of proof of financial responsibility with respect to the operation 84870  
of motor vehicles on the highways of this state, so as to minimize 84871  
those situations in which persons are not compensated for injuries 84872  
and damages sustained in motor vehicle accidents. The general 84873  
assembly finds that this section contains reasonable civil 84874  
penalties and procedures for achieving this purpose. 84875

(K) Nothing in this section shall be construed to be subject 84876

to section 4509.78 of the Revised Code. 84877

(L)(1) The registrar may terminate any suspension imposed 84878  
under this section and not require the owner to comply with 84879  
divisions (A)(5)(a), (b), and (c) of this section if the registrar 84880  
with or without a hearing determines that the owner of the vehicle 84881  
has established by clear and convincing evidence that all of the 84882  
following apply: 84883

(a) The owner customarily maintains proof of financial 84884  
responsibility. 84885

(b) Proof of financial responsibility was not in effect for 84886  
the vehicle on the date in question for one of the following 84887  
reasons: 84888

(i) The vehicle was inoperable. 84889

(ii) The vehicle is operated only seasonally, and the date in 84890  
question was outside the season of operation. 84891

(iii) A person other than the vehicle owner or driver was at 84892  
fault for the lapse of proof of financial responsibility through 84893  
no fault of the owner or driver. 84894

(iv) The lapse of proof of financial responsibility was 84895  
caused by excusable neglect under circumstances that are not 84896  
likely to recur and do not suggest a purpose to evade the 84897  
requirements of this chapter. 84898

(2) The registrar may grant an owner or driver relief for a 84899  
reason specified in division (L)(1)(b)(i) or (ii) of this section 84900  
whenever the owner or driver is randomly selected to verify the 84901  
existence of proof of financial responsibility for such a vehicle. 84902  
However, the registrar may grant an owner or driver relief for a 84903  
reason specified in division (L)(1)(b)(iii) or (iv) of this 84904  
section only if the owner or driver has not previously been 84905  
granted relief under division (L)(1)(b)(iii) or (iv) of this 84906

section. 84907

(M) The registrar shall adopt rules in accordance with 84908  
Chapter 119. of the Revised Code that are necessary to administer 84909  
and enforce this section. The rules shall include procedures for 84910  
the surrender of license plates upon failure to maintain proof of 84911  
financial responsibility and provisions relating to reinstatement 84912  
of registration rights, acceptable forms of proof of financial 84913  
responsibility, and verification of the existence of financial 84914  
responsibility during the period of registration. 84915

**Sec. 4510.22.** (A) If a person who has a current valid Ohio 84916  
driver's, commercial driver's license, or temporary instruction 84917  
permit is charged with a violation of any provision in sections 84918  
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 84919  
4549.65 of the Revised Code that is classified as a misdemeanor of 84920  
the first, second, third, or fourth degree or with a violation of 84921  
any substantially equivalent municipal ordinance and if the person 84922  
either fails to appear in court at the required time and place to 84923  
answer the charge or pleads guilty to or is found guilty of the 84924  
violation and fails within the time allowed by the court to pay 84925  
the fine imposed by the court, the court shall declare the 84926  
forfeiture of the person's license. Thirty days after the 84927  
declaration of forfeiture, the court shall inform the registrar of 84928  
motor vehicles of the forfeiture by entering information relative 84929  
to the of forfeiture on a form approved and furnished by the 84930  
registrar and sending the form to the registrar. The court also 84931  
shall forward the person's license, if it is in the possession of 84932  
the court, to the registrar. 84933

The registrar shall impose a class F suspension of the 84934  
person's driver's or commercial driver's license, or temporary 84935  
instruction permit for the period of time specified in division 84936  
(B)(6) of section 4510.02 of the Revised Code on any person who is 84937



named in a declaration received by the registrar under this 84938  
section. The registrar shall send written notification of the 84939  
suspension to the person at the person's last known address and, 84940  
if the person is in possession of the license, order the person to 84941  
surrender the person's license or permit to the registrar within 84942  
forty-eight hours. 84943

No valid driver's or commercial driver's license shall be 84944  
granted to the person after the suspension, unless the court 84945  
having jurisdiction of the offense that led to the suspension 84946  
orders that the forfeiture be terminated. The court shall order 84947  
the termination of the forfeiture if the person thereafter appears 84948  
to answer the charge and pays any fine imposed by the court or 84949  
pays the fine originally imposed by the court. The court shall 84950  
inform the registrar of the termination of the forfeiture by 84951  
entering information relative to the termination on a form 84952  
approved and furnished by the registrar and sending the form to 84953  
the registrar. The person shall pay to the bureau of motor 84954  
vehicles a ~~fifteen-dollar~~ twenty-five-dollar reinstatement fee ~~to~~ 84955  
~~cover the costs of the bureau in administering this section.~~ The 84956  
registrar shall deposit fifteen dollars of the fee into the state 84957  
treasury to the credit of the state bureau of motor vehicles fund 84958  
created by section 4501.25 of the Revised Code to cover the costs 84959  
of the bureau in administering this section and shall deposit ten 84960  
dollars of the fee into the state treasury to the credit of the 84961  
indigent defense support fund created by section 120.08 of the 84962  
Revised Code. 84963

(B) In addition to suspending the driver's or commercial 84964  
driver's license or permit of the person named in a declaration of 84965  
forfeiture, the registrar, upon receipt from the court of the copy 84966  
of the declaration of forfeiture, shall take any measures that may 84967  
be necessary to ensure that neither the registrar nor any deputy 84968  
registrar accepts any application for the registration or transfer 84969

of registration of any motor vehicle owned or leased by the person 84970  
named in the declaration of forfeiture. However, for a motor 84971  
vehicle leased by a person named in a declaration of forfeiture, 84972  
the registrar shall not implement the preceding sentence until the 84973  
registrar adopts procedures for that implementation under section 84974  
4503.39 of the Revised Code. The period of denial of registration 84975  
or transfer shall continue until such time as the court having 84976  
jurisdiction of the offense that led to the suspension orders the 84977  
forfeiture be terminated. Upon receipt by the registrar of an 84978  
order terminating the forfeiture, the registrar also shall take 84979  
any measures that may be necessary to permit the person to 84980  
register a motor vehicle owned or leased by the person or to 84981  
transfer the registration of such a motor vehicle, if the person 84982  
later makes application to take such action and otherwise is 84983  
eligible to register the motor vehicle or to transfer its 84984  
registration. 84985

The registrar shall not be required to give effect to any 84986  
declaration of forfeiture or order terminating a forfeiture 84987  
provided by a court under this section unless the information 84988  
contained in the declaration or order is transmitted to the 84989  
registrar by means of an electronic transfer system. The registrar 84990  
shall not restore the person's driving or vehicle registration 84991  
privileges until the person pays the reinstatement fee as provided 84992  
in this section. 84993

The period of denial relating to the issuance or transfer of 84994  
a certificate of registration for a motor vehicle imposed pursuant 84995  
to this division remains in effect until the person pays any fine 84996  
imposed by the court relative to the offense. 84997

**Sec. 4511.191.** (A)(1) As used in this section: 84998

(a) "Physical control" has the same meaning as in section 84999  
4511.194 of the Revised Code. 85000

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall

be deemed to have consented as provided in division (A)(2) of this 85033  
section, and the test or tests may be administered, subject to 85034  
sections 313.12 to 313.16 of the Revised Code. 85035

(5)(a) If a law enforcement officer arrests a person for a 85036  
violation of division (A) or (B) of section 4511.19 of the Revised 85037  
Code, section 4511.194 of the Revised Code or a substantially 85038  
equivalent municipal ordinance, or a municipal OVI ordinance and 85039  
if the person if convicted would be required to be sentenced under 85040  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 85041  
Code, the law enforcement officer shall request the person to 85042  
submit, and the person shall submit, to a chemical test or tests 85043  
of the person's whole blood, blood serum or plasma, breath, or 85044  
urine for the purpose of determining the alcohol, drug of abuse, 85045  
controlled substance, metabolite of a controlled substance, or 85046  
combination content of the person's whole blood, blood serum or 85047  
plasma, breath, or urine. A law enforcement officer who makes a 85048  
request pursuant to this division that a person submit to a 85049  
chemical test or tests is not required to advise the person of the 85050  
consequences of submitting to, or refusing to submit to, the test 85051  
or tests and is not required to give the person the form described 85052  
in division (B) of section 4511.192 of the Revised Code, but the 85053  
officer shall advise the person at the time of the arrest that if 85054  
the person refuses to take a chemical test the officer may employ 85055  
whatever reasonable means are necessary to ensure that the person 85056  
submits to a chemical test of the person's whole blood or blood 85057  
serum or plasma. The officer shall also advise the person at the 85058  
time of the arrest that the person may have an independent 85059  
chemical test taken at the person's own expense. Divisions (A)(3) 85060  
and (4) of this section apply to the administration of a chemical 85061  
test or tests pursuant to this division. 85062

85063

(b) If a person refuses to submit to a chemical test upon a 85064

request made pursuant to division (A)(5)(a) of this section, the 85065  
law enforcement officer who made the request may employ whatever 85066  
reasonable means are necessary to ensure that the person submits 85067  
to a chemical test of the person's whole blood or blood serum or 85068  
plasma. A law enforcement officer who acts pursuant to this 85069  
division to ensure that a person submits to a chemical test of the 85070  
person's whole blood or blood serum or plasma is immune from 85071  
criminal and civil liability based upon a claim for assault and 85072  
battery or any other claim for the acts, unless the officer so 85073  
acted with malicious purpose, in bad faith, or in a wanton or 85074  
reckless manner. 85075

(B)(1) Upon receipt of the sworn report of a law enforcement 85076  
officer who arrested a person for a violation of division (A) or 85077  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 85078  
the Revised Code or a substantially equivalent municipal 85079  
ordinance, or a municipal OVI ordinance that was completed and 85080  
sent to the registrar and a court pursuant to section 4511.192 of 85081  
the Revised Code in regard to a person who refused to take the 85082  
designated chemical test, the registrar shall enter into the 85083  
registrar's records the fact that the person's driver's or 85084  
commercial driver's license or permit or nonresident operating 85085  
privilege was suspended by the arresting officer under this 85086  
division and that section and the period of the suspension, as 85087  
determined under this section. The suspension shall be subject to 85088  
appeal as provided in section 4511.197 of the Revised Code. The 85089  
suspension shall be for whichever of the following periods 85090  
applies: 85091

(a) Except when division (B)(1)(b), (c), or (d) of this 85092  
section applies and specifies a different class or length of 85093  
suspension, the suspension shall be a class C suspension for the 85094  
period of time specified in division (B)(3) of section 4510.02 of 85095  
the Revised Code. 85096

(b) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test, had been convicted of or pleaded guilty to two violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused one previous request to consent to a chemical test and also had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, which violation or offense arose from an incident other than the incident that led to the refusal, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(d) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test, had been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall

be for five years. 85129

(2) The registrar shall terminate a suspension of the 85130  
driver's or commercial driver's license or permit of a resident or 85131  
of the operating privilege of a nonresident, or a denial of a 85132  
driver's or commercial driver's license or permit, imposed 85133  
pursuant to division (B)(1) of this section upon receipt of notice 85134  
that the person has entered a plea of guilty to, or that the 85135  
person has been convicted after entering a plea of no contest to, 85136  
operating a vehicle in violation of section 4511.19 of the Revised 85137  
Code or in violation of a municipal OVI ordinance, if the offense 85138  
for which the conviction is had or the plea is entered arose from 85139  
the same incident that led to the suspension or denial. 85140

The registrar shall credit against any judicial suspension of 85141  
a person's driver's or commercial driver's license or permit or 85142  
nonresident operating privilege imposed pursuant to section 85143  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 85144  
Revised Code for a violation of a municipal OVI ordinance, any 85145  
time during which the person serves a related suspension imposed 85146  
pursuant to division (B)(1) of this section. 85147

(C)(1) Upon receipt of the sworn report of the law 85148  
enforcement officer who arrested a person for a violation of 85149  
division (A) or (B) of section 4511.19 of the Revised Code or a 85150  
municipal OVI ordinance that was completed and sent to the 85151  
registrar and a court pursuant to section 4511.192 of the Revised 85152  
Code in regard to a person whose test results indicate that the 85153  
person's whole blood, blood serum or plasma, breath, or urine 85154  
contained at least the concentration of alcohol specified in 85155  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 85156  
Revised Code or at least the concentration of a listed controlled 85157  
substance or a listed metabolite of a controlled substance 85158  
specified in division (A)(1)(j) of section 4511.19 of the Revised 85159  
Code, the registrar shall enter into the registrar's records the 85160

fact that the person's driver's or commercial driver's license or 85161  
permit or nonresident operating privilege was suspended by the 85162  
arresting officer under this division and section 4511.192 of the 85163  
Revised Code and the period of the suspension, as determined under 85164  
divisions (C)(1)(a) to (d) of this section. The suspension shall 85165  
be subject to appeal as provided in section 4511.197 of the 85166  
Revised Code. The suspension described in this division does not 85167  
apply to, and shall not be imposed upon, a person arrested for a 85168  
violation of section 4511.194 of the Revised Code or a 85169  
substantially equivalent municipal ordinance who submits to a 85170  
designated chemical test. The suspension shall be for whichever of 85171  
the following periods applies: 85172

(a) Except when division (C)(1)(b), (c), or (d) of this 85173  
section applies and specifies a different period, the suspension 85174  
shall be a class E suspension imposed for the period of time 85175  
specified in division (B)(5) of section 4510.02 of the Revised 85176  
Code. 85177

(b) The suspension shall be a class C suspension for the 85178  
period of time specified in division (B)(3) of section 4510.02 of 85179  
the Revised Code if the person has been convicted of or pleaded 85180  
guilty to, within six years of the date the test was conducted, 85181  
one violation of division (A) or (B) of section 4511.19 of the 85182  
Revised Code or one other equivalent offense. 85183

(c) If, within six years of the date the test was conducted, 85184  
the person has been convicted of or pleaded guilty to two 85185  
violations of a statute or ordinance described in division 85186  
(C)(1)(b) of this section, the suspension shall be a class B 85187  
suspension imposed for the period of time specified in division 85188  
(B)(2) of section 4510.02 of the Revised Code. 85189

(d) If, within six years of the date the test was conducted, 85190  
the person has been convicted of or pleaded guilty to more than 85191  
two violations of a statute or ordinance described in division 85192



(C)(1)(b) of this section, the suspension shall be a class A 85193  
suspension imposed for the period of time specified in division 85194  
(B)(1) of section 4510.02 of the Revised Code. 85195

(2) The registrar shall terminate a suspension of the 85196  
driver's or commercial driver's license or permit of a resident or 85197  
of the operating privilege of a nonresident, or a denial of a 85198  
driver's or commercial driver's license or permit, imposed 85199  
pursuant to division (C)(1) of this section upon receipt of notice 85200  
that the person has entered a plea of guilty to, or that the 85201  
person has been convicted after entering a plea of no contest to, 85202  
operating a vehicle in violation of section 4511.19 of the Revised 85203  
Code or in violation of a municipal OVI ordinance, if the offense 85204  
for which the conviction is had or the plea is entered arose from 85205  
the same incident that led to the suspension or denial. 85206

The registrar shall credit against any judicial suspension of 85207  
a person's driver's or commercial driver's license or permit or 85208  
nonresident operating privilege imposed pursuant to section 85209  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 85210  
Revised Code for a violation of a municipal OVI ordinance, any 85211  
time during which the person serves a related suspension imposed 85212  
pursuant to division (C)(1) of this section. 85213

(D)(1) A suspension of a person's driver's or commercial 85214  
driver's license or permit or nonresident operating privilege 85215  
under this section for the time described in division (B) or (C) 85216  
of this section is effective immediately from the time at which 85217  
the arresting officer serves the notice of suspension upon the 85218  
arrested person. Any subsequent finding that the person is not 85219  
guilty of the charge that resulted in the person being requested 85220  
to take the chemical test or tests under division (A) of this 85221  
section does not affect the suspension. 85222

(2) If a person is arrested for operating a vehicle, 85223  
streetcar, or trackless trolley in violation of division (A) or 85224

(B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions (F)(1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that

meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the bureau of motor vehicles of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. The fund shall be used to pay the costs of driver treatment and intervention programs operated pursuant to sections 3793.02 and 3793.10 of the Revised Code. The director of alcohol and drug addiction services shall determine the share of the fund that is to be allocated to alcohol and drug addiction programs authorized by section 3793.02 of the Revised Code, and the share of the fund that is to be allocated to drivers' intervention programs authorized by section 3793.10 of the Revised Code.

(b) Seventy-five dollars shall be credited to the reparations fund created by section 2743.191 of the Revised Code.

(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established in the state treasury. Except as otherwise provided in division (F)(2)(c) of this section, moneys in the fund shall be distributed by the department of alcohol and drug addiction services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations

pursuant to division (H) of this section, and shall be used only 85289  
to pay the cost of an alcohol and drug addiction treatment program 85290  
attended by an offender or juvenile traffic offender who is 85291  
ordered to attend an alcohol and drug addiction treatment program 85292  
by a county, juvenile, or municipal court judge and who is 85293  
determined by the county, juvenile, or municipal court judge not 85294  
to have the means to pay for the person's attendance at the 85295  
program or to pay the costs specified in division (H)(4) of this 85296  
section in accordance with that division. In addition, a county, 85297  
juvenile, or municipal court judge may use moneys in the county 85298  
indigent drivers alcohol treatment fund, county juvenile indigent 85299  
drivers alcohol treatment fund, or municipal indigent drivers 85300  
alcohol treatment fund to pay for the cost of the continued use of 85301  
an alcohol monitoring device as described in divisions (H)(3) and 85302  
(4) of this section. Moneys in the fund that are not distributed 85303  
to a county indigent drivers alcohol treatment fund, a county 85304  
juvenile indigent drivers alcohol treatment fund, or a municipal 85305  
indigent drivers alcohol treatment fund under division (H) of this 85306  
section because the director of alcohol and drug addiction 85307  
services does not have the information necessary to identify the 85308  
county or municipal corporation where the offender or juvenile 85309  
offender was arrested may be transferred by the director of budget 85310  
and management to the statewide treatment and prevention fund 85311  
created by section 4301.30 of the Revised Code, upon certification 85312  
of the amount by the director of alcohol and drug addiction 85313  
services. 85314

(d) Seventy-five dollars shall be credited to the Ohio 85315  
rehabilitation services commission established by section 3304.12 85316  
of the Revised Code, to the services for rehabilitation fund, 85317  
which is hereby established. The fund shall be used to match 85318  
available federal matching funds where appropriate, and for any 85319  
other purpose or program of the commission to rehabilitate people 85320  
with disabilities to help them become employed and independent. 85321

(e) Seventy-five dollars shall be deposited into the state treasury and credited to the drug abuse resistance education programs fund, which is hereby established, to be used by the attorney general for the purposes specified in division (F)(4) of this section.

(f) Thirty dollars shall be credited to the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code.

(g) Twenty dollars shall be credited to the trauma and emergency medical services grants fund created by section 4513.263 of the Revised Code.

(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Monies in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's use of the device.

(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in

division (F)(3) of this section, and if the suspensions arise from 85354  
a single incident or a single set of facts and circumstances, the 85355  
person is liable for payment of, and shall be required to pay to 85356  
the bureau, only one reinstatement fee of four hundred twenty-five 85357  
dollars. The reinstatement fee shall be distributed by the bureau 85358  
in accordance with division (F)(2) of this section. 85359

(4) The attorney general shall use amounts in the drug abuse 85360  
resistance education programs fund to award grants to law 85361  
enforcement agencies to establish and implement drug abuse 85362  
resistance education programs in public schools. Grants awarded to 85363  
a law enforcement agency under this section shall be used by the 85364  
agency to pay for not more than fifty per cent of the amount of 85365  
the salaries of law enforcement officers who conduct drug abuse 85366  
resistance education programs in public schools. The attorney 85367  
general shall not use more than six per cent of the amounts the 85368  
attorney general's office receives under division (F)(2)(e) of 85369  
this section to pay the costs it incurs in administering the grant 85370  
program established by division (F)(2)(e) of this section and in 85371  
providing training and materials relating to drug abuse resistance 85372  
education programs. 85373

The attorney general shall report to the governor and the 85374  
general assembly each fiscal year on the progress made in 85375  
establishing and implementing drug abuse resistance education 85376  
programs. These reports shall include an evaluation of the 85377  
effectiveness of these programs. 85378

(G) Suspension of a commercial driver's license under 85379  
division (B) or (C) of this section shall be concurrent with any 85380  
period of disqualification under section 3123.611 or 4506.16 of 85381  
the Revised Code or any period of suspension under section 3123.58 85382  
of the Revised Code. No person who is disqualified for life from 85383  
holding a commercial driver's license under section 4506.16 of the 85384  
Revised Code shall be issued a driver's license under Chapter 85385

4507. of the Revised Code during the period for which the 85386  
commercial driver's license was suspended under division (B) or 85387  
(C) of this section. No person whose commercial driver's license 85388  
is suspended under division (B) or (C) of this section shall be 85389  
issued a driver's license under Chapter 4507. of the Revised Code 85390  
during the period of the suspension. 85391

(H)(1) Each county shall establish an indigent drivers 85392  
alcohol treatment fund, each county shall establish a juvenile 85393  
indigent drivers alcohol treatment fund, and each municipal 85394  
corporation in which there is a municipal court shall establish an 85395  
indigent drivers alcohol treatment fund. All revenue that the 85396  
general assembly appropriates to the indigent drivers alcohol 85397  
treatment fund for transfer to a county indigent drivers alcohol 85398  
treatment fund, a county juvenile indigent drivers alcohol 85399  
treatment fund, or a municipal indigent drivers alcohol treatment 85400  
fund, all portions of fees that are paid under division (F) of 85401  
this section and that are credited under that division to the 85402  
indigent drivers alcohol treatment fund in the state treasury for 85403  
a county indigent drivers alcohol treatment fund, a county 85404  
juvenile indigent drivers alcohol treatment fund, or a municipal 85405  
indigent drivers alcohol treatment fund, all portions of 85406  
additional costs imposed under section 2949.094 of the Revised 85407  
Code that are specified for deposit into a county, county 85408  
juvenile, or municipal indigent drivers alcohol treatment fund by 85409  
that section, and all portions of fines that are specified for 85410  
deposit into a county or municipal indigent drivers alcohol 85411  
treatment fund by section 4511.193 of the Revised Code shall be 85412  
deposited into that county indigent drivers alcohol treatment 85413  
fund, county juvenile indigent drivers alcohol treatment fund, or 85414  
municipal indigent drivers alcohol treatment fund. The portions of 85415  
the fees paid under division (F) of this section that are to be so 85416  
deposited shall be determined in accordance with division (H)(2) 85417  
of this section. Additionally, all portions of fines that are paid 85418

for a violation of section 4511.19 of the Revised Code or of any 85419  
prohibition contained in Chapter 4510. of the Revised Code, and 85420  
that are required under section 4511.19 or any provision of 85421  
Chapter 4510. of the Revised Code to be deposited into a county 85422  
indigent drivers alcohol treatment fund or municipal indigent 85423  
drivers alcohol treatment fund shall be deposited into the 85424  
appropriate fund in accordance with the applicable division of the 85425  
section or provision. 85426

(2) That portion of the license reinstatement fee that is 85427  
paid under division (F) of this section and that is credited under 85428  
that division to the indigent drivers alcohol treatment fund shall 85429  
be deposited into a county indigent drivers alcohol treatment 85430  
fund, a county juvenile indigent drivers alcohol treatment fund, 85431  
or a municipal indigent drivers alcohol treatment fund as follows: 85432  
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(a) Regarding a suspension imposed under this section, that 85434  
portion of the fee shall be deposited as follows: 85435

(i) If the fee is paid by a person who was charged in a 85436  
county court with the violation that resulted in the suspension or 85437  
in the imposition of the court costs, the portion shall be 85438  
deposited into the county indigent drivers alcohol treatment fund 85439  
under the control of that court; 85440

(ii) If the fee is paid by a person who was charged in a 85441  
juvenile court with the violation that resulted in the suspension 85442  
or in the imposition of the court costs, the portion shall be 85443  
deposited into the county juvenile indigent drivers alcohol 85444  
treatment fund established in the county served by the court; 85445

(iii) If the fee is paid by a person who was charged in a 85446  
municipal court with the violation that resulted in the suspension 85447  
or in the imposition of the court costs, the portion shall be 85448  
deposited into the municipal indigent drivers alcohol treatment 85449



fund under the control of that court. 85450

(b) Regarding a suspension imposed under section 4511.19 of 85451  
the Revised Code or under section 4510.07 of the Revised Code for 85452  
a violation of a municipal OVI ordinance, that portion of the fee 85453  
shall be deposited as follows: 85454

(i) If the fee is paid by a person whose license or permit 85455  
was suspended by a county court, the portion shall be deposited 85456  
into the county indigent drivers alcohol treatment fund under the 85457  
control of that court; 85458

(ii) If the fee is paid by a person whose license or permit 85459  
was suspended by a municipal court, the portion shall be deposited 85460  
into the municipal indigent drivers alcohol treatment fund under 85461  
the control of that court. 85462

(3) Expenditures from a county indigent drivers alcohol 85463  
treatment fund, a county juvenile indigent drivers alcohol 85464  
treatment fund, or a municipal indigent drivers alcohol treatment 85465  
fund shall be made only upon the order of a county, juvenile, or 85466  
municipal court judge and only for payment of the cost of an 85467  
assessment or the cost of the attendance at an alcohol and drug 85468  
addiction treatment program of a person who is convicted of, or 85469  
found to be a juvenile traffic offender by reason of, a violation 85470  
of division (A) of section 4511.19 of the Revised Code or a 85471  
substantially similar municipal ordinance, who is ordered by the 85472  
court to attend the alcohol and drug addiction treatment program, 85473  
and who is determined by the court to be unable to pay the cost of 85474  
the assessment or the cost of attendance at the treatment program 85475  
or for payment of the costs specified in division (H)(4) of this 85476  
section in accordance with that division. The alcohol and drug 85477  
addiction services board or the board of alcohol, drug addiction, 85478  
and mental health services established pursuant to section 340.02 85479  
or 340.021 of the Revised Code and serving the alcohol, drug 85480  
addiction, and mental health service district in which the court 85481

is located shall administer the indigent drivers alcohol treatment 85482  
program of the court. When a court orders an offender or juvenile 85483  
traffic offender to obtain an assessment or attend an alcohol and 85484  
drug addiction treatment program, the board shall determine which 85485  
program is suitable to meet the needs of the offender or juvenile 85486  
traffic offender, and when a suitable program is located and space 85487  
is available at the program, the offender or juvenile traffic 85488  
offender shall attend the program designated by the board. A 85489  
reasonable amount not to exceed five per cent of the amounts 85490  
credited to and deposited into the county indigent drivers alcohol 85491  
treatment fund, the county juvenile indigent drivers alcohol 85492  
treatment fund, or the municipal indigent drivers alcohol 85493  
treatment fund serving every court whose program is administered 85494  
by that board shall be paid to the board to cover the costs it 85495  
incurs in administering those indigent drivers alcohol treatment 85496  
programs. 85497

In addition, upon exhaustion of moneys in the indigent 85498  
drivers interlock and alcohol monitoring fund for the use of an 85499  
alcohol monitoring device, a county, juvenile, or municipal court 85500  
judge may use moneys in the county indigent drivers alcohol 85501  
treatment fund, county juvenile indigent drivers alcohol treatment 85502  
fund, or municipal indigent drivers alcohol treatment fund in the 85503  
following manners: 85504

(a) If the source of the moneys was an appropriation of the 85505  
general assembly, a portion of a fee that was paid under division 85506  
(F) of this section, a portion of a fine that was specified for 85507  
deposit into the fund by section 4511.193 of the Revised Code, or 85508  
a portion of a fine that was paid for a violation of section 85509  
4511.19 of the Revised Code or of a provision contained in Chapter 85510  
4510. of the Revised Code that was required to be deposited into 85511  
the fund, to pay for the continued use of an alcohol monitoring 85512  
device by an offender or juvenile traffic offender, in conjunction 85513

with a treatment program approved by the department of alcohol and 85514  
drug addiction services, when such use is determined clinically 85515  
necessary by the treatment program and when the court determines 85516  
that the offender or juvenile traffic offender is unable to pay 85517  
all or part of the daily monitoring or cost of the device; 85518  
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(b) If the source of the moneys was a portion of an 85520  
additional court cost imposed under section 2949.094 of the 85521  
Revised Code, to pay for the continued use of an alcohol 85522  
monitoring device by an offender or juvenile traffic offender when 85523  
the court determines that the offender or juvenile traffic 85524  
offender is unable to pay all or part of the daily monitoring or 85525  
cost of the device. The moneys may be used for a device as 85526  
described in this division if the use of the device is in 85527  
conjunction with a treatment program approved by the department of 85528  
alcohol and drug addiction services, when the use of the device is 85529  
determined clinically necessary by the treatment program, but the 85530  
use of a device is not required to be in conjunction with a 85531  
treatment program approved by the department in order for the 85532  
moneys to be used for the device as described in this division. 85533

(4) If a county, juvenile, or municipal court determines, in 85534  
consultation with the alcohol and drug addiction services board or 85535  
the board of alcohol, drug addiction, and mental health services 85536  
established pursuant to section 340.02 or 340.021 of the Revised 85537  
Code and serving the alcohol, drug addiction, and mental health 85538  
district in which the court is located, that the funds in the 85539  
county indigent drivers alcohol treatment fund, the county 85540  
juvenile indigent drivers alcohol treatment fund, or the municipal 85541  
indigent drivers alcohol treatment fund under the control of the 85542  
court are more than sufficient to satisfy the purpose for which 85543  
the fund was established, as specified in divisions (H)(1) to (3) 85544  
of this section, the court may declare a surplus in the fund. If 85545

the court declares a surplus in the fund, the court may expend the amount of the surplus in the fund for:

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(a) Alcohol and drug abuse assessment and treatment of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:

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(i) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged.

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(ii) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.

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(b) All or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

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(5) For the purpose of determining as described in division (F)(2)(c) of this section whether an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program or whether an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination.

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(6) The court shall identify and refer any alcohol and drug addiction program that is not certified under section 3793.06 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of alcohol and drug addiction services

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in order for the program to become a certified alcohol and drug 85577  
addiction program. The department shall keep a record of applicant 85578  
referrals received pursuant to this division and shall submit a 85579  
report on the referrals each year to the general assembly. If a 85580  
program interested in becoming certified makes an application to 85581  
become certified pursuant to section 3793.06 of the Revised Code, 85582  
the program is eligible to receive surplus funds as long as the 85583  
application is pending with the department. The department of 85584  
alcohol and drug addiction services must offer technical 85585  
assistance to the applicant. If the interested program withdraws 85586  
the certification application, the department must notify the 85587  
court, and the court shall not provide the interested program with 85588  
any further surplus funds. 85589

(7)(a) Each alcohol and drug addiction services board and 85590  
board of alcohol, drug addiction, and mental health services 85591  
established pursuant to section 340.02 or 340.021 of the Revised 85592  
Code shall submit to the department of alcohol and drug addiction 85593  
services an annual report for each indigent drivers alcohol 85594  
treatment fund in that board's area. 85595

(b) The report, which shall be submitted not later than sixty 85596  
days after the end of the state fiscal year, shall provide the 85597  
total payment that was made from the fund, including the number of 85598  
indigent consumers that received treatment services and the number 85599  
of indigent consumers that received an alcohol monitoring device. 85600  
The report shall identify the treatment program and expenditure 85601  
for an alcohol monitoring device for which that payment was made. 85602  
The report shall include the fiscal year balance of each indigent 85603  
drivers alcohol treatment fund located in that board's area. In 85604  
the event that a surplus is declared in the fund pursuant to 85605  
division (H)(4) of this section, the report also shall provide the 85606  
total payment that was made from the surplus moneys and identify 85607  
the treatment program and expenditure for an alcohol monitoring 85608

device for which that payment was made. The department may require 85609  
additional information necessary to complete the comprehensive 85610  
statewide alcohol and drug addiction services plan as required by 85611  
section 3793.04 of the Revised Code. 85612

(c) If a board is unable to obtain adequate information to 85613  
develop the report to submit to the department for a particular 85614  
indigent drivers alcohol treatment fund, the board shall submit a 85615  
report detailing the effort made in obtaining the information. 85616

(I)(1) Each county shall establish an indigent drivers 85617  
interlock and alcohol monitoring fund and a juvenile indigent 85618  
drivers interlock and alcohol treatment fund, and each municipal 85619  
corporation in which there is a municipal court shall establish an 85620  
indigent drivers interlock and alcohol monitoring fund. All 85621  
revenue that the general assembly appropriates to the indigent 85622  
drivers interlock and alcohol monitoring fund for transfer to a 85623  
county indigent drivers interlock and alcohol monitoring fund, a 85624  
county juvenile indigent drivers interlock and alcohol monitoring 85625  
fund, or a municipal indigent drivers interlock and alcohol 85626  
monitoring fund, all portions of license reinstatement fees that 85627  
are paid under division (F)(2) of this section and that are 85628  
credited under that division to the indigent drivers interlock and 85629  
alcohol monitoring fund in the state treasury, and all portions of 85630  
fines that are paid under division (G) of section 4511.19 of the 85631  
Revised Code and that are credited by division (G)(5)(e) of that 85632  
section to the indigent drivers interlock and alcohol monitoring 85633  
fund in the state treasury shall be deposited in the appropriate 85634  
fund in accordance with division (I)(2) of this section. 85635

(2) That portion of the license reinstatement fee that is 85636  
paid under division (F) of this section and that portion of the 85637  
fine paid under division (G) of section 4511.19 of the Revised 85638  
Code and that is credited under either division to the indigent 85639  
drivers interlock and alcohol monitoring fund shall be deposited 85640

into a county indigent drivers interlock and alcohol monitoring 85641  
fund, a county juvenile indigent drivers interlock and alcohol 85642  
monitoring fund, or a municipal indigent drivers interlock and 85643  
alcohol monitoring fund as follows: 85644

(a) If the fee or fine is paid by a person who was charged in 85645  
a county court with the violation that resulted in the suspension 85646  
or fine, the portion shall be deposited into the county indigent 85647  
drivers interlock and alcohol monitoring fund under the control of 85648  
that court. 85649

(b) If the fee or fine is paid by a person who was charged in 85650  
a juvenile court with the violation that resulted in the 85651  
suspension or fine, the portion shall be deposited into the county 85652  
juvenile indigent drivers interlock and alcohol monitoring fund 85653  
established in the county served by the court. 85654

(c) If the fee or fine is paid by a person who was charged in 85655  
a municipal court with the violation that resulted in the 85656  
suspension, the portion shall be deposited into the municipal 85657  
indigent drivers interlock and alcohol monitoring fund under the 85658  
control of that court. 85659

**Sec. 4511.81.** (A) When any child who is in either or both of 85660  
the following categories is being transported in a motor vehicle, 85661  
other than a taxicab or public safety vehicle as defined in 85662  
section 4511.01 of the Revised Code, that is required by the 85663  
United States department of transportation to be equipped with 85664  
seat belts at the time of manufacture or assembly, the operator of 85665  
the motor vehicle shall have the child properly secured in 85666  
accordance with the manufacturer's instructions in a child 85667  
restraint system that meets federal motor vehicle safety 85668  
standards: 85669

(1) A child who is less than four years of age; 85670

(2) A child who weighs less than forty pounds. 85671

(B) When any child who is in either or both of the following 85672  
categories is being transported in a motor vehicle, other than a 85673  
taxicab, that is owned, leased, or otherwise under the control of 85674  
a nursery school or day-care center, the operator of the motor 85675  
vehicle shall have the child properly secured in accordance with 85676  
the manufacturer's instructions in a child restraint system that 85677  
meets federal motor vehicle safety standards: 85678

(1) A child who is less than four years of age; 85679

(2) A child who weighs less than forty pounds. 85680

(C) When any child who is less than eight years of age and 85681  
less than four feet nine inches in height, who is not required by 85682  
division (A) or (B) of this section to be secured in a child 85683  
restraint system, is being transported in a motor vehicle, other 85684  
than a taxicab or public safety vehicle as defined in section 85685  
4511.01 of the Revised Code or a vehicle that is regulated under 85686  
section 5104.011 of the Revised Code, that is required by the 85687  
United States department of transportation to be equipped with 85688  
seat belts at the time of manufacture or assembly, the operator of 85689  
the motor vehicle shall have the child properly secured in 85690  
accordance with the manufacturer's instructions on a booster seat 85691  
that meets federal motor vehicle safety standards. 85692

(D) When any child who is at least eight years of age but not 85693  
older than fifteen years of age, and who is not otherwise required 85694  
by division (A), (B), or (C) of this section to be secured in a 85695  
child restraint system or booster seat, is being transported in a 85696  
motor vehicle, other than a taxicab or public safety vehicle as 85697  
defined in section 4511.01 of the Revised Code, that is required 85698  
by the United States department of transportation to be equipped 85699  
with seat belts at the time of manufacture or assembly, the 85700  
operator of the motor vehicle shall have the child properly 85701



restrained either in accordance with the manufacturer's 85702  
instructions in a child restraint system or booster seat that 85703  
meets federal motor vehicle safety standards or in an occupant 85704  
restraining device as defined in section 4513.263 of the Revised 85705  
Code. 85706

(E) Notwithstanding any provision of law to the contrary, no 85707  
law enforcement officer shall cause an operator of a motor vehicle 85708  
being operated on any street or highway to stop the motor vehicle 85709  
for the sole purpose of determining whether a violation of 85710  
division (C) or (D) of this section has been or is being committed 85711  
or for the sole purpose of issuing a ticket, citation, or summons 85712  
for a violation of division (C) or (D) of this section or causing 85713  
the arrest of or commencing a prosecution of a person for a 85714  
violation of division (C) or (D) of this section, and absent 85715  
another violation of law, a law enforcement officer's view of the 85716  
interior or visual inspection of a motor vehicle being operated on 85717  
any street or highway may not be used for the purpose of 85718  
determining whether a violation of division (C) or (D) of this 85719  
section has been or is being committed. 85720

(F) The director of public safety shall adopt such rules as 85721  
are necessary to carry out this section. 85722

(G) The failure of an operator of a motor vehicle to secure a 85723  
child in a child restraint system, a booster seat, or an occupant 85724  
restraining device as required by this section is not negligence 85725  
imputable to the child, and is not admissible as evidence in any 85726  
civil action involving the rights of the child against any other 85727  
person allegedly liable for injuries to the child, ~~is not to be~~ 85728  
~~used as a basis for a criminal prosecution of the operator of the~~ 85729  
~~motor vehicle other than a prosecution for a violation of this~~ 85730  
~~section, and is not admissible as evidence in any criminal action~~ 85731  
~~involving the operator of the motor vehicle other than a~~ 85732  
~~prosecution for a violation of this section.~~ 85733

(H) This section does not apply when an emergency exists that  
threatens the life of any person operating or occupying a motor  
vehicle that is being used to transport a child who otherwise  
would be required to be restrained under this section. This  
section does not apply to a person operating a motor vehicle who  
has an affidavit signed by a physician licensed to practice in  
this state under Chapter 4731. of the Revised Code or a  
chiropractor licensed to practice in this state under Chapter  
4734. of the Revised Code that states that the child who otherwise  
would be required to be restrained under this section has a  
physical impairment that makes use of a child restraint system,  
booster seat, or an occupant restraining device impossible or  
impractical, provided that the person operating the vehicle has  
safely and appropriately restrained the child in accordance with  
any recommendations of the physician or chiropractor as noted on  
the affidavit.

(I) There is hereby created in the state treasury the child  
highway safety fund, consisting of fines imposed pursuant to  
division ~~(K)~~(L)(1) of this section for violations of divisions  
(A), (B), (C), and (D) of this section. The money in the fund  
shall be used by the department of health ~~only to defray the cost~~  
~~of designating hospitals as pediatric trauma centers under section~~  
~~3727.081 of the Revised Code and~~ to establish and administer a  
child highway safety program. The purpose of the program shall be  
to educate the public about child restraint systems and booster  
seats and the importance of their proper use. The program also  
shall include a process for providing child restraint systems and  
booster seats to persons who meet the eligibility criteria  
established by the department, and a toll-free telephone number  
the public may utilize to obtain information about child restraint  
systems and booster seats, and their proper use.

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(J) The director of health, in accordance with Chapter 119. 85766  
of the Revised Code, shall adopt any rules necessary to carry out 85767  
this section, including rules establishing the criteria a person 85768  
must meet in order to receive a child restraint system or booster 85769  
seat under the department's child highway safety program; ~~provided~~ 85770  
~~that rules relating to the verification of pediatric trauma~~ 85771  
~~centers shall not be adopted under this section.~~ 85772

(K) Nothing in this section shall be construed to require any 85773  
person to carry with the person the birth certificate of a child 85774  
to prove the age of the child, but the production of a valid birth 85775  
certificate for a child showing that the child was not of an age 85776  
to which this section applies is a defense against any ticket, 85777  
citation, or summons issued for violating this section. 85778

(L)(1) Whoever violates division (A), (B), (C), or (D) of 85779  
this section shall be punished as follows, provided that the 85780  
failure of an operator of a motor vehicle to secure more than one 85781  
child in a child restraint system, booster seat, or occupant 85782  
restraining device as required by this section that occurred at 85783  
the same time, on the same day, and at the same location is deemed 85784  
to be a single violation of this section: 85785

(a) Except as otherwise provided in division (L)(1)(b) of 85786  
this section, the offender is guilty of a minor misdemeanor and 85787  
shall be fined not less than ~~twenty-five~~ fifty dollars nor more 85788  
than seventy-five dollars for a first offense. 85789

(b) If the offender previously has been convicted of or 85790  
pleaded guilty to a violation of division (A), (B), (C), or (D) of 85791  
this section or of a municipal ordinance that is substantially 85792  
similar to any of those divisions, the offender is guilty of a 85793  
misdemeanor of the fourth degree and shall be fined not less than 85794  
one hundred dollars. 85795

(2) ~~All fines~~ For every fine imposed pursuant to division 85796

(L)(1) of this section not less than fifty dollars shall be 85797  
forwarded to the treasurer of state for deposit in the child 85798  
highway safety fund created by division (I) of this section. 85799

**Sec. 4513.021.** (A) As used in this section: 85800

(1) "Passenger car" means any motor vehicle with motive 85801  
power, designed for carrying ten persons or less, except a 85802  
multipurpose passenger vehicle or motorcycle. 85803

(2) "Multipurpose passenger vehicle" means a motor vehicle 85804  
with motive power, except a motorcycle, designed to carry ten 85805  
persons or less, that is constructed either on a truck chassis or 85806  
with special features for occasional off-road operation. 85807

(3) "Truck" means every motor vehicle, except trailers and 85808  
semitrailers, designed and used to carry property and having a 85809  
gross vehicle weight rating of ten thousand pounds or less. 85810

(4) "Manufacturer" has the same meaning as in section 4501.01 85811  
of the Revised Code. 85812

(5) "Gross vehicle weight rating" means the manufacturer's 85813  
gross vehicle weight rating established for that vehicle. 85814

(B) The director of public safety, in accordance with Chapter 85815  
119. of the Revised Code, shall adopt rules in conformance with 85816  
standards of the vehicle equipment safety commission, that shall 85817  
govern the maximum bumper height or, in the absence of bumpers and 85818  
in cases where bumper heights have been lowered or modified, the 85819  
maximum height to the bottom of the frame rail, of any passenger 85820  
car, multipurpose passenger vehicle, or truck. 85821

(C) No person shall operate upon a street or highway any 85822  
passenger car, multipurpose passenger vehicle, or truck registered 85823  
in this state that does not conform to the requirements of this 85824  
section or to any applicable rule adopted pursuant to this 85825  
section. 85826

(D) No person shall modify any motor vehicle registered in 85827  
this state in such a manner as to cause the vehicle body or 85828  
chassis to come in contact with the ground, expose the fuel tank 85829  
to damage from collision, or cause the wheels to come in contact 85830  
with the body under normal operation, and no person shall 85831  
disconnect any part of the original suspension system of the 85832  
vehicle to defeat the safe operation of that system. 85833

(E) Nothing contained in this section or in the rules adopted 85834  
pursuant to this section shall be construed to prohibit either of 85835  
the following: 85836

(1) The installation upon a passenger car, multipurpose 85837  
passenger vehicle, or truck registered in this state of heavy duty 85838  
equipment, including shock absorbers and overload springs; 85839

(2) The operation on a street or highway of a passenger car, 85840  
multipurpose passenger vehicle, or truck registered in this state 85841  
with normal wear to the suspension system if the normal wear does 85842  
not adversely affect the control of the vehicle. 85843

(F) This section and the rules adopted pursuant to it do not 85844  
apply to any specially designed or modified passenger car, 85845  
multipurpose passenger vehicle, or truck when operated off a 85846  
street or highway in races and similar events. 85847

(G) ~~Except as otherwise provided in this division, whoever~~ 85848  
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 85849  
~~the offender previously has been convicted of a violation of this~~ 85850  
~~section, whoever violates this section is guilty of a misdemeanor~~ 85851  
~~of the third degree.~~ 85852

**Sec. 4513.03.** (A) Every vehicle upon a street or highway 85853  
within this state during the time from sunset to sunrise, and at 85854  
any other time when there are unfavorable atmospheric conditions 85855  
or when there is not sufficient natural light to render 85856

discernible persons, vehicles, and substantial objects on the 85857  
highway at a distance of one thousand feet ahead, shall display 85858  
lighted lights and illuminating devices as required by sections 85859  
4513.04 to 4513.37 of the Revised Code, for different classes of 85860  
vehicles; except that every motorized bicycle shall display at 85861  
such times lighted lights meeting the rules adopted by the 85862  
director of public safety under section 4511.521 of the Revised 85863  
Code. No motor vehicle, during such times, shall be operated upon 85864  
a street or highway within this state using only parking lights as 85865  
illumination. 85866

Whenever in such sections a requirement is declared as to the 85867  
distance from which certain lamps and devices shall render objects 85868  
visible, or within which such lamps or devices shall be visible, 85869  
such distance shall be measured upon a straight level unlighted 85870  
highway under normal atmospheric conditions unless a different 85871  
condition is expressly stated. 85872

Whenever in such sections a requirement is declared as to the 85873  
mounted height of lights or devices, it shall mean from the center 85874  
of such light or device to the level ground upon which the vehicle 85875  
stands. 85876

(B) Whoever violates this section ~~shall be punished as~~ 85877  
~~provided in section 4513.99 of the Revised Code is guilty of a~~ 85878  
minor misdemeanor. 85879

**Sec. 4513.04.** (A) Every motor vehicle, other than a 85880  
motorcycle, and every trackless trolley shall be equipped with at 85881  
least two headlights with at least one near each side of the front 85882  
of the motor vehicle or trackless trolley. 85883

Every motorcycle shall be equipped with at least one and not 85884  
more than two headlights. 85885

(B) Whoever violates this section ~~shall be punished as~~ 85886

~~provided in section 4513.99 of the Revised Code is guilty of a~~ 85887  
~~minor misdemeanor.~~ 85888

**Sec. 4513.05.** (A) Every motor vehicle, trackless trolley, 85889  
trailer, semitrailer, pole trailer, or vehicle which is being 85890  
drawn at the end of a train of vehicles shall be equipped with at 85891  
least one tail light mounted on the rear which, when lighted, 85892  
shall emit a red light visible from a distance of five hundred 85893  
feet to the rear, provided that in the case of a train of vehicles 85894  
only the tail light on the rearmost vehicle need be visible from 85895  
the distance specified. 85896

Either a tail light or a separate light shall be so 85897  
constructed and placed as to illuminate with a white light the 85898  
rear registration plate, when such registration plate is required, 85899  
and render it legible from a distance of fifty feet to the rear. 85900  
Any tail light, together with any separate light for illuminating 85901  
the rear registration plate, shall be so wired as to be lighted 85902  
whenever the headlights or auxiliary driving lights are lighted, 85903  
except where separate lighting systems are provided for trailers 85904  
for the purpose of illuminating such registration plate. 85905

(B) Whoever violates this section ~~shall be punished as~~ 85906  
~~provided in section 4513.99 of the Revised Code is guilty of a~~ 85907  
~~minor misdemeanor.~~ 85908

**Sec. 4513.06.** (A) Every new motor vehicle sold after 85909  
September 6, 1941, and operated on a highway, other than a 85910  
commercial tractor, to which a trailer or semitrailer is attached 85911  
shall carry at the rear, either as a part of the tail lamps or 85912  
separately, two red reflectors meeting the requirements of this 85913  
section, except that vehicles of the type mentioned in section 85914  
4513.07 of the Revised Code shall be equipped with reflectors as 85915  
required by the regulations provided for in said section. 85916

Every such reflector shall be of such size and 85917  
characteristics and so maintained as to be visible at night from 85918  
all distances within three hundred feet to fifty feet from such 85919  
vehicle. 85920

(B) Whoever violates this section ~~shall be punished as~~ 85921  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85922  
minor misdemeanor. 85923

**Sec. 4513.07.** (A) The director of public safety shall 85924  
prescribe and promulgate regulations relating to clearance lights, 85925  
marker lights, reflectors, and stop lights on buses, trackless 85926  
trolleys, trucks, commercial tractors, trailers, semitrailers, and 85927  
pole trailers, when operated upon any highway, and such vehicles 85928  
shall be equipped as required by such regulations, and such 85929  
equipment shall be lighted at all times mentioned in section 85930  
4513.03 of the Revised Code, except that clearance lights and side 85931  
marker lights need not be lighted on any such vehicle when it is 85932  
operated within a municipal corporation where there is sufficient 85933  
light to reveal any person or substantial object on the highway at 85934  
a distance of five hundred feet. 85935

Such equipment shall be in addition to all other lights 85936  
specifically required by sections 4513.03 to 4513.16 of the 85937  
Revised Code. 85938

Vehicles operated under the jurisdiction of the public 85939  
utilities commission are not subject to this section. 85940

(B) Whoever violates this section ~~shall be punished as~~ 85941  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85942  
minor misdemeanor. 85943

**Sec. 4513.071.** (A) Every motor vehicle, trailer, semitrailer, 85944  
and pole trailer when operated upon a highway shall be equipped 85945  
with two or more stop lights, except that passenger cars 85946



manufactured or assembled prior to January 1, 1967, motorcycles, 85947  
and motor-driven cycles shall be equipped with at least one stop 85948  
light. Stop lights shall be mounted on the rear of the vehicle, 85949  
actuated upon application of the service brake, and may be 85950  
incorporated with other rear lights. Such stop lights when 85951  
actuated shall emit a red light visible from a distance of five 85952  
hundred feet to the rear, provided that in the case of a train of 85953  
vehicles only the stop lights on the rear-most vehicle need be 85954  
visible from the distance specified. 85955

Such stop lights when actuated shall give a steady warning 85956  
light to the rear of a vehicle or train of vehicles to indicate 85957  
the intention of the operator to diminish the speed of or stop a 85958  
vehicle or train of vehicles. 85959

When stop lights are used as required by this section, they 85960  
shall be constructed or installed so as to provide adequate and 85961  
reliable illumination and shall conform to the appropriate rules 85962  
and regulations established under section 4513.19 of the Revised 85963  
Code. 85964

Historical motor vehicles as defined in section 4503.181 of 85965  
the Revised Code, not originally manufactured with stop lights, 85966  
are not subject to this section. 85967

(B) Whoever violates this section ~~shall be punished as~~ 85968  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85969  
minor misdemeanor. 85970

**Sec. 4513.09.** (A) Whenever the load upon any vehicle extends 85971  
to the rear four feet or more beyond the bed or body of such 85972  
vehicle, there shall be displayed at the extreme rear end of the 85973  
load, at the times specified in section 4513.03 of the Revised 85974  
Code, a red light or lantern plainly visible from a distance of at 85975  
least five hundred feet to the sides and rear. The red light or 85976  
lantern required by this section is in addition to the red rear 85977

light required upon every vehicle. At any other time there shall 85978  
be displayed at the extreme rear end of such load a red flag or 85979  
cloth not less than sixteen inches square. 85980

(B) Whoever violates this section ~~shall be punished as~~ 85981  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85982  
minor misdemeanor. 85983

**Sec. 4513.11.** (A) All vehicles other than bicycles, including 85984  
animal-drawn vehicles and vehicles referred to in division (G) of 85985  
section 4513.02 of the Revised Code, not specifically required to 85986  
be equipped with lamps or other lighting devices by sections 85987  
4513.03 to 4513.10 of the Revised Code, shall, at the times 85988  
specified in section 4513.03 of the Revised Code, be equipped with 85989  
at least one lamp displaying a white light visible from a distance 85990  
of not less than one thousand feet to the front of the vehicle, 85991  
and also shall be equipped with two lamps displaying red light 85992  
visible from a distance of not less than one thousand feet to the 85993  
rear of the vehicle, or as an alternative, one lamp displaying a 85994  
red light visible from a distance of not less than one thousand 85995  
feet to the rear and two red reflectors visible from all distances 85996  
of six hundred feet to one hundred feet to the rear when 85997  
illuminated by the lawful lower beams of headlamps. 85998

Lamps and reflectors required or authorized by this section 85999  
shall meet standards adopted by the director of public safety. 86000

(B) All boat trailers, farm machinery, and other machinery, 86001  
including all road construction machinery, upon a street or 86002  
highway, except when being used in actual construction and 86003  
maintenance work in an area guarded by a flagperson, or where 86004  
flares are used, or when operating or traveling within the limits 86005  
of a construction area designated by the director of 86006  
transportation, a city engineer, or the county engineer of the 86007

several counties, when such construction area is marked in 86008  
accordance with requirements of the director and the manual of 86009  
uniform traffic control devices, as set forth in section 4511.09 86010  
of the Revised Code, which is designed for operation at a speed of 86011  
twenty-five miles per hour or less shall be operated at a speed 86012  
not exceeding twenty-five miles per hour, and shall display a 86013  
triangular slow-moving vehicle emblem (SMV). The emblem shall be 86014  
mounted so as to be visible from a distance of not less than five 86015  
hundred feet to the rear. The director of public safety shall 86016  
adopt standards and specifications for the design and position of 86017  
mounting the SMV emblem. The standards and specifications for SMV 86018  
emblems referred to in this section shall correlate with and, so 86019  
far as possible, conform with those approved by the American 86020  
society of agricultural engineers. 86021

A unit of farm machinery that is designed by its manufacturer 86022  
to operate at a speed greater than twenty-five miles per hour may 86023  
be operated on a street or highway at a speed greater than 86024  
twenty-five miles per hour provided it is operated in accordance 86025  
with this section. 86026

As used in this division, "machinery" does not include any 86027  
vehicle designed to be drawn by an animal. 86028

(C) The use of the SMV emblem shall be restricted to 86029  
animal-drawn vehicles, and to the slow-moving vehicles specified 86030  
in division (B) of this section operating or traveling within the 86031  
limits of the highway. Its use on slow-moving vehicles being 86032  
transported upon other types of vehicles or on any other type of 86033  
vehicle or stationary object on the highway is prohibited. 86034

(D)(1) No person shall sell, lease, rent, or operate any boat 86035  
trailer, farm machinery, or other machinery defined as a 86036  
slow-moving vehicle in division (B) of this section, except those 86037  
units designed to be completely mounted on a primary power unit, 86038  
which is manufactured or assembled on or after April 1, 1966, 86039

unless the vehicle is equipped with a slow-moving vehicle emblem 86040  
mounting device as specified in division (B) of this section. 86041

(2) No person shall sell, lease, rent, or operate on a street 86042  
or highway any unit of farm machinery that is designed by its 86043  
manufacturer to operate at a speed greater than twenty-five miles 86044  
per hour unless the unit displays a slow-moving vehicle emblem as 86045  
specified in division (B) of this section and a speed 86046  
identification symbol that meets the specifications contained in 86047  
the American society of agricultural engineers standard ANSI/ASAE 86048  
S584 JAN2005, agricultural equipment: speed identification symbol 86049  
(SIS). 86050

(E) Any boat trailer, farm machinery, or other machinery 86051  
defined as a slow-moving vehicle in division (B) of this section, 86052  
in addition to the use of the slow-moving vehicle emblem, and any 86053  
unit of farm machinery that is designed by its manufacturer to 86054  
operate at a speed greater than twenty-five miles per hour, in 86055  
addition to the display of a speed identification symbol, may be 86056  
equipped with a red flashing light that shall be visible from a 86057  
distance of not less than one thousand feet to the rear at all 86058  
times specified in section 4513.03 of the Revised Code. When a 86059  
double-faced light is used, it shall display amber light to the 86060  
front and red light to the rear. 86061

In addition to the lights described in this division, farm 86062  
machinery and motor vehicles escorting farm machinery may display 86063  
a flashing, oscillating, or rotating amber light, as permitted by 86064  
section 4513.17 of the Revised Code, and also may display 86065  
simultaneously flashing turn signals or warning lights, as 86066  
permitted by that section. 86067

(F) Every animal-drawn vehicle upon a street or highway shall 86068  
at all times be equipped in one of the following ways: 86069

(1) With a slow-moving vehicle emblem complying with division 86070

(B) of this section; 86071

(2) With alternate reflective material complying with rules 86072  
adopted under this division; 86073

(3) With both a slow-moving vehicle emblem and alternate 86074  
reflective material as specified in this division. 86075

The director of public safety, subject to Chapter 119. of the 86076  
Revised Code, shall adopt rules establishing standards and 86077  
specifications for the position of mounting of the alternate 86078  
reflective material authorized by this division. The rules shall 86079  
permit, as a minimum, the alternate reflective material to be 86080  
black, gray, or silver in color. The alternate reflective material 86081  
shall be mounted on the animal-drawn vehicle so as to be visible, 86082  
at all times specified in section 4513.03 of the Revised Code, 86083  
from a distance of not less than five hundred feet to the rear 86084  
when illuminated by the lawful lower beams of headlamps. 86085

(G) Every unit of farm machinery that is designed by its 86086  
manufacturer to operate at a speed greater than twenty-five miles 86087  
per hour shall display a slow-moving vehicle emblem and a speed 86088  
identification symbol that meets the specifications contained in 86089  
the American society of agricultural engineers standard ANSI/ASAE 86090  
S584 JAN2005, agricultural equipment: speed identification symbol 86091  
(SIS) when the unit is operated upon a street or highway, 86092  
irrespective of the speed at which the unit is operated on the 86093  
street or highway. The speed identification symbol shall indicate 86094  
the maximum speed in miles per hour at which the unit of farm 86095  
machinery is designed by its manufacturer to operate. The display 86096  
of the speed identification symbol shall be in accordance with the 86097  
standard prescribed in this division. 86098

If an agricultural tractor that is designed by its 86099  
manufacturer to operate at a speed greater than twenty-five miles 86100  
per hour is being operated on a street or highway at a speed 86101

greater than twenty-five miles per hour and is towing, pulling, or 86102  
otherwise drawing a unit of farm machinery, the unit of farm 86103  
machinery shall display a slow-moving vehicle emblem and a speed 86104  
identification symbol that is the same as the speed identification 86105  
symbol that is displayed on the agricultural tractor. 86106

(H) When an agricultural tractor that is designed by its 86107  
manufacturer to operate at a speed greater than twenty-five miles 86108  
per hour is being operated on a street or highway at a speed 86109  
greater than twenty-five miles per hour, the operator shall 86110  
possess some documentation published or provided by the 86111  
manufacturer indicating the maximum speed in miles per hour at 86112  
which the manufacturer designed the agricultural tractor to 86113  
operate. 86114

(I) Whoever violates this section ~~shall be punished as~~ 86115  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86116  
minor misdemeanor. 86117

(J) As used in this section, "boat trailer" means any vehicle 86118  
designed and used exclusively to transport a boat between a place 86119  
of storage and a marina, or in and around a marina, when drawn or 86120  
towed on a street or highway for a distance of no more than ten 86121  
miles and at a speed of twenty-five miles per hour or less. 86122

**Sec. 4513.111.** (A)(1) Every multi-wheel agricultural tractor 86123  
whose model year was 2001 or earlier, when being operated or 86124  
traveling on a street or highway at the times specified in section 86125  
4513.03 of the Revised Code, at a minimum shall be equipped with 86126  
and display reflectors and illuminated amber lamps so that the 86127  
extreme left and right projections of the tractor are indicated by 86128  
flashing lamps displaying amber light, visible to the front and 86129  
the rear, by amber reflectors, all visible to the front, and by 86130  
red reflectors, all visible to the rear. 86131

(2) The lamps displaying amber light need not flash 86132

simultaneously and need not flash in conjunction with any 86133  
directional signals of the tractor. 86134

(3) The lamps and reflectors required by division (A)(1) of 86135  
this section and their placement shall meet standards and 86136  
specifications contained in rules adopted by the director of 86137  
public safety in accordance with Chapter 119. of the Revised Code. 86138  
The rules governing the amber lamps, amber reflectors, and red 86139  
reflectors and their placement shall correlate with and, as far as 86140  
possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 86141  
respectively of the American society of agricultural engineers 86142  
standard ANSI/SAE S279.10 OCT98, lighting and marking of 86143  
agricultural equipment on highways. 86144

(B) Every unit of farm machinery whose model year was 2002 or 86145  
later, when being operated or traveling on a street or highway at 86146  
the times specified in section 4513.03 of the Revised Code, shall 86147  
be equipped with and display markings and illuminated lamps that 86148  
meet or exceed the lighting, illumination, and marking standards 86149  
and specifications that are applicable to that type of farm 86150  
machinery for the unit's model year specified in the American 86151  
society of agricultural engineers standard ANSI/SAE S279.11 86152  
APR01, lighting and marking of agricultural equipment on highways, 86153  
or any subsequent revisions of that standard. 86154

(C) The lights and reflectors required by division (A) of 86155  
this section are in addition to the slow-moving vehicle emblem and 86156  
lights required or permitted by section 4513.11 or 4513.17 of the 86157  
Revised Code to be displayed on farm machinery being operated or 86158  
traveling on a street or highway. 86159

(D) No person shall operate any unit of farm machinery on a 86160  
street or highway or cause any unit of farm machinery to travel on 86161  
a street or highway in violation of division (A) or (B) of this 86162  
section. 86163

(E) Whoever violates this section ~~shall be punished as~~ 86164  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86165  
minor misdemeanor. 86166

**Sec. 4513.12.** (A) Any motor vehicle may be equipped with not 86167  
more than one spotlight and every lighted spotlight shall be so 86168  
aimed and used upon approaching another vehicle that no part of 86169  
the high-intensity portion of the beam will be directed to the 86170  
left of the prolongation of the extreme left side of the vehicle, 86171  
nor more than one hundred feet ahead of the vehicle. 86172

Any motor vehicle may be equipped with not more than three 86173  
auxiliary driving lights mounted on the front of the vehicle. The 86174  
director of public safety shall prescribe specifications for 86175  
auxiliary driving lights and regulations for their use, and any 86176  
such lights which do not conform to said specifications and 86177  
regulations shall not be used. 86178

(B) Whoever violates this section ~~shall be punished as~~ 86179  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86180  
minor misdemeanor. 86181

**Sec. 4513.13.** (A) Any motor vehicle may be equipped with side 86182  
cowl or fender lights which shall emit a white or amber light 86183  
without glare. 86184

Any motor vehicle may be equipped with lights on each side 86185  
thereof which shall emit a white or amber light without glare. 86186

Any motor vehicle may be equipped with back-up lights, either 86187  
separately or in combination with another light. No back-up lights 86188  
shall be continuously lighted when the motor vehicle is in forward 86189  
motion. 86190

(B) Whoever violates this section ~~shall be punished as~~ 86191  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86192  
minor misdemeanor. 86193



**Sec. 4513.14.** (A) At all times mentioned in section 4513.03 86194  
of the Revised Code at least two lighted lights shall be 86195  
displayed, one near each side of the front of every motor vehicle 86196  
and trackless trolley, except when such vehicle or trackless 86197  
trolley is parked subject to the regulations governing lights on 86198  
parked vehicles and trackless trolleys. 86199

The director of public safety shall prescribe and promulgate 86200  
regulations relating to the design and use of such lights and such 86201  
regulations shall be in accordance with currently recognized 86202  
standards. 86203

(B) Whoever violates this section ~~shall be punished as~~ 86204  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86205  
minor misdemeanor. 86206

**Sec. 4513.15.** (A) Whenever a motor vehicle is being operated 86207  
on a roadway or shoulder adjacent thereto during the times 86208  
specified in section 4513.03 of the Revised Code, the driver shall 86209  
use a distribution of light, or composite beam, directed high 86210  
enough and of sufficient intensity to reveal persons, vehicles, 86211  
and substantial objects at a safe distance in advance of the 86212  
vehicle, subject to the following requirements; 86213

(1) Whenever the driver of a vehicle approaches an oncoming 86214  
vehicle, such driver shall use a distribution of light, or 86215  
composite beam, so aimed that the glaring rays are not projected 86216  
into the eyes of the oncoming driver. 86217

(2) Every new motor vehicle registered in this state, which 86218  
has multiple-beam road lighting equipment shall be equipped with a 86219  
beam indicator, which shall be lighted whenever the uppermost 86220  
distribution of light from the headlights is in use, and shall not 86221  
otherwise be lighted. Said indicator shall be so designed and 86222  
located that, when lighted, it will be readily visible without 86223

glare to the driver of the vehicle. 86224

(B) Whoever violates this section ~~shall be punished as~~ 86225  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86226  
minor misdemeanor. 86227

**Sec. 4513.16.** (A) Any motor vehicle may be operated under the 86228  
conditions specified in section 4513.03 of the Revised Code when 86229  
it is equipped with two lighted lights upon the front thereof 86230  
capable of revealing persons and substantial objects seventy-five 86231  
feet ahead, in lieu of lights required in section 4513.14 of the 86232  
Revised Code, provided that such vehicle shall not be operated at 86233  
a speed in excess of twenty miles per hour. 86234

(B) Whoever violates this section ~~shall be punished as~~ 86235  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86236  
minor misdemeanor. 86237

**Sec. 4513.17.** (A) Whenever a motor vehicle equipped with 86238  
headlights also is equipped with any auxiliary lights or spotlight 86239  
or any other light on the front thereof projecting a beam of an 86240  
intensity greater than three hundred candle power, not more than a 86241  
total of five of any such lights on the front of a vehicle shall 86242  
be lighted at any one time when the vehicle is upon a highway. 86243

(B) Any lighted light or illuminating device upon a motor 86244  
vehicle, other than headlights, spotlights, signal lights, or 86245  
auxiliary driving lights, that projects a beam of light of an 86246  
intensity greater than three hundred candle power, shall be so 86247  
directed that no part of the beam will strike the level of the 86248  
roadway on which the vehicle stands at a distance of more than 86249  
seventy-five feet from the vehicle. 86250

(C)(1) Flashing lights are prohibited on motor vehicles, 86251  
except as a means for indicating a right or a left turn, or in the 86252  
presence of a vehicular traffic hazard requiring unusual care in 86253

approaching, or overtaking or passing. This prohibition does not 86254  
apply to emergency vehicles, road service vehicles servicing or 86255  
towing a disabled vehicle, traffic line strippers, snow plows, 86256  
rural mail delivery vehicles, vehicles as provided in section 86257  
4513.182 of the Revised Code, department of transportation 86258  
maintenance vehicles, funeral hearses, funeral escort vehicles, 86259  
and similar equipment operated by the department or local 86260  
authorities, which shall be equipped with and display, when used 86261  
on a street or highway for the special purpose necessitating such 86262  
lights, a flashing, oscillating, or rotating amber light, but 86263  
shall not display a flashing, oscillating, or rotating light of 86264  
any other color, nor to vehicles or machinery permitted by section 86265  
4513.11 of the Revised Code to have a flashing red light. 86266

(2) When used on a street or highway, farm machinery and 86267  
vehicles escorting farm machinery may be equipped with and display 86268  
a flashing, oscillating, or rotating amber light, and the 86269  
prohibition contained in division (C)(1) of this section does not 86270  
apply to such machinery or vehicles. Farm machinery also may 86271  
display the lights described in section 4513.11 of the Revised 86272  
Code. 86273

(D) Except a person operating a public safety vehicle, as 86274  
defined in division (E) of section 4511.01 of the Revised Code, or 86275  
a school bus, no person shall operate, move, or park upon, or 86276  
permit to stand within the right-of-way of any public street or 86277  
highway any vehicle or equipment that is equipped with and 86278  
displaying a flashing red or a flashing combination red and white 86279  
light, or an oscillating or rotating red light, or a combination 86280  
red and white oscillating or rotating light; and except a public 86281  
law enforcement officer, or other person sworn to enforce the 86282  
criminal and traffic laws of the state, operating a public safety 86283  
vehicle when on duty, no person shall operate, move, or park upon, 86284  
or permit to stand within the right-of-way of any street or 86285

highway any vehicle or equipment that is equipped with, or upon 86286  
which is mounted, and displaying a flashing blue or a flashing 86287  
combination blue and white light, or an oscillating or rotating 86288  
blue light, or a combination blue and white oscillating or 86289  
rotating light. 86290

(E) This section does not prohibit the use of warning lights 86291  
required by law or the simultaneous flashing of turn signals on 86292  
disabled vehicles or on vehicles being operated in unfavorable 86293  
atmospheric conditions in order to enhance their visibility. This 86294  
section also does not prohibit the simultaneous flashing of turn 86295  
signals or warning lights either on farm machinery or vehicles 86296  
escorting farm machinery, when used on a street or highway. 86297

(F) Whoever violates this section ~~shall be punished as~~ 86298  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86299  
minor misdemeanor. 86300

**Sec. 4513.171.** (A) Notwithstanding any other provision of 86301  
law, a motor vehicle operated by a coroner, deputy coroner, or 86302  
coroner's investigator may be equipped with a flashing, 86303  
oscillating, or rotating red or blue light and a siren, whistle, 86304  
or bell capable of emitting sound audible under normal conditions 86305  
from a distance of not less than five hundred feet. Such a vehicle 86306  
may display the flashing, oscillating, or rotating red or blue 86307  
light and may give the audible signal of the siren, exhaust 86308  
whistle, or bell only when responding to a fatality or a fatal 86309  
motor vehicle accident on a street or highway and only at those 86310  
locations where the stoppage of traffic impedes the ability of the 86311  
coroner, deputy coroner, or coroner's investigator to arrive at 86312  
the site of the fatality. 86313

This section does not relieve a coroner, deputy coroner, or 86314  
coroner's investigator operating a motor vehicle from the duty to 86315  
drive with due regard for the safety of all persons and property 86316

upon the highway. 86317

(B) Whoever violates this section ~~shall be punished as~~ 86318  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86319  
minor misdemeanor. 86320

**Sec. 4513.18.** (A) The director of transportation shall adopt 86321  
standards and specifications applicable to headlights, clearance 86322  
lights, identification, and other lights, on snow removal 86323  
equipment when operated on the highways, and on vehicles operating 86324  
under special permits pursuant to section 4513.34 of the Revised 86325  
Code, in lieu of the lights otherwise required on motor vehicles. 86326  
Such standards and specifications may permit the use of flashing 86327  
lights for purposes of identification on snow removal equipment, 86328  
and oversize vehicles when in service upon the highways. The 86329  
standards and specifications for lights referred to in this 86330  
section shall correlate with and, so far as possible, conform with 86331  
those approved by the American association of state highway 86332  
officials. 86333

It is unlawful to operate snow removal equipment on a highway 86334  
unless the lights thereon comply with and are lighted when and as 86335  
required by the standards and specifications adopted as provided 86336  
in this section. 86337

(B) Whoever violates this section ~~shall be punished as~~ 86338  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86339  
minor misdemeanor. 86340

**Sec. 4513.19.** (A) No person shall use any lights mentioned in 86341  
sections 4513.03 to 4513.18 of the Revised Code upon any motor 86342  
vehicle, trailer, or semitrailer unless said lights are equipped, 86343  
mounted, and adjusted as to focus and aim in accordance with 86344  
regulations which are prescribed by the director of public safety. 86345

(B) Whoever violates this section ~~shall be punished as~~ 86346

~~provided in section 4513.99 of the Revised Code is guilty of a~~ 86347  
~~minor misdemeanor.~~ 86348

**Sec. 4513.21.** (A) Every motor vehicle or trackless trolley 86349  
when operated upon a highway shall be equipped with a horn which 86350  
is in good working order and capable of emitting sound audible, 86351  
under normal conditions, from a distance of not less than two 86352  
hundred feet. 86353

No motor vehicle or trackless trolley shall be equipped with, 86354  
nor shall any person use upon a vehicle, any siren, whistle, or 86355  
bell. Any vehicle may be equipped with a theft alarm signal device 86356  
which shall be so arranged that it cannot be used as an ordinary 86357  
warning signal. Every emergency vehicle shall be equipped with a 86358  
siren, whistle, or bell, capable of emitting sound audible under 86359  
normal conditions from a distance of not less than five hundred 86360  
feet and of a type approved by the director of public safety. Such 86361  
equipment shall not be used except when such vehicle is operated 86362  
in response to an emergency call or is in the immediate pursuit of 86363  
an actual or suspected violator of the law, in which case the 86364  
driver of the emergency vehicle shall sound such equipment when it 86365  
is necessary to warn pedestrians and other drivers of the approach 86366  
thereof. 86367

(B) Whoever violates this section ~~shall be punished as~~ 86368  
~~provided in section 4513.99 of the Revised Code is guilty of a~~ 86369  
~~minor misdemeanor.~~ 86370

**Sec. 4513.22.** (A) Every motor vehicle and motorcycle with an 86371  
internal combustion engine shall at all times be equipped with a 86372  
muffler which is in good working order and in constant operation 86373  
to prevent excessive or unusual noise, and no person shall use a 86374  
muffler cutout, by-pass, or similar device upon a motor vehicle on 86375  
a highway. Every motorcycle muffler shall be equipped with baffle 86376

plates. 86377

No person shall own, operate, or have in the person's 86378  
possession any motor vehicle or motorcycle equipped with a device 86379  
for producing excessive smoke or gas, or so equipped as to permit 86380  
oil or any other chemical to flow into or upon the exhaust pipe or 86381  
muffler of such vehicle, or equipped in any other way to produce 86382  
or emit smoke or dangerous or annoying gases from any portion of 86383  
such vehicle, other than the ordinary gases emitted by the exhaust 86384  
of an internal combustion engine under normal operation. 86385

(B) Whoever violates this section ~~shall be punished as~~ 86386  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86387  
minor misdemeanor. 86388

**Sec. 4513.23.** (A) Every motor vehicle, motorcycle, and 86389  
trackless trolley shall be equipped with a mirror so located as to 86390  
reflect to the operator a view of the highway to the rear of such 86391  
vehicle, motorcycle, or trackless trolley. Operators of vehicles, 86392  
motorcycles, streetcars, and trackless trolleys shall have a clear 86393  
and unobstructed view to the front and to both sides of their 86394  
vehicles, motorcycles, streetcars, or trackless trolleys and shall 86395  
have a clear view to the rear of their vehicles, motorcycles, 86396  
streetcars, or trackless trolleys by mirror. 86397

(B) Whoever violates this section ~~shall be punished as~~ 86398  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86399  
minor misdemeanor. 86400

**Sec. 4513.24.** (A) No person shall drive any motor vehicle on 86401  
a street or highway in this state, other than a motorcycle or 86402  
motorized bicycle, that is not equipped with a windshield. 86403

(B) No person shall drive any motor vehicle, other than a 86404  
bus, with any sign, poster, or other nontransparent material upon 86405

the front windshield, sidewings, side, or rear windows of such 86406  
vehicle other than a certificate or other paper required to be 86407  
displayed by law, except that there may be in the lower left-hand 86408  
or right-hand corner of the windshield a sign, poster, or decal 86409  
not to exceed four inches in height by six inches in width. No 86410  
sign, poster, or decal shall be displayed in the front windshield 86411  
in such a manner as to conceal the vehicle identification number 86412  
for the motor vehicle when, in accordance with federal law, that 86413  
number is located inside the vehicle passenger compartment and so 86414  
placed as to be readable through the vehicle glazing without 86415  
moving any part of the vehicle. 86416

(C) The windshield on every motor vehicle, streetcar, and 86417  
trackless trolley shall be equipped with a device for cleaning 86418  
rain, snow, or other moisture from the windshield. The device 86419  
shall be maintained in good working order and so constructed as to 86420  
be controlled or operated by the operator of the vehicle, 86421  
streetcar, or trackless trolley. 86422

(D) Whoever violates this section ~~shall be punished as~~ 86423  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86424  
minor misdemeanor. 86425

**Sec. 4513.242.** (A) Notwithstanding section 4513.24 and 86426  
division (F) of section 4513.241 of the Revised Code or any rule 86427  
adopted thereunder, a decal, whether reflectorized or not, may be 86428  
displayed upon any side window or siding of a motor vehicle if 86429  
all of the following are met: 86430

(1) The decal is necessary for public or private security 86431  
arrangements to which the motor vehicle periodically is subjected; 86432

(2) The decal is no larger than is necessary to accomplish 86433  
the security arrangements; 86434

(3) The decal does not obscure the vision of the motor 86435



vehicle operator or prevent a person looking into the motor 86436  
vehicle from seeing or identifying persons or objects inside the 86437  
motor vehicle. 86438

(B) Whoever violates this section ~~shall be punished as~~ 86439  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86440  
minor misdemeanor. 86441

**Sec. 4513.28.** (A) Whenever any motor truck, trackless 86442  
trolley, bus, commercial tractor, trailer, semi-trailer, or pole 86443  
trailer is disabled upon the traveled portion of any highway or 86444  
the shoulder thereof outside of any municipality, or upon any 86445  
freeway, expressway, thruway and connecting, entering or exiting 86446  
ramps within a municipality, at any time when lighted lamps are 86447  
required on vehicles and trackless trolleys, the operator of such 86448  
vehicle or trackless trolley shall display the following warning 86449  
devices upon the highway during the time the vehicle or trackless 86450  
trolley is so disabled on the highway except as provided in 86451  
division (B) of this section: 86452

(1) A lighted fusee shall be immediately placed on the 86453  
roadway at the traffic side of such vehicle or trackless trolley, 86454  
unless red electric lanterns or red reflectors are displayed. 86455

(2) Within the burning period of the fusee and as promptly as 86456  
possible, three lighted flares or pot torches, or three red 86457  
reflectors or three red electric lanterns shall be placed on the 86458  
roadway as follows: 86459

(a) One at a distance of forty paces or approximately one 86460  
hundred feet in advance of the vehicle; 86461

(b) One at a distance of forty paces or approximately one 86462  
hundred feet to the rear of the vehicle or trackless trolley 86463  
except as provided in this section, each in the center of the lane 86464  
of traffic occupied by the disabled vehicle or trackless trolley; 86465

(c) One at the traffic side of the vehicle or trackless trolley. 86466  
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(B) Whenever any vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, is disabled upon a highway at any time or place mentioned in division (A) of this section, the driver of such vehicle shall display upon the roadway the following warning devices: 86468  
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(1) One red electric lantern or one red reflector shall be immediately placed on the roadway at the traffic side of the vehicle; 86473  
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(2) Two other red electric lanterns or two other red reflectors shall be placed to the front and rear of the vehicle in the same manner prescribed for flares in division (A) of this section. 86476  
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(C) When a vehicle of a type specified in division (B) of this section is disabled, the use of flares, fusees, or any signal produced by flame as warning signals is prohibited. 86480  
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(D) Whenever any vehicle or trackless trolley of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof, outside of any municipality, or upon any freeway, expressway, thruway and connecting, entering or exiting ramps within a municipality, at any time when the display of fusees, flares, red reflectors, or electric lanterns is not required, the operator of such vehicle or trackless trolley shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle or trackless trolley, one at a distance of forty paces or approximately one hundred feet in advance of the vehicle or trackless trolley, and one at a distance of forty paces or approximately one hundred feet to the rear of the vehicle or trackless trolley, except as provided in this section. 86483  
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(E) The flares, fusees, lanterns, red reflectors, and flags 86497  
to be displayed as required in this section shall conform with the 86498  
requirements of section 4513.27 of the Revised Code applicable 86499  
thereto. 86500

(F) In the event the vehicle or trackless trolley is disabled 86501  
near a curve, crest of a hill, or other obstruction of view, the 86502  
flare, flag, reflector, or lantern in that direction shall be 86503  
placed as to afford ample warning to other users of the highway, 86504  
but in no case shall it be placed less than forty paces or 86505  
approximately one hundred feet nor more than one hundred twenty 86506  
paces or approximately three hundred feet from the disabled 86507  
vehicle or trackless trolley. 86508

(G) This section does not apply to the operator of any 86509  
vehicle in a work area designated by protection equipment devices 86510  
that are displayed and used in accordance with the manual adopted 86511  
by the department of transportation under section 4511.09 of the 86512  
Revised Code. 86513

(H) Whoever violates this section ~~shall be punished as~~ 86514  
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86515  
minor misdemeanor. 86516

**Sec. 4513.60.** (A)(1) The sheriff of a county or chief of 86517  
police of a municipal corporation, township, or township police 86518  
district, within the sheriff's or chief's respective territorial 86519  
jurisdiction, upon complaint of any person adversely affected, may 86520  
order into storage any motor vehicle, other than an abandoned junk 86521  
motor vehicle as defined in section 4513.63 of the Revised Code, 86522  
that has been left on private residential or private agricultural 86523  
property for at least four hours without the permission of the 86524  
person having the right to the possession of the property. The 86525  
sheriff or chief of police, upon complaint of the owner of a 86526  
repair garage or place of storage, may order into storage any 86527

motor vehicle, other than an abandoned junk motor vehicle, that 86528  
has been left at the garage or place of storage for a longer 86529  
period than that agreed upon. The place of storage shall be 86530  
designated by the sheriff or chief of police. When ordering a 86531  
motor vehicle into storage pursuant to this division, a sheriff or 86532  
chief of police, whenever possible, shall arrange for the removal 86533  
of the motor vehicle by a private tow truck operator or towing 86534  
company. Subject to division (C) of this section, the owner of a 86535  
motor vehicle that has been removed pursuant to this division may 86536  
recover the vehicle only in accordance with division (E) of this 86537  
section. 86538

(2) Divisions (A)(1) to (3) of this section do not apply to 86539  
any private residential or private agricultural property that is 86540  
established as a private tow-away zone in accordance with division 86541  
(B) of this section. 86542

(3) As used in divisions (A)(1) and (2) of this section, 86543  
"private residential property" means private property on which is 86544  
located one or more structures that are used as a home, residence, 86545  
or sleeping place by one or more persons, if no more than three 86546  
separate households are maintained in the structure or structures. 86547  
"Private residential property" does not include any private 86548  
property on which is located one or more structures that are used 86549  
as a home, residence, or sleeping place by two or more persons, if 86550  
more than three separate households are maintained in the 86551  
structure or structures. 86552

(B)(1) The owner of private property may establish a private 86553  
tow-away zone only if all of the following conditions are 86554  
satisfied: 86555

(a) The owner posts on the owner's property a sign, that is 86556  
at least eighteen inches by twenty-four inches in size, that is 86557  
visible from all entrances to the property, and that contains at 86558  
least all of the following information: 86559

(i) A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away; 86560  
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(ii) The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered; 86563  
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(iii) A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed ninety dollars, and a storage charge, in an amount not to exceed twelve dollars per twenty-four-hour period; except that the charge for towing shall not exceed one hundred fifty dollars, and the storage charge shall not exceed twenty dollars per twenty-four-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer. 86567  
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(b) The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted, and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located. 86578  
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(2) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (B)(1) of this section, without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or the owner's agent may remove, or cause the removal of, the vehicle, the owner and the operator of the vehicle shall be deemed to have consented to the removal and 86585  
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storage of the vehicle and to the payment of the towing and 86592  
storage charges specified in division (B)(1)(a)(iii) of this 86593  
section, and the owner, subject to division (C) of this section, 86594  
may recover a vehicle that has been so removed only in accordance 86595  
with division (E) of this section. 86596

(3) If a municipal corporation requires tow trucks and tow 86597  
truck operators to be licensed, no owner of private property 86598  
located within the municipal corporation shall remove, or shall 86599  
cause the removal and storage of, any vehicle pursuant to division 86600  
(B)(2) of this section by an unlicensed tow truck or unlicensed 86601  
tow truck operator. 86602

(4) Divisions (B)(1) to (3) of this section do not affect or 86603  
limit the operation of division (A) of this section or sections 86604  
4513.61 to 4513.65 of the Revised Code as they relate to property 86605  
other than private property that is established as a private 86606  
tow-away zone under division (B)(1) of this section. 86607

(C) If the owner or operator of a motor vehicle that has been 86608  
ordered into storage pursuant to division (A)(1) of this section 86609  
or of a vehicle that is being removed under authority of division 86610  
(B)(2) of this section arrives after the motor vehicle or vehicle 86611  
has been prepared for removal, but prior to its actual removal 86612  
from the property, the owner or operator shall be given the 86613  
opportunity to pay a fee of not more than one-half of the charge 86614  
for the removal of motor vehicles under division (A)(1) of this 86615  
section or of vehicles under division (B)(2) of this section, 86616  
whichever is applicable, that normally is assessed by the person 86617  
who has prepared the motor vehicle or vehicle for removal, in 86618  
order to obtain release of the motor vehicle or vehicle. Upon 86619  
payment of that fee, the motor vehicle or vehicle shall be 86620  
released to the owner or operator, and upon its release, the owner 86621  
or operator immediately shall move it so that: 86622

(1) If the motor vehicle was ordered into storage pursuant to 86623

division (A)(1) of this section, it is not on the private 86624  
residential or private agricultural property without the 86625  
permission of the person having the right to possession of the 86626  
property, or is not at the garage or place of storage without the 86627  
permission of the owner, whichever is applicable. 86628

(2) If the vehicle was being removed under authority of 86629  
division (B)(2) of this section, it is not parked on the private 86630  
property established as a private tow-away zone without the 86631  
consent of the owner or in violation of any posted parking 86632  
condition or regulation. 86633

(D)(1) If an owner of private property that is established as 86634  
a private tow-away zone in accordance with division (B)(1) of this 86635  
section or the authorized agent of such an owner removes or causes 86636  
the removal of a vehicle from that property under authority of 86637  
division (B)(2) of this section, the owner or agent promptly shall 86638  
notify the police department of the municipal corporation, 86639  
township, or township police district in which the property is 86640  
located, of the removal, the vehicle's license number, make, 86641  
model, and color, the location from which it was removed, the date 86642  
and time of its removal, the telephone number of the person from 86643  
whom it may be recovered, and the address of the place to which it 86644  
has been taken and from which it may be recovered. 86645

(2) Each county sheriff and each chief of police of a 86646  
municipal corporation, township, or township police district shall 86647  
maintain a record of motor vehicles that the sheriff or chief 86648  
orders into storage pursuant to division (A)(1) of this section 86649  
and of vehicles removed from private property in the sheriff's or 86650  
chief's jurisdiction that is established as a private tow-away 86651  
zone of which the sheriff or chief has received notice under 86652  
division (D)(1) of this section. The record shall include an entry 86653  
for each such motor vehicle or vehicle that identifies the motor 86654  
vehicle's or vehicle's license number, make, model, and color, the 86655

location from which it was removed, the date and time of its 86656  
removal, the telephone number of the person from whom it may be 86657  
recovered, and the address of the place to which it has been taken 86658  
and from which it may be recovered. Any information in the record 86659  
that pertains to a particular motor vehicle or vehicle shall be 86660  
provided to any person who, either in person or pursuant to a 86661  
telephone call, identifies self as the owner or operator of the 86662  
motor vehicle or vehicle and requests information pertaining to 86663  
its location. 86664

(3) Any person who registers a complaint that is the basis of 86665  
a sheriff's or police chief's order for the removal and storage of 86666  
a motor vehicle under division (A)(1) of this section shall 86667  
provide the identity of the law enforcement agency with which the 86668  
complaint was registered to any person who identifies self as the 86669  
owner or operator of the motor vehicle and requests information 86670  
pertaining to its location. 86671

(E) The owner of a motor vehicle that is ordered into storage 86672  
pursuant to division (A)(1) of this section or of a vehicle that 86673  
is removed under authority of division (B)(2) of this section may 86674  
reclaim it upon payment of any expenses or charges incurred in its 86675  
removal, in an amount not to exceed ninety dollars, and storage, 86676  
in an amount not to exceed twelve dollars per twenty-four-hour 86677  
period; except that the charge for towing shall not exceed one 86678  
hundred fifty dollars, and the storage charge shall not exceed 86679  
twenty dollars per twenty-four-hour period, if the vehicle has a 86680  
manufacturer's gross vehicle weight rating in excess of ten 86681  
thousand pounds and is a truck, bus, or a combination of a 86682  
commercial tractor and trailer or semitrailer. Presentation of 86683  
proof of ownership, which may be evidenced by a certificate of 86684  
title to the motor vehicle or vehicle also shall be required for 86685  
reclamation of the vehicle. If a motor vehicle that is ordered 86686  
into storage pursuant to division (A)(1) of this section remains 86687



unclaimed by the owner for thirty days, the procedures established 86688  
by sections 4513.61 and 4513.62 of the Revised Code shall apply. 86689

(F) No person shall remove, or cause the removal of, any 86690  
vehicle from private property that is established as a private 86691  
tow-away zone under division (B)(1) of this section other than in 86692  
accordance with division (B)(2) of this section, and no person 86693  
shall remove, or cause the removal of, any motor vehicle from any 86694  
other private property other than in accordance with division 86695  
(A)(1) of this section or sections 4513.61 to 4513.65 of the 86696  
Revised Code. 86697

(G)~~(1)~~ Whoever violates division (B)(3) or (F) of this 86698  
section is guilty of a minor misdemeanor. 86699

~~(2) Except as otherwise provided in this division, whoever 86700  
violates division (F) of this section is guilty of a minor 86701  
misdemeanor. If the offender previously has been convicted of or 86702  
pleaded guilty to a violation of division (F) of this section, 86703  
whoever violates division (F) of this section is guilty of a 86704  
misdemeanor of the third degree. 86705~~

**Sec. 4513.65.** (A) For purposes of this section, "junk motor 86706  
vehicle" means any motor vehicle meeting the requirements of 86707  
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 86708  
Code that is left uncovered in the open on private property for 86709  
more than seventy-two hours with the permission of the person 86710  
having the right to the possession of the property, except if the 86711  
person is operating a junk yard or scrap metal processing facility 86712  
licensed under authority of sections 4737.05 to 4737.12 of the 86713  
Revised Code, or regulated under authority of a political 86714  
subdivision; or if the property on which the motor vehicle is left 86715  
is not subject to licensure or regulation by any governmental 86716  
authority, unless the person having the right to the possession of 86717  
the property can establish that the motor vehicle is part of a 86718

bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

No political subdivision shall prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property; except that a political subdivision may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

The sheriff of a county, or chief of police of a municipal corporation, within the sheriff's or chief's respective territorial jurisdiction, a state highway patrol trooper, a board of township trustees, the legislative authority of a municipal corporation, or the zoning authority of a township or a municipal corporation, may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense.

~~(B) Except as otherwise provided in this division, whoever~~  
Whoever violates this section is guilty of a minor misdemeanor ~~on~~  
~~a first offense. If the offender previously has been convicted of~~

~~or pleaded guilty to one violation of this section, whoever~~ 86750  
~~violates this section is guilty of a misdemeanor of the fourth~~ 86751  
~~degree. If the offender previously has been convicted of or~~ 86752  
~~pleaded guilty to two or more violations of this section, whoever~~ 86753  
~~violates this section is guilty of a misdemeanor of the third~~ 86754  
~~degree.~~ 86755

**Sec. 4513.99.** (A) Any violation of section ~~4513.03, 4513.04,~~ 86756  
~~4513.05, 4513.06, 4513.07, 4513.071, 4513.09, 4513.10, 4513.11~~ 86757  
~~except for division (H) of that section, 4513.111, 4513.12,~~ 86758  
~~4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18,~~ 86759  
~~4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21, 4513.22,~~ 86760  
~~4513.23, 4513.24, 4513.242, 4513.25, 4513.26, 4513.27, 4513.28,~~ 86761  
~~4513.29, 4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code~~ 86762  
shall be punished under division (B) of this section. 86763

(B) Whoever violates the sections of this chapter that are 86764  
specifically required to be punished under this division, or any 86765  
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 86766  
the Revised Code for which violation no penalty is otherwise 86767  
provided, is guilty of a minor misdemeanor on a first offense; on 86768  
a second offense within one year after the first offense, the 86769  
person is guilty of a misdemeanor of the fourth degree; on each 86770  
subsequent offense within one year after the first offense, the 86771  
person is guilty of a misdemeanor of the third degree. 86772

**Sec. 4517.01.** As used in sections 4517.01 to 4517.65 of the 86773  
Revised Code: 86774

(A) "Persons" includes individuals, firms, partnerships, 86775  
associations, joint stock companies, corporations, and any 86776  
combinations of individuals. 86777

(B) "Motor vehicle" means motor vehicle as defined in section 86778  
4501.01 of the Revised Code and also includes "all-purpose 86779

vehicle" and "off-highway motorcycle" as those terms are defined 86780  
in section 4519.01 of the Revised Code ~~and manufactured and mobile~~ 86781  
~~homes~~. "Motor vehicle" does not include a snowmobile as defined in 86782  
section 4519.01 of the Revised Code or manufactured and mobile 86783  
homes. 86784

(C) "New motor vehicle" means a motor vehicle, the legal 86785  
title to which has never been transferred by a manufacturer, 86786  
remanufacturer, distributor, or dealer to an ultimate purchaser. 86787

(D) "Ultimate purchaser" means, with respect to any new motor 86788  
vehicle, the first person, other than a dealer purchasing in the 86789  
capacity of a dealer, who in good faith purchases such new motor 86790  
vehicle for purposes other than resale. 86791

(E) "Business" includes any activities engaged in by any 86792  
person for the object of gain, benefit, or advantage either direct 86793  
or indirect. 86794

(F) "Engaging in business" means commencing, conducting, or 86795  
continuing in business, or liquidating a business when the 86796  
liquidator thereof holds self out to be conducting such business; 86797  
making a casual sale or otherwise making transfers in the ordinary 86798  
course of business when the transfers are made in connection with 86799  
the disposition of all or substantially all of the transferor's 86800  
assets is not engaging in business. 86801

(G) "Retail sale" or "sale at retail" means the act or 86802  
attempted act of selling, bartering, exchanging, or otherwise 86803  
disposing of a motor vehicle to an ultimate purchaser for use as a 86804  
consumer. 86805

(H) "Retail installment contract" includes any contract in 86806  
the form of a note, chattel mortgage, conditional sales contract, 86807  
lease, agreement, or other instrument payable in one or more 86808  
installments over a period of time and arising out of the retail 86809  
sale of a motor vehicle. 86810

(I) "Farm machinery" means all machines and tools used in the 86811  
production, harvesting, and care of farm products. 86812

(J) "Dealer" or "motor vehicle dealer" means any new motor 86813  
vehicle dealer, any motor vehicle leasing dealer, and any used 86814  
motor vehicle dealer. 86815

(K) "New motor vehicle dealer" means any person engaged in 86816  
the business of selling at retail, displaying, offering for sale, 86817  
or dealing in new motor vehicles pursuant to a contract or 86818  
agreement entered into with the manufacturer, remanufacturer, or 86819  
distributor of the motor vehicles. 86820

(L) "Used motor vehicle dealer" means any person engaged in 86821  
the business of selling, displaying, offering for sale, or dealing 86822  
in used motor vehicles, at retail or wholesale, but does not mean 86823  
any new motor vehicle dealer selling, displaying, offering for 86824  
sale, or dealing in used motor vehicles incidentally to engaging 86825  
in the business of selling, displaying, offering for sale, or 86826  
dealing in new motor vehicles, any person engaged in the business 86827  
of dismantling, salvaging, or rebuilding motor vehicles by means 86828  
of using used parts, or any public officer performing official 86829  
duties. 86830

(M) "Motor vehicle leasing dealer" means any person engaged 86831  
in the business of regularly making available, offering to make 86832  
available, or arranging for another person to use a motor vehicle 86833  
pursuant to a bailment, lease, sublease, or other contractual 86834  
arrangement under which a charge is made for its use at a periodic 86835  
rate for a term of thirty days or more, and title to the motor 86836  
vehicle is in and remains in the motor vehicle leasing dealer who 86837  
originally leases it, irrespective of whether or not the motor 86838  
vehicle is the subject of a later sublease, and not in the user, 86839  
but does not mean a manufacturer or its affiliate leasing to its 86840  
employees or to dealers. 86841

(N) "Salesperson" means any person employed by a dealer or 86842  
manufactured home broker to sell, display, and offer for sale, or 86843  
deal in motor vehicles for a commission, compensation, or other 86844  
valuable consideration, but does not mean any public officer 86845  
performing official duties. 86846

(O) "Casual sale" means any transfer of a motor vehicle by a 86847  
person other than a new motor vehicle dealer, used motor vehicle 86848  
dealer, motor vehicle salvage dealer, as defined in division (A) 86849  
of section 4738.01 of the Revised Code, salesperson, motor vehicle 86850  
auction owner, manufacturer, or distributor acting in the capacity 86851  
of a dealer, salesperson, auction owner, manufacturer, or 86852  
distributor, to a person who purchases the motor vehicle for use 86853  
as a consumer. 86854

(P) "Motor vehicle show" means a display of current models of 86855  
motor vehicles whereby the primary purpose is the exhibition of 86856  
competitive makes and models in order to provide the general 86857  
public the opportunity to review and inspect various makes and 86858  
models of motor vehicles at a single location. 86859

(Q) "Motor vehicle auction owner" means any person who is 86860  
engaged wholly or in part in the business of auctioning motor 86861  
vehicles. 86862

(R) "Manufacturer" means a person who manufactures, 86863  
assembles, or imports motor vehicles, including motor homes, but 86864  
does not mean a person who only assembles or installs a body, 86865  
special equipment unit, finishing trim, or accessories on a motor 86866  
vehicle chassis supplied by a manufacturer or distributor. 86867

(S) "Tent-type fold-out camping trailer" means any vehicle 86868  
intended to be used, when stationary, as a temporary shelter with 86869  
living and sleeping facilities, and that is subject to the 86870  
following properties and limitations: 86871

(1) A minimum of twenty-five per cent of the fold-out portion 86872

of the top and sidewalls combined must be constructed of canvas, 86873  
vinyl, or other fabric, and form an integral part of the shelter. 86874

(2) When folded, the unit must not exceed: 86875

(a) Fifteen feet in length, exclusive of bumper and tongue; 86876

(b) Sixty inches in height from the point of contact with the 86877  
ground; 86878

(c) Eight feet in width; 86879

(d) One ton gross weight at time of sale. 86880

(T) "Distributor" means any person authorized by a motor 86881  
vehicle manufacturer to distribute new motor vehicles to licensed 86882  
new motor vehicle dealers, but does not mean a person who only 86883  
assembles or installs a body, special equipment unit, finishing 86884  
trim, or accessories on a motor vehicle chassis supplied by a 86885  
manufacturer or distributor. 86886

(U) "Flea market" means a market place, other than a dealer's 86887  
location licensed under this chapter, where a space or location is 86888  
provided for a fee or compensation to a seller to exhibit and 86889  
offer for sale or trade, motor vehicles to the general public. 86890

(V) "Franchise" means any written agreement, contract, or 86891  
understanding between any motor vehicle manufacturer or 86892  
remanufacturer engaged in commerce and any motor vehicle dealer 86893  
that purports to fix the legal rights and liabilities of the 86894  
parties to such agreement, contract, or understanding. 86895

(W) "Franchisee" means a person who receives new motor 86896  
vehicles from the franchisor under a franchise agreement and who 86897  
offers, sells, and provides service for such new motor vehicles to 86898  
the general public. 86899

(X) "Franchisor" means a new motor vehicle manufacturer, 86900  
remanufacturer, or distributor who supplies new motor vehicles 86901  
under a franchise agreement to a franchisee. 86902

(Y) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Z) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.

(AA) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.

(BB) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing in the trade as is defined in division (S) of section 1301.01 of the Revised Code, including, but not limited to, the duty to act in a fair and equitable manner so as to guarantee freedom from coercion, intimidation, or threats of coercion or intimidation; provided however, that recommendation, endorsement, exposition, persuasion, urging, or argument shall not be considered to constitute a lack of good faith.

(CC) "Coerce" means to compel or attempt to compel by failing to act in good faith or by threat of economic harm, breach of contract, or other adverse consequences. Coerce does not mean to argue, urge, recommend, or persuade.

(DD) "Relevant market area" means any area within a radius of ten miles from the site of a potential new dealership, except that for manufactured home or recreational vehicle dealerships the radius shall be twenty-five miles. The ten-mile radius shall be measured from the dealer's established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles.

(EE) "Wholesale" or "at wholesale" means the act or attempted



act of selling, bartering, exchanging, or otherwise disposing of a 86934  
motor vehicle to a transferee for the purpose of resale and not 86935  
for ultimate consumption by that transferee. 86936

(FF) "Motor vehicle wholesaler" means any person licensed as 86937  
a dealer under the laws of another state and engaged in the 86938  
business of selling, displaying, or offering for sale used motor 86939  
vehicles, at wholesale, but does not mean any motor vehicle dealer 86940  
as defined in this section. 86941

(GG)(1) "Remanufacturer" means a person who assembles or 86942  
installs passenger seating, walls, a roof elevation, or a body 86943  
extension on a conversion van with the motor vehicle chassis 86944  
supplied by a manufacturer or distributor, a person who modifies a 86945  
truck chassis supplied by a manufacturer or distributor for use as 86946  
a public safety or public service vehicle, a person who modifies a 86947  
motor vehicle chassis supplied by a manufacturer or distributor 86948  
for use as a limousine or hearse, or a person who modifies an 86949  
incomplete motor vehicle cab and chassis supplied by a new motor 86950  
vehicle dealer or distributor for use as a tow truck, but does not 86951  
mean either of the following: 86952

(a) A person who assembles or installs passenger seating, 86953  
~~walls, a roof elevation, or a body extension on a manufactured~~ 86954  
~~home as defined in division (C)(4) of section 3781.06 of the~~ 86955  
~~Revised Code, a mobile home as defined in division (O) and~~ 86956  
~~referred to in division (B) of section 4501.01 of the Revised~~ 86957  
~~Code, or a recreational vehicle as defined in division (Q) and~~ 86958  
~~referred to in division (B) of section 4501.01 of the Revised~~ 86959  
~~Code;~~ 86960

(b) A person who assembles or installs special equipment or 86961  
accessories for handicapped persons, as defined in section 4503.44 86962  
of the Revised Code, upon a motor vehicle chassis supplied by a 86963  
manufacturer or distributor. 86964

(2) For the purposes of division (GG)(1) of this section, 86965  
"public safety vehicle or public service vehicle" means a fire 86966  
truck, ambulance, school bus, street sweeper, garbage packing 86967  
truck, or cement mixer, or a mobile self-contained facility 86968  
vehicle. 86969

(3) For the purposes of division (GG)(1) of this section, 86970  
"limousine" means a motor vehicle, designed only for the purpose 86971  
of carrying nine or fewer passengers, that a person modifies by 86972  
cutting the original chassis, lengthening the wheelbase by forty 86973  
inches or more, and reinforcing the chassis in such a way that all 86974  
modifications comply with all applicable federal motor vehicle 86975  
safety standards. No person shall qualify as or be deemed to be a 86976  
remanufacturer who produces limousines unless the person has a 86977  
written agreement with the manufacturer of the chassis the person 86978  
utilizes to produce the limousines to complete properly the 86979  
remanufacture of the chassis into limousines. 86980

(4) For the purposes of division (GG)(1) of this section, 86981  
"hearse" means a motor vehicle, designed only for the purpose of 86982  
transporting a single casket, that is equipped with a compartment 86983  
designed specifically to carry a single casket that a person 86984  
modifies by cutting the original chassis, lengthening the 86985  
wheelbase by ten inches or more, and reinforcing the chassis in 86986  
such a way that all modifications comply with all applicable 86987  
federal motor vehicle safety standards. No person shall qualify as 86988  
or be deemed to be a remanufacturer who produces hearses unless 86989  
the person has a written agreement with the manufacturer of the 86990  
chassis the person utilizes to produce the hearses to complete 86991  
properly the remanufacture of the chassis into hearses. 86992

(5) For the purposes of division (GG)(1) of this section, 86993  
"mobile self-contained facility vehicle" means a mobile classroom 86994  
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 86995  
testing laboratory, and mobile display vehicle, each of which is 86996

designed for purposes other than for passenger transportation and 86997  
other than the transportation or displacement of cargo, freight, 86998  
materials, or merchandise. A vehicle is remanufactured into a 86999  
mobile self-contained facility vehicle in part by the addition of 87000  
insulation to the body shell, and installation of all of the 87001  
following: a generator, electrical wiring, plumbing, holding 87002  
tanks, doors, windows, cabinets, shelving, and heating, 87003  
ventilating, and air conditioning systems. 87004

(6) For the purposes of division (GG)(1) of this section, 87005  
"tow truck" means both of the following: 87006

(a) An incomplete cab and chassis that are purchased by a 87007  
remanufacturer from a new motor vehicle dealer or distributor of 87008  
the cab and chassis and on which the remanufacturer then installs 87009  
in a permanent manner a wrecker body it purchases from a 87010  
manufacturer or distributor of wrecker bodies, installs an 87011  
emergency flashing light pylon and emergency lights upon the mast 87012  
of the wrecker body or rooftop, and installs such other related 87013  
accessories and equipment, including push bumpers, front grille 87014  
guards with pads and other custom-ordered items such as painting, 87015  
special lettering, and safety striping so as to create a complete 87016  
motor vehicle capable of lifting and towing another motor vehicle. 87017

(b) An incomplete cab and chassis that are purchased by a 87018  
remanufacturer from a new motor vehicle dealer or distributor of 87019  
the cab and chassis and on which the remanufacturer then installs 87020  
in a permanent manner a car carrier body it purchases from a 87021  
manufacturer or distributor of car carrier bodies, installs an 87022  
emergency flashing light pylon and emergency lights upon the 87023  
rooftop, and installs such other related accessories and 87024  
equipment, including push bumpers, front grille guards with pads 87025  
and other custom-ordered items such as painting, special 87026  
lettering, and safety striping. 87027

As used in division (GG)(6)(b) of this section, "car carrier 87028

body" means a mechanical or hydraulic apparatus capable of lifting 87029  
and holding a motor vehicle on a flat level surface so that one or 87030  
more motor vehicles can be transported, once the car carrier is 87031  
permanently installed upon an incomplete cab and chassis. 87032

(HH) "Operating as a new motor vehicle dealership" means 87033  
engaging in activities such as displaying, offering for sale, and 87034  
selling new motor vehicles at retail, operating a service facility 87035  
to perform repairs and maintenance on motor vehicles, offering for 87036  
sale and selling motor vehicle parts at retail, and conducting all 87037  
other acts that are usual and customary to the operation of a new 87038  
motor vehicle dealership. For the purposes of this chapter only, 87039  
possession of either a valid new motor vehicle dealer franchise 87040  
agreement or a new motor vehicle dealers license, or both of these 87041  
items, is not evidence that a person is operating as a new motor 87042  
vehicle dealership. 87043

(II) ~~"Manufactured home broker" means any person acting as a 87044  
selling agent on behalf of an owner of a manufactured or mobile 87045  
home that is subject to taxation under section 4503.06 of the 87046  
Revised Code.~~ 87047

~~(JJ)~~ "Outdoor power equipment" means garden and small utility 87048  
tractors, walk-behind and riding mowers, chainsaws, and tillers. 87049

~~(KK)~~(JJ) "Remote service facility" means premises that are 87050  
separate from a licensed new motor vehicle dealer's sales facility 87051  
by not more than one mile and that are used by the dealer to 87052  
perform repairs, warranty work, recall work, and maintenance on 87053  
motor vehicles pursuant to a franchise agreement entered into with 87054  
a manufacturer of motor vehicles. A remote service facility shall 87055  
be deemed to be part of the franchise agreement and is subject to 87056  
all the rights, duties, obligations, and requirements of Chapter 87057  
4517. of the Revised Code that relate to the performance of motor 87058  
vehicle repairs, warranty work, recall work, and maintenance work 87059  
by new motor vehicle dealers. 87060

Sec. 4517.02. (A) Except as otherwise provided in this 87061  
section, no person shall do any of the following: 87062

(1) Engage in the business of displaying or selling at retail 87063  
new motor vehicles or assume to engage in that business, unless 87064  
the person is licensed as a new motor vehicle dealer under 87065  
sections 4517.01 to 4517.45 of the Revised Code, or is a 87066  
salesperson licensed under those sections and employed by a 87067  
licensed new motor vehicle dealer; 87068

(2) Engage in the business of offering for sale, displaying 87069  
for sale, or selling at retail or wholesale used motor vehicles or 87070  
assume to engage in that business, unless the person is licensed 87071  
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 87072  
or is a salesperson licensed under those sections and employed by 87073  
a licensed used motor vehicle dealer or licensed new motor vehicle 87074  
dealer; 87075

(3) Engage in the business of regularly making available, 87076  
offering to make available, or arranging for another person to use 87077  
a motor vehicle, in the manner described in division (M) of 87078  
section 4517.01 of the Revised Code, unless the person is licensed 87079  
as a motor vehicle leasing dealer under sections 4517.01 to 87080  
4517.45 of the Revised Code; 87081

(4) Engage in the business of motor vehicle auctioning or 87082  
assume to engage in that business, unless the person is licensed 87083  
as a motor vehicle auction owner under sections 4517.01 to 4517.45 87084  
of the Revised Code and the person uses an auctioneer who is 87085  
licensed under Chapter 4707. of the Revised Code to conduct the 87086  
motor vehicle auctions; 87087

(5) Engage in the business of distributing motor vehicles or 87088  
assume to engage in that business, unless the person is licensed 87089  
as a distributor under sections 4517.01 to 4517.45 of the Revised 87090  
Code; 87091

(6) Make more than five casual sales of motor vehicles in a 87092  
twelve-month period, commencing with the day of the month in which 87093  
the first such sale is made, nor provide a location or space for 87094  
the sale of motor vehicles at a flea market, without obtaining a 87095  
license as a dealer under sections 4517.01 to 4517.45 of the 87096  
Revised Code, provided that nothing in this section shall be 87097  
construed to prohibit the disposition without a license of a motor 87098  
vehicle originally acquired and held for purposes other than sale, 87099  
rental, or lease to an employee, retiree, officer, or director of 87100  
the person making the disposition, to a corporation affiliated 87101  
with the person making the disposition, or to a person licensed 87102  
under sections 4517.01 to 4517.45 of the Revised Code. 87103

~~(7) Engage in the business of brokering manufactured homes 87104  
unless that person is licensed as a manufactured home broker under 87105  
sections 4517.01 to 4517.45 of the Revised Code. 87106~~

(B) Nothing in this section shall be construed to require an 87107  
auctioneer licensed under sections 4707.01 to 4707.19 of the 87108  
Revised Code, to obtain a motor vehicle salesperson's license 87109  
under sections 4517.01 to 4517.45 of the Revised Code when 87110  
conducting an auction sale for a licensed motor vehicle dealer on 87111  
the dealer's premises, or when conducting an auction sale for a 87112  
licensed motor vehicle auction owner; nor shall such an auctioneer 87113  
be required to obtain a motor vehicle auction owner's license 87114  
under sections 4517.01 to 4517.45 of the Revised Code when engaged 87115  
in auctioning for a licensed motor vehicle auction owner. 87116

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 87117  
apply to any of the following: 87118

(1) Persons engaging in the business of selling commercial 87119  
tractors, trailers, or semitrailers incidentally to engaging 87120  
primarily in business other than the selling or leasing of motor 87121  
vehicles; 87122

(2) Mortgagees selling at retail only those motor vehicles 87123  
that have come into their possession by a default in the terms of 87124  
a mortgage contract; 87125

(3) The leasing, rental, and interchange of motor vehicles 87126  
used directly in the rendition of a public utility service by 87127  
regulated motor carriers. 87128

(D) When a partnership licensed under sections 4517.01 to 87129  
4517.45 of the Revised Code is dissolved by death, the surviving 87130  
partners may operate under the license for a period of sixty days, 87131  
and the heirs or representatives of deceased persons and receivers 87132  
or trustees in bankruptcy appointed by any competent authority may 87133  
operate under the license of the person succeeded in possession by 87134  
that heir, representative, receiver, or trustee in bankruptcy. 87135

(E) No remanufacturer shall engage in the business of selling 87136  
at retail any new motor vehicle without having written authority 87137  
from the manufacturer or distributor of the vehicle to sell new 87138  
motor vehicles and to perform repairs under the terms of the 87139  
manufacturer's or distributor's new motor vehicle warranty, 87140  
unless, at the time of the sale of the vehicle, each customer is 87141  
furnished with a binding agreement ensuring that the customer has 87142  
the right to have the vehicle serviced or repaired by a new motor 87143  
vehicle dealer who is franchised to sell and service vehicles of 87144  
the same line-make as the chassis of the remanufactured vehicle 87145  
purchased by the customer and whose service or repair facility is 87146  
located within either twenty miles of the remanufacturer's 87147  
location and place of business or twenty miles of the customer's 87148  
residence or place of business. If there is no such new motor 87149  
vehicle dealer located within twenty miles of the remanufacturer's 87150  
location and place of business or the customer's residence or 87151  
place of business, the binding agreement furnished to the customer 87152  
may be with the new motor vehicle dealer who is franchised to sell 87153  
and service vehicles of the same line-make as the chassis of the 87154

remanufactured vehicle purchased by the customer and whose service 87155  
or repair facility is located nearest to the remanufacturer's 87156  
location and place of business or the customer's residence or 87157  
place of business. Additionally, at the time of sale of any 87158  
vehicle, each customer of the remanufacturer shall be furnished 87159  
with a warranty issued by the remanufacturer for a term of at 87160  
least one year. 87161

(F) Except as otherwise provided in this division, whoever 87162  
violates this section is guilty of a minor misdemeanor and shall 87163  
be subject to a mandatory fine of one hundred dollars. If the 87164  
offender previously has been convicted of or pleaded guilty to a 87165  
violation of this section, whoever violates this section is guilty 87166  
of a misdemeanor of the first degree and shall be subject to a 87167  
mandatory fine of one thousand dollars. 87168

**Sec. 4517.03.** (A) A place of business that is used for 87169  
selling, displaying, offering for sale, or dealing in motor 87170  
vehicles shall be considered as used exclusively for those 87171  
purposes even though snowmobiles, farm machinery, outdoor power 87172  
equipment, watercraft and related products, or products 87173  
manufactured or distributed by a motor vehicle manufacturer with 87174  
which the motor vehicle dealer has a franchise agreement are sold 87175  
or displayed there, or if repair, accessory, gasoline and oil, 87176  
storage, parts, service, or paint departments are maintained 87177  
there, or such products or services are provided there, if the 87178  
departments are operated or the products or services are provided 87179  
for the business of selling, displaying, offering for sale, or 87180  
dealing in motor vehicles. Places of business or departments in a 87181  
place of business used to dismantle, salvage, or rebuild motor 87182  
vehicles by means of using used parts, are not considered as being 87183  
maintained for the purpose of assisting or furthering the selling, 87184  
displaying, offering for sale, or dealing in motor vehicles. A 87185  
place of business shall be considered as used exclusively for 87186



selling, displaying, offering for sale, or dealing in motor 87187  
vehicles even though a business owned by a motor vehicle leasing 87188  
dealer or a motor vehicle renting dealer is located at the place 87189  
of business. 87190

(B)(1) No new motor vehicle dealer shall sell, display, offer 87191  
for sale, or deal in motor vehicles at any place except an 87192  
established place of business that is used exclusively for the 87193  
purpose of selling, displaying, offering for sale, or dealing in 87194  
motor vehicles. The place of business shall have space, under 87195  
roof, for the display of at least one new motor vehicle. The 87196  
established place of business or, if the dealer operates a remote 87197  
service facility, the dealer's remote service facility shall have 87198  
facilities and space for the inspection, servicing, and repair of 87199  
at least one motor vehicle. However a new motor vehicle dealer 87200  
selling manufactured or mobile homes is exempt from the 87201  
requirement that a place of business have space, under roof, for 87202  
the display of at least one new motor vehicle and facilities and 87203  
space for the inspection, servicing, and repair of at least one 87204  
motor vehicle. 87205

(2) A licensed new motor vehicle dealer may operate a remote 87206  
service facility with the consent of the manufacturer and only to 87207  
perform repairs, warranty work, recall work, and maintenance on 87208  
motor vehicles as part of the dealer's franchised and licensed new 87209  
motor vehicle dealership. The remote service facility shall be 87210  
included on the new motor vehicle dealer's license and be deemed 87211  
to be part of the dealer's licensed location. 87212

(3) No person shall use a remote service facility for 87213  
selling, displaying, or offering for sale motor vehicles. 87214

~~(4) Nothing in Chapter 4517. of the Revised Code shall be 87215  
construed as prohibiting the sale of a new or used manufactured or 87216  
mobile home located in a manufactured home park by a licensed new 87217  
or used motor vehicle dealer. 87218~~

(C) No used motor vehicle dealer shall sell, display, offer 87219  
for sale, or deal in motor vehicles at any place except an 87220  
established place of business that is used exclusively for the 87221  
purpose of selling, displaying, offering for sale, or dealing in 87222  
motor vehicles. 87223

(D) No motor vehicle leasing dealer shall make a motor 87224  
vehicle available for use by another, in the manner described in 87225  
division (M) of section 4517.01 of the Revised Code, at any place 87226  
except an established place of business that is used for leasing 87227  
motor vehicles; except that a motor vehicle leasing dealer who is 87228  
also a new motor vehicle dealer or used motor vehicle dealer may 87229  
lease motor vehicles at the same place of business at which the 87230  
dealer sells, offers for sale, or deals in new or used motor 87231  
vehicles. 87232

(E) No motor vehicle leasing dealer or motor vehicle renting 87233  
dealer shall sell a motor vehicle within ninety days after a 87234  
certificate of title to the motor vehicle is issued to the dealer, 87235  
except when a salvage certificate of title is issued to replace 87236  
the original certificate of title and except when a motor vehicle 87237  
leasing dealer sells a motor vehicle to another motor vehicle 87238  
leasing dealer at the end of a sublease pursuant to that sublease. 87239

(F) No distributor shall distribute new motor vehicles to new 87240  
motor vehicle dealers at any place except an established place of 87241  
business that is used exclusively for the purpose of distributing 87242  
new motor vehicles to new motor vehicle dealers; except that a 87243  
distributor who is also a new motor vehicle dealer may distribute 87244  
new motor vehicles at the same place of business at which the 87245  
distributor sells, displays, offers for sale, or deals in new 87246  
motor vehicles. 87247

(G) No person, firm, or corporation that sells, displays, or 87248  
offers for sale tent-type fold-out camping trailers is subject to 87249  
the requirement that the person's, firm's, or corporation's place 87250

of business be used exclusively for the purpose of selling, 87251  
displaying, offering for sale, or dealing in motor vehicles. No 87252  
person, firm, or corporation that sells, displays, or offers for 87253  
sale tent-type fold-out camping trailers, trailers, semitrailers, 87254  
or park trailers is subject to the requirement that the place of 87255  
business have space, under roof, for the display of at least one 87256  
new motor vehicle and facilities and space for the inspection, 87257  
servicing, and repair of at least one motor vehicle. 87258

~~(H) No manufactured or mobile home broker shall engage in the 87259  
business of brokering manufactured or mobile homes at any place 87260  
except an established place of business that is used exclusively 87261  
for the purpose of brokering manufactured or mobile homes. 87262~~

~~(I)~~ Nothing in this section shall be construed to prohibit 87263  
persons licensed under this chapter from making sales calls. 87264

~~(J)~~(I) Whoever violates this section is guilty of a 87265  
misdemeanor of the fourth degree. 87266

~~(K)~~(J) As used in this section: 87267

(1) "Motor vehicle leasing dealer" has the same meaning as in 87268  
section 4517.01 of the Revised Code. 87269

(2) "Motor vehicle renting dealer" has the same meaning as in 87270  
section 4549.65 of the Revised Code. 87271

(3) "Watercraft" has the same meaning as in section 1547.01 87272  
of the Revised Code. 87273

**Sec. 4517.30.** The motor vehicle dealers board shall consist 87274  
of eleven members. The registrar of motor vehicles or the 87275  
registrar's designee shall be a member of the board, and the other 87276  
ten members shall be appointed by the governor with the advice and 87277  
consent of the senate. Not more than five of the ten members other 87278  
than the registrar shall be of any one political party, and of the 87279  
ten: 87280

(A) Three shall represent the public and shall not have 87281  
engaged in the business of selling motor vehicles at retail in 87282  
this state; 87283

(B) Five shall have been engaged in the business of selling 87284  
motor vehicles at retail in this state for at least five years and 87285  
have been engaged in such business within two years prior to the 87286  
date of their appointment. Of these five: 87287

(1) Three shall have been engaged in the sale of new motor 87288  
vehicles; 87289

(2) One shall have been engaged in the business of selling 87290  
~~manufactured homes, mobile homes, or~~ recreational vehicles at 87291  
retail; 87292

(3) One shall have been engaged in the sale of used motor 87293  
vehicles. 87294

(C) Two shall have been engaged in the leasing of motor 87295  
vehicles. 87296

Terms of office of the ten members appointed by the governor 87297  
shall be for three years, commencing on the fifth day of October 87298  
and ending on the fourth day of October. Each member shall hold 87299  
office from the date of the member's appointment until the end of 87300  
the term for which the member was appointed. Any member appointed 87301  
to fill a vacancy occurring prior to the expiration of the term 87302  
for which the member's predecessor was appointed shall hold office 87303  
for the remainder of such term. Any appointed member shall 87304  
continue in office subsequent to the expiration date of the 87305  
member's term until a successor takes office, or until a period of 87306  
sixty days has elapsed, whichever occurs first. Annually the board 87307  
shall organize by selecting from its members a president. Each 87308  
appointed member of the board shall receive an amount fixed in 87309  
accordance with division (J) of section 124.15 of the Revised 87310  
Code, and shall be reimbursed for the actual and necessary 87311

expenses incurred in the discharge of the member's official 87312  
duties. 87313

**Sec. 4517.33.** The motor vehicle dealers board shall hear 87314  
appeals which may be taken from an order of the registrar of motor 87315  
vehicles, refusing to issue a license. All appeals from any order 87316  
of the registrar refusing to issue any license upon proper 87317  
application must be taken within thirty days from the date of the 87318  
order, or the order is final and conclusive. All appeals from 87319  
orders of the registrar must be by petition in writing and 87320  
verified under oath by the applicant whose application for license 87321  
has been denied, and must set forth the reason for the appeal and 87322  
the reason why, in the petitioner's opinion, the order of the 87323  
registrar is not correct. In such appeals the board may make 87324  
investigation to determine the correctness and legality of the 87325  
order of the registrar. 87326

The board may make rules governing its actions relative to 87327  
the suspension and revocation of dealers', motor vehicle leasing 87328  
dealers', ~~manufactured home brokers'~~, distributors', auction 87329  
owners', and salespersons' licenses, and may, upon its own motion, 87330  
and shall, upon the verified complaint in writing of any person, 87331  
investigate the conduct of any licensee under sections 4517.01 to 87332  
4517.65 of the Revised Code. The board shall suspend or revoke or 87333  
notify the registrar to refuse to renew any dealer's, motor 87334  
vehicle leasing dealer's, ~~manufactured home broker's,~~ 87335  
distributor's, auction owner's, or salesperson's license, if any 87336  
ground existed upon which the license might have been refused, or 87337  
if a ground exists that would be cause for refusal to issue a 87338  
license. 87339

The board may suspend or revoke any license if the licensee 87340  
has in any manner violated the rules issued pursuant to sections 87341  
4517.01 to 4517.65 of the Revised Code, or has violated section 87342

4501.02 of the Revised Code, or has been convicted of committing a 87343  
felony or violating any law that in any way relates to the 87344  
selling, taxing, licensing, or regulation of sales of motor 87345  
vehicles. 87346

**Sec. 4517.43.** (A) The applications for licenses and the 87347  
copies of contracts required by sections 4517.04, 4517.05, 87348  
4517.051, ~~4517.052~~, 4517.06, 4517.07, 4517.08, and 4517.09 of the 87349  
Revised Code are not part of the public records but are 87350  
confidential information for the use of the registrar of motor 87351  
vehicles and the motor vehicle dealers board. No person shall 87352  
divulge any information contained in such applications and 87353  
acquired by the person in the person's capacity as an official or 87354  
employee of the bureau of motor vehicles or of the board, except 87355  
in a report to the registrar, to the board, or when called upon to 87356  
testify in any court or proceeding. 87357

(B) Whoever violates this section is guilty of a minor 87358  
misdemeanor. 87359

**Sec. 4519.02.** (A) Except as provided in divisions (B), (C), 87360  
and (D) of this section, no person shall operate any snowmobile, 87361  
off-highway motorcycle, or all-purpose vehicle within this state 87362  
unless the snowmobile, off-highway motorcycle, or all-purpose 87363  
vehicle is registered and numbered in accordance with sections 87364  
4519.03 and 4519.04 of the Revised Code. 87365

(B)(1) No registration is required for a snowmobile or 87366  
off-highway motorcycle that is operated exclusively upon lands 87367  
owned by the owner of the snowmobile or off-highway motorcycle, or 87368  
on lands to which the owner of the snowmobile or off-highway 87369  
motorcycle has a contractual right. 87370

(2) No registration is required for an all-purpose vehicle 87371  
that is used primarily ~~on a farm as a farm implement~~ for 87372

agricultural purposes when the owner qualifies for the current 87373  
agricultural use valuation tax credit, unless it is to be used on 87374  
any public land, trail, or right-of-way. 87375

(3) Any all-purpose vehicle exempted from registration under 87376  
division (B)(2) of this section and operated for agricultural 87377  
purposes may use public roads and rights-of-way when traveling 87378  
from one farm field to another, when such use does not violate 87379  
section 4519.41 of the Revised Code. 87380

(C) No registration is required for a snowmobile, off-highway 87381  
motorcycle, or all-purpose vehicle owned and used in this state by 87382  
a resident of another state whenever that state has in effect a 87383  
registration law similar to this chapter and the snowmobile, 87384  
off-highway motorcycle, or all-purpose vehicle is properly 87385  
registered under that state's law. Any snowmobile, off-highway 87386  
motorcycle, or all-purpose vehicle owned and used in this state by 87387  
a resident of a state not having a registration law similar to 87388  
this chapter shall comply with section 4519.09 of the Revised 87389  
Code. 87390

(D) No registration is required for a snowmobile, off-highway 87391  
motorcycle, or all-purpose vehicle owned and used in this state by 87392  
the United States, another state, or a political subdivision 87393  
thereof, but the snowmobile, off-highway motorcycle, or 87394  
all-purpose vehicle shall display the name of the owner thereon. 87395

(E) The owner or operator of any all-purpose vehicle operated 87396  
or used upon the waters in this state shall comply with Chapters 87397  
1547. and 1548. of the Revised Code relative to the operation of 87398  
watercraft. 87399

(F) Except as otherwise provided in this division, whoever 87400  
violates division (A) of this section shall be fined not less than 87401  
fifty dollars but not more than one hundred dollars. 87402

Sec. 4519.03. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration with the registrar of motor vehicles or a deputy registrar, on blanks furnished by the registrar for that purpose and containing all of the following information:

(1) A brief description of the snowmobile, off-highway motorcycle, or all-purpose vehicle, including the year, make, model, and the vehicle identification number;

(2) The name, residence, and business address of the owner;

(3) A statement that the snowmobile, off-highway motorcycle, or all-purpose vehicle is equipped as required by section 4519.20 of the Revised Code and any rule adopted under that section. The statement shall include a check list of the required equipment items in the form the registrar shall prescribe.

The application shall be signed by the owner of the snowmobile, off-highway motorcycle, or all-purpose vehicle and shall be accompanied by a fee as provided in division (C) of section 4519.04 of the Revised Code.

If the application is not in proper form, or if the vehicle for which registration is sought does not appear to be equipped as required by section 4519.20 of the Revised Code or any rule adopted under that section, the registration shall be refused, and no registration sticker, license plate, or validation sticker shall be issued.

(B) ~~On and after July 1, 1999, no~~ Except as provided in this division, no certificate of registration or renewal of a certificate of registration shall be issued for an off-highway motorcycle or all-purpose vehicle required to be registered under



section 4519.02 of the Revised Code, and no certificate of 87433  
registration issued under this chapter for an off-highway 87434  
motorcycle or all-purpose vehicle that is sold or otherwise 87435  
transferred shall be transferred to the new owner of the 87436  
off-highway motorcycle or all-purpose vehicle as permitted by 87437  
division (B) of section 4519.05 of the Revised Code, unless a 87438  
certificate of title has been issued under this chapter for the 87439  
motorcycle or vehicle, and the owner or new owner, as the case may 87440  
be, presents a physical certificate of title or memorandum 87441  
certificate of title for inspection at the time the owner or new 87442  
owner first submits a registration application, registration 87443  
renewal application, or registration transfer application for the 87444  
motorcycle or vehicle ~~on or after July 1, 1999,~~ if a physical 87445  
certificate of title or memorandum certificate has been issued by 87446  
a clerk of a court of common pleas. If, under sections 4519.512 87447  
and 4519.58 of the Revised Code, a clerk instead has issued an 87448  
electronic certificate of title for the applicant's off-highway 87449  
motorcycle or all-purpose vehicle, that certificate may be 87450  
presented for inspection at the time of first registration in a 87451  
manner prescribed by rules adopted by the registrar. In the case 87452  
of an off-highway motorcycle or all-purpose vehicle that was 87453  
purchased prior to October 1, 2005, and for which a certificate of 87454  
title has not been issued, the owner shall not be required to 87455  
present a physical certificate of title or memorandum certificate 87456  
of title or an electronic certificate of title for the motorcycle 87457  
or vehicle but instead may present a signed affidavit of ownership 87458  
in a form prescribed by the registrar. The affidavit shall 87459  
include, at a minimum, the date of purchase, make, model, and 87460  
vehicle identification number of the motorcycle or vehicle. If no 87461  
vehicle identification number has been assigned to the off-highway 87462  
motorcycle or all-purpose vehicle, then the serial number of the 87463  
motorcycle or vehicle shall be presented at the time of 87464  
application. 87465

(C) When the owner of an off-highway motorcycle or 87466  
all-purpose vehicle first registers it in the owner's name, and a 87467  
certificate of title has been issued for the motorcycle or 87468  
vehicle, the owner shall present for inspection a physical 87469  
certificate of title or memorandum certificate of title showing 87470  
title to the off-highway motorcycle or all-purpose vehicle in the 87471  
name of the owner if a physical certificate of title or memorandum 87472  
certificate has been issued by a clerk of a court of common pleas. 87473  
If, under sections 4519.512 and 4519.58 of the Revised Code, a 87474  
clerk instead has issued an electronic certificate of title for 87475  
the applicant's off-highway motorcycle or all-purpose vehicle, 87476  
that certificate may be presented for inspection at the time of 87477  
first registration in a manner prescribed by rules adopted by the 87478  
registrar. In the case of an off-highway motorcycle or all-purpose 87479  
vehicle that was purchased prior to October 1, 2005, and for which 87480  
a certificate of title has not been issued, the owner shall not be 87481  
required to present a physical certificate of title or memorandum 87482  
certificate of title or an electronic certificate of title for the 87483  
motorcycle or vehicle but instead may present a signed affidavit 87484  
of ownership in a form prescribed by the registrar. The affidavit 87485  
shall include, at a minimum, the date of purchase, make, model, 87486  
and vehicle identification number of the motorcycle or vehicle. If 87487  
no vehicle identification number has been assigned to the 87488  
off-highway motorcycle or all-purpose vehicle, then the serial 87489  
number of the motorcycle or vehicle shall be presented at the time 87490  
of application. If, when the owner of such an off-highway 87491  
motorcycle or all-purpose vehicle first makes application to 87492  
register it in the owner's name, the application is not in proper 87493  
form or the certificate of title or memorandum certificate of 87494  
title does not accompany the registration or, in the case of an 87495  
electronic certificate of title or ownership affidavit, it is not 87496  
presented in a manner prescribed by the registrar, the 87497  
registration shall be refused, and neither a certificate of 87498

registration nor a registration sticker, license plate, or 87499  
validation sticker shall be issued. When a certificate of 87500  
registration and registration sticker, license plate, or 87501  
validation sticker are issued upon the first registration of an 87502  
off-highway motorcycle or all-purpose vehicle by or on behalf of 87503  
the owner, the official issuing them shall indicate the issuance 87504  
with a stamp on the certificate of title ~~or~~, memorandum 87505  
certificate of title, or affidavit, or, in the case of an 87506  
electronic certificate of title, an electronic stamp or other 87507  
notation as specified in rules adopted by the registrar. 87508

(D) Each deputy registrar shall be allowed a fee of three 87509  
dollars and fifty cents for each application or renewal 87510  
application received by the deputy registrar, which shall be for 87511  
the purpose of compensating the deputy registrar for services, and 87512  
office and rental expense, as may be necessary for the proper 87513  
discharge of the deputy registrar's duties in the receiving of 87514  
applications and the issuing of certificates of registration. 87515

Each deputy registrar, upon receipt of any application for 87516  
registration, together with the registration fee, shall transmit 87517  
the fee, together with the original and duplicate copy of the 87518  
application, to the registrar in the manner and at the times the 87519  
registrar, subject to the approval of the director of public 87520  
safety and the treasurer of state, shall prescribe by rule. 87521

**Sec. 4519.04.** (A) Upon the filing of an application for 87522  
registration of a snowmobile, off-highway motorcycle, or 87523  
all-purpose vehicle and the payment of the tax therefor, the 87524  
registrar of motor vehicles or a deputy registrar shall assign to 87525  
the snowmobile, off-highway motorcycle, or all-purpose vehicle a 87526  
distinctive number and issue and deliver to the owner in such 87527  
manner as the registrar may select, a certificate of registration, 87528  
in such form as the registrar shall prescribe. Any number so 87529

assigned to a snowmobile, off-highway motorcycle, or all-purpose 87530  
vehicle shall be a permanent number, and shall not be issued to 87531  
any other snowmobile, off-highway motorcycle, or all-purpose 87532  
vehicle. 87533

(B)(1) In addition to the certificate of registration, the 87534  
registrar or deputy registrar also shall issue to the owner of a 87535  
snowmobile or off-highway motorcycle a two decal registration 87536  
~~sticker~~ stickers. The registrar shall prescribe the color and size 87537  
of the ~~sticker~~, stickers and the combination of numerals and 87538  
letters displayed on ~~it~~, and them. The placement of the ~~sticker~~ 87539  
decal stickers shall be one on the snowmobile or off-highway 87540  
motorcycle. 87541

~~Upon receipt of a certificate of registration for a~~ 87542  
~~snowmobile, the owner shall paint or otherwise attach upon each~~ 87543  
either side of the forward cowling ~~of the snowmobile the~~ 87544  
~~identifying registration number, in block characters of not less~~ 87545  
~~than two inches in height and of such color as to be distinctly~~ 87546  
~~visible and legible~~ or fuel tank. 87547

(2) The registrar or deputy registrar also shall issue to the 87548  
owner of an all-purpose vehicle, in addition to the certificate of 87549  
registration, one license plate and a validation sticker, or a 87550  
validation sticker alone when applicable upon a registration 87551  
renewal. The license plate and validation sticker shall be 87552  
displayed on the all-purpose vehicle so that they are distinctly 87553  
visible, in accordance with such rules as the registrar adopts. 87554  
The validation sticker shall indicate the expiration date of the 87555  
registration period of the all-purpose vehicle. During each 87556  
succeeding registration period following the issuance of the 87557  
license plate and validation sticker, upon the filing of an 87558  
application for registration and payment of the fee specified in 87559  
division (C) of this section, a validation sticker alone shall be 87560  
issued. 87561

(C) Unless previously canceled, each certificate of registration issued for a snowmobile, off-highway motorcycle, or all-purpose vehicle expires upon the thirty-first day of December in the third year after the date it is issued. Application for renewal of a certificate may be made not earlier than ninety days preceding the expiration date, and shall be accompanied by a fee of ~~thirty-one~~ thirty-two dollars and twenty-five cents.

Notwithstanding section 4519.11 of the Revised Code, of each ~~thirty-one~~ thirty-two dollar and twenty-five-cent fee collected for the registration of ~~an a snowmobile, off-highway motorcycle,~~ or all-purpose vehicle, the registrar shall retain not more than ~~five~~ six dollars to pay for the licensing and registration costs the bureau of motor vehicles incurs in registering the snowmobile, off-highway motorcycle, or all-purpose vehicle. The remainder of the fee shall be deposited into the state treasury to the credit of the state recreational vehicle fund created by section 4519.11 of the Revised Code.

**Sec. 4519.44.** (A) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement, or probationary license, issued under Chapter 4506. or 4507. of the Revised Code or a valid, current driver's license issued by another jurisdiction, shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle on any street or highway in this state, on any portion of the right-of-way thereof, or on any public land or waters.

(B) No person who is less than sixteen years of age shall operate a snowmobile, off-highway motorcycle, or all-purpose vehicle on any land or waters other than private property or waters owned by or leased to the person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in division (A) of

this section, except that the department of natural resources may 87593  
permit such operation on state controlled land under its 87594  
jurisdiction when such person is less than sixteen years of age, 87595  
~~but is twelve years of age or older~~ and is accompanied by a parent 87596  
or guardian who is a licensed driver eighteen years of age or 87597  
older. 87598

(C) Whoever violates this section shall be fined not less 87599  
than fifty nor more than five hundred dollars, imprisoned not less 87600  
than three nor more than thirty days, or both. 87601

**Sec. 4519.59.** (A)(1) The clerk of a court of common pleas 87602  
shall charge and retain fees as follows: 87603

(a) Fifteen dollars for each certificate of title or 87604  
duplicate certificate of title including the issuance of a 87605  
memorandum certificate of title, authorization to print a 87606  
non-negotiable evidence of ownership described in division (D) of 87607  
section 4519.58 of the Revised Code, non-negotiable evidence of 87608  
ownership printed by the clerk under division (E) of that section, 87609  
and notation of any lien on a certificate of title that is applied 87610  
for at the same time as the certificate of title. The clerk shall 87611  
retain eleven dollars and fifty cents of that fee for each 87612  
certificate of title when there is a notation of a lien or 87613  
security interest on the certificate of title, twelve dollars and 87614  
twenty-five cents when there is no lien or security interest noted 87615  
on the certificate of title, and eleven dollars and fifty cents 87616  
for each duplicate certificate of title. 87617

(b) Five dollars for each certificate of title with no 87618  
security interest noted that is issued to a licensed motor vehicle 87619  
dealer for resale purposes. The clerk shall retain two dollars and 87620  
twenty-five cents of that fee. 87621

(c) Five dollars for each memorandum certificate of title or 87622  
non-negotiable evidence of ownership that is applied for 87623

separately. The clerk shall retain that entire fee. 87624

(2) The fees that are not retained by the clerk shall be paid 87625  
to the registrar of motor vehicles by monthly returns, which shall 87626  
be forwarded to the registrar not later than the fifth day of the 87627  
month next succeeding that in which the certificate is forwarded 87628  
or that in which the registrar is notified of a lien or 87629  
cancellation of a lien. 87630

(B)(1) The registrar shall pay twenty-five cents of the 87631  
amount received for each certificate of title that is issued to a 87632  
motor vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ 87633  
certificates of title issued with a lien or security interest 87634  
noted on the certificate of title, and twenty-five cents for each 87635  
certificate of title with no lien or security interest noted on 87636  
the certificate of title into the state bureau of motor vehicles 87637  
fund established in section 4501.25 of the Revised Code. 87638

(2) Fifty cents of the amount received for each certificate 87639  
of title shall be paid by the registrar as follows: 87640

(a) Four cents shall be paid into the state treasury to the 87641  
credit of the motor vehicle dealers board fund created in section 87642  
4505.09 of the Revised Code, for use as described in division 87643  
(B)(2)(a) of that section. 87644

(b) Twenty-one cents shall be paid into the highway operating 87645  
fund. 87646

(c) Twenty-five cents shall be paid into the state treasury 87647  
to the credit of the motor vehicle sales audit fund created in 87648  
section 4505.09 of the Revised Code, for use as described in 87649  
division (B)(2)(c) of that section. 87650

(3) Two dollars of the amount received by the registrar for 87651  
each certificate of title shall be paid into the state treasury to 87652  
the credit of the automated title processing fund created in 87653  
section 4505.09 of the Revised Code, for use as described in 87654

divisions (B)(3)(a) and (c) of that section. 87655

**Sec. 4549.10.** (A) No person shall operate or cause to be 87656  
operated upon a public road or highway a motor vehicle of a 87657  
manufacturer or dealer unless the vehicle carries and displays two 87658  
placards, except as provided in section 4503.21 of the Revised 87659  
Code, issued by the director of public safety that bear the 87660  
registration number of its manufacturer or dealer. 87661

(B) Whoever violates division (A) of this section is guilty 87662  
of illegal operation of a manufacturer's or dealer's motor 87663  
vehicle, a minor misdemeanor ~~on a first offense and a misdemeanor~~ 87664  
~~of the fourth degree on each subsequent offense.~~ 87665

**Sec. 4549.12.** (A) No person who is the owner of a motor 87666  
vehicle and a resident of this state shall operate or drive the 87667  
motor vehicle upon the highways of this state, while it displays a 87668  
distinctive number or identification mark issued by or under the 87669  
authority of another state, without complying with the laws of 87670  
this state relating to the registration and identification of 87671  
motor vehicles. 87672

(B) Whoever violates division (A) of this section is guilty 87673  
of illegal operation by a resident of this state of a motor 87674  
vehicle bearing the distinctive number or identification mark 87675  
issued by a foreign jurisdiction, a minor misdemeanor ~~on a first~~ 87676  
~~offense and a misdemeanor of the fourth degree on each subsequent~~ 87677  
~~offense.~~ 87678

**Sec. 4582.71.** (A) As used in this section: 87679

(1) "Bond proceedings" means, with respect to obligations 87680  
authorized under this section, the resolutions, certifications and 87681  
agreements, including without limitation a venture capital 87682  
agreement, the loan documents and any trust agreements, and any 87683



authorized credit enhancement facilities or swaps or other hedging instruments, and amendments or supplements thereto, or to any one or more or combination of them, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of, the particular obligations, and the provisions contained in those obligations. 87684  
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(2) "Issuing authority" means a port authority that, pursuant to a venture capital agreement, issues or issued obligations to fund one or more loans to the program fund. 87690  
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(3) "Loan" means an extension of credit to or in aid of the program fund in any form, including loans to lenders or the purchase of loans, including the purchase for cancellation of any loan, and evidenced in any manner including, without limitation, by a loan agreement, a promissory note, a bond, note, certificate of participation or other security, a letter of credit and reimbursement agreement or other credit facility, or a standby bond or note purchase agreement, line of credit or other liquidity facility, and including, in any event, any related swap or other hedging instrument. 87693  
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(4) "Obligations" means, as applicable to the issuing authority, bonds, notes, or other forms or evidences of obligation constituting revenue bonds as that term is used in division (A)(4) of section 4582.06 of the Revised Code, or port authority revenue bonds as that term is used in section 4582.48 and division (A)(8) of section 4582.31 of the Revised Code, which obligations are issued by the issuing authority pursuant to the bond proceedings and this section. 87703  
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(5) "Port authority" means a port authority organized and existing under Chapter 4582. of the Revised Code. 87711  
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(6) "Research and development costs" means costs of or in support of or related to the implementation of research and 87713  
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development purposes including, without limitation, capital 87715  
formation, direct operating costs, costs of research and 87716  
facilities, including interests in real property therefor, and 87717  
other support, and costs of making grants, loans, including loans 87718  
to lenders or the purchase of loans, subsidies, contributions, 87719  
advances or guarantees, or direct investments in, or payment, or 87720  
reimbursement from available moneys for, implementing research and 87721  
development purposes consistent with Section 2p of Article VIII, 87722  
Ohio Constitution, and the investment policy adopted by the 87723  
venture capital authority pursuant to section 150.03 of the 87724  
Revised Code, and includes financing charges, amounts necessary to 87725  
establish the reserves required pursuant to the bond proceedings, 87726  
interest on loans including loans purchased for cancellation, 87727  
interest on the obligations from their date until the time 87728  
determined in the bond proceedings when interest is to be paid 87729  
from sources other than the proceeds of obligations, legal 87730  
expenses and other costs of or related to the issuance of 87731  
obligations, estimates of costs and revenues or other expenses 87732  
necessary or incident to determining the feasibility or 87733  
practicability of the financing of any research and development 87734  
costs with proceeds of obligations or other sources, 87735  
administrative expenses related to obligations, and the 87736  
application of the proceeds of obligations, including fees of the 87737  
issuing authority, any trustee, and any other costs and expenses 87738  
reasonably necessary or incident thereto or to the financing of 87739  
research and development costs, and costs described in this 87740  
division incurred prior to the issuance of obligations and paid, 87741  
advanced, or borrowed by an issuing authority, the venture capital 87742  
authority, the program fund or other public or private person or 87743  
entity, which costs may be reimbursed from the proceeds of such 87744  
obligations. "Research and development costs" does not include any 87745  
otherwise qualifying costs that are in support of the purposes 87746  
provided for in Section 15 of Article VIII, Ohio Constitution. 87747

(7) "Tax credits" means the refundable tax credits authorized 87748  
by section 150.07 of the Revised Code and to be issued by the 87749  
venture capital authority to any lender. 87750

(8) "Venture capital agreement" means an agreement between 87751  
the venture capital authority and an issuing authority entered 87752  
into under division (E) of section 150.02 of the Revised Code. 87753

(9) "Venture capital authority" means the Ohio venture 87754  
capital authority established under section 150.02 of the Revised 87755  
Code. 87756

(10) "Lender," "program fund," and "research and development 87757  
purposes" have the same meanings as in section 150.01 of the 87758  
Revised Code. 87759

(B) In addition to other authorized purposes of a port 87760  
authority, activities authorized by Section 2p of Article VIII, 87761  
Ohio Constitution, shall be authorized purposes of port 87762  
authorities. 87763

(C) An issuing authority may issue obligations pursuant to 87764  
this section and Section 2p of Article VIII, Ohio Constitution, to 87765  
make loans to the program fund to provide for research and 87766  
development costs. The proceeds of the obligations shall be used 87767  
to make loans to provide for research and development costs and 87768  
all such proceeds shall be so used in accordance with the bond 87769  
proceedings. 87770

(D) Except to any extent inconsistent with this section, all 87771  
terms, provisions, and authorizations in Chapter 4582. of the 87772  
Revised Code as applicable to the issuing authority, and the 87773  
terms, provisions, and authorizations of sections 9.96, 9.98, 87774  
9.981, 9.982, and 9.983 of the Revised Code apply to the 87775  
obligations and the bond proceedings except as otherwise provided 87776  
or provided for in those obligations and bond proceedings. The 87777  
obligations shall be secured by a trust agreement between the 87778

issuing authority and a trustee, and such trust agreement, and the 87779  
establishment, deposit, investment and application of special 87780  
funds, and the safeguarding of moneys shall be governed by the 87781  
bond proceedings and by Chapter 4582. of the Revised Code, as 87782  
applicable to the issuing authority. Pursuant to the trust 87783  
agreement and other bond proceedings, there shall be established, 87784  
in addition to any other special funds in the custody of the 87785  
trustee, one or more funds into which shall be deposited the 87786  
proceeds of the obligations and the revenues pledged to the 87787  
payment of the obligations, including a reserve fund in an amount 87788  
established in, and to be funded as provided in, the bond 87789  
proceedings. 87790

(E) The issuing authority, the trustee, or both shall be 87791  
authorized under the venture capital agreement to receive and 87792  
claim tax credits in accordance with division (E) of section 87793  
150.07 of the Revised Code, and the holders of the obligations, or 87794  
any book-entry interests therein, shall have no rights with 87795  
respect to the tax credits except any right established under the 87796  
applicable trust agreement to direct the trustee to take, or 87797  
require the issuing authority to take, the actions necessary to 87798  
receive and claim any available tax credits. Upon receipt of any 87799  
tax credits issued by the venture capital authority, the issuing 87800  
authority or the trustee shall, within the times required by law, 87801  
file an appropriate tax return to claim the applicable tax credits 87802  
and, upon receipt of the proceeds of any such tax credits, an 87803  
issuing authority shall promptly deliver to the trustee for 87804  
deposit, and the trustee shall upon receipt deposit, such proceeds 87805  
into the funds established in accordance with division (D) of this 87806  
section. 87807

(F) The venture capital authority, the director of 87808  
development, or the tax commissioner may covenant in the bond 87809  
proceedings, and such covenants shall be controlling 87810

notwithstanding any other provision of law, that the state and 87811  
applicable officers and state agencies, including the general 87812  
assembly, so long as any obligations issued under this section are 87813  
outstanding, shall maintain statutory authority for and shall 87814  
authorize, issue, and deliver fully refundable tax credits in such 87815  
amounts and for such periods, subject to the limitation in section 87816  
150.07 of the Revised Code on the date of such covenant, so that 87817  
the tax credits will be sufficient, subject to such limits, in 87818  
time and amount to meet debt service on the obligations and for 87819  
the establishment and maintenance of any reserves and other 87820  
requirements provided for in the bond proceedings. The general 87821  
assembly may from time to time repeal any of the taxes against 87822  
which the tax credits may be claimed, and may authorize the tax 87823  
credits to be claimed with respect to any new tax to meet any such 87824  
covenant made in the bond proceedings, provided that, so long as 87825  
any obligations issued under this section are outstanding, nothing 87826  
in this division authorizes any impairment of a covenant to 87827  
maintain statutory authority for and to authorize, issue, and 87828  
deliver fully refundable tax credits sufficient, subject to 87829  
applicable limits, to meet the commitments made in any such 87830  
covenant. 87831

(G) The obligations do not constitute a debt, or a pledge of 87832  
the faith and credit, of the state, the issuing authority or any 87833  
political subdivision of the state, and the holders or owners of 87834  
the obligations have no right to have taxes levied by the general 87835  
assembly or the taxing authority of the issuing authority or any 87836  
political subdivision of the state for the payment of the 87837  
principal of or interest on the obligations, but the obligations 87838  
are payable solely from the revenues and funds pledged for their 87839  
payment as authorized in or pursuant to this section and the bond 87840  
proceedings, and the obligations shall contain on the face thereof 87841  
a statement to the effect that the obligations, as to both 87842  
principal and interest, are not debts of the state, the issuing 87843

authority, or any political subdivision of the state, but are 87844  
payable solely from the revenues and funds pledged for their 87845  
payment. 87846

(H) This section is intended to implement Section 2p of 87847  
Article VIII, Ohio Constitution, including provision for 87848  
procedures for incurring and issuing obligations of local public 87849  
entities and agencies authorized by that section, and shall be 87850  
liberally construed to effect the purposes of that section. The 87851  
powers and authorizations granted in this section may be exercised 87852  
jointly or separately by one or more issuing authorities and are 87853  
in addition to and supplemental to the powers and authorizations 87854  
otherwise granted to port authorities under applicable provisions 87855  
of Chapter 4582. of the Revised Code and shall not be construed as 87856  
a limitation on any such powers or authorizations. 87857

**Sec. 4705.09.** (A)(1) Any person admitted to the practice of 87858  
law in this state by order of the supreme court in accordance with 87859  
its prescribed and published rules, or any law firm or legal 87860  
professional association, may establish and maintain an 87861  
interest-bearing trust account, for purposes of depositing client 87862  
funds held by the attorney, firm, or association that are nominal 87863  
in amount or are to be held by the attorney, firm, or association 87864  
for a short period of time, ~~with any bank, savings bank, or~~ 87865  
~~savings and loan association that is authorized to do business in~~ 87866  
~~this state and is insured by the federal deposit insurance~~ 87867  
~~corporation or the successor to that corporation, or any credit~~ 87868  
~~union insured by the national credit union administration~~ 87869  
~~operating under the "Federal Credit Union Act," 84 Stat. 994~~ 87870  
~~(1970), 12 U.S.C.A. 1751, or insured by a credit union share~~ 87871  
~~guaranty corporation established under Chapter 1761. of the~~ 87872  
~~Revised Code. Each~~ 87873

(2) The account established under division (A) of this 87874

section shall be established and maintained at an eligible 87875  
depository. 87876

(3) Each account established under ~~this~~ division (A) of this 87877  
section shall be in the name of the attorney, firm, or association 87878  
that established and is maintaining it and shall be identified as 87879  
an IOLTA or an interest on lawyer's trust account. The name of the 87880  
account may contain additional identifying features to distinguish 87881  
it from other trust accounts established and maintained by the 87882  
attorney, firm, or association. 87883

~~(2)~~(4) Each attorney who receives funds belonging to a client 87884  
shall do one of the following: 87885

(a) Establish and maintain one or more interest-bearing trust 87886  
accounts in accordance with division (A)(1) of this section or 87887  
maintain one or more interest-bearing trust accounts previously 87888  
established in accordance with that division~~7~~ and deposit all 87889  
client funds held that are nominal in amount or are to be held by 87890  
the attorney for a short period of time in the account or 87891  
accounts; 87892

(b) If the attorney is affiliated with a law firm or legal 87893  
professional association, comply with division (A)~~(2)~~(4)(a) of 87894  
this section or deposit all client funds held that are nominal in 87895  
amount or are to be held by the attorney for a short period of 87896  
time in one or more interest-bearing trust accounts established 87897  
and maintained by the firm or association in accordance with 87898  
division (A)(1) of this section. 87899

~~(3)~~(5) No funds belonging to any attorney, firm, or legal 87900  
professional association shall be deposited in any 87901  
interest-bearing trust account established under division (A)~~(1)~~ 87902  
~~or (2)~~ of this section, except that funds sufficient to establish 87903  
the account or to pay or enable a waiver of depository institution 87904  
service charges on the account shall be deposited in the account 87905

and other funds belonging to the attorney, firm, or association 87906  
may be deposited as authorized by the ~~Code of Professional~~ 87907  
~~Responsibility~~ Rules of Professional Conduct adopted by the 87908  
supreme court. The determinations of whether funds held are 87909  
nominal or more than nominal in amount and of whether funds are to 87910  
be held for a short period or longer than a short period of time 87911  
rests in the sound judgment of the particular attorney. No 87912  
imputation of professional misconduct shall arise from the 87913  
attorney's exercise of judgment in these matters. 87914

(B) All interest earned on funds deposited in an 87915  
interest-bearing trust account established under division (A)~~(1)~~ 87916  
~~or (2)~~ of this section shall be transmitted to the treasurer of 87917  
state for deposit in the legal aid fund established under section 87918  
120.52 of the Revised Code. No part of the interest earned on 87919  
funds deposited in an interest-bearing trust account established 87920  
under division (A)~~(1)~~ ~~or (2)~~ of this section shall be paid to, or 87921  
inure to the benefit of, the attorney, the attorney's law firm or 87922  
legal professional association, the client or other person who 87923  
owns or has a beneficial ownership of the funds deposited, or any 87924  
other account, person, or entity other than in accordance with 87925  
this section, section 4705.10, and sections 120.51 to 120.55 of 87926  
the Revised Code. 87927

(C) No liability arising out of any act or omission by any 87928  
attorney, law firm, or legal professional association with respect 87929  
to any interest-bearing trust account established under division 87930  
(A)~~(1)~~ ~~or (2)~~ of this section shall be imputed to the depository 87931  
institution. 87932

(D) The supreme court may adopt and enforce rules of 87933  
professional conduct that pertain to the use, by attorneys, law 87934  
firms, or legal professional associations, of interest-bearing 87935  
trust accounts established under division (A)~~(1)~~ ~~or (2)~~ of this 87936  
section, and that pertain to the enforcement of division (A)~~(2)~~ of 87937



this section. Any rules adopted by the supreme court under this 87938  
authority shall conform to the provisions of this section, section 87939  
4705.10, and sections 120.51 to 120.55 of the Revised Code and any 87940  
rules adopted by the Ohio legal assistance foundation pursuant to 87941  
section 120.52 of the Revised Code. 87942

(E) As used in this section, "eligible depository" has the 87943  
same meaning as in section 3953.231 of the Revised Code. 87944

**Sec. 4705.10.** (A) All of the following apply to an 87945  
interest-bearing trust account established under authority of 87946  
section 4705.09 of the Revised Code: 87947

(1) All funds ~~in the~~ shall be deposited into an IOLTA account 87948  
product at an eligible depository and shall be subject to 87949  
withdrawal upon request and without delay, or as soon as is 87950  
permitted by federal law; 87951

(2)(a) The approved rate of interest payable on the account 87952  
~~shall not be less than the equal or exceed the highest interest~~ 87953  
~~rate or dividend~~ rate paid by the eligible depository ~~institution~~ 87954  
~~to regular, nonattorney depositors on its account products that~~ 87955  
~~are not IOLTA account products.~~ Higher The eligible depository 87956  
shall pay on its IOLTA account product any higher rates offered by 87957  
~~the institution to customers whose deposits exceed certain time or~~ 87958  
~~quantity qualifications, such as those offered in the form of~~ 87959  
~~certificates of deposit, may be obtained by a person or law firm~~ 87960  
~~establishing the account if there is no impairment of the right to~~ 87961  
~~withdraw or transfer principal immediately~~ it on its account 87962  
products that are not IOLTA account products. 87963

(b) In paying not less than the highest interest rate or 87964  
dividend paid by the eligible depository on its account products 87965  
that are not IOLTA account products, an eligible depository shall 87966  
do both of the following: 87967

(i) For IOLTA accounts with balances of less than one hundred thousand dollars, pay a rate that equals or exceeds the highest rate paid on its business checking account paying preferred interest rates, such as money market or indexed rates, or any other similar, suitable interest-bearing account offered by the eligible depository on its account products that are not IOLTA account products; 87968  
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(ii) For IOLTA accounts with balances of one hundred thousand dollars or more, pay a rate that equals or exceeds the highest rate paid on its business checking account with an automated investment feature, such as an overnight sweep account, business investment or other similar premium checking account, short-term jumbo certificate of deposit, money market account, or any other similar, suitable interest-bearing account offered by the eligible depository on its account products that are not IOLTA account products. 87975  
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(c) In determining the highest interest rate or dividend paid by the eligible depository on its account products that are not IOLTA account products, an eligible depository shall consider the rates it offers its customers from internal rate sheets or through preferred or negotiated rates on a per customer basis. In considering the rate for the IOLTA account product, the eligible depository may also take into consideration and discount for factors such as fees paid by the account-holder, time commitments, and withdrawal limitations on other account products. The eligible depository shall not use these factors to preclude consideration of the rates paid on one or more of its account products that are not IOLTA account products in the eligible depository's establishment of a rate for the IOLTA account product. 87984  
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(d) If an eligible depository determines that it is unable to pay the rate required under this division during any reporting period, the eligible depository may request from the Ohio legal 87997  
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assistance foundation a waiver from the approved rate requirement 88000  
for that reporting period. If an eligible depository requests a 88001  
waiver from the approved rate requirement, the eligible depository 88002  
shall demonstrate in the form and manner prescribed in rules 88003  
adopted by the Ohio legal assistance foundation pursuant to 88004  
section 120.52 of the Revised Code that the rates of interest paid 88005  
on its IOLTA account product are generally not less than the 88006  
highest rates paid by the eligible depository on its account 88007  
products that are not IOLTA account products. At a minimum, the 88008  
eligible depository shall demonstrate by an independent, 88009  
third-party auditor's certification that not more than five per 88010  
cent of the eligible depository's account products that are not 88011  
IOLTA account products with an average daily balance of greater 88012  
than or equal to one hundred thousand dollars have rates that are 88013  
higher than the rate paid on the its IOLTA account product during 88014  
the same reporting period. 88015

(3) ~~The depository institution shall be directed, by the~~ 88016  
~~person or law firm establishing the account,~~ shall direct the 88017  
eligible depository to do all of the following: 88018

(a) Remit by the fifteenth day of each month interest or 88019  
dividends, whichever is applicable, on the average monthly balance 88020  
in the account earned in the preceding month or as otherwise 88021  
computed in accordance with the ~~institution's~~ eligible 88022  
depository's standard accounting practice, ~~less reasonable service~~ 88023  
~~charges,~~ to the treasurer of state ~~at least quarterly~~ for deposit 88024  
in the legal aid fund established under section 120.52 of the 88025  
Revised Code; 88026

(b) Transmit to the treasurer of state, ~~upon its request,~~ 88027  
the Ohio Legal Assistance Foundation, and if requested, to 88028  
depositing attorney, law firm, or legal professional association 88029  
upon the attorney's, firm's, or association's request, at the time 88030  
of each remittance required by division (A)(3)(a) of this section, 88031

a statement showing the name of the attorney for whom or the law 88032  
firm or legal professional association for which the remittance is 88033  
sent, the comparable accounts or product types and the rates paid, 88034  
as required in division (A)(2)(b) of this section, the rate of 88035  
interest applied, the accounting period, the net amount remitted 88036  
to the treasurer of state for each account, the total remitted, 88037  
the average account balance for each month of the period for which 88038  
the report is made, and the amount deducted for service charges 88039  
assessed to and paid by the account holder or other party; 88040

~~(4) The depository institution shall notify (c) Notify the~~ 88041  
office of disciplinary counsel or other entity designated by the 88042  
supreme court on each occasion when a properly payable instrument 88043  
is presented for payment from the account, and the account 88044  
contains insufficient funds. ~~The depository institution shall,~~ 88045  
provide this notice without regard to whether the instrument is 88046  
honored by the eligible depository institution. ~~The depository~~ 88047  
~~institution shall,~~ provide the notice described in division 88048  
(A)~~(4)~~(3)(c) of this section by electronic or other means within 88049  
five banking days of the date that the instrument was honored or 88050  
returned as dishonored. ~~The, and include in the notice shall~~ 88051  
~~contain~~ all of the following: 88052

~~(a)(i)~~ The name and address of the eligible depository 88053  
institution; 88054

~~(b)(ii)~~ The name and address of the lawyer, law firm, or 88055  
legal professional association that maintains the account; 88056

~~(c)(iii)~~ The account number and either the amount of the 88057  
overdraft and the date issued or the amount of the dishonored 88058  
instrument and the date returned. 88059

(B)(1) The statements and reports of individual depositor 88060  
information made under ~~divisions~~ division (A)(3) and (4) of this 88061  
section are confidential and are not public records subject to 88062

section 149.43 of the Revised Code and shall be used by the Ohio 88063  
legal assistance foundation only for purposes of administering the 88064  
legal aid fund and by the supreme court for enforcement of the 88065  
rules of professional conduct adopted by the supreme court. 88066

(2) A depository institution may charge the lawyer, law firm, 88067  
or legal professional association that maintains the account with 88068  
fees associated with producing and mailing a notice required by 88069  
division (A)~~(4)~~(3)(c) of this section but shall not deduct such 88070  
fees from the interest earned on the account. 88071

(C) As used in this section: 88072

(1) "Approved rate" and "eligible depository" have the same 88073  
meaning as in section 3953.231 of the Revised Code. 88074

(2) "IOLTA account product" means a separate and unique 88075  
product offered by an eligible depository that is used exclusively 88076  
for the deposit of funds transferred electronically or otherwise, 88077  
cash, money orders, or negotiable instruments that are received by 88078  
an attorney that is used to hold client funds and fully complies 88079  
with the account requirements of sections 120.52, 4705.09, and 88080  
4705.10 of the Revised Code. 88081

**Sec. 4709.12.** (A) The barber board shall charge and collect 88082  
the following fees: 88083

(1) For the application to take the barber examination, 88084  
ninety dollars; 88085

(2) For an application to retake any part of the barber 88086  
examination, forty-five dollars; 88087

(3) For the initial issuance of a license to practice as a 88088  
barber, thirty dollars; 88089

(4) For the biennial renewal of the license to practice as a 88090  
barber, one hundred ten dollars; 88091

(5) For the restoration of an expired barber license, one hundred dollars, and seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;	88092 88093 88094 88095
(6) For the issuance of a duplicate barber or shop license, forty-five dollars;	88096 88097
(7) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, one hundred ten dollars;	88098 88099 88100 88101
(8) For the biennial renewal of a barber shop license, seventy-five dollars;	88102 88103
(9) For the restoration of a barber shop license, one hundred ten dollars;	88104 88105
(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	88106 88107 88108
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	88109 88110
(12) For the restoration of a barber school license, one thousand dollars;	88111 88112
(13) For the issuance of a student registration, forty dollars;	88113 88114
(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	88115 88116
(15) For the renewal of a biennial teacher license, one hundred fifty dollars;	88117 88118
(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred	88119 88120 88121

fifty dollars; 88122

(17) For the issuance of a barber license by reciprocity 88123  
pursuant to section 4709.08 of the Revised Code, three hundred 88124  
dollars; 88125

(18) For providing licensure information concerning an 88126  
applicant, upon written request of the applicant, forty dollars. 88127

(B) The board, subject to the approval of the controlling 88128  
board, may establish fees in excess of the amounts provided in 88129  
this section, provided that the fees do not exceed the amounts 88130  
permitted by this section by more than fifty per cent. 88131

(C) In addition to any other fee charged and collected under 88132  
this section, the barber board shall ask each person renewing a 88133  
license to practice as a barber whether the person wishes to make 88134  
a two-dollar voluntary contribution to the Ed Jeffers barber 88135  
museum. The board shall transmit any contributions to the 88136  
treasurer of state for deposit into the occupational licensing 88137  
fund. 88138

**Sec. 4713.28.** The state board of cosmetology shall issue a 88139  
practicing license to an applicant who, except as provided in 88140  
section 4713.30 of the Revised Code, satisfies all of the 88141  
following applicable conditions: 88142

(A) Is at least sixteen years of age; 88143

(B) Is of good moral character; 88144

(C) ~~Has the equivalent of an Ohio public school tenth grade~~ 88145  
education high school diploma, certificate of completion, or a 88146  
general equivalency diploma or has met all career technical 88147  
requirements as established by the Ohio department of education; 88148

(D) Passes an examination conducted under section 4713.24 of 88149  
the Revised Code for the branch of cosmetology the applicant seeks 88150  
to practice; 88151

(E) Pays to the board the applicable fee;	88152
(F) In the case of an applicant for an initial cosmetologist license, has successfully completed at least fifteen hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code;	88153 88154 88155 88156 88157 88158 88159
(G) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;	88160 88161 88162 88163
(H) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code;	88164 88165 88166 88167 88168 88169 88170 88171
(I) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;	88172 88173 88174 88175
(J) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.	88176 88177 88178 88179 88180
<b>Sec. 4713.32.</b> When determining the total hours of instruction	88181



received by an applicant for a license under section 4713.28, 88182  
4713.30, or 4713.31 of the Revised Code, the state board of 88183  
cosmetology shall not take into account more than ~~eight~~ ten hours 88184  
of instruction per day. The board shall take into account 88185  
instruction received more than five years prior to the date of 88186  
application for the license in accordance with rules adopted under 88187  
section 4713.08 of the Revised Code. 88188

**Sec. 4713.63.** A practicing license, managing license, or 88189  
instructor license that has not been renewed for any reason other 88190  
than because it has been revoked, suspended, or classified 88191  
inactive, or because the license holder has been given a waiver or 88192  
extension under section 4713.60 of the Revised Code, is expired. 88193  
An expired license may be restored if the person who held the 88194  
license meets all of the following applicable conditions: 88195

(A) Pays to the state board of cosmetology the restoration 88196  
fee, the current renewal fee, and any applicable late fees; 88197

(B) Pays ~~all a~~ a lapsed renewal fees fee of forty-five dollars 88198  
per license renewal period that has elapsed since the license was 88199  
last issued or renewed; 88200

(C) ~~Submits proof satisfactory to the state board of~~ 88201  
~~cosmetology that the person has completed all applicable~~ 88202  
~~continuing education requirements;~~ 88203

~~(D)~~ In the case of a practicing license or managing license 88204  
that has been expired for more than two years, ~~retakes and passes~~ 88205  
~~an examination conducted under section 4713.24 of the Revised Code~~ 88206  
~~for the branch of cosmetology that the person seeks to practice or~~ 88207  
~~type of salon the person seeks to manage~~ consecutive license 88208  
renewal periods, completes eight hours of continuing education for 88209  
each license renewal period that has elapsed since the license was 88210  
last issued or renewed, up to a maximum of twenty-four hours. At 88211

least four of those hours shall include a course pertaining to 88212  
sanitation and safety methods. 88213

The board shall deposit all fees it receives under division 88214  
(B) of this section into the general revenue fund. 88215

**Sec. 4713.64.** (A) In accordance with Chapter 119. of the 88216  
Revised Code, the state board of cosmetology may deny, revoke, or 88217  
suspend a license or permit issued by the board or impose a fine 88218  
for any of the following: 88219

(1) Failure to comply with the requirements of this chapter 88220  
or rules adopted under it; 88221

(2) Continued practice by a person knowingly having an 88222  
infectious or contagious disease; 88223

(3) Habitual drunkenness or addiction to any habit-forming 88224  
drug; 88225

(4) Willful false and fraudulent or deceptive advertising; 88226

(5) Falsification of any record or application required to be 88227  
filed with the board; 88228

(6) Failure to pay a fine or abide by a suspension order 88229  
issued by the board. 88230

(B) The board may impose a separate fine for each offense 88231  
listed in division (A) of this section. The amount of a fine shall 88232  
be not more than ~~one~~ five hundred dollars if the violator has not 88233  
previously been fined for that offense. The fine shall be not more 88234  
than ~~five hundred~~ one thousand dollars if the violator has been 88235  
fined for the same offense once before. The fine shall be not more 88236  
than one thousand five hundred dollars if the violator has been 88237  
fined for the same offense two or more times before. 88238

(C) If a person fails to request a hearing within thirty days 88239  
of the date the board, in accordance with section 119.07 of the 88240

Revised Code, notifies the person of the board's intent to act 88241  
against the person under division (A) of this section, the board 88242  
by a majority vote of a quorum of the board members may take the 88243  
action against the person without holding an adjudication hearing. 88244

(D) The board, after a hearing in accordance with Chapter 88245  
119. of the Revised Code, may suspend a tanning facility permit if 88246  
the owner or operator fails to correct an unsafe condition that 88247  
exists in violation of the board's rules or fails to cooperate in 88248  
an inspection of the tanning facility. If a violation has resulted 88249  
in a condition reasonably believed by an inspector to create an 88250  
immediate danger to the health and safety of any person using the 88251  
tanning facility, the inspector may suspend the permit without a 88252  
prior hearing until the condition is corrected or until a hearing 88253  
in accordance with Chapter 119. of the Revised Code is held and 88254  
the board either upholds the suspension or reinstates the permit. 88255

**Sec. 4731.10.** Upon the request of a person licensed who holds 88256  
a certificate to practice in this state pursuant to Chapter 4731. 88257  
of the Revised Code and is seeking licensure in another state, the 88258  
state medical board shall ~~certify an application for licensure in~~ 88259  
~~another~~ provide verification of the person's certificate to 88260  
practice in this state. The fee for such ~~certification~~ 88261  
verification shall be fifty dollars. 88262

**Sec. 4731.26.** Upon application by the holder of a certificate 88263  
to practice or certificate of registration issued under this 88264  
chapter, the state medical board shall issue a duplicate 88265  
certificate to replace one missing or damaged, to reflect a name 88266  
change, or for any other reasonable cause. The fee for ~~such a~~ 88267  
duplicate certificate to practice or duplicate certificate of 88268  
registration shall be thirty-five dollars. 88269

**Sec. 4731.38.** All vouchers of the state medical board shall 88270

be approved by the ~~board~~ board's president ~~or~~, the board's 88271  
executive ~~secretary~~ director, or ~~both~~, as another person 88272  
authorized by the board. 88273

**Sec. 4733.10.** The state board of registration for 88274  
professional engineers and surveyors shall prepare annually a 88275  
listing of all registered professional engineers, registered 88276  
professional surveyors, and firms that possess a certificate of 88277  
authorization. The board shall provide a copy of this listing upon 88278  
request to registrants of the board and to firms possessing a 88279  
certificate of authorization without charge and to the public upon 88280  
request and payment of copy costs. 88281

Additionally, the board shall issue an official verification 88282  
of the status of any person registered as a professional engineer 88283  
or professional surveyor in this state upon receipt of a 88284  
verification form and the payment of a fee established by the 88285  
board. 88286

**Sec. 4734.25.** A license to practice chiropractic from the 88287  
state chiropractic board expires ~~annually on the first day of~~ 88288  
~~January~~ biennially in accordance with the schedule established in 88289  
rules adopted under this section and may be renewed. The renewal 88290  
process shall be conducted in accordance with the standard renewal 88291  
procedures of Chapter 4745. of the Revised Code, except that the 88292  
board's executive director shall notify each license holder of the 88293  
license renewal requirements of this section not later than sixty 88294  
days prior to the license's expiration date. When an application 88295  
for renewal is submitted, the applicant shall provide the 88296  
information necessary to process the application and pay a renewal 88297  
fee ~~of two hundred fifty dollars~~ in an amount the board specifies 88298  
in rules adopted under this section. 88299

Before a renewal of license is issued by the board, the 88300

licensee shall furnish the board with satisfactory evidence that 88301  
the licensee has completed during the current licensing period not 88302  
less than the number of hours of continuing education that the 88303  
board requires in rules adopted under this section. For an 88304  
activity to be applied toward the continuing education 88305  
requirement, the activity must meet the board's approval as a 88306  
continuing education activity, as specified in rules adopted under 88307  
this section. Any exception from the continuing education 88308  
requirement must be approved by the board. 88309

Failure of a licensee to comply with this section, ~~including~~ 88310  
~~failure to pay the renewal fee on or before the first day of~~ 88311  
~~January of each year,~~ shall operate as an automatic forfeiture of 88312  
the right of the licensee to practice chiropractic in this state. 88313  
A forfeited license may be reinstated by the board upon payment of 88314  
all fees due and a penalty fee ~~of one hundred fifty dollars in an~~ 88315  
amount the board specifies in rules adopted under this section for 88316  
reinstatement, in addition to satisfying the board of having 88317  
complied with the continuing education requirements of this 88318  
section. If an individual's license has been forfeited for two or 88319  
more years, the board may also require as a condition of 88320  
reinstatement that the individual complete training or testing as 88321  
specified by the board. 88322

The board shall adopt any rules it considers necessary to 88323  
implement this section, including standards for approval of 88324  
continuing education in the practice of chiropractic. All rules 88325  
adopted under this section shall be adopted in accordance with 88326  
Chapter 119. of the Revised Code. 88327

**Sec. 4735.06.** (A) Application for a license as a real estate 88328  
broker shall be made to the superintendent of real estate on forms 88329  
furnished by the superintendent and filed with the superintendent 88330  
and shall be signed by the applicant or its members or officers. 88331

Each application shall state the name of the person applying and 88332  
the location of the place of business for which the license is 88333  
desired, and give such other information as the superintendent 88334  
requires in the form of application prescribed by the 88335  
superintendent. 88336

If the applicant is a partnership, limited liability company, 88337  
limited liability partnership, or association, the names of all 88338  
the members also shall be stated, and, if the applicant is a 88339  
corporation, the names of its president and of each of its 88340  
officers also shall be stated. The superintendent has the right to 88341  
reject the application of any partnership, association, limited 88342  
liability company, limited liability partnership, or corporation 88343  
if the name proposed to be used by such partnership, association, 88344  
limited liability company, limited liability partnership, or 88345  
corporation is likely to mislead the public or if the name is not 88346  
such as to distinguish it from the name of any existing 88347  
partnership, association, limited liability company, limited 88348  
liability partnership, or corporation licensed under this chapter, 88349  
unless there is filed with the application the written consent of 88350  
such existing partnership, association, limited liability company, 88351  
limited liability partnership, or corporation, executed by a duly 88352  
authorized representative of it, permitting the use of the name of 88353  
such existing partnership, association, limited liability company, 88354  
limited liability partnership, or corporation. 88355

(B) A fee of ~~sixty-nine~~ one hundred dollars shall accompany 88356  
the application for a real estate broker's license, which fee 88357  
includes the fee for the initial year of the licensing period, if 88358  
a license is issued. The application fee shall be retained by the 88359  
superintendent if the applicant is admitted to the examination for 88360  
the license or the examination requirement is waived, but, if an 88361  
applicant is not so admitted and a waiver is not involved, 88362  
one-half of the fee shall be retained by the superintendent to 88363

cover the expenses of processing the application and the other 88364  
one-half shall be returned to the applicant. A fee of ~~sixty-nine~~ 88365  
one hundred dollars shall be charged by the superintendent for 88366  
each successive application made by an applicant. In the case of 88367  
issuance of a three-year license, upon passing the examination, or 88368  
upon waiver of the examination requirement, if the superintendent 88369  
determines it is necessary, the applicant shall submit an 88370  
additional fee determined by the superintendent based upon the 88371  
number of years remaining in a real estate salesperson's licensing 88372  
period. 88373

(C) ~~Four dollars~~ One dollar of each application fee for a 88374  
real estate broker's license shall be credited to the real estate 88375  
education and research fund, which is hereby created in the state 88376  
treasury. The Ohio real estate commission may use the fund in 88377  
discharging the duties prescribed in divisions (E), (F), (G), and 88378  
(H) of section 4735.03 of the Revised Code and shall use it in the 88379  
advancement of education and research in real estate at any 88380  
institution of higher education in the state, or in contracting 88381  
with any such institution or a trade organization for a particular 88382  
research or educational project in the field of real estate, or in 88383  
advancing loans, not exceeding eight hundred dollars, to 88384  
applicants for salesperson licenses, to defray the costs of 88385  
satisfying the educational requirements of division (F) of section 88386  
4735.09 of the Revised Code. Such loans shall be made according to 88387  
rules established by the commission under the procedures of 88388  
Chapter 119. of the Revised Code, and they shall be repaid to the 88389  
fund within three years of the time they are made. No more than 88390  
ten thousand dollars shall be lent from the fund in any one year. 88391

The governor may appoint a representative from the executive 88392  
branch to be a member ex officio of the commission for the purpose 88393  
of advising on research requests or educational projects. The 88394  
commission shall report to the general assembly on the third 88395

Tuesday after the third Monday in January of each year setting 88396  
forth the total amount contained in the fund and the amount of 88397  
each research grant that it has authorized and the amount of each 88398  
research grant requested. A copy of all research reports shall be 88399  
submitted to the state library of Ohio and the library of the 88400  
legislative service commission. 88401

(D) If the superintendent, with the consent of the 88402  
commission, enters into an agreement with a national testing 88403  
service to administer the real estate broker's examination, 88404  
pursuant to division (A) of section 4735.07 of the Revised Code, 88405  
the superintendent may require an applicant to pay the testing 88406  
service's examination fee directly to the testing service. If the 88407  
superintendent requires the payment of the examination fee 88408  
directly to the testing service, each applicant shall submit to 88409  
the superintendent a processing fee in an amount determined by the 88410  
Ohio real estate commission pursuant to division (A)(2) of section 88411  
4735.10 of the Revised Code. 88412

**Sec. 4735.09.** (A) Application for a license as a real estate 88413  
salesperson shall be made to the superintendent of real estate on 88414  
forms furnished by the superintendent and signed by the applicant. 88415  
The application shall be in the form prescribed by the 88416  
superintendent and shall contain such information as is required 88417  
by this chapter and the rules of the Ohio real estate commission. 88418  
The application shall be accompanied by the recommendation of the 88419  
real estate broker with whom the applicant is associated or with 88420  
whom the applicant intends to be associated, certifying that the 88421  
applicant is honest, truthful, and of good reputation, has not 88422  
been convicted of a felony or a crime involving moral turpitude, 88423  
and has not been finally adjudged by a court to have violated any 88424  
municipal, state, or federal civil rights laws relevant to the 88425  
protection of purchasers or sellers of real estate, which 88426  
conviction or adjudication the applicant has not disclosed to the 88427



superintendent, and recommending that the applicant be admitted to 88428  
the real estate salesperson examination. 88429

(B) A fee of ~~forty-nine~~ sixty dollars shall accompany the 88430  
application, which fee includes the fee for the initial year of 88431  
the licensing period, if a license is issued. The application fee 88432  
shall be retained by the superintendent if the applicant is 88433  
admitted to the examination for the license or the examination 88434  
requirement is waived, but, if an applicant is not so admitted and 88435  
a waiver is not involved, one-half of the fee shall be retained by 88436  
the superintendent to cover the expenses of processing the 88437  
application and the other one-half shall be returned to the 88438  
applicant. A fee of ~~forty-nine~~ sixty dollars shall be charged by 88439  
the superintendent for each successive application made by the 88440  
applicant. ~~Four dollars~~ One dollar of each application fee shall 88441  
be credited to the real estate education and research fund. 88442

(C) There shall be no limit placed on the number of times an 88443  
applicant may retake the examination. 88444

(D) The superintendent, with the consent of the commission, 88445  
may enter into an agreement with a recognized national testing 88446  
service to administer the real estate salesperson's examination 88447  
under the superintendent's supervision and control, consistent 88448  
with the requirements of this chapter as to the contents of the 88449  
examination. 88450

If the superintendent, with the consent of the commission, 88451  
enters into an agreement with a national testing service to 88452  
administer the real estate salesperson's examination, the 88453  
superintendent may require an applicant to pay the testing 88454  
service's examination fee directly to the testing service. If the 88455  
superintendent requires the payment of the examination fee 88456  
directly to the testing service, each applicant shall submit to 88457  
the superintendent a processing fee in an amount determined by the 88458  
Ohio real estate commission pursuant to division (A)(1) of section 88459

4735.10 of the Revised Code. 88460

(E) The superintendent shall issue a real estate 88461  
salesperson's license when satisfied that the applicant has 88462  
received a passing score on each portion of the salesperson's 88463  
examination as determined by rule by the real estate commission, 88464  
except that the superintendent may waive one or more of the 88465  
requirements of this section in the case of an applicant who is a 88466  
licensed real estate salesperson in another state pursuant to a 88467  
reciprocity agreement with the licensing authority of the state 88468  
from which the applicant holds a valid real estate salesperson's 88469  
license. 88470

(F) No applicant for a salesperson's license shall take the 88471  
salesperson's examination who has not established to the 88472  
satisfaction of the superintendent that the applicant: 88473

(1) Is honest, truthful, and of good reputation; 88474

(2)(a) Has not been convicted of a felony or crime of moral 88475  
turpitude or, if the applicant has been so convicted, the 88476  
superintendent has disregarded the conviction because the 88477  
applicant has proven to the superintendent, by a preponderance of 88478  
the evidence, that the applicant's activities and employment 88479  
record since the conviction show that the applicant is honest, 88480  
truthful, and of good reputation, and there is no basis in fact 88481  
for believing that the applicant again will violate the laws 88482  
involved; 88483

(b) Has not been finally adjudged by a court to have violated 88484  
any municipal, state, or federal civil rights laws relevant to the 88485  
protection of purchasers or sellers of real estate or, if the 88486  
applicant has been so adjudged, at least two years have passed 88487  
since the court decision and the superintendent has disregarded 88488  
the adjudication because the applicant has proven, by a 88489  
preponderance of the evidence, that the applicant is honest, 88490

truthful, and of good reputation, and there is no basis in fact 88491  
for believing that the applicant again will violate the laws 88492  
involved. 88493

(3) Has not, during any period in which the applicant was 88494  
licensed under this chapter, violated any provision of, or any 88495  
rule adopted pursuant to this chapter, or, if the applicant has 88496  
violated such provision or rule, has established to the 88497  
satisfaction of the superintendent that the applicant will not 88498  
again violate such provision or rule; 88499

(4) Is at least eighteen years of age; 88500

(5) If born after the year 1950, has a high school diploma or 88501  
its equivalent as recognized by the state department of education; 88502

(6)(a) If beginning instruction prior to August 1, 2001, has 88503  
successfully completed at an institution of higher education all 88504  
of the following: 88505

(i) Thirty hours of classroom instruction in real estate 88506  
practice; 88507

(ii) Thirty hours of classroom instruction that includes the 88508  
subjects of Ohio real estate law, municipal, state, and federal 88509  
civil rights law, new case law on housing discrimination, 88510  
desegregation issues, and methods of eliminating the effects of 88511  
prior discrimination. If feasible, the classroom instruction in 88512  
Ohio real estate law shall be taught by a member of the faculty of 88513  
an accredited law school. If feasible, the classroom instruction 88514  
in municipal, state, and federal civil rights law, new case law on 88515  
housing discrimination, desegregation issues, and methods of 88516  
eliminating the effects of prior discrimination shall be taught by 88517  
a staff member of the Ohio civil rights commission who is 88518  
knowledgeable with respect to those subjects. The requirements of 88519  
this division do not apply to an applicant who is admitted to 88520  
practice before the supreme court. 88521

(iii) Thirty hours of classroom instruction in real estate appraisal;	88522 88523
(iv) Thirty hours of classroom instruction in real estate finance.	88524 88525
(b) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the classroom instruction required by division (F)(6)(a) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination.	88526 88527 88528 88529 88530 88531 88532
(7) If beginning instruction, as determined by the superintendent, on or after August 1, 2001, has successfully completed at an institution of higher education all of the following:	88533 88534 88535 88536
(a) Forty hours of classroom instruction in real estate practice;	88537 88538
(b) Forty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	88539 88540 88541 88542 88543 88544 88545 88546 88547 88548 88549 88550 88551 88552

(c) Twenty hours of classroom instruction in real estate appraisal; 88553  
88554

(d) Twenty hours of classroom instruction in real estate finance. 88555  
88556

(G) No later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of completion, at an institution of higher education or any other institution approved by the commission, of ten hours of classroom instruction in real estate courses that cover current issues regarding consumers, real estate practice, ethics, and real estate law. 88557  
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If proof of completion of the required instruction is not submitted within twelve months of the date a license is issued under this section, the licensee's license is suspended automatically without the taking of any action by the superintendent. The superintendent immediately shall notify the broker with whom such salesperson is associated of the suspension of the salesperson's license. A salesperson whose license has been suspended under this division shall have twelve months after the date of the suspension of the salesperson's license to submit proof of successful completion of the instruction required under this division. No such license shall be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent when the licensee fails to submit the required proof of completion of the education requirements under division (G) of this section within twelve months of the date the license is suspended. 88565  
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(H) Examinations shall be administered with reasonable 88584

accommodations in accordance with the requirements of the 88585  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 88586  
U.S.C. 12101. The contents of an examination shall be consistent 88587  
with the classroom instructional requirements of division (F)(6) 88588  
or (7) of this section. An applicant who has completed the 88589  
classroom instructional requirements of division (F)(6) or (7) of 88590  
this section at the time of application shall be examined no later 88591  
than twelve months after the applicant is notified of the 88592  
applicant's admission to the examination. 88593

**Sec. 4735.12.** (A) The real estate recovery fund is hereby 88594  
created in the state treasury, to be administered by the 88595  
superintendent of real estate. Amounts collected by the 88596  
superintendent as prescribed in this section and interest earned 88597  
on the assets of the fund shall be credited by the treasurer of 88598  
state to the fund. The amount of money in the fund shall be 88599  
ascertained by the superintendent as of the first day of July of 88600  
each year. 88601

The commission, in accordance with rules adopted under 88602  
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 88603  
impose a special assessment not to exceed ten dollars per year for 88604  
each year of a licensing period on each licensee filing a notice 88605  
of renewal under section 4735.14 of the Revised Code if the amount 88606  
available in the fund is less than ~~one million~~ five hundred 88607  
thousand dollars on the first day of July preceding that filing. 88608  
The commission may impose a special assessment not to exceed five 88609  
dollars per year for each year of a licensing period if the amount 88610  
available in the fund is greater than one million dollars, but 88611  
less than two million dollars on the first day of July preceding 88612  
that filing. The commission shall not impose a special assessment 88613  
if the amount available in the fund exceeds two million dollars on 88614  
the first day of July preceding that filing. 88615

(B)(1) Any person who obtains a final judgment in any court 88616  
of competent jurisdiction against any broker or salesperson 88617  
licensed under this chapter, on the grounds of conduct that is in 88618  
violation of this chapter or the rules adopted under it, and that 88619  
is associated with an act or transaction that only a licensed real 88620  
estate broker or licensed real estate salesperson is authorized to 88621  
perform as specified in division (A) or (C) of section 4735.01 of 88622  
the Revised Code, may file a verified application, as described in 88623  
division (B)(3) of this section, in ~~any~~ the court of common pleas 88624  
of Franklin county for an order directing payment out of the real 88625  
estate recovery fund of the portion of the judgment that remains 88626  
unpaid and that represents the actual and direct loss sustained by 88627  
the applicant. 88628

(2) Punitive damages, attorney's fees, and interest on a 88629  
judgment are not recoverable from the fund. In the discretion of 88630  
the superintendent of real estate, court costs may be recovered 88631  
from the fund, and, if the superintendent authorizes the recovery 88632  
of court costs, the order of the court of common pleas then may 88633  
direct their payment from the fund. 88634

(3) The application shall specify the nature of the act or 88635  
transaction upon which the underlying judgment was based, the 88636  
activities of the applicant in pursuit of remedies available under 88637  
law for the collection of judgments, and the actual and direct 88638  
losses, attorney's fees, and the court costs sustained or incurred 88639  
by the applicant. The applicant shall attach to the application a 88640  
copy of each pleading and order in the underlying court action. 88641

(4) The court shall order the superintendent to make such 88642  
payments out of the fund when the person seeking the order has 88643  
shown all of the following: 88644

(a) The person has obtained a judgment, as provided in this 88645  
division; 88646

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse;

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:

(a) Actions arising from property management accounts maintained in the name of the property owner;

(b) A bonding company when it is not a principal in a real estate transaction;

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code;

(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment.

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and



challenges to the underlying judgment required in division 88677  
(B)(4)(a) of this section to determine whether the underlying 88678  
judgment is based on activity only a licensed broker or licensed 88679  
salesperson is permitted to perform. The superintendent may move 88680  
the court at any time to dismiss the application when it appears 88681  
there are no triable issues and the application is without merit. 88682  
The motion may be supported by affidavit of any person having 88683  
knowledge of the facts and may be made on the basis that the 88684  
application, including the judgment referred to in it, does not 88685  
form the basis for a meritorious recovery claim; provided, that 88686  
the superintendent shall give written notice to the applicant at 88687  
least ten days before such motion. The superintendent may, subject 88688  
to court approval, compromise a claim based upon the application 88689  
of an aggrieved party. The superintendent shall not be bound by 88690  
any prior compromise or stipulation of the judgment debtor. 88691

(D) Notwithstanding any other provision of this section, the 88692  
liability of the fund shall not exceed forty thousand dollars for 88693  
any one licensee. If a licensee's license is reactivated as 88694  
provided in division (E) of this section, the liability of the 88695  
fund for the licensee under this section shall again be forty 88696  
thousand dollars, but only for transactions that occur subsequent 88697  
to the time of reactivation. 88698

If the forty-thousand-dollar liability of the fund is 88699  
insufficient to pay in full the valid claims of all aggrieved 88700  
persons by whom claims have been filed against any one licensee, 88701  
the forty thousand dollars shall be distributed among them in the 88702  
ratio that their respective claims bear to the aggregate of valid 88703  
claims or in such other manner as the court finds equitable. 88704  
Distribution of moneys shall be among the persons entitled to 88705  
share in it, without regard to the order of priority in which 88706  
their respective judgments may have been obtained or their claims 88707  
have been filed. Upon petition of the superintendent, the court 88708

may require all claimants and prospective claimants against one 88709  
licensee to be joined in one action, to the end that the 88710  
respective rights of all such claimants to the fund may be 88711  
equitably adjudicated and settled. 88712

(E) If the superintendent pays from the fund any amount in 88713  
settlement of a claim or toward satisfaction of a judgment against 88714  
a licensed broker or salesperson, the license of the broker or 88715  
salesperson shall be automatically suspended upon the date of 88716  
payment from the fund. The superintendent shall not reactivate the 88717  
suspended license of that broker or salesperson until the broker 88718  
or salesperson has repaid in full, plus interest per annum at the 88719  
rate specified in division (A) of section 1343.03 of the Revised 88720  
Code, the amount paid from the fund on the broker's or 88721  
salesperson's account. A discharge in bankruptcy does not relieve 88722  
a person from the suspension and requirements for reactivation 88723  
provided in this section unless the underlying judgment has been 88724  
included in the discharge and has not been reaffirmed by the 88725  
debtor. 88726

(F) If, at any time, the money deposited in the fund is 88727  
insufficient to satisfy any duly authorized claim or portion of a 88728  
claim, the superintendent shall, when sufficient money has been 88729  
deposited in the fund, satisfy such unpaid claims or portions, in 88730  
the order that such claims or portions were originally filed, plus 88731  
accumulated interest per annum at the rate specified in division 88732  
(A) of section 1343.03 of the Revised Code. 88733

(G) When, upon the order of the court, the superintendent has 88734  
paid from the fund any sum to the judgment creditor, the 88735  
superintendent shall be subrogated to all of the rights of the 88736  
judgment creditor to the extent of the amount so paid, and the 88737  
judgment creditor shall assign all the judgment creditor's right, 88738  
title, and interest in the judgment to the superintendent to the 88739  
extent of the amount so paid. Any amount and interest so recovered 88740

by the superintendent on the judgment shall be deposited in the 88741  
fund. 88742

(H) Nothing contained in this section shall limit the 88743  
authority of the superintendent to take disciplinary action 88744  
against any licensee under other provisions of this chapter; nor 88745  
shall the repayment in full of all obligations to the fund by any 88746  
licensee nullify or modify the effect of any other disciplinary 88747  
proceeding brought pursuant to this chapter. 88748

(I) The superintendent shall collect from the fund a service 88749  
fee in an amount equivalent to the interest rate specified in 88750  
division (A) of section 1343.03 of the Revised Code multiplied by 88751  
the annual interest earned on the assets of the fund, to defray 88752  
the expenses incurred in the administration of the fund. 88753

**Sec. 4735.13.** (A) The license of a real estate broker shall 88754  
be prominently displayed in the office or place of business of the 88755  
broker, and no license shall authorize the licensee to do business 88756  
except from the location specified in it. If the broker maintains 88757  
more than one place of business within the state, the broker shall 88758  
apply for and procure a duplicate license for each branch office 88759  
maintained by the broker. Each branch office shall be in the 88760  
charge of a licensed broker or salesperson. The branch office 88761  
license shall be prominently displayed at the branch office 88762  
location. 88763

(B) The license of each real estate salesperson shall be 88764  
mailed to and remain in the possession of the licensed broker with 88765  
whom the salesperson is or is to be associated until the licensee 88766  
places the license on inactive, voluntary hold, or resigned status 88767  
or until the salesperson leaves the brokerage or is terminated. 88768  
The broker shall keep each salesperson's license in a way that it 88769  
can, and shall on request, be made immediately available for 88770  
public inspection at the office or place of business of the 88771

broker. Except as provided in divisions (G) and (H) of this 88772  
section, immediately upon the salesperson's leaving the 88773  
association or termination of the association of a real estate 88774  
salesperson with the broker, the broker shall return the 88775  
salesperson's license to the superintendent of real estate. 88776

The failure of a broker to return the license of a real 88777  
estate salesperson or broker who leaves or who is terminated, via 88778  
certified mail return receipt requested, within three business 88779  
days of the receipt of a written request from the superintendent 88780  
for the return of the license, is prima-facie evidence of 88781  
misconduct under division (A)(6) of section 4735.18 of the Revised 88782  
Code. 88783

(C) Any licensee who is convicted of a felony or a crime 88784  
involving moral turpitude or of violating any federal, state, or 88785  
municipal civil rights law pertaining to discrimination in 88786  
housing, or any court that issues a finding of an unlawful 88787  
discriminatory practice pertaining to housing accommodations 88788  
described in division (H) of section 4112.02 of the Revised Code 88789  
or that convicts a licensee of a violation of any municipal civil 88790  
rights law pertaining to housing discrimination, shall notify the 88791  
superintendent of the conviction or finding within fifteen days. 88792  
If a licensee fails to notify the superintendent within the 88793  
required time, the superintendent immediately may revoke the 88794  
license of the licensee. 88795

Any court that convicts a licensee of a violation of any 88796  
municipal civil rights law pertaining to housing discrimination 88797  
also shall notify the Ohio civil rights commission within fifteen 88798  
days of the conviction. 88799

(D) In case of any change of business location, a broker 88800  
shall give notice in writing to the superintendent, whereupon the 88801  
superintendent shall issue new licenses for the unexpired period 88802  
without charge. If a broker changes a business location without 88803

giving the required notice and without receiving new licenses that 88804  
action is prima-facie evidence of misconduct under division (A)(6) 88805  
of section 4735.18 of the Revised Code. 88806

(E) If a real estate broker desires to associate with another 88807  
real estate broker in the capacity of a real estate salesperson, 88808  
the broker shall apply to the superintendent to deposit the 88809  
broker's real estate broker's license with the superintendent and 88810  
for the issuance of a real estate salesperson's license. The 88811  
application shall be made on a form prescribed by the 88812  
superintendent and shall be accompanied by the recommendation of 88813  
the real estate broker with whom the applicant intends to become 88814  
associated and a fee of twenty-five dollars for the real estate 88815  
salesperson's license. ~~Four dollars~~ One dollar of the fee shall be 88816  
credited to the real estate education and research fund. If the 88817  
superintendent is satisfied that the applicant is honest, 88818  
truthful, and of good reputation, has not been convicted of a 88819  
felony or a crime involving moral turpitude, and has not been 88820  
finally adjudged by a court to have violated any municipal, state, 88821  
or federal civil rights laws relevant to the protection of 88822  
purchasers or sellers of real estate, and that the association of 88823  
the real estate broker and the applicant will be in the public 88824  
interest, the superintendent shall grant the application and issue 88825  
a real estate salesperson's license to the applicant. Any license 88826  
so deposited with the superintendent shall be subject to this 88827  
chapter. A broker who intends to deposit the broker's license with 88828  
the superintendent, as provided in this section, shall give 88829  
written notice of this fact in a format prescribed by the 88830  
superintendent to all salespersons associated with the broker when 88831  
applying to place the broker's license on deposit. 88832

(F) If a real estate broker desires to become a member or 88833  
officer of a partnership, association, limited liability company, 88834  
limited liability partnership, or corporation that is or intends 88835

to become a licensed real estate broker, the broker shall notify 88836  
the superintendent of the broker's intentions. The notice of 88837  
intention shall be on a form prescribed by the superintendent and 88838  
shall be accompanied by a fee of twenty-five dollars. ~~Four dollars~~ 88839  
One dollar of the fee shall be credited to the real estate 88840  
education and research fund. 88841

No real estate broker who is a member or officer of a 88842  
partnership, association, limited liability company, limited 88843  
liability partnership, or corporation that is a licensed real 88844  
estate broker shall perform any acts as a real estate broker other 88845  
than as the agent of the partnership, association, limited 88846  
liability company, limited liability partnership, or corporation, 88847  
and such broker shall not have any real estate salespersons 88848  
associated with the broker. 88849

(G) If a real estate broker or salesperson enters the armed 88850  
forces, the broker or salesperson may place the broker's or 88851  
salesperson's license on deposit with the Ohio real estate 88852  
commission. The licensee shall not be required to renew the 88853  
license until the renewal date that follows the date of discharge 88854  
from the armed forces. Any license deposited with the commission 88855  
shall be subject to this chapter. Any licensee whose license is on 88856  
deposit under this division and who fails to meet the continuing 88857  
education requirements of section 4735.141 of the Revised Code 88858  
because the licensee is in the armed forces shall satisfy the 88859  
commission that the licensee has complied with the continuing 88860  
education requirements within twelve months of the licensee's 88861  
discharge. The commission shall notify the licensee of the 88862  
licensee's obligations under section 4735.141 of the Revised Code 88863  
at the time the licensee applies for reactivation of the 88864  
licensee's license. 88865

(H) If a licensed real estate salesperson submits an 88866  
application to the superintendent to leave the association of one 88867

broker to associate with a different broker, the broker possessing 88868  
the licensee's license need not return the salesperson's license 88869  
to the superintendent. The superintendent may process the 88870  
application regardless of whether the licensee's license is 88871  
returned to the superintendent. 88872

**Sec. 4735.15.** (A) The fees for reactivation or transfer of a 88873  
license shall be as follows: 88874

(1) Reactivation or transfer of a broker's license into or 88875  
out of a partnership, association, limited liability company, 88876  
limited liability partnership, or corporation or from one 88877  
partnership, association, limited liability company, limited 88878  
liability partnership, or corporation to another partnership, 88879  
association, limited liability company, limited liability 88880  
partnership, or corporation, twenty-five dollars. An application 88881  
for such transfer shall be made to the superintendent of real 88882  
estate on forms provided by the superintendent. 88883

(2) Reactivation or transfer of a license by a real estate 88884  
salesperson, ~~twenty~~ twenty-five dollars. 88885

(B) Except as may otherwise be specified pursuant to division 88886  
(F) of this section, the nonrefundable fees for a branch office 88887  
license, license renewal, late filing, and foreign real estate 88888  
dealer and salesperson license are as follows per year for each 88889  
year of a licensing period: 88890

(1) Branch office license, ~~eight~~ fifteen dollars; 88891

(2) Renewal of a real estate broker's license, ~~forty-nine~~ 88892  
sixty dollars. If the licensee is a partnership, association, 88893  
limited liability company, limited liability partnership, or 88894  
corporation, the full broker's renewal fee shall be required for 88895  
each member of such partnership, association, limited liability 88896  
company, limited liability partnership, or corporation that is a 88897

real estate broker. If the real estate broker has not less than 88898  
eleven nor more than twenty real estate salespersons associated 88899  
with the broker, an additional fee of sixty-four dollars shall be 88900  
assessed to the brokerage. For every additional ten real estate 88901  
salespersons or fraction of that number, the brokerage assessment 88902  
fee shall be increased in the amount of thirty-seven dollars. 88903

(3) Renewal of a real estate salesperson's license, 88904  
~~thirty-nine~~ forty-five dollars; 88905

(4) Renewal of a real estate broker's or salesperson's 88906  
license filed within twelve months after the licensee's renewal 88907  
date, an additional late filing penalty of fifty per cent of the 88908  
required fee; 88909

(5) Foreign real estate dealer's license and each renewal of 88910  
the license, thirty dollars per salesperson employed by the 88911  
dealer, but not less than one hundred fifty dollars; 88912

(6) Foreign real estate salesperson's license and each 88913  
renewal of the license, fifty dollars. 88914

(C) All fees collected under this section shall be paid to 88915  
the treasurer of state. ~~Four dollars~~ One dollar of each such fee 88916  
shall be credited to the real estate education and research fund, 88917  
except that for fees that are assessed only once every three 88918  
years, ~~twelve~~ three dollars of each triennial fee shall be 88919  
credited to the real estate education and research fund. 88920

(D) In all cases, the fee and any penalty shall accompany the 88921  
application for the license, license transfer, or license 88922  
reactivation or shall accompany the filing of the renewal. 88923

(E) The commission may establish by rule reasonable fees for 88924  
services not otherwise established by this chapter. 88925

(F) The commission may adopt rules that provide for a 88926  
reduction in the fees established in divisions (B)(2) and (3) of 88927



this section. 88928

**Sec. 4740.03.** (A) The administrative section of the Ohio 88929  
construction industry licensing board annually shall elect from 88930  
among its members a chairperson and other officers as the board, 88931  
by rule, designates. The chairperson shall preside over meetings 88932  
of the administrative section or designate another member to 88933  
preside in the chairperson's absence. The administrative section 88934  
shall hold at least two regular meetings each year, but may meet 88935  
at additional times as specified by rule, at the call of the 88936  
chairperson, or upon the request of two or more members. A 88937  
majority of the members of the administrative section constitutes 88938  
a quorum for the transaction of all business. The administrative 88939  
section may not take any action without the concurrence of at 88940  
least three of its members. 88941

(B)(1) The administrative section shall employ a secretary, 88942  
who is not a member of the board, to serve at the pleasure of the 88943  
administrative section, and shall fix the compensation of the 88944  
secretary. The secretary shall be in the unclassified civil 88945  
service of the state. 88946

(2) The secretary shall do all of the following: 88947

(a) Keep or set standards for and delegate to another person 88948  
the keeping of the minutes, books, and other records and files of 88949  
the board and each section of the board; 88950

(b) Issue all licenses in the name of the board; 88951

(c) Send out all notices, including advance notices of 88952  
meetings of the board and each section of the board, and attend to 88953  
all correspondence of the board and each section of the board, 88954  
under the direction of the administrative section; 88955

(d) Receive and deposit all fees payable pursuant to this 88956  
chapter into the ~~industrial compliance~~ labor operating fund 88957

created pursuant to section 121.084 of the Revised Code; 88958

(e) Perform all other duties incidental to the office of the 88959  
secretary or properly assigned to the secretary by the 88960  
administrative section of the board. 88961

(3) Before entering upon the discharge of the duties of the 88962  
secretary, the secretary shall file with the treasurer of state a 88963  
bond in the sum of five thousand dollars, payable to the state, to 88964  
ensure the faithful performance of the secretary's duties. The 88965  
board shall pay the premium of the bond in the same manner as it 88966  
pays other expenditures of the board. 88967

(C) Upon the request of the administrative section of the 88968  
board, the director of commerce shall supply the board and its 88969  
sections with personnel, office space, and supplies, as the 88970  
director determines appropriate. The administrative section of the 88971  
board shall employ any additional staff it considers necessary and 88972  
appropriate. 88973

(D) The chairperson of the board or the secretary, or both, 88974  
as authorized by the board, shall approve all vouchers of the 88975  
board. 88976

**Sec. 4740.11.** The Ohio construction industry licensing board 88977  
and its sections shall deposit all receipts and fines collected 88978  
under this chapter into the state treasury to the credit of the 88979  
~~industrial compliance~~ labor operating fund created in section 88980  
121.084 of the Revised Code. 88981

**Sec. 4740.14.** (A) There is hereby created within the 88982  
department of commerce the residential construction advisory 88983  
committee consisting of nine persons the director of commerce 88984  
appoints. Of the advisory committee's members, three shall be 88985  
general contractors who have recognized ability and experience in 88986  
the construction of residential buildings, two shall be building 88987

officials who have experience administering and enforcing a 88988  
residential building code, one, chosen from a list of three names 88989  
the Ohio fire chief's association submits, shall be from the fire 88990  
service certified as a fire safety inspector who has at least ten 88991  
years of experience enforcing fire or building codes, one shall be 88992  
a residential contractor who has recognized ability and experience 88993  
in the remodeling and construction of residential buildings, one 88994  
shall be an architect registered pursuant to Chapter 4703. of the 88995  
Revised Code, with recognized ability and experience in the 88996  
architecture of residential buildings, and one, chosen from a list 88997  
of three names the Ohio municipal league submits to the director, 88998  
shall be a mayor of a municipal corporation in which the Ohio 88999  
residential building code is being enforced in the municipal 89000  
corporation by a certified building department. 89001

(B) The director shall make appointments to the advisory 89002  
committee within ninety days after May 27, 2005. Terms of office 89003  
shall be for three years, with each term ending on the date three 89004  
years after the date of appointment. Each member shall hold office 89005  
from the date of appointment until the end of the term for which 89006  
the member was appointed. The director shall fill a vacancy in the 89007  
manner provided for initial appointments. Any member appointed to 89008  
fill a vacancy in an unexpired term shall hold office for the 89009  
remainder of that term. 89010

(C) The advisory committee shall do all of the following: 89011

(1) Recommend to the board of building standards a building 89012  
code for residential buildings. The committee shall recommend a 89013  
code that it models on a residential building code a national 89014  
model code organization issues, with adaptations necessary to 89015  
implement the code in this state. If the board of building 89016  
standards decides not to adopt a code the committee recommends, 89017  
the committee shall revise the code and resubmit it until the 89018

board adopts a code the committee recommends as the state 89019  
residential building code; 89020

(2) Provide the board with any rule the committee recommends 89021  
to update or amend the state residential building code or to 89022  
update or amend rules that the board adopts pursuant to division 89023  
(E) of section 3781.10 of the Revised Code that relate to the 89024  
certification of entities that enforce the state residential 89025  
building code; 89026

(3) Advise the board regarding the establishment of standards 89027  
for certification of building officials who enforce the state 89028  
residential building code; 89029

~~(3)~~(4) Assist the board in providing information and guidance 89030  
to residential contractors and building officials who enforce the 89031  
state residential building code; 89032

~~(4)~~(5) Advise the board regarding the interpretation of the 89033  
state residential building code; 89034

~~(5)~~(6) Provide other assistance the committee considers 89035  
necessary; 89036

(7) Provide the board with a written report of the 89037  
committee's findings for each consideration required by division 89038  
(D) of this section; 89039

(8) Provide the board with any rule the committee recommends 89040  
regarding the state residential building code or relating to the 89041  
certification of entities that enforce the state residential 89042  
building code after receiving a petition as described in division 89043  
(A)(2) of section 3781.12 of the Revised Code. 89044

(D) ~~In making~~ The committee shall not make its recommendation 89045  
to the board pursuant to ~~division~~ divisions (C)(1), (2), (3), (5), 89046  
and (8) of this section, until the advisory committee ~~shall~~ 89047  
~~consider~~ has considered all of the following: 89048

(1) The impact that the state residential building code may have upon the health, safety, and welfare of the public; 89049  
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(2) The economic reasonableness of the residential building code; 89051  
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(3) The technical feasibility of the residential building code; 89053  
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(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing. 89055  
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(E) Members of the advisory committee shall receive no salary for the performance of their duties as members, but shall receive their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee and shall receive a per diem for each day in attendance at an official meeting of the committee, to be paid from the ~~industrial compliance labor~~ operating fund in the state treasury, using fees collected in connection with residential buildings pursuant to division (F)(2) of section 3781.102 of the Revised Code and deposited in that fund. 89057  
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(F) The advisory committee is not subject to divisions (A) and (B) of section 101.84 of the Revised Code. 89067  
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**Sec. 4741.41.** There is hereby created the veterinarian loan repayment program. Under the program, the ~~Ohio board of regents~~ state veterinary medical licensing board, by means of a contract entered into under section 4741.44 of the Revised Code, may agree to repay all or part of the principal and interest of a government or other educational loan taken out by a veterinarian for the following expenses if the expenses were incurred while the veterinarian was enrolled, for a maximum of four years, in a veterinary college in the United States that, during the time of enrollment, was approved by the ~~state veterinary medical licensing~~ 89069  
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board or accredited by the American veterinary medical 89079  
association: 89080

(A) Tuition; 89081

(B) Other educational expenses, such as fees, books, and 89082  
laboratory expenses, for specific purposes and in amounts 89083  
determined to be reasonable by the ~~state veterinary medical~~ 89084  
~~licensing~~ board; 89085

(C) Room and board, in an amount determined to be reasonable 89086  
by the ~~state veterinary medical licensing~~ board. 89087

No repayment shall exceed twenty thousand dollars in any 89088  
year. If, however, a repayment results in an increase in the 89089  
veterinarian's federal, state, or local income tax liability, the 89090  
~~Ohio board of regents~~ board, at the veterinarian's request ~~and~~ 89091  
~~with the approval of the state veterinary medical licensing board,~~ 89092  
may reimburse the veterinarian for the increased tax liability 89093  
regardless of the amount of the repayment made to the veterinarian 89094  
in that year. 89095

**Sec. 4741.44.** (A) A veterinarian who has signed a letter of 89096  
intent under section 4741.43 of the Revised Code, and the state 89097  
veterinary medical licensing board, ~~and the Ohio board of regents~~ 89098  
may enter into a contract for the veterinarian's participation in 89099  
the veterinarian loan repayment program. A lending institution 89100  
also may be a party to the contract. 89101

(B) The contract shall include all of the following 89102  
obligations: 89103

(1) The veterinarian agrees to provide large animal 89104  
veterinary services or to provide veterinary services necessary to 89105  
implement or enforce the law or to protect public health, as 89106  
applicable, in a veterinary resource shortage area identified in 89107  
the letter of intent for at least two years or one year per ten 89108

thousand dollars of repayment agreed to under division (B)(3) of 89109  
this section, whichever is greater. 89110

(2) When providing veterinary services in the veterinary 89111  
resource shortage area, the veterinarian agrees to do both of the 89112  
following: 89113

(a) Provide veterinary services for a minimum of forty hours 89114  
per week; 89115

(b) Devote not less than sixty per cent of total monthly 89116  
veterinary services to large animal veterinary services or 89117  
veterinary services necessary to implement or enforce the law or 89118  
to protect public health, as applicable. 89119

(3) The ~~Ohio board of regents~~ state veterinary medical 89120  
licensing board agrees, as provided in section 4741.41 of the 89121  
Revised Code, to repay, so long as the veterinarian performs the 89122  
service obligation agreed to under division (B)(1) of this 89123  
section, all or part of the principal and interest of a government 89124  
or other educational loan taken by the veterinarian for expenses 89125  
described in section 4741.41 of the Revised Code. 89126

(4) The veterinarian agrees to pay the ~~Ohio board of regents~~ 89127  
state veterinary medical licensing board the following as damages 89128  
if the veterinarian fails to complete the service obligation 89129  
agreed to under division (B)(1) of this section: 89130

(a) If the failure occurs during the first two years of the 89131  
service obligation, two times the total amount the board has 89132  
agreed to pay under division (B)(3) of this section; 89133

(b) If the failure occurs after the first two years of the 89134  
service obligation, two times the total amount the board is still 89135  
obligated to repay under division (B)(3) of this section. 89136

(C) The contract may include any other terms agreed upon by 89137  
the parties, including an assignment to the ~~Ohio board of regents~~ 89138

state veterinary medical licensing board of the veterinarian's 89139  
duty to pay the principal and interest of a government or other 89140  
educational loan taken by the veterinarian for expenses described 89141  
in section 4741.41 of the Revised Code. If the ~~Ohio board of~~ 89142  
~~regents~~ state veterinary medical licensing board assumes the 89143  
veterinarian's duty to pay a loan, the contract shall set forth 89144  
the total amount of principal and interest to be paid, an 89145  
amortization schedule, and the amount of each payment to be made 89146  
under the schedule. 89147

(D) Not later than the thirty-first day of January each year, 89148  
the ~~Ohio board of regents~~ board shall mail to each veterinarian to 89149  
whom or on whose behalf repayment is made under section 4741.41 of 89150  
the Revised Code a statement showing the amount of principal and 89151  
interest repaid by the ~~Ohio board of regents~~ board in the 89152  
preceding year pursuant to the contract. The statement shall be 89153  
sent by ordinary mail with address correction and forwarding 89154  
requested in the manner prescribed by the United States postal 89155  
service. 89156

**Sec. 4741.45.** The state veterinary medical licensing board, 89157  
in accordance with Chapter 119. of the Revised Code, shall adopt 89158  
rules that do all of the following: 89159

(A) Define "large animal veterinary services," "veterinary 89160  
services necessary to implement or enforce the law," and 89161  
"veterinary services necessary to protect public health"; 89162

(B) Designate veterinary resource shortage areas comprised of 89163  
areas in this state that have limited access to each of the 89164  
following: 89165

(1) Large animal veterinary services; 89166

(2) Veterinary services necessary to implement or enforce the 89167  
law; 89168



(3) Veterinary services necessary to protect public health. 89169

The designations may apply to a geographic area, one or more 89170  
facilities within a particular area, or a population group of 89171  
animals within a particular area. 89172

(C) Establish priorities among veterinary resource shortage 89173  
areas for use in recruiting veterinarians under the veterinarian 89174  
loan repayment program; 89175

(D) Establish priorities for use in determining eligibility 89176  
among applicants for participation in the veterinarian loan 89177  
repayment program; 89178

(E) Establish any other requirement or procedure that is 89179  
necessary to implement and administer sections 4741.40 to 4741.47 89180  
of the Revised Code. 89181

In adopting the rules, the board shall consult with the state 89182  
veterinarian ~~and the Ohio board of regents.~~ 89183

**Sec. 4741.46.** (A) The state veterinary medical licensing 89184  
board may accept gifts of money from any source for the 89185  
implementation and administration of sections 4741.40 to 4741.45 89186  
of the Revised Code. The board shall deposit all gifts so accepted 89187  
into the state treasury to the credit of the veterinary resource 89188  
shortage area fund, which is hereby created. The board shall use 89189  
the fund for the implementation and administration of sections 89190  
4741.40 to 4741.45 of the Revised Code. 89191

(B) The ~~Ohio board of regents~~ board may accept gifts of money 89192  
from any source for the ~~implementation and administration of~~ 89193  
~~sections~~ purposes of providing loans under the veterinarian loan 89194  
repayment program created in section 4741.41 ~~and 4741.44~~ of the 89195  
Revised Code. The board shall deposit all gifts so accepted 89196  
together with all damages collected under division (B)(4) of 89197  
section 4741.44 of the Revised Code into the state treasury to the 89198

credit of the veterinarian loan repayment fund, which is hereby 89199  
created. The fund also shall consist of the portion of biennial 89200  
renewal fees that is credited to the fund under section 4741.17 of 89201  
the Revised Code. The board shall use the fund for the 89202  
implementation and administration of the veterinarian loan 89203  
repayment program ~~created in section 4741.41 of the Revised Code.~~ 89204

**Sec. 4755.06.** The occupational therapy section of the Ohio 89205  
occupational therapy, physical therapy, and athletic trainers 89206  
board may make reasonable rules in accordance with Chapter 119. of 89207  
the Revised Code relating to, but not limited to, the following: 89208

(A) The form and manner for filing applications for licensure 89209  
under sections 4755.04 to 4755.13 of the Revised Code; 89210

(B) The issuance, suspension, and revocation of the licenses 89211  
and the conducting of investigations and hearings; 89212

(C) Standards for approval of courses of study relative to 89213  
the practice of occupational therapy; 89214

(D) The time and form of examination for the licensure; 89215

(E) Standards of ethical conduct in the practice of 89216  
occupational therapy; 89217

(F) The form and manner for filing applications for renewal 89218  
and a schedule of deadlines for renewal; 89219

(G) ~~Late fees and the~~ The conditions under which a license of 89220  
a licensee who files a late application for renewal will be 89221  
reinstated; 89222

(H) Placing an existing license in escrow; 89223

(I) The amount, scope, and nature of continuing education 89224  
activities required for license renewal, including waivers ~~and the~~ 89225  
~~establishment of appropriate fees to be charged for the~~ 89226  
~~administrative costs associated with the review of~~ the continuing 89227

education activities <u>requirements</u> ;	89228
(J) <del>Limited permit guidelines</del> <u>Guidelines for limited permits</u> ;	89229
(K) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	89230 89231
(L) <u>The amounts to be charged for the fees specified in section 4755.12 of the Revised Code</u> ;	89232 89233
(M) <u>The establishment of fees under division (A)(9) of section 4755.12 of the Revised Code and the amounts to be charged for the fees.</u>	89234 89235 89236
The section may hear testimony in matters relating to the	89237
duties imposed upon it, and the chairperson and secretary of the	89238
section may administer oaths. The section may require proof,	89239
beyond the evidence found in the application, of the honesty,	89240
truthfulness, and good reputation of any person named in an	89241
application for <del>such</del> licensure, before admitting the applicant to	89242
an examination or issuing a license.	89243
<b>Sec. 4755.12. (A)</b> The occupational therapy section of the	89244
Ohio occupational therapy, physical therapy, and athletic trainers	89245
board shall charge a <u>all of the following fees</u> :	89246
(1) <del>A nonrefundable examination fee, established pursuant to section 4755.03 of the Revised Code,</del> which is to be paid at the	89247 89248
time of application for licensure-	89249
<del>The section shall charge an</del> ;	89250
(2) <u>An application fee for an initial license</u> ;	89251
(3) <u>An initial licensure fee,</u> <del>established pursuant to section 4755.03 of the Revised Code.</del>	89252 89253
<del>The section shall charge a</del> ;	89254
(4) <u>A fee for biennial renewal fee and shall charge a of a license</u> ;	89255 89256

<u>(5) A fee for late renewal of a license;</u>	89257
<u>(6) An appropriate fee for the administrative costs</u>	89258
<u>associated with the review of continuing education activities;</u>	89259
<u>(7) A fee for a limited permit, <del>established pursuant to;</del></u>	89260
<u>(8) A fee for verification of a license;</u>	89261
<u>(9) Any other fee the occupational therapy section considers</u>	89262
<u>appropriate and establishes in rules adopted under section 4755.03</u>	89263
<u>4755.06 of the Revised Code.</u>	89264
<u>(B) Any person who is qualified to practice occupational</u>	89265
<u>therapy as certified by the section, but who is not in the active</u>	89266
<u>practice, as defined by section rule, may register with the</u>	89267
<u>section as a nonactive licensee at a biennial fee, <del>established</del></u>	89268
<u><del>pursuant to section 4755.03 of the Revised Code.</del></u>	89269
<u>(C) The section may, by rule, provide for the waiver of all</u>	89270
<u>or part of a fee when the license is issued less than one hundred</u>	89271
<u>days before the date on which it will expire.</u>	89272
<u>(D) Except when all or part of a fee is waived under division</u>	89273
<u>(C) of this section, the amount charged by the occupational</u>	89274
<u>therapy section for each of its fees shall be the applicable</u>	89275
<u>amount determined in rules adopted under section 4755.06 of the</u>	89276
<u>Revised Code.</u>	89277
<b>Sec. 4757.10.</b> The counselor, social worker, and marriage and	89278
family therapist board may adopt any rules necessary to carry out	89279
this chapter.	89280
The board shall adopt rules that do all of the following:	89281
(A) Concern intervention for and treatment of any impaired	89282
person holding a license or certificate of registration issued	89283
under this chapter;	89284
(B) Establish standards for training and experience of	89285

supervisors described in division (C) of section 4757.30 of the Revised Code; 89286  
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(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter; 89288  
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(D) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 89291  
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(E) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code. 89293  
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All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy. 89298  
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**Sec. 4757.31.** (A) Subject to division (B) of this section, the counselor, social worker, and marriage and family therapist board shall establish, and may from time to time adjust, fees to be charged for the following: 89305  
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(1) Examination for licensure as a professional clinical counselor, professional counselor, marriage and family therapist, independent marriage and family therapist, social worker, or independent social worker; 89309  
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(2) Initial licenses of professional clinical counselors, professional counselors, marriage and family therapists, independent marriage and family therapists, social workers, and 89313  
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independent social workers, except that the board shall charge 89316  
only one fee to a person who fulfills all requirements for more 89317  
than one of the following initial licenses: an initial license as 89318  
a social worker or independent social worker, an initial license 89319  
as a professional counselor or professional clinical counselor, 89320  
and an initial license as a marriage and family therapist or 89321  
independent marriage and family therapist; 89322

(3) Initial certificates of registration of social work 89323  
assistants; 89324

(4) Renewal and late renewal of licenses of professional 89325  
clinical counselors, professional counselors, marriage and family 89326  
therapists, independent marriage and family therapists, social 89327  
workers, and independent social workers and renewal and late 89328  
renewal of certificates of registration of social work assistants; 89329

(5) Verification, to another jurisdiction, of a license or 89330  
registration issued by the board; 89331

(6) Continuing education programs offered by the board to 89332  
licensees or registrants. 89333

(B) The fees charged under division (A)(1) of this section 89334  
shall be established in amounts sufficient to cover the direct 89335  
expenses incurred in examining applicants for licensure. The fees 89336  
charged under divisions (A)(2), ~~(3), and (4)~~ to (6) of this 89337  
section shall be nonrefundable and shall be established in amounts 89338  
sufficient to cover the necessary expenses in administering this 89339  
chapter and rules adopted under it that are not covered by fees 89340  
charged under division (A)(1) or (C) of this section. The renewal 89341  
fee for a license or certificate of registration shall not be less 89342  
than the initial fee for that license or certificate. The fees 89343  
charged for licensure and registration and the renewal of 89344  
licensure and registration may differ for the various types of 89345  
licensure and registration, but shall not exceed one hundred 89346

twenty-five dollars each, unless the board determines that amounts 89347  
in excess of one hundred twenty-five dollars are needed to cover 89348  
its necessary expenses in administering this chapter and rules 89349  
adopted under it and the amounts in excess of one hundred 89350  
twenty-five dollars are approved by the controlling board. 89351

(C) All receipts of the board shall be deposited in the state 89352  
treasury to the credit of the occupational licensing and 89353  
regulatory fund. All vouchers of the board shall be approved by 89354  
the chairperson or executive director of the board, or both, as 89355  
authorized by the board. 89356

**Sec. 4757.36.** (A) The appropriate professional standards 89357  
~~committees~~ committee of the counselor, social worker, and marriage 89358  
and family therapist board may, in accordance with Chapter 119. of 89359  
the Revised Code, ~~may refuse to issue a license or certificate of~~ 89360  
~~registration applied for under this chapter; refuse to renew a~~ 89361  
~~license or certificate of registration issued under this chapter;~~ 89362  
~~suspend, revoke, or otherwise restrict a license or certificate of~~ 89363  
~~registration issued under this chapter; or reprimand a person~~ 89364  
~~holding a license or certificate of registration issued under this~~ 89365  
~~chapter. Such actions may be taken by the appropriate committee if~~ 89366  
~~the applicant for a license or certificate of registration or the~~ 89367  
~~person holding a license or certificate of registration has take~~ 89368  
any action specified in division (B) of this section against an 89369  
individual who has applied for or holds a license to practice as a 89370  
professional clinical counselor, professional counselor, 89371  
independent marriage and family therapist, marriage and family 89372  
therapist, social worker, or independent social worker, or a 89373  
certificate of registration to practice as a social work 89374  
assistant, for any reason described in division (C) of this 89375  
section. 89376

(B) In its imposition of sanctions against an individual, the 89377

<u>board may do any of the following:</u>	89378
<u>(1) Refuse to issue a license or certificate of registration;</u>	89379
<u>(2) Suspend, revoke, or otherwise restrict a license or certificate of registration;</u>	89380 89381
<u>(3) Reprimand an individual holding a license or certificate of registration;</u>	89382 89383
<u>(4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code.</u>	89384 89385 89386
<u>(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:</u>	89387 89388
<u>(1) <del>Committed a violation of</del> Commission of an act that <del>violates</del> any provision of this chapter or rules adopted under it;</u>	89389 89390 89391
<u>(2) Knowingly <del>made</del> making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;</u>	89392 89393 89394
<u>(3) <del>Accepted</del> Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;</u>	89395 89396 89397 89398 89399 89400 89401
<u>(4) <del>Failed</del> A failure to comply with section 4757.12 of the Revised Code;</u>	89402 89403
<u>(5) <del>Been convicted</del> A conviction in this or any other state of <del>any</del> a crime that is a felony in this state;</u>	89404 89405
<u>(6) <del>Had the ability</del> A failure to perform properly as a professional clinical counselor, professional counselor,</u>	89406 89407



independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker ~~impaired~~ due to the use of alcohol or other drugs or any other physical or mental condition; 89408  
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(7) ~~Been convicted~~ A conviction in this state or in any other state of a misdemeanor committed in the course of practice as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker; 89412  
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(8) ~~Practiced~~ Practicing outside the scope of practice applicable to that person; 89418  
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(9) ~~Practiced without complying with~~ Practicing in violation of the supervision requirements specified under sections 4757.21 and 4757.26, and division (F) of section 4757.30, of the Revised Code; 89420  
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(10) ~~Violated~~ A violation of the person's code of ethical practice adopted by rule of the board pursuant to section 4757.11 of the Revised Code; 89424  
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(11) ~~Had~~ Revocation or suspension of a license or certificate of registration ~~revoked or suspended, or voluntarily surrendered~~ the voluntary surrender of a license or certificate of registration in another state or jurisdiction for an offense that would be a violation of this chapter. 89427  
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~~(B)~~ (D) One year or more after the date of suspension or revocation of a license or certificate of registration under this section, application may be made to the appropriate professional standards committee for reinstatement. The committee may accept or refuse an application for reinstatement. If a license has been suspended or revoked, the committee may require an examination for reinstatement. 89432  
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(E) On request of the board, the attorney general shall bring 89439  
and prosecute to judgment a civil action to collect any fine 89440  
imposed under division (B)(4) of this section that remains unpaid. 89441

(F) All fines collected under division (B)(4) of this section 89442  
shall be deposited into the state treasury to the credit of the 89443  
occupational licensing and regulatory fund. 89444

**Sec. 4763.01.** As used in this chapter: 89445

(A) "Real estate appraisal" or "appraisal" means an analysis, 89446  
opinion, or conclusion relating to the nature, quality, value, or 89447  
utility of specified interests in, or aspects of identified real 89448  
estate that is classified as either a valuation or an analysis. 89449

(B) "Valuation" means an estimate of the value of real 89450  
estate. 89451

(C) "Analysis" means a study of real estate for purposes 89452  
other than valuation. 89453

(D) "Appraisal report" means a written communication of a 89454  
real estate appraisal, appraisal review, or appraisal consulting 89455  
service or an oral communication of a real estate appraisal 89456  
accompanied, appraisal review, or appraisal consulting service 89457  
that is documented by a writing that supports the oral 89458  
communication. 89459

(E) "Appraisal assignment" means an engagement for which a 89460  
person licensed or certified under this chapter is employed ~~or~~, 89461  
retained, or engaged to act, or would be perceived by third 89462  
parties or the public as acting, as a disinterested third party in 89463  
rendering an unbiased real estate appraisal. 89464

(F) "Specialized services" means all appraisal services, 89465  
other than appraisal assignments, including, but not limited to, 89466  
valuation and analysis given in connection with activities such as 89467  
real estate brokerage, mortgage banking, real estate counseling, 89468

and real estate tax counseling, and specialized marketing, 89469  
financing, and feasibility studies. 89470

(G) "Real estate" has the same meaning as in section 4735.01 89471  
of the Revised Code. 89472

(H) "Appraisal foundation" means a nonprofit corporation 89473  
incorporated under the laws of the state of Illinois on November 89474  
30, 1987, for the purposes of establishing and improving uniform 89475  
appraisal standards by defining, issuing, and promoting those 89476  
standards; establishing appropriate criteria for the certification 89477  
and recertification of qualified appraisers by defining, issuing, 89478  
and promoting the qualification criteria and disseminating the 89479  
qualification criteria to others; and developing or assisting in 89480  
development of appropriate examinations for qualified appraisers. 89481

(I) "Prepare" means to develop and communicate, whether 89482  
through a personal physical inspection or through the act or 89483  
process of critically studying a report prepared by another who 89484  
made the physical inspection, an appraisal, analysis, or opinion, 89485  
or specialized service and to report the results. If the person 89486  
who develops and communicates the appraisal or specialized service 89487  
does not make the personal inspection, the name of the person who 89488  
does make the personal inspection shall be identified on the 89489  
appraisal or specialized service reported. 89490

(J) "Report" means any communication, written, oral, or by 89491  
any other means of transmission of information, of a real estate 89492  
appraisal, appraisal review, appraisal consulting service, or 89493  
specialized service that is transmitted to a client or employer 89494  
upon completion of the appraisal or service. 89495

(K) "State-certified general real estate appraiser" means any 89496  
person who satisfies the certification requirements of this 89497  
chapter relating to the appraisal of all types of real property 89498  
and who holds a current and valid certificate or renewal 89499

certificate issued to the person pursuant to this chapter. 89500

(L) "State-certified residential real estate appraiser" means 89501  
any person who satisfies the certification requirements only 89502  
relating to the appraisal of one to four units of single-family 89503  
residential real estate without regard to transaction value or 89504  
complexity and who holds a current and valid certificate or 89505  
renewal certificate issued to the person pursuant to this chapter. 89506

(M) "State-licensed residential real estate appraiser" means 89507  
any person who satisfies the licensure requirements of this 89508  
chapter relating to the appraisal of noncomplex one-to-four unit 89509  
single-family residential real estate having a transaction value 89510  
of less than one million dollars and complex one-to-four unit 89511  
single-family residential real estate having a transaction value 89512  
of less than two hundred fifty thousand dollars and who holds a 89513  
current and valid license or renewal license issued to the person 89514  
pursuant to this chapter. 89515

(N) "Certified or licensed real estate appraisal" means an 89516  
appraisal prepared and reported by a certificate holder or 89517  
licensee under this chapter acting within the scope of 89518  
certification or licensure and as a disinterested third party. 89519

(O) "State-registered real estate appraiser assistant" means 89520  
any person, other than a state-certified general real estate 89521  
appraiser, state-certified residential real estate appraiser, or a 89522  
state-licensed residential real estate appraiser, who satisfies 89523  
the registration requirements of this chapter for participating in 89524  
the development and preparation of real estate appraisals and who 89525  
holds a current and valid registration or renewal registration 89526  
issued to the person pursuant to this chapter. 89527

(P) "Institution of higher education" means a state 89528  
university or college, a private college or university located in 89529  
this state that possesses a certificate of authorization issued by 89530

the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or an accredited college or university located outside this state that is accredited by an accrediting organization or professional accrediting association recognized by the Ohio board of regents.

(Q) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of real estate and professional licensing."

(R) "Superintendent" or "superintendent of real estate" means the superintendent of the division of real estate and professional licensing of this state. Whenever the division or superintendent of real estate is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the division or superintendent of real estate and professional licensing, as the case may be.

(S) "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal, appraisal review, or appraisal consulting assignment.

(T) "Appraisal consulting" means the act or process of developing an analysis, recommendation, or opinion to solve a problem related to real estate.

(U) "Work file" means documentation used during the preparation of an appraisal report or necessary to support an appraiser's analyses, opinions, or conclusions.

**Sec. 4763.03.** (A) In addition to any other duties imposed on the real estate appraiser board under this chapter, the board shall:

(1) Adopt rules, in accordance with Chapter 119. of the Revised Code, in furtherance of this chapter, including, but not

limited to, all of the following: 89561

(a) Defining, with respect to state-certified general real 89562  
estate appraisers, state-certified residential real estate 89563  
appraisers, and state-licensed residential real estate appraisers, 89564  
the type of educational experience, appraisal experience, and 89565  
other equivalent experience that satisfy the requirements of this 89566  
chapter. The rules shall require that all appraisal experience 89567  
performed after January 1, 1996, meet the uniform standards of 89568  
professional practice established by the appraisal foundation. 89569

(b) Establishing the examination specifications for 89570  
state-certified general real estate appraisers, state-certified 89571  
residential real estate appraisers, and state-licensed residential 89572  
real estate appraisers; 89573

(c) Relating to disciplinary proceedings conducted in 89574  
accordance with section 4763.11 of the Revised Code, including 89575  
rules governing the reinstatement of certificates, registrations, 89576  
and licenses that have been suspended pursuant to those 89577  
proceedings; 89578

(d) Identifying any additional information to be included on 89579  
the forms specified in division (C) of section 4763.12 of the 89580  
Revised Code, provided that the rules shall not require any less 89581  
information than is required in that division; 89582

(e) Establishing the fees set forth in section 4763.09 of the 89583  
Revised Code; 89584

(f) Establishing the amount of the assessment required by 89585  
division (A)(2) of section 4763.05 of the Revised Code. The board 89586  
annually shall determine the amount due from each applicant for an 89587  
initial certificate, registration, and license in an amount that 89588  
will maintain the real estate appraiser recovery fund at the level 89589  
specified in division (A) of section 4763.16 of the Revised Code. 89590  
The board may, if the fund falls below that amount, require 89591

current certificate holders, registrants, and licensees to pay an additional assessment.	89592 89593
(g) Defining the educational requirements pursuant to division (C) of section 4763.05 of the Revised Code;	89594 89595
(h) Establishing a real estate appraiser assistant program for the registration of real estate appraiser assistants.	89596 89597
(2) Prescribe by rule the requirements for the examinations required by division (D) of section 4763.05 of the Revised Code;	89598 89599
(3) Periodically review the standards for <del>preparation and reporting of real estate appraisals</del> <u>the development and reporting of appraisal reports</u> provided in this chapter and adopt rules explaining and interpreting those standards;	89600 89601 89602 89603
(4) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders the superintendent of real estate issues pursuant to this chapter;	89604 89605 89606
(5) Request the initiation by the superintendent of investigations of violations of this chapter or the rules adopted pursuant thereto, as the board determines appropriate;	89607 89608 89609
(6) Determine the appropriate disciplinary actions to be taken against certificate holders, registrants, and licensees under this chapter as provided in section 4763.11 of the Revised Code.	89610 89611 89612 89613
(B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall:	89614 89615 89616
(1) Prescribe the form and content of all applications required by this chapter;	89617 89618
(2) Receive applications for certifications, registrations, and licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those	89619 89620 89621

applications;	89622
(3) Retain records and all application materials submitted to the superintendent;	89623 89624
(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;	89625 89626 89627
(5) Issue certificates, registrations, and licenses and maintain a register of the names and addresses of all persons issued a certificate, registration, or license under this chapter;	89628 89629 89630
(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;	89631 89632
(7) Administer this chapter;	89633
(8) Issue all orders necessary to implement this chapter;	89634
(9) Investigate complaints, upon the superintendent's own motion or upon receipt of a complaint or upon a request of the board, concerning any violation of this chapter or the rules adopted pursuant thereto or the conduct of any person holding a certificate, registration, or license issued pursuant to this chapter;	89635 89636 89637 89638 89639 89640
(10) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators and auditors have the right to review and audit the business records of certificate holders, registrants, and licensees during normal business hours. The superintendent may utilize the investigators and auditors employed pursuant to division (B)(4) of section 4735.05 of the Revised Code or currently licensed certificate holders or licensees to assist in performing the duties of this division.	89641 89642 89643 89644 89645 89646 89647 89648 89649 89650 89651



(11) Appoint a referee or examiner for any proceeding 89652  
involving the ~~revocation or suspension of a certificate,~~ 89653  
~~registration, or license under section 3123.47 or~~ disciplinary 89654  
action of a certificate holder, licensee, or registrant under 89655  
section 4763.11 of the Revised Code; 89656

(12) Administer the real estate appraiser recovery fund; 89657

(13) Conduct the examinations required by division (D) of 89658  
section 4763.05 of the Revised Code at least four times per year. 89659

(C) The superintendent may do all of the following: 89660

(1) In connection with investigations and audits under 89661  
division (B) of this section, subpoena witnesses as provided in 89662  
section 4763.04 of the Revised Code; 89663

(2) Apply to the appropriate court to enjoin any violation of 89664  
this chapter. Upon a showing by the superintendent that any person 89665  
has violated or is about to violate this chapter, the court shall 89666  
grant an injunction, restraining order, or other appropriate 89667  
relief, or any combination thereof. 89668

(D) All information that is obtained by investigators and 89669  
auditors performing investigations or conducting inspections, 89670  
audits, and other inquiries pursuant to division (B)(10) of this 89671  
section, from certificate holders, registrants, licensees, 89672  
complainants, or other persons, and all reports, documents, and 89673  
other work products that arise from that information and that are 89674  
prepared by the investigators, auditors, or other personnel of the 89675  
department of commerce, shall be held in confidence by the 89676  
superintendent, the investigators and auditors, and other 89677  
personnel of the department. 89678

(E) This section does not prevent the division of real estate 89679  
and professional licensing from releasing information relating to 89680  
certificate holders, registrants, and licensees to the 89681  
superintendent of financial institutions for purposes relating to 89682

the administration of sections 1322.01 to 1322.12 of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the attorney general, or to local law enforcement agencies and local prosecutors. Information released by the division pursuant to this section remains confidential.

(F) Any rule the board adopts shall not exceed the requirements specified in federal law or regulations.

**Sec. 4763.04.** The real estate appraiser board or the superintendent ~~or~~ of real estate may compel, by order or subpoena, the attendance of witnesses to testify in relation to any matter over which the board or the superintendent has jurisdiction and which is the subject of the inquiry and investigation by the board or superintendent, and require the production of any book, paper, or document pertaining to such matter. For such purpose, the board or the superintendent has the same power as judges of county courts to administer oaths, compel the attendance of witnesses, and punish witnesses for refusal to testify. ~~Sheriffs and service~~ of the subpoena may be made by constables or by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. Sheriffs or constables shall serve and return such process and shall receive the same fees for doing so as are allowed for like service if service of the subpoena is made by sheriffs or constables. Witnesses shall receive, after their appearance before the board or the superintendent, the fees and mileage provided for under section 119.094 of the Revised Code. If two or more witnesses travel together in the same vehicle, the mileage fee shall be paid to only one of those witnesses, but the witnesses may agree to divide the fee among themselves in any manner.

In addition to the powers and duties granted to the board and 89714  
the superintendent under this section, in case any person fails to 89715  
file any statement or report, obey any subpoena, give testimony, 89716  
answer questions, or produce books, records, or papers as required 89717  
by the board or the superintendent under this chapter, the court 89718  
of common pleas of any county in the state, upon application made 89719  
to it by the board or the superintendent setting forth the 89720  
failure, may make an order awarding process of subpoena or 89721  
subpoena duces tecum for the person to appear and testify before 89722  
the board or the superintendent, and may order any person to give 89723  
testimony and answer questions, and to produce books, records, or 89724  
papers, as required by the board or the superintendent. Upon the 89725  
filing of such order in the office of the clerk of the court of 89726  
common pleas, the clerk, under the seal of the court, shall issue 89727  
process or subpoena, and each day thereafter until the examination 89728  
of the person is completed. The subpoena may contain a direction 89729  
that the witness bring with the witness to the examination any 89730  
books, records, or papers mentioned in the subpoena. The clerk 89731  
also shall issue, under the seal of the court, such other orders, 89732  
in reference to the examination, appearance, and production of 89733  
books, records, or papers, as the court directs. If any person 89734  
summoned by subpoena fails to obey the subpoena, to give 89735  
testimony, to answer questions as required, or to obey an order of 89736  
the court, the court, on motion supported by proof, may order an 89737  
attachment for contempt to be issued against the person charged 89738  
with disobedience of any order or injunction issued by the court 89739  
under this chapter. If the person is brought before the court by 89740  
virtue of the attachment, and if upon a hearing the disobedience 89741  
appears, the court may order the offender to be committed and kept 89742  
in close custody. 89743

**Sec. 4763.05.** (A)(1)(a) A person shall make application for 89744  
an initial state-certified general real estate appraiser 89745

certificate, an initial state-certified residential real estate 89746  
appraiser certificate, an initial state-licensed residential real 89747  
estate appraiser license, or an initial state-registered real 89748  
estate appraiser assistant registration in writing to the 89749  
superintendent of real estate on a form the superintendent 89750  
prescribes. The application shall include the address of the 89751  
applicant's principal place of business and all other addresses at 89752  
which the applicant currently engages in the business of preparing 89753  
real estate appraisals and the address of the applicant's current 89754  
residence. The superintendent shall retain the applicant's current 89755  
residence address in a separate record which shall not constitute 89756  
a public record for purposes of section 149.03 of the Revised 89757  
Code. The application shall indicate whether the applicant seeks 89758  
certification as a general real estate appraiser or as a 89759  
residential real estate appraiser, licensure as a residential real 89760  
estate appraiser, or registration as a real estate appraiser 89761  
assistant and be accompanied by the prescribed examination and 89762  
certification, registration, or licensure fees set forth in 89763  
section 4763.09 of the Revised Code. The application also shall 89764  
include ~~a fingerprint of the applicant;~~ a pledge, signed by the 89765  
applicant, that the applicant will comply with the standards set 89766  
forth in this chapter; and a statement that the applicant 89767  
understands the types of misconduct for which disciplinary 89768  
proceedings may be initiated against the applicant pursuant to 89769  
this chapter. 89770

(b) Upon the filing of an application and payment of any 89771  
examination and certification, registration, or licensure fees, 89772  
the superintendent of real estate shall request the superintendent 89773  
of the bureau of criminal identification and investigation, or a 89774  
vendor approved by the bureau, to conduct a criminal records check 89775  
based on the applicant's fingerprints in accordance with division 89776  
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 89777  
division (K) of section 121.08 of the Revised Code, the 89778

superintendent of real estate shall request that criminal record 89779  
information from the federal bureau of investigation be obtained 89780  
as part of the criminal records check. Any fee required under 89781  
division (C)(3) of section 109.572 of the Revised Code shall be 89782  
paid by the applicant. 89783

(2) For purposes of providing funding for the real estate 89784  
appraiser recovery fund established by section 4763.16 of the 89785  
Revised Code, the real estate appraiser board shall levy an 89786  
assessment against each person issued an initial certificate, 89787  
registration, or license and against current licensees, 89788  
registrants, and certificate holders, as required by board rule. 89789  
The assessment is in addition to the application and examination 89790  
fees for initial applicants required by division (A)(1) of this 89791  
section and the renewal fees required for current certificate 89792  
holders, registrants, and licensees. The superintendent of real 89793  
estate shall deposit the assessment into the state treasury to the 89794  
credit of the real estate appraiser recovery fund. The assessment 89795  
for initial certificate holders, registrants, and licensees shall 89796  
be paid prior to the issuance of a certificate, registration, or 89797  
license, and for current certificate holders, registrants, and 89798  
licensees, at the time of renewal. 89799

(B) An applicant for an initial general real estate appraiser 89800  
certificate, residential real estate appraiser certificate, or 89801  
residential real estate appraiser license shall possess experience 89802  
in real estate appraisal as the board prescribes by rule. In 89803  
addition to any other information required by the board, the 89804  
applicant shall furnish, under oath, a detailed listing of the 89805  
appraisal reports or file memoranda for each year for which 89806  
experience is claimed and, upon request of the superintendent or 89807  
the board, shall make available for examination a sample of the 89808  
appraisal reports prepared by the applicant in the course of the 89809  
applicant's practice. 89810

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, truthful, and of good reputation and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

The board shall prescribe the examination requirements by rule.

(E)(1) A nonresident, natural person of this state who has complied with this section may obtain a certificate, registration, or license. The board shall adopt rules relating to the certification, registration, and licensure of a nonresident applicant whose state of residence the board determines to have certification, registration, or licensure requirements that are substantially similar to those set forth in this chapter and the rules adopted thereunder.

(2) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(a) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.

(b) The appraiser's business in this state is of a temporary nature.

(c) The appraiser registers with the board pursuant to this division.

An appraiser who is certified or licensed in another state 89841  
shall register with the board for temporary practice before 89842  
performing an appraisal assignment in this state in connection 89843  
with a federally related transaction. 89844

The board shall adopt rules relating to registration for the 89845  
temporary recognition of certification and licensure of appraisers 89846  
from another state. The registration for temporary recognition of 89847  
certified or licensed appraisers from another state shall not 89848  
authorize completion of more than one appraisal assignment in this 89849  
state. The board shall not issue more than two registrations for 89850  
temporary practice to any one applicant in any calendar year. 89851

(3) In addition to any other information required to be 89852  
submitted with the nonresident applicant's or appraiser's 89853  
application for a certificate, registration, license, or temporary 89854  
recognition of a certificate or license, each nonresident 89855  
applicant or appraiser shall submit a statement consenting to the 89856  
service of process upon the nonresident applicant or appraiser by 89857  
means of delivering that process to the secretary of state if, in 89858  
an action against the applicant, certificate holder, registrant, 89859  
or licensee arising from the applicant's, certificate holder's, 89860  
registrant's, or licensee's activities as a certificate holder, 89861  
registrant, or licensee, the plaintiff, in the exercise of due 89862  
diligence, cannot effect personal service upon the applicant, 89863  
certificate holder, registrant, or licensee. 89864

(F) The superintendent shall not issue a certificate, 89865  
registration, or license to, or recognize on a temporary basis an 89866  
appraiser from another state that is a corporation, partnership, 89867  
or association. This prohibition shall not be construed to prevent 89868  
a certificate holder or licensee from signing an appraisal report 89869  
on behalf of a corporation, partnership, or association. 89870

(G) Every person licensed, registered, or certified under 89871  
this chapter shall notify the superintendent, on a form provided 89872

by the superintendent, of a change in the address of the 89873  
licensee's, registrant's, or certificate holder's principal place 89874  
of business or residence within thirty days of the change. If a 89875  
licensee's, registrant's, or certificate holder's license, 89876  
registration, or certificate is revoked or not renewed, the 89877  
licensee, registrant, or certificate holder immediately shall 89878  
return the annual and any renewal certificate, registration, or 89879  
license to the superintendent. 89880

(H)(1) The superintendent shall not issue a certificate, 89881  
registration, or license to any person, or recognize on a 89882  
temporary basis an appraiser from another state, who does not meet 89883  
applicable minimum criteria for state certification, registration, 89884  
or licensure prescribed by federal law or rule. 89885

(2) The superintendent shall not issue a general real estate 89886  
appraiser certificate, residential real estate appraiser 89887  
certificate, residential real estate appraiser license, or real 89888  
estate appraiser assistant registration to any person who has been 89889  
convicted of or pleaded guilty to any criminal offense involving 89890  
theft, receiving stolen property, embezzlement, forgery, fraud, 89891  
passing bad checks, money laundering, or drug trafficking, or any 89892  
criminal offense involving money or securities, including a 89893  
violation of an existing or former law of this state, any other 89894  
state, or the United States that substantially is equivalent to 89895  
such an offense. However, if the applicant has pleaded guilty to 89896  
or been convicted of such an offense, the superintendent shall not 89897  
consider the offense if the applicant has proven to the 89898  
superintendent, by a preponderance of the evidence, that the 89899  
applicant's activities and employment record since the conviction 89900  
show that the applicant is honest, truthful, and of good 89901  
reputation, and there is no basis in fact for believing that the 89902  
applicant will commit such an offense again. 89903



**Sec. 4763.07.** (A) Every state-certified general real estate appraiser, state-certified residential real estate appraiser, and state-licensed residential real estate appraiser, ~~and~~ ~~state-registered real estate appraiser assistant~~ shall submit proof of successfully completing a minimum of fourteen classroom hours of continuing education instruction in courses or seminars approved by the real estate appraiser board. The certificate holder and licensee shall have satisfied the fourteen-hour continuing education requirements within the one-year period immediately following the issuance of the initial certificate or license and shall satisfy those requirements annually thereafter. A state-registered real estate appraiser assistant who remains in this classification for more than two years shall satisfy in the third and successive years this section's requirements. If the certificate holder ~~or~~, licensee, or registrant fails to submit proof to the superintendent of meeting these requirements, the certificate holder's, registrant's, or licensee's certificate ~~or~~, license, or registration automatically is suspended. The superintendent shall notify the certificate holder ~~or~~, licensee, or registrant of the suspension and if the certificate holder ~~or~~, licensee, or registrant fails to submit proof to the superintendent of meeting those requirements within three months from the date of suspension, the superintendent shall revoke the certificate ~~or~~, license, or registration. If a certificate holder ~~or~~, licensee, or registrant whose certificate ~~or~~, license, or registration has been revoked under this division desires to be certified ~~or~~, licensed, or registered under this chapter the certificate holder ~~or~~, licensee, or registrant shall apply for an initial certificate ~~or~~, license, or registration and shall meet all of the requirements of section 4763.05 of the Revised Code for the issuance of a certificate ~~or~~, license, or registration.

A certificate holder ~~and~~, licensee, or registrant may satisfy

all or a portion of the required hours of classroom instruction in 89936  
the following manner: 89937

(1) Completion of an educational program of study determined 89938  
by the board to be equivalent, for continuing education purposes, 89939  
to courses or seminars approved by the board; 89940

(2) Participation, other than as a student, in educational 89941  
processes or programs approved by the board that relate to real 89942  
estate appraisal theory, practices, or techniques. 89943

A certificate holder and a licensee shall present to the 89944  
superintendent of real estate evidence of the manner in which the 89945  
certificate holder and licensee satisfied the requirements of 89946  
division (A) of this section. 89947

(B) The board shall adopt rules for implementing a continuing 89948  
education program for state-certified general real estate 89949  
appraisers, state-certified residential real estate appraisers, 89950  
state-licensed residential real estate appraisers, and 89951  
state-registered real estate appraiser assistants for the purpose 89952  
of assuring that certificate holders ~~and~~, licensees, and 89953  
registrants have current knowledge of real estate appraisal 89954  
theories, practices, and techniques that will provide a high 89955  
degree of service and protection to members of the public. In 89956  
addition to any other provisions the board considers appropriate, 89957  
the rules adopted by the board shall prescribe the following: 89958

(1) Policies and procedures for obtaining board approval of 89959  
courses of instruction and seminars; 89960

(2) Standards, policies, and procedures to be applied in 89961  
evaluating the alternative methods of complying with continuing 89962  
education requirements set forth in divisions (A)(1) and (2) of 89963  
this section; 89964

(3) Standards, monitoring methods, and systems for recording 89965  
attendance to be employed by course sponsors as a prerequisite to 89966

approval of courses for continuing education credit. 89967

(C) No amendment or rescission of a rule the board adopts 89968  
pursuant to division (B) of this section shall operate to deprive 89969  
a certificate holder or licensee of credit toward renewal of 89970  
certification or licensure for any course of instruction completed 89971  
by the certificate holder or licensee prior to the effective date 89972  
of the amendment or rescission that would have qualified for 89973  
credit under the rule as it existed prior to amendment or 89974  
rescission. 89975

(D) The superintendent of real estate shall not issue a 89976  
renewal certificate, registration, or license to any person who 89977  
does not meet applicable minimum criteria for state certification, 89978  
registration, or licensure prescribed by federal law or rule. 89979

**Sec. 4763.09.** (A) The real estate appraiser board shall adopt 89980  
rules, in accordance with Chapter 119. of the Revised Code, for 89981  
the establishment of the following fees: 89982

(1) The examination fee required under division (A) of 89983  
section 4763.05 of the Revised Code, up to a maximum of one 89984  
hundred fifty dollars, which fee shall be nonrefundable; 89985

(2) The initial state-certified general real estate appraiser 89986  
and state-certified residential real estate appraiser 89987  
certification and state-licensed residential real estate appraiser 89988  
license fees, and the annual renewal thereof, up to a maximum of 89989  
one hundred ~~twenty-five~~ seventy-five dollars each; 89990

(3) The initial real estate appraiser assistant registration 89991  
fee, and the annual renewal thereof, up to a maximum of ~~fifty~~ one 89992  
hundred dollars; 89993

(4) The late filing fee for renewal of a certification, 89994  
registration, or license, which shall be one-half of the 89995  
certification, registration, and licensure fees established 89996

pursuant to divisions (A)(2) and (3) of this section; 89997

(5) The amount to be charged to cover the cost of the 89998  
issuance of a temporary certificate or license under division 89999  
(E)(2) of section 4763.05 of the Revised Code; 90000

(6) Other reasonable fees as needed, including any annual 90001  
pass-through charges imposed by the federal government. 90002

(B) An applicant for certification or licensure under this 90003  
chapter shall pay the examination fee directly to a testing 90004  
service if so prescribed and in such amount as the superintendent 90005  
of real estate prescribes. The balance, if any, of the examination 90006  
fee shall accompany the application. 90007

**Sec. 4763.11.** (A) Within ~~five~~ ten business days after a 90008  
person files a ~~signed~~ written complaint against a person 90009  
certified, registered, or licensed under this chapter with the 90010  
division of real estate, the superintendent of real estate shall 90011  
acknowledge receipt of the complaint ~~or request and send a~~ by 90012  
sending notice to the certificate holder, registrant, or licensee 90013  
~~describing the acts of which there is a~~ that includes a copy of 90014  
the complaint. The acknowledgement to the complainant and the 90015  
notice to the certificate holder, registrant, or licensee ~~shall~~ 90016  
may state that an informal mediation meeting will be held with the 90017  
complainant, the certificate holder, registrant, or licensee, and 90018  
an investigator from the investigation and audit section of the 90019  
division, if the complainant and certificate holder, registrant, 90020  
or licensee both file a request for such a meeting within ~~ten~~ 90021  
~~business~~ twenty calendar days ~~thereafter on a form the~~ 90022  
~~superintendent provides~~ after the acknowledgment and notice are 90023  
mailed. 90024

(B) If the complainant and certificate holder, registrant, or 90025  
licensee both file with the division requests for an informal 90026  
mediation meeting, the superintendent shall notify the complainant 90027

and certificate holder, registrant, or licensee of the date of the 90028  
meeting, ~~which shall be within twenty business days thereafter,~~ 90029  
~~except that the complainant, certificate holder, registrant, or~~ 90030  
~~licensee may request an extension of up to fifteen business days~~ 90031  
~~for good cause shown by regular mail.~~ If the complainant and 90032  
certificate holder, registrant, or licensee reach an accommodation 90033  
at an informal mediation meeting, the investigator shall ~~so~~ report 90034  
the accommodation to the superintendent ~~and to,~~ the complainant, 90035  
and the certificate holder, registrant, or licensee and the 90036  
complaint file shall be closed, ~~unless, based upon the~~ 90037  
~~investigator's report, the superintendent finds evidence that the~~ 90038  
~~certificate holder, registrant, or licensee has violated division~~ 90039  
~~(G) of this section upon the superintendent receiving satisfactory~~ 90040  
notice that the accommodation has been fulfilled. 90041

(C) If the complainant and certificate holder, registrant, or 90042  
licensee fail to agree to an informal mediation meeting or fail to 90043  
reach an accommodation, ~~or if the superintendent finds evidence of~~ 90044  
~~a violation of division (G) of this section pursuant to an~~ 90045  
~~investigation conducted pursuant to division (B)(9) of section~~ 90046  
~~4763.03 of the Revised Code agreement, or fail to fulfill an~~ 90047  
accommodation agreement, the superintendent shall, ~~within five~~ 90048  
~~business days of such determination, notify the complainant and~~ 90049  
~~certificate holder, registrant, or licensee and investigate~~ assign 90050  
the complaint to an investigator for an investigation into the 90051  
conduct of the certificate holder, registrant, or licensee against 90052  
whom the complaint is filed. 90053

(D) ~~Within sixty business days after receipt of the~~ 90054  
~~complaint, or, if an informal meeting is held, within sixty days~~ 90055  
~~after such meeting~~ Upon the conclusion of the investigation, the 90056  
investigator shall file a written report of the results of the 90057  
investigation with the superintendent. ~~Within ten business days~~ 90058  
~~thereafter, the~~ The superintendent shall review the report and 90059

determine whether there exists reasonable and substantial evidence 90060  
of a violation of division (G) of this section by the certificate 90061  
holder, registrant, or licensee. If the superintendent finds such 90062  
evidence exists, ~~within five business days of that determination,~~ 90063  
the superintendent shall notify the complainant and certificate 90064  
holder, registrant, or licensee of the determination. The 90065  
certificate holder, registrant, or licensee may request a hearing 90066  
pursuant to Chapter 119. of the Revised Code. If a formal hearing 90067  
is conducted, the hearing examiner shall file a report of findings 90068  
of fact and conclusions of law with the superintendent, the board, 90069  
the complainant and the certificate holder, licensee, or 90070  
registrant after the conclusion of the formal hearing. Within ten 90071  
calendar days of receipt of the copy of the hearing examiner's 90072  
finding of fact and conclusions of law, the certificate holder, 90073  
licensee, or registrant or the division may file with the board 90074  
written objections to the hearing examiner's report, which shall 90075  
be considered by the board before approving, modifying, or 90076  
rejecting the hearing examiner's report. If the superintendent 90077  
finds that such evidence does not exist, ~~within five business days~~ 90078  
~~thereafter,~~ the superintendent shall notify the complainant and 90079  
certificate holder, registrant, or licensee of that determination 90080  
and the basis for the determination. Within fifteen business days 90081  
after the superintendent notifies the complainant and certificate 90082  
holder, registrant, or licensee that such evidence does not exist, 90083  
the complainant may file with the division a request that the real 90084  
estate appraiser board review the determination. If the 90085  
complainant files such request, the board shall review the 90086  
determination at the next regularly scheduled meeting held at 90087  
least fifteen business days after the request is filed but no 90088  
longer than six months after the request is filed. The board may 90089  
hear the testimony of the complainant, certificate holder, 90090  
registrant, or licensee at the meeting upon the request of that 90091  
party. If the board affirms the determination of the 90092

superintendent, the superintendent shall notify the complainant 90093  
and the certificate holder, registrant, or licensee within five 90094  
business days thereafter. If the board reverses the determination 90095  
of the superintendent, a hearing before a hearing examiner shall 90096  
be held and the complainant and certificate holder, registrant, or 90097  
licensee notified as provided in this division. 90098

(E) The board shall review the referee's or hearing 90099  
examiner's report and the evidence at the next regularly scheduled 90100  
board meeting held at least fifteen business days after receipt of 90101  
the referee's or examiner's report. The board may hear the 90102  
testimony of the complainant, certificate holder, registrant, or 90103  
licensee upon request. If the complainant is the Ohio civil rights 90104  
commission, the board shall review the complaint 90105

(F) If the board determines that a licensee, registrant, or 90106  
certificate holder has violated this chapter for which 90107  
disciplinary action may be taken under division (G) of this 90108  
section, after review of the referee's or examiner's report and 90109  
the evidence as provided in division (E) of this section, the 90110  
board shall order the disciplinary action the board considers 90111  
appropriate, which may include, but is not limited to, any of the 90112  
following: 90113

(1) Reprimand of the certificate holder, registrant, or 90114  
licensee; 90115

(2) Imposition of a fine, not exceeding, two thousand five 90116  
hundred dollars per violation; 90117

(3) Requirement of the completion of additional education 90118  
courses. Any course work imposed pursuant to this section shall 90119  
not count toward continuing education requirements or prelicense 90120  
or precertification requirements set forth in section 4763.05 of 90121  
the Revised Code. 90122

(4) Suspension of the certificate, registration, or license 90123

for a specific period of time; 90124

~~(3) Suspension of the certificate, registration, or license 90125  
until the certificate holder, registrant, or licensee complies 90126  
with conditions the board sets, including but not limited to, 90127  
successful completion of the real estate appraiser examination 90128  
described in division (D) of section 4763.05 of the Revised Code 90129  
or completion of a specific number of hours of continuing 90130  
education instruction in courses or seminars approved by the 90131  
board; 90132~~

~~(4)(5) Revocation of the certificate, registration, or 90133  
license. 90134~~

The decision and order of the board is final, subject to 90135  
review in the manner provided for in Chapter 119. of the Revised 90136  
Code and appeal to any court of common pleas. 90137

(G) The board shall take any disciplinary action authorized 90138  
by this section against a certificate holder, registrant, or 90139  
licensee who is found to have committed any of the following acts, 90140  
omissions, or violations during the appraiser's certification, 90141  
registration, or licensure: 90142

(1) Procuring or attempting to procure a certificate, 90143  
registration, or license pursuant to this chapter by knowingly 90144  
making a false statement, submitting false information, refusing 90145  
to provide complete information in response to a question in an 90146  
application for certification, registration, or licensure, or by 90147  
any means of fraud or misrepresentation; 90148

(2) Paying, or attempting to pay, anything of value, other 90149  
than the fees or assessments required by this chapter, to any 90150  
member or employee of the board for the purpose of procuring a 90151  
certificate, registration, or license; 90152

(3) Being convicted in a criminal proceeding for a felony or 90153  
a crime involving moral turpitude; 90154



- (4) Dishonesty, fraud, or misrepresentation, with the intent to either benefit the certificate holder, registrant, or licensee or another person or injure another person; 90155  
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- (5) Violation of any of the standards for the development ~~or~~, preparation, communication, or reporting of real estate appraisals ~~an appraisal report~~ set forth in this chapter and rules of the board; 90158  
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- (6) Failure or refusal to exercise reasonable diligence in developing ~~an appraisal, preparing, or communicating~~ an appraisal report, ~~or communicating an appraisal~~; 90162  
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90164
- (7) Negligence or incompetence in developing ~~an appraisal, in preparing, communicating, or reporting~~ an appraisal report, ~~or in communicating an appraisal~~; 90165  
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- (8) ~~Willfully Violating or willfully~~ disregarding ~~or violating this~~ chapter or the rules adopted thereunder; 90168  
90169
- (9) Accepting an appraisal assignment where the employment is contingent upon the appraiser preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal is contingent upon the opinion, conclusion, or valuation attained or upon the consequences resulting from the appraisal assignment; 90170  
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- (10) Violating the confidential nature of governmental records to which the certificate holder, registrant, or licensee gained access through employment or engagement as an appraiser by a governmental agency; 90176  
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- (11) Entry of final judgment against the certificate holder, registrant, or licensee on the grounds of fraud, deceit, misrepresentation, or gross negligence in the making of any appraisal of real estate; 90180  
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- (12) Violating any federal or state civil rights law; 90184

(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service;

(14) Failing to provide copies of records to the superintendent or failing to maintain records for five years as required by section 4763.14 of the Revised Code. Failure of a certificate holder, licensee, or registrant to comply with a subpoena issued under division (C)(1) of section 4763.03 of the Revised Code is prima-facie evidence of a violation of division (G)(14) of section 4763.11 of the Revised Code.

(15) Failing to provide notice to the board as required in division (I) of this section.

(H) The board immediately shall notify the superintendent of real estate of any disciplinary action taken under this section against a certificate holder, registrant, or licensee who also is licensed under Chapter 4735. of the Revised Code, and also shall notify any other federal, state, or local agency and any other public or private association that the board determines is responsible for licensing or otherwise regulating the professional or business activity of the appraiser. Additionally, the board shall notify the complainant and any other party who may have suffered financial loss because of the certificate holder's, registrant's, or licensee's violations, that the complainant or other party may sue for recovery under section 4763.16 of the Revised Code. The notice provided under this division shall specify the conduct for which the certificate holder, registrant, or licensee was disciplined and the disciplinary action taken by the board and the result of that conduct.

(I) A certificate holder, registrant, or licensee shall notify the board ~~of the existence of a criminal conviction of the type~~ within fifteen days of the agency's issuance of an order

revoking or permanently surrendering any professional license, 90217  
certificate, or registration by any public entity other than the 90218  
division of real estate. A certificate holder, registrant, or 90219  
licensee who is convicted of a felony or crime of moral turpitude 90220  
as described in division (G)(3) of this section shall notify the 90221  
board of the conviction within fifteen days of the conviction. 90222

(J) If the board determines that a certificate holder, 90223  
registrant, or licensee has violated this chapter for which 90224  
disciplinary action may be taken under division (G) of this 90225  
section as a result of an investigation conducted by the 90226  
superintendent upon the superintendent's own motion or upon the 90227  
request of the board, the superintendent shall notify the 90228  
certificate holder, registrant, or licensee of the certificate 90229  
holder's, registrant's, or licensee's right to a hearing pursuant 90230  
to Chapter 119. of the Revised Code and to an appeal of a final 90231  
determination of such administrative proceedings to any court of 90232  
common pleas. 90233

(K) All notices, written reports, and determinations issued 90234  
pursuant to this section shall be mailed via certified mail, 90235  
return receipt requested. If the certified notice is returned 90236  
because of failure of delivery or was unclaimed, the notice, 90237  
written reports, or determinations are deemed served if the 90238  
superintendent sends the notice, written reports, or determination 90239  
via regular mail and obtains a certificate of mailing of the 90240  
notice, written reports, or determination. Refusal of delivery by 90241  
personal service or by mail is not failure of delivery and service 90242  
is deemed to be complete. 90243

**Sec. 4763.13.** (A) In engaging in appraisal activities, a 90244  
person certified, registered, or licensed under this chapter shall 90245  
comply with the applicable standards prescribed by the board of 90246  
governors of the federal reserve system, the federal deposit 90247

insurance corporation, the comptroller of the currency, the office 90248  
of thrift supervision, the national credit union administration, 90249  
and the resolution trust corporation in connection with federally 90250  
related transactions under the jurisdiction of the applicable 90251  
agency or instrumentality. A certificate holder, registrant, and 90252  
licensee also shall comply with the uniform standards of 90253  
professional appraisal practice, as adopted by the appraisal 90254  
standards board of the appraisal foundation and such other 90255  
standards adopted by the real estate appraiser board, to the 90256  
extent that those standards do not conflict with applicable 90257  
federal standards in connection with a particular federally 90258  
related transaction. 90259

(B) The terms "state-licensed residential real estate 90260  
appraiser," "state-certified residential real estate appraiser," 90261  
"state-certified general real estate appraiser," and 90262  
"state-registered real estate appraiser assistant" shall be used 90263  
to refer only to those persons who have been issued the applicable 90264  
certificate, registration, or license or renewal certificate, 90265  
registration, or license pursuant to this chapter. None of these 90266  
terms shall be used following or in connection with the name or 90267  
signature of a partnership, corporation, or association or in a 90268  
manner that could be interpreted as referring to a person other 90269  
than the person to whom the certificate, registration, or license 90270  
has been issued. No person shall fail to comply with this 90271  
division. 90272

(C) No person, other than a certificate holder, a registrant, 90273  
or a licensee, shall assume or use a title, designation, or 90274  
abbreviation that is likely to create the impression that the 90275  
person possesses certification, registration, or licensure under 90276  
this chapter, provided that professional designations containing 90277  
the term "certified appraiser" and being used on or before July 90278  
26, 1989, shall not be construed as being misleading under this 90279

division. No person other than a person certified or licensed 90280  
under this chapter shall describe or refer to an appraisal or 90281  
other evaluation of real estate located in this state as being 90282  
certified. 90283

(D) The terms "state-certified or state-licensed real estate 90284  
appraisal report," "state-certified or state-licensed appraisal 90285  
report," or "state-certified or state-licensed appraisal" shall be 90286  
used to refer only to those real estate appraisals conducted by a 90287  
certificate holder or licensee as a disinterested and unbiased 90288  
third party provided that the certificate holder or licensee 90289  
provides certification with the appraisal and provided further 90290  
that if a licensee is providing the appraisal, such terms shall 90291  
only be used if the licensee is acting within the scope of the 90292  
licensee's license. No person shall fail to comply with this 90293  
division. 90294

(E) Nothing in this chapter shall preclude a partnership, 90295  
corporation, or association which employs ~~or~~, retains, or engages 90296  
the services of a certificate holder or licensee to advertise that 90297  
the partnership, corporation, or association offers 90298  
state-certified or state-licensed appraisals through a certificate 90299  
holder or licensee if the advertisement clearly states such fact 90300  
in accordance with guidelines for such advertisements established 90301  
by rule of the real estate appraiser board. 90302  
90303

(F) Except as otherwise provided in section 4763.19 of the 90304  
Revised Code, nothing in this chapter shall preclude a person who 90305  
is not licensed or certified under this chapter from appraising 90306  
real estate for compensation. 90307

**Sec. 4763.14.** A person licensed, registered, or certified 90308  
under this chapter shall retain for a period of five years the 90309  
original or a true copy of each written contract for the person's 90310

services relating to real estate appraisal work ~~and,~~ all appraisal 90311  
reports, and all work file documentation and ~~supporting~~ data 90312  
assembled ~~and formulated by the person~~ in preparing those reports. 90313  
The retention period begins on the date the appraisal is submitted 90314  
to the client unless, prior to expiration of the retention period, 90315  
the certificate holder, registrant, or licensee is notified that 90316  
the appraisal or report is the subject of or is otherwise involved 90317  
in pending litigation, in which case the retention period begins 90318  
on the date of final disposition of the litigation. 90319

A certificate holder, registrant, and a licensee shall make 90320  
available all records required to be maintained under this section 90321  
for inspection and copying by the superintendent of real estate or 90322  
the real estate appraiser board, or both, upon reasonable notice 90323  
to the certificate holder, registrant, or licensee. 90324

**Sec. 4763.17.** Every partnership, corporation, or association 90325  
which employs ~~or,~~ retains, or engages the services of a person 90326  
licensed, registered, or certified under this chapter, whether the 90327  
certificate holder, registrant, or licensee is an independent 90328  
contractor or under the supervision or control of the partnership, 90329  
corporation, or association, is jointly and severally liable for 90330  
any damages incurred by any person as a result of an act or 90331  
omission concerning a state-certified or state-licensed real 90332  
estate appraisal prepared or facilitated in the preparation by a 90333  
certificate holder, registrant, or licensee while employed ~~or,~~ 90334  
retained, or engaged by the partnership, corporation, or 90335  
association. 90336

**Sec. 4766.09.** This chapter does not apply to any of the 90337  
following: 90338

(A) A person rendering services with an ambulance in the 90339  
event of a disaster situation when licensees' vehicles based in 90340

the locality of the disaster situation are incapacitated or 90341  
insufficient in number to render the services needed; 90342

(B) Any person operating an ambulance, ambulette, rotorcraft 90343  
air ambulance, or fixed wing air ambulance outside this state 90344  
unless receiving a person within this state for transport to a 90345  
location within this state; 90346

(C) A publicly owned or operated emergency medical service 90347  
organization and the vehicles it owns or leases and operates, 90348  
except as provided in section 307.051, division (G) of section 90349  
307.055, division (F) of section 505.37, division (B) of section 90350  
505.375, and division (B)(3) of section 505.72 of the Revised 90351  
Code; 90352

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 90353  
wing air ambulance, or nontransport vehicle owned or leased and 90354  
operated by the federal government; 90355

(E) A publicly owned and operated fire department vehicle; 90356

(F) Emergency vehicles owned by a corporation and operating 90357  
only on the corporation's premises, for the sole use by that 90358  
corporation; 90359

(G) An ambulance, nontransport vehicle, or other emergency 90360  
medical service organization vehicle owned and operated by a 90361  
municipal corporation; 90362

(H) A motor vehicle titled in the name of a volunteer rescue 90363  
service organization, as defined in section 4503.172 of the 90364  
Revised Code; 90365

(I) A public emergency medical service organization; 90366

(J) A fire department, rescue squad, or life squad comprised 90367  
of volunteers who provide services without expectation of 90368  
remuneration and do not receive payment for services other than 90369  
reimbursement for expenses; 90370

(K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code;

(L) Emergency medical service personnel who are regulated by the state board of emergency medical services under Chapter 4765. of the Revised Code;

(M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised Code, unless the entity provides ambulette services that are reimbursed under the state medicaid plan:

(1) A public nonemergency medical service organization;

(2) An urban or rural public transit system;

(3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code.

(N)(1) An entity ~~or vehicle owned by an entity that~~, to the extent it provides ambulette services, if the entity meets all of the following conditions:

(a) The entity is certified by the department of aging or the department's designee ~~under~~ in accordance with section 173.391 of the Revised Code ~~and or operates under a contract or grant agreement with the department or the department's designee in accordance with section 173.392 of the Revised Code.~~

(b) The entity meets the requirements of section 4766.14 of the Revised Code, ~~unless the entity or.~~

(c) The entity does not provide ambulette services that are reimbursed under the state medicaid plan.

(2) A vehicle, to the extent it is used to provide ambulette services, if the vehicle meets both of the following conditions:

(a) The vehicle is owned by an entity that meets the conditions specified in division (N)(1) of this section.



(b) The vehicle provides does not provide ambulance services 90401  
that are reimbursed under the state medicaid plan+. 90402

(0) A vehicle that meets both of the following criteria, 90403  
unless the vehicle provides services that are reimbursed under the 90404  
state medicaid plan: 90405

(1) The vehicle was purchased with funds from a grant made by 90406  
the United States secretary of transportation under 49 U.S.C. 90407  
5310; 90408

(2) The department of transportation holds a lien on the 90409  
vehicle. 90410

**Sec. 4767.05.** (A) There is hereby created the Ohio cemetery 90411  
dispute resolution commission, which shall consist of nine members 90412  
to be appointed by the governor with the advice and consent of the 90413  
senate as follows: 90414

(1) One member shall be the management authority of a 90415  
municipal, township, or union cemetery and shall be selected from 90416  
a list of four names submitted to the governor. Two of the four 90417  
names shall be submitted by the Ohio township association and two 90418  
names shall be submitted by the Ohio municipal league. 90419

(2) Four members shall be individuals employed in a 90420  
management position by a cemetery company or cemetery association. 90421  
Two of the four members shall be selected from a list of four 90422  
names submitted to the governor by the Ohio association of 90423  
cemeteries and two shall be selected from a list of four names 90424  
submitted by the Ohio association of cemetery superintendents and 90425  
officials. 90426

(3) Two members shall be employed in a management position by 90427  
a cemetery that is owned or operated by a religious, fraternal, or 90428  
benevolent society and shall be selected from a list of four names 90429  
submitted by the Ohio association of cemetery superintendents and 90430

officials. 90431

(4) Two members, at least one of whom shall be at least 90432  
sixty-five years of age, shall be representatives of the public 90433  
with no financial interest in the death care industry. 90434

Each member of the commission, except for the two members who 90435  
represent the public, shall, at the time of appointment, have had 90436  
a minimum of five consecutive years of experience in the active 90437  
administration and management of a cemetery in this state. 90438

(B) Within ninety days after the effective date of this 90439  
section, the governor shall make initial appointments to the 90440  
commission. Of the initial appointments, two shall be for terms 90441  
ending one year after the effective date of this section, two 90442  
shall be for terms ending two years after that date, two shall be 90443  
for terms ending three years after that date, and three shall be 90444  
for terms ending four years after that date. Thereafter, terms of 90445  
office shall be for four years, with each term ending on the same 90446  
day of the same month as did the term that it succeeds. Each 90447  
member shall hold office from the date of appointment until the 90448  
end of the term for which the member was appointed. Vacancies 90449  
shall be filled in the manner provided for original appointments, 90450  
with each appointee, other than a representative of the public, 90451  
being appointed from a list of two names submitted to the governor 90452  
by the association or organization that was required to nominate 90453  
candidates for initial appointment to the position that has become 90454  
vacant. Any member appointed to fill a vacancy occurring prior to 90455  
the expiration date of the term for which the member's predecessor 90456  
was appointed shall hold office for the remainder of that term. A 90457  
member shall continue in office subsequent to the expiration date 90458  
of the member's term until the member's successor takes office or 90459  
until a period of sixty days has elapsed, whichever occurs first. 90460  
No person shall serve as a member of the commission for more than 90461  
two consecutive terms, excluding any term served to fill an 90462

initial appointment to a term of less than four years or an 90463  
unexpired term caused by a vacancy. 90464

(C) The commission annually shall elect from among its 90465  
members a chairperson, vice-chairperson, and secretary, each of 90466  
whom shall serve a term of one year in that office. The commission 90467  
shall meet at least four times a year. Additional meetings may be 90468  
called by the chairperson, or by the vice-chairperson when the 90469  
chairperson is disabled, or by a majority of the members of the 90470  
commission. A majority of the members constitutes a quorum to 90471  
transact and vote on business of the commission. 90472

The chairperson or vice-chairperson may: 90473

(1) Administer oaths; 90474

(2) Issue subpoenas; 90475

(3) Summon witnesses; 90476

(4) Compel the production of books, papers, records, and 90477  
other forms of evidence; 90478

(5) Fix the time and place for hearing any matter related to 90479  
compliance with sections 1721.19, 1721.20, 1721.21, 1721.211, 90480  
4735.02, ~~4735.22~~, and 4767.02 of the Revised Code. 90481

The chairperson shall designate three members of the 90482  
commission to serve on the crematory review board in accordance 90483  
with section 4717.03 of the Revised Code for such time as the 90484  
chairperson finds appropriate. Members designated to serve on the 90485  
crematory review board shall perform all functions necessary to 90486  
carry out the duties of the board as described in section 4717.03 90487  
of the Revised Code. Members who serve on the crematory review 90488  
board shall receive no compensation for such service. 90489

(D) Before entering upon the duties of office, each member of 90490  
the commission shall take the oath pursuant to section 3.22 of the 90491  
Revised Code. The governor may remove any member for misconduct, 90492

neglect of duty, incapacity, or malfeasance in accordance with 90493  
section 3.04 of the Revised Code. 90494

(E) Members of the commission shall receive no compensation 90495  
but shall be reimbursed for their actual and necessary expenses 90496  
incurred in the performance of their duties as members of the 90497  
commission. 90498

(F) The division of real estate in the department of commerce 90499  
shall provide the commission with meeting space, staff services, 90500  
and other technical assistance required by the commission in 90501  
carrying out its duties pursuant to sections 4767.05 to 4767.08 of 90502  
the Revised Code. 90503

**Sec. 4767.07.** (A) Any person may file a complaint regarding 90504  
the activity, practice, policy, or procedure of, or regarding an 90505  
alleged violation of section 1721.19, 1721.20, 1721.21, 1721.211, 90506  
4735.02, ~~4735.22~~, or 4767.02 of the Revised Code by, any person 90507  
operating or maintaining a cemetery registered pursuant to section 90508  
4767.03 of the Revised Code that adversely affects or may 90509  
adversely affect the interest of an owner or family member of the 90510  
owner of a cemetery lot or burial, entombment, or columbarium 90511  
right. All complaints shall be in writing and submitted to the 90512  
division of real estate in the department of commerce on forms 90513  
provided by the division. 90514

(B) With respect to complaints filed pursuant to division (A) 90515  
of this section, the division of real estate shall do all of the 90516  
following: 90517

(1) Acknowledge receipt of the complaint by sending written 90518  
notice to the person who filed the complaint not more than twenty 90519  
days after receipt of the complaint; 90520

(2) Send written notice of the complaint within seven days 90521  
after receipt of the complaint to the person responsible for the 90522

operation and maintenance of the cemetery that is the subject of 90523  
the complaint; 90524

(3) Before taking further action, allow the owner or the 90525  
person responsible for the operation and maintenance of the 90526  
cemetery that is the subject of a complaint thirty days after the 90527  
date the division sends notice of the complaint to respond to the 90528  
division with respect to the complaint. 90529

(C) The cemetery dispute resolution commission shall hear 90530  
each complaint filed pursuant to division (A) of this section 90531  
within one hundred eighty days after its filing, unless it has 90532  
been resolved by the parties to the complaint. 90533

**Sec. 4767.08.** (A) The Ohio cemetery dispute resolution 90534  
commission, on its own motion or as a result of a complaint 90535  
received pursuant to section 4767.07 of the Revised Code and with 90536  
good cause shown, shall investigate or cause to be investigated 90537  
alleged violations of sections 1721.19, 1721.20, 1721.21, 90538  
1721.211, 4735.02, ~~4735.22, and 4767.03~~ 4767.02, and 4767.03 of 90539  
the Revised Code. If the commission or the superintendent of the 90540  
division of real estate in the department of commerce believes 90541  
that a violation has occurred, the commission or superintendent 90542  
shall do all of the following: 90543

(1) Review the financial records of the cemetery to ensure 90544  
compliance with sections 1721.21 and 1721.211 of the Revised Code; 90545

(2) Request the prosecuting attorney of the county in which 90546  
the alleged violation occurred to initiate such proceedings as are 90547  
appropriate. 90548

(B) If, as a result of an investigation, the commission or 90549  
the superintendent believes that a person has violated Chapter 90550  
1345. of the Revised Code, the commission or superintendent shall 90551  
report the findings to the attorney general. 90552

(C) The commission, at any time, may dismiss a complaint if 90553  
it determines there is not good cause shown for the complaint. If 90554  
the commission dismisses a complaint, it shall notify the person 90555  
who filed the complaint within twenty days of reaching its 90556  
decision and identify the reason why the complaint was dismissed. 90557

(D) When necessary for the division of real estate to perform 90558  
the duties required by sections 4767.07 and 4767.08 of the Revised 90559  
Code, the superintendent of the division, after consultation with 90560  
at least a majority of the members of the cemetery dispute 90561  
resolution commission, may issue subpoenas and compel the 90562  
production of books, papers, records, and other forms of evidence. 90563

**Sec. 4781.01.** As used in this chapter: 90564

(A) "Industrialized unit" has the same meaning as in division 90565  
(C)(3) of section 3781.06 of the Revised Code. 90566

(B) "Installation" means any of the following: 90567

(1) The temporary or permanent construction of stabilization, 90568  
support, and anchoring systems for manufactured housing; 90569

(2) The placement and erection of a manufactured housing unit 90570  
or components of a unit on a structural support system; 90571

(3) The supporting, blocking, leveling, securing, anchoring, 90572  
underpinning, or adjusting of any section or component of a 90573  
manufactured housing unit; 90574

(4) The joining or connecting of all sections or components 90575  
of a manufactured housing unit. 90576

(C) "Manufactured home" has the same meaning as in division 90577  
(C)(4) of section 3781.06 of the Revised Code. 90578

(D) "Manufactured home park" has the same meaning as in 90579  
division (A) of section 3733.01 of the Revised Code. 90580

(E) "Manufactured housing" means manufactured homes and 90581

mobile homes. 90582

(F) "Manufactured housing installer" means an individual who 90583  
installs manufactured housing. 90584

(G) "Mobile home" has the same meaning as in division (O) of 90585  
section 4501.01 of the Revised Code. 90586

(H) "Model standards" means the federal manufactured home 90587  
installation standards established pursuant to 42 U.S.C. 5404. 90588

(I) "Permanent foundation" has the same meaning as in 90589  
division (C)(5) of section 3781.06 of the Revised Code. 90590

(J) "Business" includes any activities engaged in by any 90591  
person for the object of gain, benefit, or advantage either direct 90592  
or indirect. 90593

(K) "Casual sale" means any transfer of a manufactured home 90594  
or mobile home by a person other than a manufactured housing 90595  
dealer, manufactured housing salesperson, or manufacturer to an 90596  
ultimate consumer or a person who purchases the home for use as a 90597  
residence. 90598

(L) "Engaging in business" means commencing, conducting, or 90599  
continuing in business, or liquidating a business when the 90600  
liquidator thereof holds self out to be conducting such business; 90601  
making a casual sale or otherwise making transfers in the ordinary 90602  
course of business when the transfers are made in connection with 90603  
the disposition of all or substantially all of the transferor's 90604  
assets is not engaging in business. 90605

(M) "Manufactured home park operator" has the same meaning as 90606  
"operator" in section 3733.01 of the Revised Code. 90607

(N) "Manufactured housing broker" means any person acting as 90608  
a selling agent on behalf of an owner of a manufactured home or 90609  
mobile home that is subject to taxation under section 4503.06 of 90610  
the Revised Code. 90611

(O) "Manufactured housing dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in manufactured homes or mobile homes. 90612  
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(P) "Manufacturer" means a person who manufactures, assembles, or imports manufactured homes or mobile homes. 90615  
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(Q) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a manufactured home or mobile home to an ultimate purchaser for use as a residence. 90617  
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(R) "Salesperson" means any individual employed by a manufactured housing dealer or manufactured housing broker to sell, display, and offer for sale, or deal in manufactured homes or mobile homes for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties. 90621  
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(S) "Ultimate purchaser" means, with respect to any new manufactured home, the first person, other than a manufactured housing dealer purchasing in the capacity of a manufactured housing dealer, who purchases such new manufactured home for purposes other than resale. 90627  
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**Sec. 4781.02.** (A) There is hereby created the manufactured homes commission which consists of nine members, with three members appointed by the governor, three members appointed by the president of the senate, and three members appointed by the speaker of the house of representatives. 90632  
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(B)(1) Commission members shall be residents of this state, except for members appointed pursuant to divisions (B)(3)(b) and (B)(4)(a) of this section. Members shall be selected from a list of persons the Ohio manufactured homes association, or any successor entity, recommends, except for appointments made 90637  
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pursuant to division (B)(2) of this section. 90642

(2) The governor shall appoint the following members: 90643

(a) One member to represent the board of building standards, 90644  
who may be a member of the board or a board employee not in the 90645  
classified civil service, with an initial term ending December 31, 90646  
2007; 90647

(b) One member to represent the department of health, who may 90648  
be a department employee not in the classified civil service, with 90649  
an initial term ending December 31, 2005; 90650

(c) One member whose primary residence is a manufactured 90651  
home, with an initial term ending December 31, 2006. 90652

(3) The president of the senate shall appoint the following 90653  
members: 90654

(a) Two members who are manufactured housing installers who 90655  
have been actively engaged in the installation of manufactured 90656  
housing for the five years immediately prior to appointment, with 90657  
the initial term of one installer ending December 31, 2007, and 90658  
the initial term of the other installer ending December 31, 2005. 90659

(b) One member who manufactures manufactured homes in this 90660  
state or who manufactures manufactured homes in another state and 90661  
ships homes into this state, to represent manufactured home 90662  
manufacturers, with an initial term ending December 31, 2006. 90663

(4) The speaker of the house of representatives shall appoint 90664  
the following members: 90665

(a) One member who operates a manufactured or mobile home 90666  
retail business in this state to represent manufactured ~~and mobile~~ 90667  
~~home retailers~~ housing dealers, with an initial term ending 90668  
December 31, 2007; 90669

(b) One member who is a manufactured home park operator or is 90670  
employed by an operator, with an initial term ending December 31, 90671

2005; 90672

(c) One member to represent the Ohio manufactured home association, or any successor entity, who may be the president or executive director of the association or the successor entity, with an initial term ending December 31, 2006. 90673  
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(C)(1) After the initial term, each term of office is for four years ending on the thirty-first day of December. A member holds office from the date of appointment until the end of the term. No member may serve more than two consecutive four-year terms. 90677  
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(2) Any member appointed to fill a vacancy that occurs prior to the expiration of a term continues in office for the remainder of that term. Any member continues in office subsequent to the expiration date of the term until the member's successor takes office or until sixty days have elapsed, which ever occurs first. 90682  
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(3) A vacancy on the commission does not impair the authority of the remaining members to exercise all of the commission's powers. 90687  
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(D)(1) The governor may remove any member from office for incompetence, neglect of duty, misfeasance, nonfeasance, malfeasance, or unprofessional conduct in office. 90690  
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(2) Vacancies shall be filled in the manner of the original appointment. 90693  
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**Sec. 4781.04.** (A) The manufactured homes commission shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following: 90695  
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(1) Establish uniform standards that govern the installation of manufactured housing. Not later than one hundred eighty days after the secretary of the United States department of housing and urban development adopts model standards for the installation of 90698  
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manufactured housing or amends those standards, the commission 90702  
shall amend its standards as necessary to be consistent with, and 90703  
not less stringent than, the model standards for the design and 90704  
installation of manufactured housing the secretary adopts or any 90705  
manufacturers' standards that the secretary determines are equal 90706  
to or not less stringent than the model standards. 90707

(2) Govern the inspection of the installation of manufactured 90708  
housing. The rules shall specify that the ~~department of health or~~ 90709  
~~a licensor, as determined by the director of health,~~ commission, 90710  
any building department or personnel of any department, any 90711  
licensor or personnel of any licensor, or any private third party, 90712  
certified pursuant to section 4781.07 of the Revised Code shall 90713  
conduct all inspections of the installation of manufactured 90714  
housing located in manufactured home parks to determine compliance 90715  
with the uniform installation standards the commission establishes 90716  
pursuant to this section. ~~The rules shall specify that all~~ 90717  
~~installation inspections in a manufactured home park the~~ 90718  
~~department of health or the licensor conducts shall be conducted~~ 90719  
~~by a person who has completed an installation training course~~ 90720  
~~approved by the commission pursuant to division (B) of section~~ 90721  
~~4781.04 of the Revised Code.~~ 90722

As used in division (A)(2) of this section, "licensor" has 90723  
the same meaning as in section 3733.01 of the Revised Code. 90724

(3) Govern the design, construction, installation, approval, 90725  
and inspection of foundations and the base support systems for 90726  
manufactured housing. The rules shall specify that the ~~department~~ 90727  
~~of health or the licensor, as determined by the director of~~ 90728  
~~health,~~ commission, any building department or personnel of any 90729  
department, any licensor or personnel of any licensor, or any 90730  
private third party, certified pursuant to section 4781.07 of the 90731  
Revised Code shall conduct all inspections of the installation, 90732  
foundations, and base support systems of manufactured housing 90733

located in manufactured home parks to determine compliance with 90734  
the uniform installation standards and foundation and base support 90735  
system design the commission establishes pursuant to this section. 90736  
~~The rules shall specify that all foundation and base support 90737~~  
~~system inspections in a manufactured home park the department of 90738~~  
~~health or the licensor conducts shall be conducted by a person who 90739~~  
~~has completed an installation training course approved by the 90740~~  
~~commission pursuant to division (B) of section 4781.04 of the 90741~~  
~~Revised Code. 90742~~

As used in division (A)(3) of this section, "licensor" has 90743  
the same meaning as in section 3733.01 of the Revised Code. 90744

(4) Govern the training, experience, and education 90745  
requirements for manufactured housing installers, manufactured 90746  
housing dealers, manufactured housing brokers, and manufactured 90747  
housing salespersons; 90748

(5) Establish a code of ethics for manufactured housing 90749  
installers; 90750

(6) Govern the issuance, revocation, and suspension of 90751  
licenses to manufactured housing installers; 90752

(7) Establish fees for the issuance and renewal of licenses, 90753  
for conducting inspections to determine an applicant's compliance 90754  
with this chapter and the rules adopted pursuant to it, and for 90755  
the commission's expenses incurred in implementing this chapter; 90756

(8) Establish conditions under which a licensee may enter 90757  
into contracts to fulfill the licensee's responsibilities; 90758

(9) Govern the investigation of complaints concerning any 90759  
violation of this chapter or the rules adopted pursuant to it or 90760  
complaints involving the conduct of any licensed manufactured 90761  
housing installer or person installing manufactured housing 90762  
without a license, licensed manufactured housing dealer, licensed 90763  
manufactured housing broker, or manufactured housing salesperson; 90764

(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, ~~retailers~~ manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued.

(11) Establish the requirements and procedures for the certification of building departments and building department personnel pursuant to section 4781.07 of the Revised Code;

(12) Establish fees to be charged to building departments and building department personnel applying for certification and renewal of certification pursuant to section 4781.07 of the Revised Code;

(13) Carry out any other provision of this chapter.

(B) The manufactured homes commission shall do all of the following:

(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the commission determines appropriate;

(2) Select, provide, or procure appropriate examination

questions and answers for the licensure examination and establish	90796
the criteria for successful completion of the examination;	90797
(3) Prepare and distribute any application form this chapter	90798
requires;	90799
(4) Receive applications for licenses and renewal of licenses	90800
and issue licenses to qualified applicants;	90801
(5) Establish procedures for processing, approving, and	90802
disapproving applications for licensure;	90803
(6) Retain records of applications for licensure, including	90804
all application materials submitted and a written record of the	90805
action taken on each application;	90806
(7) Review the design and plans for manufactured housing	90807
installations, foundations, and support systems;	90808
(8) Inspect a sample of homes at a percentage the commission	90809
determines to evaluate the construction and installation of	90810
manufactured housing installations, foundations, and support	90811
systems to determine compliance with the standards the commission	90812
adopts;	90813
(9) Investigate complaints concerning violations of this	90814
chapter or the rules adopted pursuant to it, or the conduct of any	90815
manufactured housing installer, <u>manufactured housing dealer,</u>	90816
<u>manufactured housing broker, or manufactured housing salesperson;</u>	90817
(10) Determine appropriate disciplinary actions for	90818
violations of this chapter;	90819
(11) Conduct audits and inquiries of manufactured housing	90820
installers, <u>manufactured housing dealers, manufactured housing</u>	90821
<u>brokers, and manufactured housing salespersons</u> as appropriate for	90822
the enforcement of this chapter. The commission, or any person the	90823
commission employs for the purpose, may review and audit the	90824
business records of any manufactured housing installer, <u>dealer,</u>	90825

broker, or salesperson during normal business hours. 90826

(12) Approve an installation training course, which may be 90827  
offered by the Ohio manufactured homes association or other 90828  
entity; 90829

(13) Perform any function or duty necessary to administer 90830  
this chapter and the rules adopted pursuant to it. 90831

**Sec. 4781.05.** The executive director of the manufactured 90832  
homes commission shall do all of the following: 90833

(A) With commission approval, secure and manage office space, 90834  
supplies, and the professional and clerical staff necessary to 90835  
effectively perform the executive director's and commission's 90836  
duties; 90837

(B) Pursuant to rules the commission adopts, review 90838  
applications for manufactured housing installer licenses, 90839  
manufactured housing dealer licenses, manufactured housing broker 90840  
licenses, and manufactured housing salesperson licenses and on 90841  
behalf of the commission, issue licenses to qualified persons; 90842

(C) Administer the dispute resolution program the commission 90843  
develops if the commission does not contract with the Ohio 90844  
manufactured homes association or another entity to administer the 90845  
program; 90846

(D) Administer any continuing education program the 90847  
commission develops; 90848

(E) Collect fees the commission establishes; 90849

(F) Except as provided in divisions (A)(2) and (3) of section 90850  
4781.04 of the Revised Code, employ installation inspectors and 90851  
investigators to serve at the executive director's pleasure to 90852  
assist in carrying out the executive director's duties under this 90853  
chapter or the duties the commission delegates to the executive 90854  
director; 90855

(G) Serve as secretary of the commission and maintain a written record of the commission's meetings and proceedings; 90856  
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(H) Notify manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons of changes in this chapter and the rules adopted pursuant to it; 90858  
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(I) Do all things the commission requests or delegates for the administration and enforcement of this chapter. 90862  
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**Sec. 4781.06.** (A) The manufactured homes commission may delegate to the executive director any of its duties set forth in division (B) of section 4781.04 of the Revised Code. 90864  
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(B) The commission may enter into a contract with the Ohio manufactured homes association or another entity to administer the dispute resolution program created pursuant to section 4781.04 of the Revised Code. The contract shall specify the terms for the administration of the program. 90867  
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(C)(1) The commission may enter into a contract with any private third party, municipal corporation, township, county, state agency, or the Ohio manufactured homes association, or any successor entity, to perform any of the commission's functions set forth in division (B) of section 4781.04 of the Revised Code that the commission has not delegated to the executive director. Each contract shall specify the compensation to be paid to the private third party, municipal corporation, township, county, state agency, or the Ohio manufactured homes association, or successor entity, for the performance of the commission's functions. 90872  
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(2) Except as provided in this division, the commission shall not enter into any contract with any person or building department to accept and approve plans and specifications or to inspect manufactured housing foundations and the installation of 90882  
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manufactured housing unless that person or building department is 90886  
certified pursuant to section 4781.07 of the Revised Code. The 90887  
commission shall ~~not~~ require inspectors the Ohio department of 90888  
health employs to obtain certification pursuant to section 4781.07 90889  
of the Revised Code, ~~but shall require inspectors to complete an~~ 90890  
~~installation training course approved by the commission pursuant~~ 90891  
~~to division (B) of section 4781.04 of the Revised Code.~~ 90892

**Sec. 4781.07.** (A) Pursuant to rules the manufactured homes 90893  
commission adopts, the commission may certify municipal, township, 90894  
and county building departments and the personnel of those 90895  
departments, licensors as defined in section 3733.01 of the 90896  
Revised Code and the personnel of those licensors, or any private 90897  
third party, to exercise the commission's enforcement authority, 90898  
accept and approve plans and specifications for foundations, 90899  
support systems and installations, and inspect manufactured 90900  
housing foundations, support systems, and manufactured housing 90901  
installations. Any certification is effective for three years. 90902

(B) Following an investigation and finding of facts that 90903  
support its action, the commission may revoke or suspend 90904  
certification. The commission may initiate an investigation on its 90905  
own motion or the petition of a person affected by the enforcement 90906  
or approval of plans. 90907

**Sec. 4781.16.** (A) Except as provided in division (E) of this 90908  
section, no person shall do any of the following: 90909

(1) Engage in the business of displaying or selling at retail 90910  
manufactured homes or mobile homes or assume to engage in that 90911  
business, unless the person is licensed as a manufactured housing 90912  
dealer under this chapter, or is a salesperson licensed under this 90913  
chapter and employed by a licensed manufactured housing dealer; 90914

(2) Make more than five casual sales of manufactured homes or 90915

mobile homes in a twelve-month period without obtaining a license 90916  
as a manufactured housing dealer under this chapter; 90917

(3) Engage in the business of brokering manufactured homes 90918  
unless that person is licensed as a manufactured housing broker 90919  
under this chapter. 90920

(B)(1) Except as provided in this division, no manufactured 90921  
housing dealer shall sell, display, offer for sale, or deal in 90922  
manufactured homes or mobile homes at any place except an 90923  
established place of business that is used exclusively for the 90924  
purpose of selling, displaying, offering for sale, or dealing in 90925  
manufactured homes or mobile homes. 90926

(2) No manufactured housing broker shall engage in the 90927  
business of brokering manufactured or mobile homes at any place 90928  
except an established place of business that is used exclusively 90929  
for the purpose of brokering manufactured and mobile homes. 90930

(3) A place of business used for the brokering or sale of 90931  
manufactured homes or mobile homes is considered to be used 90932  
exclusively for brokering, selling, displaying, offering for sale, 90933  
or dealing in motor vehicles even though industrialized units, as 90934  
defined by section 3781.06 of the Revised Code, are brokered, 90935  
sold, displayed, offered for sale, or dealt at the same place of 90936  
business. 90937

(4) If the licensed manufactured housing dealer is a 90938  
manufactured home park operator, then all of the following apply: 90939

(a) An established place of business that is located in the 90940  
operator's manufactured home park and that is used for selling, 90941  
leasing, and renting manufactured homes and mobile homes in that 90942  
manufactured home park is considered to be used exclusively for 90943  
that purpose even though rent and other activities related to the 90944  
operation of the manufactured home park take place at the same 90945  
location or office. 90946

(b) The dealer's established place of business in the manufactured home park shall be staffed by someone licensed and regulated under this chapter who could reasonably assist any retail customer with or without an appointment, but such established place of business need not satisfy office size, display lot size, and physical barrier requirements applicable to other used motor vehicle dealers. 90947  
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(c) The manufactured and mobile homes being offered for sale, lease, or rental by the dealer may be located on individual rental lots inside the operator's manufactured home park. 90954  
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(C) Nothing in this chapter shall be construed as prohibiting the sale of a new or used manufactured or mobile home located in a manufactured home park by a licensed manufactured housing dealer. 90957  
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(D) Nothing in this section shall be construed to prohibit persons licensed under this chapter from making sales calls. 90960  
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(E)(1) This chapter does not apply to mortgagees selling at retail only those manufactured homes or mobile homes that have come into their possession by a default in the terms of a mortgage contract. 90962  
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(2) When a partnership licensed under sections 4517.01 to 4517.45 of the Revised Code is dissolved by death, the surviving partners may operate under the manufactured housing dealer license for a period of sixty days, and the heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by that heir, representative, receiver, or trustee in bankruptcy. 90966  
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**Sec. 4781.17.** (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the manufactured homes commission, 90974  
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before the first day of April, a separate application for license 90977  
for each county in which the business of selling manufactured or 90978  
mobile homes is to be conducted. The application shall be in the 90979  
form prescribed by the commission and accompanied by the fee 90980  
established by the commission. The applicant shall sign and swear 90981  
to the application that shall include all of the following: 90982

(1) Name of applicant and location of principal place of 90983  
business; 90984

(2) Name or style under which business is to be conducted 90985  
and, if a corporation, the state of incorporation; 90986

(3) Name and address of each owner or partner and, if a 90987  
corporation, the names of the officers and directors; 90988

(4) The county in which the business is to be conducted and 90989  
the address of each place of business therein; 90990

(5) A statement of the previous history, record, and 90991  
association of the applicant and of each owner, partner, officer, 90992  
and director, that is sufficient to establish to the satisfaction 90993  
of the commission the reputation in business of the applicant; 90994

(6) A statement showing whether the applicant has previously 90995  
applied for a manufactured housing dealer's license, manufactured 90996  
housing broker's license, manufactured housing salesperson's 90997  
license, or, prior to July 1, 2010, a motor vehicle dealer's 90998  
license, manufactured home broker's license, or motor vehicle 90999  
salesperson's license, and the result of the application, and 91000  
whether the applicant has ever been the holder of any such license 91001  
that was revoked or suspended; 91002

(7) If the applicant is a corporation or partnership, a 91003  
statement showing whether any partner, employee, officer, or 91004  
director has been refused a manufactured housing dealer's license, 91005  
manufactured housing broker's license, manufactured housing 91006

salesperson's license, or, prior to July 1, 2010, a motor vehicle 91007  
dealer's license, manufactured home broker's license, or motor 91008  
vehicle salesperson's license, or has been the holder of any such 91009  
license that was revoked or suspended; 91010

(8) Any other information required by the commission. 91011

(B) Each person applying for a manufactured housing 91012  
salesperson's license shall complete and deliver to the 91013  
manufactured homes commission before the first day of July an 91014  
application for license. The application shall be in the form 91015  
prescribed by the commission and shall be accompanied by the fee 91016  
established by the commission. The applicant shall sign and swear 91017  
to the application that shall include all of the following: 91018

(1) Name and post-office address of the applicant; 91019

(2) Name and post-office address of the manufactured housing 91020  
dealer or manufactured housing broker for whom the applicant 91021  
intends to act as salesperson; 91022

(3) A statement of the applicant's previous history, record, 91023  
and association, that is sufficient to establish to the 91024  
satisfaction of the commission the applicant's reputation in 91025  
business; 91026

(4) A statement as to whether the applicant intends to engage 91027  
in any occupation or business other than that of a manufactured 91028  
housing salesperson; 91029

(5) A statement as to whether the applicant has ever had any 91030  
previous application for a manufactured housing salesperson 91031  
license refused or, prior to July 1, 2010, any application for a 91032  
motor vehicle salesperson license refused, and whether the 91033  
applicant has previously had a manufactured housing salesperson or 91034  
motor vehicle salesperson license revoked or suspended; 91035

(6) A statement as to whether the applicant was an employee 91036

of or salesperson for a manufactured housing dealer or 91037  
manufactured housing broker whose license was suspended or 91038  
revoked; 91039

(7) A statement of the manufactured housing dealer or 91040  
manufactured housing broker named therein, designating the 91041  
applicant as the dealer's or broker's salesperson; 91042

(8) Any other information required by the commission. 91043

(C) Any application for a manufactured housing dealer or 91044  
manufactured housing broker delivered to the commission under this 91045  
section also shall be accompanied by a photograph, as prescribed 91046  
by the commission, of each place of business operated, or to be 91047  
operated, by the applicant. 91048

(D) The manufactured homes commission shall deposit all 91049  
license fees into the state treasury to the credit of the 91050  
occupational licensing and regulatory fund. 91051

**Sec. 4781.18.** (A) The manufactured homes commission shall 91052  
deny the application of any person for a license as a manufactured 91053  
housing dealer or manufactured housing broker and refuse to issue 91054  
the license if the commission finds that any of the following is 91055  
true of the applicant: 91056

(1) The applicant has made any false statement of a material 91057  
fact in the application. 91058

(2) The applicant has not complied with this chapter or the 91059  
rules adopted by the commission under this chapter. 91060

(3) The applicant is of bad business repute or has habitually 91061  
defaulted on financial obligations. 91062

(4) The applicant has been guilty of a fraudulent act in 91063  
connection with selling or otherwise dealing in manufactured 91064  
housing or in connection with brokering manufactured housing. 91065

(5) The applicant has entered into or is about to enter into a contract or agreement with a manufacturer or distributor of manufactured homes that is contrary to the requirements of this chapter. 91066  
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(6) The applicant is insolvent. 91070

(7) The applicant is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of business as a manufactured housing dealer or manufactured housing broker during the period of the license applied for, or has failed to satisfy any such judgment. 91071  
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(8) The applicant has no established place of business that, where applicable, is used or will be used for the purpose of selling, displaying, offering for sale or dealing in manufactured housing at the location for which application is made. 91077  
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(9) Within less than twelve months prior to making application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has any such license revoked. 91081  
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(B) The commission shall deny the application of any person for a license as a salesperson and refuse to issue the license if the commission finds that any of the following is true of the applicant: 91085  
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(1) The applicant has made any false statement of a material fact in the application. 91089  
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(2) The applicant has not complied with this chapter or the rules adopted by the commission under this chapter. 91091  
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(3) The applicant is of bad business repute or has habitually defaulted on financial obligations. 91093  
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(4) The applicant has been guilty of a fraudulent act in 91095

connection with selling or otherwise dealing in manufactured housing. 91096  
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(5) The applicant has not been designated to act as salesperson for a manufactured housing dealer or manufactured housing broker licensed to do business in this state under this chapter, or intends to act as salesperson for more than one licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located. 91098  
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(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker. 91106  
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(7) Within less than twelve months prior to making application, the applicant has been denied a salesperson's license or had a salesperson's license revoked. 91111  
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(8) The applicant was salesperson for, or in the employ of, a manufactured housing dealer or manufactured housing broker at the time the dealer's or broker's license was revoked. 91114  
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(C) If an applicant for a manufactured housing dealer or manufactured housing broker's license is a corporation or partnership, the commission may refuse to issue a license if any officer, director, or partner of the applicant has been guilty of any act or omission that would be cause for refusing or revoking a license issued to such officer, director, or partner as an individual. The commission's finding may be based upon facts contained in the application or upon any other information the commission may have. 91117  
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(D) Notwithstanding division (A)(4) of this section, the 91126



commission shall not deny the application of any person and refuse 91127  
to issue a license if the commission finds that the applicant is 91128  
engaged or will engage in the business of selling at retail any 91129  
new manufactured homes and demonstrates that the applicant has 91130  
posted a bond, surety, or certificate of deposit with the 91131  
commission in an amount not less than one hundred thousand dollars 91132  
for the protection and benefit of the applicant's customers. 91133

(E) A decision made by the commission under this section may 91134  
be based upon any statement contained in the application or upon 91135  
any facts within the commission's knowledge. 91136

(F) Immediately upon denying an application for any of the 91137  
reasons in this section, the commission shall enter a final order 91138  
together with the commission's findings. If the application is 91139  
denied by the executive director of the commission under authority 91140  
of section 4781.05 of the Revised Code, the executive director 91141  
shall enter a final order together with the director's findings 91142  
and certify the same to the commission. The commission shall issue 91143  
to the applicant a written notice of refusal to grant a license 91144  
that shall disclose the reason for refusal. 91145

**Sec. 4781.19.** (A) At the time the manufactured homes 91146  
commission grants the application of any person for a license as a 91147  
manufactured housing dealer, manufactured housing broker, or 91148  
manufactured housing salesperson, the commission shall issue to 91149  
the person a license that includes the name and post-office 91150  
address of the person licensed. If a manufactured housing dealer 91151  
or manufactured housing broker has more than one place of business 91152  
in a county, the dealer or broker shall make application, in such 91153  
form as the commission prescribes, for a certified copy of the 91154  
license issued to the dealer or broker for each place of business 91155  
in the county. 91156

(B) The commission may require each applicant for a 91157

manufactured housing dealer's license, manufactured housing broker's license, and manufactured housing salesperson's license issued under this chapter to pay an additional fee, which shall be used by the commission to pay the costs of obtaining a record of any arrests and convictions of the applicant from the bureau of identification and investigation. The amount of the fee shall be equal to that paid by the commission to obtain such record. 91158  
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(C) In the event of the loss, mutilation, or destruction of a manufactured housing dealer's license, manufactured housing broker's license, or manufactured housing salesperson's license, any licensee may make application to the commission, in the form prescribed by the commission, for a duplicate copy thereof and pay a fee established by the commission. 91165  
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(D) All manufactured housing dealers' licenses, all manufactured housing brokers' licenses, and all manufactured housing salespersons' licenses issued or renewed shall expire biennially on a day within the two-year cycle that is prescribed by the manufactured homes commission, unless sooner suspended or revoked. Before the first day after the day prescribed by the commission in the year that the license expires, each licensed manufactured housing dealer, manufactured housing broker, and manufactured housing salesperson, in the year in which the license will expire, shall file an application, in such form as the commission prescribes, for the renewal of such license. The fee required by this section for the original license shall accompany the application. 91171  
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(E) Each manufactured housing dealer and manufactured housing broker shall keep the license or a certified copy thereof and a current list of the dealer's or the broker's licensed salespersons, showing the names, addresses, and serial numbers of their licenses, posted in a conspicuous place in each place of business. Each salesperson shall carry the salesperson's license 91184  
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or a certified copy thereof and shall exhibit such license or copy 91190  
upon demand to any inspector of the commission, state highway 91191  
patrol trooper, police officer, or person with whom the 91192  
salesperson seeks to transact business as a manufactured housing 91193  
salesperson. 91194

**Sec. 4781.20.** The applications for licenses submitted under 91195  
section 4781.17 of the Revised Code are not part of the public 91196  
records but are confidential information for the use of the 91197  
manufactured homes commission. No person shall divulge any 91198  
information contained in such applications and acquired by the 91199  
person in the person's capacity as an official or employee of the 91200  
manufactured homes commission, except in a report to the 91201  
commission, or when called upon to testify in any court or 91202  
proceeding. 91203

**Sec. 4781.21.** (A) The manufactured homes commission may make 91204  
rules governing its actions relative to the suspension and 91205  
revocation of manufactured housing dealers', manufactured housing 91206  
brokers', and manufactured housing salespersons' licenses, and 91207  
may, upon its own motion, and shall, upon the verified complaint 91208  
in writing of any person, investigate the conduct of any licensee 91209  
under this chapter. The commission shall suspend, revoke, or 91210  
refuse to renew any manufactured housing dealer's, manufactured 91211  
housing broker's, or manufactured housing salesperson's license, 91212  
if any ground existed upon which the license might have been 91213  
refused, or if a ground exists that would be cause for refusal to 91214  
issue a license. 91215

The commission may suspend or revoke any license if the 91216  
licensee has in any manner violated the rules adopted by the 91217  
commission under this chapter, or has been convicted of committing 91218  
a felony or violating any law that in any way relates to the 91219  
selling, taxing, licensing, or regulation of sales of manufactured 91220

or mobile homes. 91221

(B) Any salesperson's license shall be suspended upon the 91222  
termination, suspension, or revocation of the license of the 91223  
manufactured housing dealer or manufactured housing broker for 91224  
whom the salesperson is acting, or upon the salesperson leaving 91225  
the service of the manufactured housing dealer or manufactured 91226  
housing broker. Upon the termination, suspension, or revocation of 91227  
the license of the manufactured housing dealer or manufactured 91228  
housing broker for whom the salesperson is acting, or upon the 91229  
salesperson leaving the service of a licensed manufactured housing 91230  
or manufactured housing broker, the licensed salesperson may make 91231  
application to the commission, in such form as the commission 91232  
prescribes, to have the salesperson's license reinstated, 91233  
transferred, and registered as a salesperson for another dealer or 91234  
broker. If the information contained in the application is 91235  
satisfactory to the commission, the commission shall reinstate, 91236  
transfer, or register the salesperson's license as a salesperson 91237  
for other dealer or broker. The commission shall establish the fee 91238  
for the reinstatement and transfer of license. No license issued 91239  
to a dealer, broker, or salesperson under this chapter may be 91240  
transferred to any other person. 91241

(C) Any person whose manufactured housing dealer's license, 91242  
manufactured housing broker's license, or manufactured housing 91243  
salesperson's license is revoked, suspended, denied, or not 91244  
renewed may request an adjudication hearing on the matter within 91245  
thirty days after receipt of the notice of the action. If no 91246  
appeal is taken within thirty days after receipt of the order, the 91247  
order is final and conclusive. All appeals must be by petition in 91248  
writing and verified under oath by the applicant whose application 91249  
for license has been revoked, suspended, denied, or not renewed 91250  
and must set forth the reason for the appeal and the reason why, 91251  
in the petitioner's opinion, the order is not correct. In such 91252

appeals the board may make investigation to determine the 91253  
correctness and legality of the appealed order. The hearing shall 91254  
be held in accordance with Chapter 119. of the Revised Code. 91255

Sec. 4781.22. No manufactured housing dealer licensed under 91256  
this chapter shall do any of the following: 91257

(A) Directly or indirectly, solicit the sale of a 91258  
manufactured home or mobile home through an interested person 91259  
other than a salesperson licensed in the employ of a licensed 91260  
dealer; 91261

(B) Pay any commission or compensation in any form to any 91262  
person in connection with the sale of a manufactured home or 91263  
mobile home unless the person is licensed as a salesperson in the 91264  
employ of the dealer; 91265

(C) Fail to immediately notify the manufactured homes 91266  
commission upon termination of the employment of any person 91267  
licensed as a salesperson to sell, display, offer for sale, or 91268  
deal in manufactured homes or mobile homes for the dealer. 91269

Sec. 4781.23. (A) Each licensed manufactured housing dealer 91270  
and manufactured housing broker shall notify the manufactured 91271  
homes commission of any change in status as a manufactured housing 91272  
dealer or manufactured housing broker during the period for which 91273  
the dealer or broker is licensed, if the change of status concerns 91274  
either of the following: 91275

(1) Personnel of owners, partners, officers, or directors; 91276

(2) Location of an office or principal place of business. 91277

(B) The notification required by division (A) of this section 91278  
shall be made by filing with the commission, within fifteen days 91279  
after the change of status, a supplemental statement in a form 91280  
prescribed by the commission showing in what respect the status 91281

has been changed. 91282

The commission may adopt a rule exempting from the 91283  
notification requirement of division (A)(1) of this section any 91284  
dealer if stock in the dealer or its parent company is publicly 91285  
traded and if there are public records filed with and in the 91286  
possession of state or federal agencies that provide the 91287  
information required by division (A)(1) of this section. 91288

**Sec. 4781.24.** (A) Every retail sale of a manufactured home or 91289  
mobile home shall be preceded by a written contract that shall 91290  
contain all of the agreements of the parties and shall be signed 91291  
by the buyer and the seller. The seller, upon execution of the 91292  
contract and before the delivery of the manufactured or mobile 91293  
home, shall deliver to the buyer a copy of the contract that shall 91294  
clearly describe all of the following: 91295

(1) The home sold to the buyer, including, where applicable, 91296  
its vehicle identification number; 91297

(2) The sale price of the home, and, if applicable, the 91298  
amount paid down by the buyer; 91299

(3) The amount credited to the buyer for any trade-in and a 91300  
description thereof; 91301

(4) The amount of any finance charge; 91302

(5) The amount charged for any home insurance and a statement 91303  
of the types of insurance provided by the policy or policies; 91304

(6) The amount of any other charge and a specification of its 91305  
purpose; 91306

(7) The net balance of payment due from the buyer including 91307  
the terms of the payment of the net balance. 91308

(B) A manufactured housing dealer may contract for and 91309  
receive a documentary service charge for a retail sale of a 91310

manufactured home or mobile home. The documentary service charge 91311  
shall be specified in writing without itemization of the 91312  
individual services provided and shall not be more than the lesser 91313  
of the following: 91314

(1) The amount allowed in a retail installment contract; 91315

(2) Ten per cent of the amount the buyer is required to pay 91316  
pursuant to the contract, excluding tax, title, and registration 91317  
fees, and any negative equity adjustment. 91318

(C) This section does not apply to a casual sale of a 91319  
manufactured home or mobile home. 91320

**Sec. 4781.25.** The manufactured homes commission shall adopt 91321  
rules for the regulation of manufactured housing brokers in 91322  
accordance with Chapter 119. of the Revised Code. The rules shall 91323  
require that a manufactured housing broker maintain a bond of a 91324  
surety company authorized to transact business in this state in an 91325  
amount determined by the commission. The rules also shall require 91326  
each person licensed as a manufactured housing broker to maintain 91327  
at all times a special or trust bank account that is 91328  
noninterest-bearing, is separate and distinct from any personal or 91329  
other account of the broker, and into which shall be deposited and 91330  
maintained all escrow funds, security deposits, and other moneys 91331  
received by the broker in a fiduciary capacity. In a form 91332  
determined by the commission, a manufactured housing broker shall 91333  
submit written proof to the commission of the continued 91334  
maintenance of the special or trust account. A depository where 91335  
special or trust accounts are maintained in accordance with this 91336  
section shall be located in this state. 91337

**Sec. 4781.99.** (A) Whoever violates division (A) of section 91338  
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 91339  
first offense and shall be subject to a mandatory fine of one 91340

hundred dollars. On a second offense, the person is guilty of a 91341  
misdemeanor of the first degree and shall be subject to a 91342  
mandatory fine of one thousand dollars. 91343

(B) Whoever violates section 4781.20 of the Revised Code is 91344  
guilty of a minor misdemeanor. 91345

(C) Whoever violates any of the following is guilty of a 91346  
misdemeanor of the fourth degree: 91347

(1) Division (B) or (C) of section 4781.16 of the Revised 91348  
Code; 91349

(2) Section 4781.22 of the Revised Code; 91350

(3) Section 4781.23 of the Revised Code; 91351

(4) Division (A) of section 4781.24 of the Revised Code; 91352

(5) Section 4781.25 of the Revised Code. 91353

**Sec. 4905.06.** The public utilities commission has general 91354  
supervision over all public utilities within its jurisdiction as 91355  
defined in section 4905.05 of the Revised Code, and may examine 91356  
such public utilities and keep informed as to their general 91357  
condition, capitalization, and franchises, and as to the manner in 91358  
which their properties are leased, operated, managed, and 91359  
conducted with respect to the adequacy or accommodation afforded 91360  
by their service, the safety and security of the public and their 91361  
employees, and their compliance with all laws, orders of the 91362  
commission, franchises, and charter requirements. The commission 91363  
has general supervision over all other companies referred to in 91364  
section 4905.05 of the Revised Code to the extent of its 91365  
jurisdiction as defined in that section, and may examine such 91366  
companies and keep informed as to their general condition and 91367  
capitalization, and as to the manner in which their properties are 91368  
leased, operated, managed, and conducted with respect to the 91369



adequacy or accommodation afforded by their service, and their 91370  
compliance with all laws and orders of the commission, insofar as 91371  
any of such matters may relate to the costs associated with the 91372  
provision of electric utility service by public utilities in this 91373  
state which are affiliated or associated with such companies. The 91374  
commission, through the public utilities commissioners or 91375  
inspectors or employees of the commission authorized by it, may 91376  
enter in or upon, for purposes of inspection, any property, 91377  
equipment, building, plant, factory, office, apparatus, machinery, 91378  
device, and lines of any public utility. The power to inspect 91379  
includes the power to prescribe any rule or order that the 91380  
commission finds necessary for protection of the public safety. In 91381  
order to assist the commission in the performance of its duties 91382  
under this chapter, authorized employees of the motor carrier 91383  
enforcement unit, created under section 5503.34 of the Revised 91384  
Code in the division of state highway patrol, of the department of 91385  
public safety may enter in or upon, for inspection purposes, any 91386  
motor vehicle of any motor transportation company or private motor 91387  
carrier as defined in section 4923.02 of the Revised Code. 91388

In order to inspect motor vehicles owned or operated by a 91389  
motor transportation company engaged in the transportation of 91390  
persons, authorized employees of the motor carrier enforcement 91391  
unit, division of state highway patrol, of the department of 91392  
public safety and authorized sheriffs, deputy sheriffs, and 91393  
municipal police officers acting pursuant to section 311.32 or 91394  
737.39 of the Revised Code and in accordance with memoranda of 91395  
agreement entered into under section 4919.80 of the Revised Code 91396  
may enter in or upon any property of any motor transportation 91397  
company, as defined in section 4921.02 of the Revised Code, 91398  
engaged in the intrastate transportation of persons. 91399

**Sec. 4919.79.** (A) The public utilities commission may adopt 91400  
safety rules applicable to the highway transportation and offering 91401

for transportation of hazardous materials in interstate commerce, 91402  
which highway transportation takes place into or through this 91403  
state. 91404

(B) The commission may adopt safety rules applicable to the 91405  
highway transportation of persons or property in interstate 91406  
commerce, which transportation takes place into or through this 91407  
state. 91408

(C) Rules adopted under divisions (A) and (B) of this section 91409  
shall be consistent with, and equivalent in scope, coverage, and 91410  
content to, the "Hazardous Materials Transportation Act," 88 Stat. 91411  
2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 91412  
under it, and the "Motor Carrier Safety Act of 1984," 98 Stat. 91413  
2832, 49 U.S.C.A. 2501, and regulations adopted under it, 91414  
respectively. No person shall violate a rule adopted under 91415  
division (A) or (B) of this section or any order of the commission 91416  
issued to secure compliance with any such rule. 91417

(D) The commission shall cooperate with, and permit the use 91418  
of, the services, records, and facilities of the commission as 91419  
fully as practicable by appropriate officers of the interstate 91420  
commerce commission, the United States department of 91421  
transportation, and other federal agencies or commissions and 91422  
appropriate commissions of other states in the enforcement and 91423  
administration of state and federal laws relating to highway 91424  
transportation by motor vehicles. The commission may enter into 91425  
cooperative agreements with the interstate commerce commission, 91426  
the United States department of transportation, and any other 91427  
federal agency or commission to enforce the economic and safety 91428  
laws and rules of this state and of the United States concerning 91429  
highway transportation by motor vehicles. All grants-in-aid, cash, 91430  
and reimbursements received by the commission pursuant to those 91431  
cooperative agreements shall be deposited to the credit of the 91432  
motor carrier safety fund, which is hereby created in the state 91433

treasury, to be used by the commission for the purpose of carrying 91434  
out this section. 91435

(E) To achieve the purposes of this section, the commission, 91436  
through its inspectors or other authorized employees, may inspect 91437  
any vehicles of carriers of persons or property in interstate 91438  
commerce subject to the safety rules prescribed by this section 91439  
and may enter upon the premises and vehicles of such carriers to 91440  
examine any of the carriers' records or documents that relate to 91441  
the safety of operation of such carriers. In order to assist the 91442  
commission in the performance of its duties under this section, 91443  
authorized employees of the motor carrier enforcement unit, 91444  
created under section 5503.34 of the Revised Code in the division 91445  
of state highway patrol, of the department of public safety and 91446  
authorized sheriffs, deputy sheriffs, and municipal police 91447  
officers acting pursuant to section 311.32 or 737.39 of the 91448  
Revised Code and in accordance with memoranda of agreement entered 91449  
into under section 4919.80 of the Revised Code may enter in or 91450  
upon, for purposes of inspection, any vehicle of any such carrier. 91451

In order to inspect motor vehicles owned or operated by 91452  
private motor carriers of persons, authorized employees of the 91453  
motor carrier enforcement unit, division of state highway patrol, 91454  
of the department of public safety may enter in or upon the 91455  
premises of any private carrier of persons in interstate commerce, 91456  
subject to the safety rules prescribed by this section. 91457

Sec. 4919.80. (A) The public utilities commission shall adopt 91458  
any rules it finds necessary regarding sheriff, deputy sheriff, 91459  
and municipal police officer authority under sections 311.32 and 91460  
737.39 of the Revised Code. The rules shall include all of the 91461  
following: 91462

(1) Specification of the form, manner, and time in which any 91463  
violation cited pursuant to either such section must be forwarded 91464

to the commission; 91465

(2) Specification of the training, education, and certification required to act under those sections; 91466  
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(3) The eligibility of, and procedures to be followed by, the legislative authority of a county or municipal corporation to apply to the commission for reimbursement only of training and equipment costs incurred by the county or municipal corporation pursuant to section 311.32 or 737.39 of the Revised Code. 91468  
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(B) The commission shall establish a memorandum of agreement, and the procedures for entering into that memorandum, between the commission and the legislative authority of a county or municipal corporation in relation to enforcement under sections 311.32 and 737.39 of the Revised Code. 91473  
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(C) All forfeitures collected pursuant to section 311.32 or 737.39 of the Revised Code shall be deposited to the credit of the local commercial motor vehicle enforcement fund, which is hereby created in the state treasury. An amount not exceeding the first two hundred thousand dollars of forfeitures so deposited in a fiscal year shall be used by the commission for the administration of the fund and to carry out its duties under this section. Any excess forfeitures not exceeding one million two hundred thousand dollars deposited in the fiscal year shall be distributed by the commission to the legislative authority of any county or municipal corporation upon application pursuant to the rules adopted under division (A)(3) of this section. All forfeitures collected and equal to or greater than one million two hundred thousand dollars in a fiscal year shall be deposited to the credit of the general revenue fund. 91478  
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**Sec. 4923.12.** (A) The taxes imposed by sections 4921.18 and 4923.11 of the Revised Code shall be paid to the treasurer of state. The first received remittances of the taxes in each fiscal 91493  
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year shall be credited to the public utilities fund until the 91496  
aggregate credit from the taxes, and from the fees collected under 91497  
division (B) of this section, in a fiscal year amounts to a sum 91498  
equal to the appropriation from the public utilities fund made by 91499  
the general assembly for defraying all expenses incident to 91500  
maintaining the nonrailroad transportation activities of the 91501  
public utilities commission. Receipt of the taxes subsequent 91502  
thereto, after receipt by the treasurer of state of certifications 91503  
from the commissioners of the sinking fund certifying, as required 91504  
by sections 5528.15 and 5528.35 of the Revised Code, that there 91505  
are sufficient moneys to the credit of the highway improvement 91506  
bond retirement fund created by section 5528.12 of the Revised 91507  
Code to meet in full all payments of interest, principal, and 91508  
charges for the retirement of bonds and other obligations issued 91509  
pursuant to Section 2g of Article VIII, Ohio Constitution and 91510  
sections 5528.10 and 5528.11 of the Revised Code, due and payable 91511  
during the current calendar year, and that there are sufficient 91512  
moneys to the credit of the highway obligations bond retirement 91513  
fund created by section 5528.32 of the Revised Code to meet in 91514  
full all payments of interest, principal, and charges for the 91515  
retirement of highway obligations issued pursuant to Section 2i of 91516  
Article VIII, Ohio Constitution and sections 5528.30 and 5528.31 91517  
of the Revised Code due and payable during the current calendar 91518  
year, shall be paid into the state treasury to the credit of the 91519  
state highway safety fund created by section 4501.06 of the 91520  
Revised Code, and shall be subject to appropriation solely for the 91521  
expense of operation and maintenance of the department of public 91522  
safety. 91523

(B) The fees set by the commission in accordance with 91524  
sections 4919.76 and 4919.77 of the Revised Code shall be credited 91525  
to the public utilities fund except for those fees collected on 91526  
behalf of other states participating in the single state insurance 91527  
registration program, which shall be credited to the base state 91528

registration fund, which is hereby created in the state treasury. 91529

(C) The Except as provided in section 4919.80 of the Revised 91530  
Code, the forfeitures imposed by sections 4919.99, 4921.99, and 91531  
4923.99 of the Revised Code shall be paid to the treasurer of 91532  
state. The first received remittances of the forfeitures in each 91533  
fiscal year shall be credited to the transportation enforcement 91534  
fund, which is hereby created in the state treasury, until the 91535  
aggregate credit in the fiscal year is equal to the appropriation 91536  
in the fund for the fiscal year less any outstanding unencumbered 91537  
cash balance from the previous fiscal year in the fund. All 91538  
forfeitures subsequently received shall be credited to the general 91539  
revenue fund. The public utilities commission shall use the 91540  
transportation enforcement fund to administer the civil forfeiture 91541  
program of sections 4919.99, 4921.99, and 4923.99 of the Revised 91542  
Code. 91543

(D) If the director of budget and management determines that 91544  
the balance of the public utilities fund will be less than the 91545  
appropriations from the fund, the director shall transfer from the 91546  
general revenue fund to the public utilities fund an amount equal 91547  
to the difference between the balance of the public utilities fund 91548  
and the amount needed to support the appropriations from that 91549  
fund. If the director subsequently determines that the balance and 91550  
revenues of the public utilities fund during the fiscal year will 91551  
exceed the amount needed to support the appropriations from the 91552  
fund, the director shall transfer the excess, up to the amount of 91553  
the original transfer, back to the general revenue fund. 91554

**Sec. 4923.20.** (A) As used in this section: 91555

(1) "Private motor carrier" has the same meaning as in 91556  
section 4923.02 of the Revised Code, except that it includes only 91557  
private motor carriers operating on a not-for-hire basis and 91558  
excludes all private motor carriers operating on a for-hire basis. 91559

(2) "Commercial motor vehicle" has the same meaning as in the 91560  
"Commercial Motor Vehicle Safety Act of 1986," 49 U.S.C.A. 2701, 91561  
as amended, except that "commerce" means trade, traffic, and 91562  
transportation solely within this state. 91563

(B) The public utilities commission may adopt and enforce 91564  
rules concerning the safety of operation of commercial motor 91565  
vehicles by private motor carriers, except that the rules shall 91566  
not affect any rights or duties granted to or imposed upon the 91567  
operator of such a motor vehicle by Chapter 4511. of the Revised 91568  
Code. 91569

(C) The commission may adopt safety rules applicable to the 91570  
transportation of hazardous materials by private motor carriers by 91571  
means of commercial motor vehicles and applicable to the offering 91572  
of hazardous materials for such transportation. The rules shall be 91573  
consistent with, and equivalent in scope, coverage, and content 91574  
to, the "Hazardous Materials Transportation Act," 88 Stat. 2156 91575  
(1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 91576  
under it. 91577

(D) To achieve the purposes of this section, the commission 91578  
may, through inspectors or other authorized employees, inspect any 91579  
motor vehicles of such carriers and may enter upon the premises 91580  
and vehicles of the carriers to examine any of the carriers' 91581  
records or documents that relate to the safety of operation of 91582  
private motor carriers. In order to assist the commission in 91583  
performing its duties under this section, authorized employees of 91584  
the motor carrier enforcement unit, created under section 5503.34 91585  
of the Revised Code in the division of state highway patrol, of 91586  
the department of public safety may enter in or upon, for purposes 91587  
of inspection, any motor vehicle of any such carrier. 91588

In order to inspect motor vehicles owned or operated by 91589  
private motor carriers engaged in the transportation of persons, 91590  
authorized employees of the motor carrier enforcement unit, 91591

division of state highway patrol, of the department of public 91592  
safety and authorized sheriffs, deputy sheriffs, and municipal 91593  
police officers acting pursuant to section 311.32 or 737.39 of the 91594  
Revised Code and in accordance with memoranda of agreement entered 91595  
into under section 4919.80 of the Revised Code may enter in or 91596  
upon the premises of any private motor carrier engaged in the 91597  
intrastate transportation of persons. 91598

(E) No private motor carrier or person offering hazardous 91599  
materials for transportation by private motor carrier shall fail 91600  
to comply with any order, decision, or rule adopted under this 91601  
section or any order of the commission issued to secure compliance 91602  
with any such rule. 91603

**Sec. 4928.01.** (A) As used in this chapter: 91604

(1) "Ancillary service" means any function necessary to the 91605  
provision of electric transmission or distribution service to a 91606  
retail customer and includes, but is not limited to, scheduling, 91607  
system control, and dispatch services; reactive supply from 91608  
generation resources and voltage control service; reactive supply 91609  
from transmission resources service; regulation service; frequency 91610  
response service; energy imbalance service; operating 91611  
reserve-spinning reserve service; operating reserve-supplemental 91612  
reserve service; load following; back-up supply service; 91613  
real-power loss replacement service; dynamic scheduling; system 91614  
black start capability; and network stability service. 91615

(2) "Billing and collection agent" means a fully independent 91616  
agent, not affiliated with or otherwise controlled by an electric 91617  
utility, electric services company, electric cooperative, or 91618  
governmental aggregator subject to certification under section 91619  
4928.08 of the Revised Code, to the extent that the agent is under 91620  
contract with such utility, company, cooperative, or aggregator 91621  
solely to provide billing and collection for retail electric 91622



service on behalf of the utility company, cooperative, or 91623  
aggregator. 91624

(3) "Certified territory" means the certified territory 91625  
established for an electric supplier under sections 4933.81 to 91626  
4933.90 of the Revised Code. 91627

(4) "Competitive retail electric service" means a component 91628  
of retail electric service that is competitive as provided under 91629  
division (B) of this section. 91630

(5) "Electric cooperative" means a not-for-profit electric 91631  
light company that both is or has been financed in whole or in 91632  
part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 91633  
7 U.S.C. 901, and owns or operates facilities in this state to 91634  
generate, transmit, or distribute electricity, or a not-for-profit 91635  
successor of such company. 91636

(6) "Electric distribution utility" means an electric utility 91637  
that supplies at least retail electric distribution service. 91638

(7) "Electric light company" has the same meaning as in 91639  
section 4905.03 of the Revised Code and includes an electric 91640  
services company, but excludes any self-generator to the extent 91641  
that it consumes electricity it so produces, sells that 91642  
electricity for resale, or obtains electricity from a generating 91643  
facility it hosts on its premises. 91644

(8) "Electric load center" has the same meaning as in section 91645  
4933.81 of the Revised Code. 91646

(9) "Electric services company" means an electric light 91647  
company that is engaged on a for-profit or not-for-profit basis in 91648  
the business of supplying or arranging for the supply of only a 91649  
competitive retail electric service in this state. "Electric 91650  
services company" includes a power marketer, power broker, 91651  
aggregator, or independent power producer but excludes an electric 91652  
cooperative, municipal electric utility, governmental aggregator, 91653

or billing and collection agent. 91654

(10) "Electric supplier" has the same meaning as in section 91655  
4933.81 of the Revised Code. 91656

(11) "Electric utility" means an electric light company that 91657  
has a certified territory and is engaged on a for-profit basis 91658  
either in the business of supplying a noncompetitive retail 91659  
electric service in this state or in the businesses of supplying 91660  
both a noncompetitive and a competitive retail electric service in 91661  
this state. "Electric utility" excludes a municipal electric 91662  
utility or a billing and collection agent. 91663

(12) "Firm electric service" means electric service other 91664  
than nonfirm electric service. 91665

(13) "Governmental aggregator" means a legislative authority 91666  
of a municipal corporation, a board of township trustees, or a 91667  
board of county commissioners acting as an aggregator for the 91668  
provision of a competitive retail electric service under authority 91669  
conferred under section 4928.20 of the Revised Code. 91670

(14) A person acts "knowingly," regardless of the person's 91671  
purpose, when the person is aware that the person's conduct will 91672  
probably cause a certain result or will probably be of a certain 91673  
nature. A person has knowledge of circumstances when the person is 91674  
aware that such circumstances probably exist. 91675

(15) "Level of funding for low-income customer energy 91676  
efficiency programs provided through electric utility rates" means 91677  
the level of funds specifically included in an electric utility's 91678  
rates on October 5, 1999, pursuant to an order of the public 91679  
utilities commission issued under Chapter 4905. or 4909. of the 91680  
Revised Code and in effect on October 4, 1999, for the purpose of 91681  
improving the energy efficiency of housing for the utility's 91682  
low-income customers. The term excludes the level of any such 91683  
funds committed to a specific nonprofit organization or 91684

organizations pursuant to a stipulation or contract. 91685

(16) "Low-income customer assistance programs" means the 91686  
percentage of income payment plan program, the home energy 91687  
assistance program, the home weatherization assistance program, 91688  
and the targeted energy efficiency and weatherization program. 91689

(17) "Market development period" for an electric utility 91690  
means the period of time beginning on the starting date of 91691  
competitive retail electric service and ending on the applicable 91692  
date for that utility as specified in section 4928.40 of the 91693  
Revised Code, irrespective of whether the utility applies to 91694  
receive transition revenues under this chapter. 91695

(18) "Market power" means the ability to impose on customers 91696  
a sustained price for a product or service above the price that 91697  
would prevail in a competitive market. 91698

(19) "Mercantile customer" means a commercial or industrial 91699  
customer if the electricity consumed is for nonresidential use and 91700  
the customer consumes more than seven hundred thousand kilowatt 91701  
hours per year or is part of a national account involving multiple 91702  
facilities in one or more states. 91703

(20) "Municipal electric utility" means a municipal 91704  
corporation that owns or operates facilities to generate, 91705  
transmit, or distribute electricity. 91706

(21) "Noncompetitive retail electric service" means a 91707  
component of retail electric service that is noncompetitive as 91708  
provided under division (B) of this section. 91709

(22) "Nonfirm electric service" means electric service 91710  
provided pursuant to a schedule filed under section 4905.30 of the 91711  
Revised Code or pursuant to an arrangement under section 4905.31 91712  
of the Revised Code, which schedule or arrangement includes 91713  
conditions that may require the customer to curtail or interrupt 91714  
electric usage during nonemergency circumstances upon notification 91715

by an electric utility. 91716

(23) "Percentage of income payment plan arrears" means funds 91717  
eligible for collection through the percentage of income payment 91718  
plan rider, but uncollected as of July 1, 2000. 91719

(24) "Person" has the same meaning as in section 1.59 of the 91720  
Revised Code. 91721

(25) "Advanced energy project" means any technologies, 91722  
products, activities, or management practices or strategies that 91723  
facilitate the generation or use of electricity or energy and that 91724  
reduce or support the reduction of energy consumption or support 91725  
the production of clean, renewable energy for industrial, 91726  
distribution, commercial, institutional, governmental, research, 91727  
not-for-profit, or residential energy users, including, but not 91728  
limited to, advanced energy resources and renewable energy 91729  
resources. "Advanced energy project" also includes any project 91730  
described in division (A), (B), or (C) of section 4928.621 of the 91731  
Revised Code. 91732

(26) "Regulatory assets" means the unamortized net regulatory 91733  
assets that are capitalized or deferred on the regulatory books of 91734  
the electric utility, pursuant to an order or practice of the 91735  
public utilities commission or pursuant to generally accepted 91736  
accounting principles as a result of a prior commission 91737  
rate-making decision, and that would otherwise have been charged 91738  
to expense as incurred or would not have been capitalized or 91739  
otherwise deferred for future regulatory consideration absent 91740  
commission action. "Regulatory assets" includes, but is not 91741  
limited to, all deferred demand-side management costs; all 91742  
deferred percentage of income payment plan arrears; 91743  
post-in-service capitalized charges and assets recognized in 91744  
connection with statement of financial accounting standards no. 91745  
109 (receivables from customers for income taxes); future nuclear 91746  
decommissioning costs and fuel disposal costs as those costs have 91747

been determined by the commission in the electric utility's most 91748  
recent rate or accounting application proceeding addressing such 91749  
costs; the undepreciated costs of safety and radiation control 91750  
equipment on nuclear generating plants owned or leased by an 91751  
electric utility; and fuel costs currently deferred pursuant to 91752  
the terms of one or more settlement agreements approved by the 91753  
commission. 91754

(27) "Retail electric service" means any service involved in 91755  
supplying or arranging for the supply of electricity to ultimate 91756  
consumers in this state, from the point of generation to the point 91757  
of consumption. For the purposes of this chapter, retail electric 91758  
service includes one or more of the following "service 91759  
components": generation service, aggregation service, power 91760  
marketing service, power brokerage service, transmission service, 91761  
distribution service, ancillary service, metering service, and 91762  
billing and collection service. 91763

(28) "Starting date of competitive retail electric service" 91764  
means January 1, 2001. 91765

(29) "Customer-generator" means a user of a net metering 91766  
system. 91767

(30) "Net metering" means measuring the difference in an 91768  
applicable billing period between the electricity supplied by an 91769  
electric service provider and the electricity generated by a 91770  
customer-generator that is fed back to the electric service 91771  
provider. 91772

(31) "Net metering system" means a facility for the 91773  
production of electrical energy that does all of the following: 91774

(a) Uses as its fuel either solar, wind, biomass, landfill 91775  
gas, or hydropower, or uses a microturbine or a fuel cell; 91776

(b) Is located on a customer-generator's premises; 91777

(c) Operates in parallel with the electric utility's transmission and distribution facilities; 91778  
91779

(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity. 91780  
91781

(32) "Self-generator" means an entity in this state that owns or hosts on its premises an electric generation facility that produces electricity primarily for the owner's consumption and that may provide any such excess electricity to another entity, whether the facility is installed or operated by the owner or by an agent under a contract. 91782  
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(33) "Rate plan" means the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008. 91788  
91789  
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(34) "Advanced energy resource" means any of the following: 91791

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility; 91792  
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(b) Any distributed generation system consisting of customer cogeneration of electricity and thermal output simultaneously, primarily to meet the energy needs of the customer's facilities; 91797  
91798  
91799

(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design 91800  
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capability the commission shall adopt by rule and shall be based 91809  
on economically feasible best available technology or, in the 91810  
absence of a determined best available technology, shall be of the 91811  
highest level of economically feasible design capability for which 91812  
there exists generally accepted scientific opinion; 91813

(d) Advanced nuclear energy technology consisting of 91814  
generation III technology as defined by the nuclear regulatory 91815  
commission; other, later technology; or significant improvements 91816  
to existing facilities; 91817

(e) Any fuel cell used in the generation of electricity, 91818  
including, but not limited to, a proton exchange membrane fuel 91819  
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 91820  
solid oxide fuel cell; 91821

(f) Advanced solid waste or construction and demolition 91822  
debris conversion technology, including, but not limited to, 91823  
advanced stoker technology, and advanced fluidized bed 91824  
gasification technology, that results in measurable greenhouse gas 91825  
emissions reductions as calculated pursuant to the United States 91826  
environmental protection agency's waste reduction model (WARM). 91827  
91828

(g) Demand-side management and any energy efficiency 91829  
improvement; 91830

(h) Methane gas emitted from an operating or abandoned coal 91831  
mine. 91832

(35) "Renewable energy resource" means solar photovoltaic or 91833  
solar thermal energy, wind energy, power produced by a 91834  
hydroelectric facility, geothermal energy, fuel derived from solid 91835  
wastes, as defined in section 3734.01 of the Revised Code, through 91836  
fractionation, biological decomposition, or other process that 91837  
does not principally involve combustion, biomass energy, 91838  
biologically derived methane gas, or energy derived from 91839

nontreated by-products of the pulping process or wood 91840  
manufacturing process, including bark, wood chips, sawdust, and 91841  
lignin in spent pulping liquors. "Renewable energy resource" 91842  
includes, but is not limited to, any fuel cell used in the 91843  
generation of electricity, including, but not limited to, a proton 91844  
exchange membrane fuel cell, phosphoric acid fuel cell, molten 91845  
carbonate fuel cell, or solid oxide fuel cell; wind turbine 91846  
located in the state's territorial waters of Lake Erie; storage 91847  
facility that will promote the better utilization of a renewable 91848  
energy resource that primarily generates off peak; or distributed 91849  
generation system used by a customer to generate electricity from 91850  
any such energy. As used in division (A)(35) of this section, 91851  
"hydroelectric facility" means a hydroelectric generating facility 91852  
that is located at a dam on a river, or on any water discharged to 91853  
a river, that is within or bordering this state or within or 91854  
bordering an adjoining state and meets all of the following 91855  
standards: 91856

(a) The facility provides for river flows that are not 91857  
detrimental for fish, wildlife, and water quality, including 91858  
seasonal flow fluctuations as defined by the applicable licensing 91859  
agency for the facility. 91860

(b) The facility demonstrates that it complies with the water 91861  
quality standards of this state, which compliance may consist of 91862  
certification under Section 401 of the "Clean Water Act of 1977," 91863  
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 91864  
not contributed to a finding by this state that the river has 91865  
impaired water quality under Section 303(d) of the "Clean Water 91866  
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 91867

(c) The facility complies with mandatory prescriptions 91869  
regarding fish passage as required by the federal energy 91870  
regulatory commission license issued for the project, regarding 91871



fish protection for riverine, anadromous, and catadromus fish. 91872

(d) The facility complies with the recommendations of the 91873  
Ohio environmental protection agency and with the terms of its 91874  
federal energy regulatory commission license regarding watershed 91875  
protection, mitigation, or enhancement, to the extent of each 91876  
agency's respective jurisdiction over the facility. 91877

(e) The facility complies with provisions of the "Endangered 91878  
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 91879  
amended. 91880

(f) The facility does not harm cultural resources of the 91881  
area. This can be shown through compliance with the terms of its 91882  
federal energy regulatory commission license or, if the facility 91883  
is not regulated by that commission, through development of a plan 91884  
approved by the Ohio historic preservation office, to the extent 91885  
it has jurisdiction over the facility. 91886

(g) The facility complies with the terms of its federal 91887  
energy regulatory commission license or exemption that are related 91888  
to recreational access, accommodation, and facilities or, if the 91889  
facility is not regulated by that commission, the facility 91890  
complies with similar requirements as are recommended by resource 91891  
agencies, to the extent they have jurisdiction over the facility; 91892  
and the facility provides access to water to the public without 91893  
fee or charge. 91894

(h) The facility is not recommended for removal by any 91895  
federal agency or agency of any state, to the extent the 91896  
particular agency has jurisdiction over the facility. 91897

(B) For the purposes of this chapter, a retail electric 91898  
service component shall be deemed a competitive retail electric 91899  
service if the service component is competitive pursuant to a 91900  
declaration by a provision of the Revised Code or pursuant to an 91901  
order of the public utilities commission authorized under division 91902

(A) of section 4928.04 of the Revised Code. Otherwise, the service 91903  
component shall be deemed a noncompetitive retail electric 91904  
service. 91905

Sec. 5101.073. There is hereby created in the state treasury 91906  
the ODJFS general services administration and operating fund. The 91907  
director of job and family services may submit a deposit 91908  
modification and payment detail report to the treasurer of state 91909  
after the completion of the reconciliation of all final 91910  
transactions with the federal government regarding a federal grant 91911  
for a program the department of job and family services 91912  
administers and a final closeout for the grant. On receipt of the 91913  
report, the treasurer of state shall transfer the money in the 91914  
refunds and audit settlements fund that is the subject of the 91915  
report to the ODJFS general services administration and operating 91916  
fund. Money in the ODJFS general services administration and 91917  
operating fund shall be used to pay for the expenses of the 91918  
programs the department administers and the department's 91919  
administrative expenses, including the costs of state hearings 91920  
under section 5101.35 of the Revised Code, required audit 91921  
adjustments, and other related expenses. 91922

**Sec. 5101.11.** This section does not apply to contracts 91923  
entered into under section 5111.90 or 5111.91 of the Revised Code. 91924

(A) As used in this section: 91925

(1) "Entity" includes an agency, board, commission, or 91926  
department of the state or a political subdivision of the state; a 91927  
private, nonprofit entity; a school district; a private school; or 91928  
a public or private institution of higher education. 91929

(2) "Federal financial participation" means the federal 91930  
government's share of expenditures made by an entity in 91931  
implementing a program administered by the department of job and 91932

family services. 91933

(B) At the request of any public entity having authority to 91934  
implement a program administered by the department of job and 91935  
family services or any private entity under contract with a public 91936  
entity to implement a program administered by the department, the 91937  
department may seek to obtain federal financial participation for 91938  
costs incurred by the entity. Federal financial participation may 91939  
be sought from programs operated pursuant to Title IV-A, Title 91940  
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 91941  
(1935), 42 U.S.C. 301, as amended; the "~~Food Stamp~~ and Nutrition 91942  
Act of 1964," ~~78 Stat. 703, 2008 (7 U.S.C. 2011, as amended et~~ 91943  
seq.); and any other statute or regulation under which federal 91944  
financial participation may be available, except that federal 91945  
financial participation may be sought only for expenditures made 91946  
with funds for which federal financial participation is available 91947  
under federal law. 91948

(C) All funds collected by the department of job and family 91949  
services pursuant to division (B) of this section shall be 91950  
distributed to the entities that incurred the costs, except for 91951  
any amounts retained by the department pursuant to division (D)(3) 91952  
of this section. 91953

(D) In distributing federal financial participation pursuant 91954  
to this section, the department may either enter into an agreement 91955  
with the entity that is to receive the funds or distribute the 91956  
funds in accordance with rules adopted under division (F) of this 91957  
section. If the department decides to enter into an agreement to 91958  
distribute the funds, the agreement may include terms that do any 91959  
of the following: 91960

(1) Provide for the whole or partial reimbursement of any 91961  
cost incurred by the entity in implementing the program; 91962

(2) In the event that federal financial participation is 91963

disallowed or otherwise unavailable for any expenditure, require 91964  
the department of job and family services or the entity, whichever 91965  
party caused the disallowance or unavailability of federal 91966  
financial participation, to assume responsibility for the 91967  
expenditures; 91968

(3) Permit the department to retain not more than five per 91969  
cent of the amount of the federal financial participation to be 91970  
distributed to the entity; 91971

(4) Require the public entity to certify the availability of 91972  
sufficient unencumbered funds to match the federal financial 91973  
participation it receives under this section; 91974

(5) Establish the length of the agreement, which may be for a 91975  
fixed or a continuing period of time; 91976

(6) Establish any other requirements determined by the 91977  
department to be necessary for the efficient administration of the 91978  
agreement. 91979

(E) An entity that receives federal financial participation 91980  
pursuant to this section for a program aiding children and their 91981  
families shall establish a process for collaborative planning with 91982  
the department of job and family services for the use of the funds 91983  
to improve and expand the program. 91984

(F) The director of job and family services shall adopt rules 91985  
as necessary to implement this section, including rules for the 91986  
distribution of federal financial participation pursuant to this 91987  
section. The rules shall be adopted in accordance with Chapter 91988  
119. of the Revised Code. The director may adopt or amend any 91989  
statewide plan required by the federal government for a program 91990  
administered by the department, as necessary to implement this 91991  
section. 91992

(G) Federal financial participation received pursuant to this 91993  
section shall not be included in any calculation made under 91994

section 5101.16 or 5101.161 of the Revised Code.	91995
<b>Sec. 5101.16.</b> (A) As used in this section and sections	91996
5101.161 and 5101.162 of the Revised Code:	91997
(1) "Disability financial assistance" means the financial	91998
assistance program established under Chapter 5115. of the Revised	91999
Code.	92000
(2) "Disability medical assistance" means the medical	92001
assistance program established under Chapter 5115. of the Revised	92002
Code.	92003
(3) <del>"Food stamps</del> <u>Supplemental nutrition assistance program</u> "	92004
means the program administered by the department of job and family	92005
services pursuant to section 5101.54 of the Revised Code.	92006
(4) "Medicaid" means the medical assistance program	92007
established by Chapter 5111. of the Revised Code, excluding	92008
transportation services provided under that chapter.	92009
(5) "Ohio works first" means the program established by	92010
Chapter 5107. of the Revised Code.	92011
(6) "Prevention, retention, and contingency" means the	92012
program established by Chapter 5108. of the Revised Code.	92013
(7) "Public assistance expenditures" means expenditures for	92014
all of the following:	92015
(a) Ohio works first;	92016
(b) County administration of Ohio works first;	92017
(c) Prevention, retention, and contingency;	92018
(d) County administration of prevention, retention, and	92019
contingency;	92020
(e) Disability financial assistance;	92021
(f) Disability medical assistance;	92022

(g) County administration of disability financial assistance;	92023
	92024
(h) County administration of disability medical assistance;	92025
(i) County administration of <del>food stamps</del> <u>the supplemental</u>	92026
<u>nutrition assistance program</u> ;	92027
(j) County administration of medicaid.	92028
(8) "Title IV-A program" has the same meaning as in section	92029
5101.80 of the Revised Code.	92030
(B) Each board of county commissioners shall pay the county	92031
share of public assistance expenditures in accordance with section	92032
5101.161 of the Revised Code. Except as provided in division (C)	92033
of this section, a county's share of public assistance	92034
expenditures is the sum of all of the following for state fiscal	92035
year 1998 and each state fiscal year thereafter:	92036
(1) The amount that is twenty-five per cent of the county's	92037
total expenditures for disability financial assistance and	92038
disability medical assistance and county administration of those	92039
programs during the state fiscal year ending in the previous	92040
calendar year that the department of job and family services	92041
determines are allowable.	92042
(2) The amount that is ten per cent, or other percentage	92043
determined under division (D) of this section, of the county's	92044
total expenditures for county administration of <del>food stamps</del> <u>the</u>	92045
<u>supplemental nutrition assistance program</u> and medicaid during the	92046
state fiscal year ending in the previous calendar year that the	92047
department determines are allowable, less the amount of federal	92048
reimbursement credited to the county under division (E) of this	92049
section for the state fiscal year ending in the previous calendar	92050
year;	92051
(3) A percentage of the actual amount of the county share of	92052

program and administrative expenditures during federal fiscal year 92053  
1994 for assistance and services, other than child care, provided 92054  
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 92055  
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 92056  
enactment of the "Personal Responsibility and Work Opportunity 92057  
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 92058  
and family services shall determine the actual amount of the 92059  
county share from expenditure reports submitted to the United 92060  
States department of health and human services. The percentage 92061  
shall be the percentage established in rules adopted under 92062  
division (F) of this section. 92063

(C)(1) If a county's share of public assistance expenditures 92064  
determined under division (B) of this section for a state fiscal 92065  
year exceeds one hundred ten per cent of the county's share for 92066  
those expenditures for the immediately preceding state fiscal 92067  
year, the department of job and family services shall reduce the 92068  
county's share for expenditures under divisions (B)(1) and (2) of 92069  
this section so that the total of the county's share for 92070  
expenditures under division (B) of this section equals one hundred 92071  
ten per cent of the county's share of those expenditures for the 92072  
immediately preceding state fiscal year. 92073

(2) A county's share of public assistance expenditures 92074  
determined under division (B) of this section may be increased 92075  
pursuant to section 5101.163 of the Revised Code and a sanction 92076  
under section 5101.24 of the Revised Code. An increase made 92077  
pursuant to section 5101.163 of the Revised Code may cause the 92078  
county's share to exceed the limit established by division (C)(1) 92079  
of this section. 92080

(D)(1) If the per capita tax duplicate of a county is less 92081  
than the per capita tax duplicate of the state as a whole and 92082  
division (D)(2) of this section does not apply to the county, the 92083  
percentage to be used for the purpose of division (B)(2) of this 92084

section is the product of ten multiplied by a fraction of which 92085  
the numerator is the per capita tax duplicate of the county and 92086  
the denominator is the per capita tax duplicate of the state as a 92087  
whole. The department of job and family services shall compute the 92088  
per capita tax duplicate for the state and for each county by 92089  
dividing the tax duplicate for the most recent available year by 92090  
the current estimate of population prepared by the department of 92091  
development. 92092

(2) If the percentage of families in a county with an annual 92093  
income of less than three thousand dollars is greater than the 92094  
percentage of such families in the state and division (D)(1) of 92095  
this section does not apply to the county, the percentage to be 92096  
used for the purpose of division (B)(2) of this section is the 92097  
product of ten multiplied by a fraction of which the numerator is 92098  
the percentage of families in the state with an annual income of 92099  
less than three thousand dollars a year and the denominator is the 92100  
percentage of such families in the county. The department of job 92101  
and family services shall compute the percentage of families with 92102  
an annual income of less than three thousand dollars for the state 92103  
and for each county by multiplying the most recent estimate of 92104  
such families published by the department of development, by a 92105  
fraction, the numerator of which is the estimate of average annual 92106  
personal income published by the bureau of economic analysis of 92107  
the United States department of commerce for the year on which the 92108  
census estimate is based and the denominator of which is the most 92109  
recent such estimate published by the bureau. 92110

(3) If the per capita tax duplicate of a county is less than 92111  
the per capita tax duplicate of the state as a whole and the 92112  
percentage of families in the county with an annual income of less 92113  
than three thousand dollars is greater than the percentage of such 92114  
families in the state, the percentage to be used for the purpose 92115  
of division (B)(2) of this section shall be determined as follows: 92116



(a) Multiply ten by the fraction determined under division	92117
(D)(1) of this section;	92118
(b) Multiply the product determined under division (D)(3)(a)	92119
of this section by the fraction determined under division (D)(2)	92120
of this section.	92121
(4) The department of job and family services shall	92122
determine, for each county, the percentage to be used for the	92123
purpose of division (B)(2) of this section not later than the	92124
first day of July of the year preceding the state fiscal year for	92125
which the percentage is used.	92126
(E) The department of job and family services shall credit to	92127
a county the amount of federal reimbursement the department	92128
receives from the United States departments of agriculture and	92129
health and human services for the county's expenditures for	92130
administration of <del>food stamps</del> <u>the supplemental nutrition</u>	92131
<u>assistance program</u> and medicaid that the department determines are	92132
allowable administrative expenditures.	92133
(F)(1) The director of job and family services shall adopt	92134
rules in accordance with section 111.15 of the Revised Code to	92135
establish all of the following:	92136
(a) The method the department is to use to change a county's	92137
share of public assistance expenditures determined under division	92138
(B) of this section as provided in division (C) of this section;	92139
(b) The allocation methodology and formula the department	92140
will use to determine the amount of funds to credit to a county	92141
under this section;	92142
(c) The method the department will use to change the payment	92143
of the county share of public assistance expenditures from a	92144
calendar-year basis to a state fiscal year basis;	92145
(d) The percentage to be used for the purpose of division	92146

(B)(3) of this section, which shall, except as provided in section 92147  
5101.163 of the Revised Code, meet both of the following 92148  
requirements: 92149

(i) The percentage shall not be less than seventy-five per 92150  
cent nor more than eighty-two per cent; 92151

(ii) The percentage shall not exceed the percentage that the 92152  
state's qualified state expenditures is of the state's historic 92153  
state expenditures as those terms are defined in 42 U.S.C. 92154  
609(a)(7). 92155

(e) Other procedures and requirements necessary to implement 92156  
this section. 92157

(2) The director of job and family services may amend the 92158  
rule adopted under division (F)(1)(d) of this section to modify 92159  
the percentage on determination that the amount the general 92160  
assembly appropriates for Title IV-A programs makes the 92161  
modification necessary. The rule shall be adopted and amended as 92162  
if an internal management rule and in consultation with the 92163  
director of budget and management. 92164

**Sec. 5101.162.** Subject to available federal funds and 92165  
appropriations made by the general assembly, the department of job 92166  
and family services may, at its sole discretion, use available 92167  
federal funds to reimburse county expenditures for county 92168  
administration of ~~food stamps~~ the supplemental nutrition 92169  
assistance program or medicaid even though the county expenditures 92170  
meet or exceed the maximum allowable reimbursement amount 92171  
established by rules adopted under section 5101.161 of the Revised 92172  
Code. The director may adopt internal management rules in 92173  
accordance with section 111.15 of the Revised Code to implement 92174  
this section. 92175

**Sec. 5101.26.** As used in this section and in sections 5101.27 92176

to 5101.30 of the Revised Code: 92177

(A) "County agency" means a county department of job and 92178  
family services or a public children services agency. 92179

(B) "Fugitive felon" means an individual who is fleeing to 92180  
avoid prosecution, or custody or confinement after conviction, 92181  
under the laws of the place from which the individual is fleeing, 92182  
for a crime or an attempt to commit a crime that is a felony under 92183  
the laws of the place from which the individual is fleeing or, in 92184  
the case of New Jersey, a high misdemeanor, regardless of whether 92185  
the individual has departed from the individual's usual place of 92186  
residence. 92187

(C) "Information" means records as defined in section 149.011 92188  
of the Revised Code, any other documents in any format, and data 92189  
derived from records and documents that are generated, acquired, 92190  
or maintained by the department of job and family services, a 92191  
county agency, or an entity performing duties on behalf of the 92192  
department or a county agency. 92193

(D) "Law enforcement agency" means the state highway patrol, 92194  
an agency that employs peace officers as defined in section 109.71 92195  
of the Revised Code, the adult parole authority, a county 92196  
department of probation, a prosecuting attorney, the attorney 92197  
general, similar agencies of other states, federal law enforcement 92198  
agencies, and postal inspectors. "Law enforcement agency" includes 92199  
the peace officers and other law enforcement officers employed by 92200  
the agency. 92201

(E) "Medical assistance provided under a public assistance 92202  
program" means medical assistance provided under the programs 92203  
established under sections 5101.49, 5101.50 ~~to 5101.503~~, 5101.51 92204  
~~to 5101.5110~~, 5101.52 ~~to 5101.529~~, and 5101.5211 to 5101.5216, 92205  
Chapters 5111. and 5115., or any other provision of the Revised 92206  
Code. 92207

(F) "Public assistance" means financial assistance, medical assistance, or social services provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., 5108., 5111., or 5115. of the Revised Code or an executive order issued under section 107.17 of the Revised Code.

(G) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

**Sec. 5101.33.** (A) As used in this section, "benefits" means any of the following:

(1) Cash assistance paid under Chapter 5107. or 5115. of the Revised Code;

(2) ~~Food stamp~~ Supplemental nutrition assistance program benefits provided under section 5101.54 of the Revised Code;

(3) Any other program administered by the department of job and family services under which assistance is provided or service rendered;

(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer.

(B) The department of job and family services may make any payment or delivery of benefits to eligible individuals through the medium of electronic benefit transfer by doing all of the following:

(1) Contracting with an agent to supply debit cards to the department of job and family services for use by such individuals in accessing their benefits and to credit such cards electronically with the amounts specified by the director of job and family services pursuant to law;

(2) Informing such individuals about the use of the

electronic benefit transfer system and furnishing them with debit 92238  
cards and information that will enable them to access their 92239  
benefits through the system; 92240

(3) Arranging with specific financial institutions or 92241  
vendors, county departments of job and family services, or persons 92242  
or government entities for individuals to have their cards 92243  
credited electronically with the proper amounts at their 92244  
facilities; 92245

(4) Periodically preparing vouchers for the payment of such 92246  
benefits by electronic benefit transfer; 92247

(5) Satisfying any applicable requirements of federal and 92248  
state law. 92249

(C) The department may enter into a written agreement with 92250  
any person or government entity to provide benefits administered 92251  
by that person or entity through the medium of electronic benefit 92252  
transfer. A written agreement may require the person or government 92253  
entity to pay to the department either or both of the following: 92254

(1) A charge that reimburses the department for all costs the 92255  
department incurs in having the benefits administered by the 92256  
person or entity provided through the electronic benefit transfer 92257  
system; 92258

(2) A fee for having the benefits provided through the 92259  
electronic benefit transfer system. 92260

(D) The department may designate which counties will 92261  
participate in the medium of electronic benefit transfer, specify 92262  
the date a designated county will begin participation, and specify 92263  
which benefits will be provided through the medium of electronic 92264  
benefit transfer in a designated county. 92265

(E) The department may adopt rules in accordance with Chapter 92266  
119. of the Revised Code for the efficient administration of this 92267

section. 92268

**Sec. 5101.34.** (A) There is hereby created in the department 92269  
of job and family services the Ohio commission on fatherhood. The 92270  
commission shall consist of the following members: 92271

(1)(a) Four members of the house of representatives appointed 92272  
by the speaker of the house, not more than two of whom are members 92273  
of the same political party. Two of the members must be from 92274  
legislative districts that include a county or part of a county 92275  
that is among the one-third of counties in this state with the 92276  
highest number per capita of households headed by females. 92277

(b) Two members of the senate appointed by the president of 92278  
the senate, each from a different political party. One of the 92279  
members must be from a legislative district that includes a county 92280  
or part of a county that is among the one-third of counties in 92281  
this state with the highest number per capita of households headed 92282  
by females. 92283

(2) The governor, or the governor's designee; 92284

(3) One representative of the judicial branch of government 92285  
appointed by the chief justice of the supreme court; 92286

(4) The directors of health, job and family services, 92287  
rehabilitation and correction, alcohol and drug addiction 92288  
services, and youth services and the superintendent of public 92289  
instruction, or their designees; 92290

(5) One representative of the Ohio family and children first 92291  
cabinet council created under section 121.37 of the Revised Code 92292  
appointed by the chairperson of the council; 92293

(6) Five representatives of the general public appointed by 92294  
the governor. These members shall have extensive experience in 92295  
issues related to fatherhood. 92296

(B) The appointing authorities of the Ohio commission on 92297

fatherhood shall make initial appointments to the commission 92298  
within thirty days after ~~the effective date of this section~~ 92299  
September 29, 1999. Of the initial appointments to the commission 92300  
made pursuant to divisions (A)(3), (5), and (6) of this section, 92301  
three of the members shall serve a term of one year and four shall 92302  
serve a term of two years. Members so appointed subsequently shall 92303  
serve two-year terms. A member appointed pursuant to division 92304  
(A)(1) of this section shall serve on the commission until the end 92305  
of the general assembly from which the member was appointed or 92306  
until the member ceases to serve in the chamber of the general 92307  
assembly in which the member serves at the time of appointment, 92308  
whichever occurs first. The governor or the governor's designee 92309  
shall serve on the commission until the governor ceases to be 92310  
governor. The directors and superintendent or their designees 92311  
shall serve on the commission until they cease, or the director or 92312  
superintendent a designee represents ceases, to be director or 92313  
superintendent. Each member shall serve on the commission from the 92314  
date of appointment until the end of the term for which the member 92315  
was appointed. Members may be reappointed. 92316

Vacancies shall be filled in the manner provided for original 92317  
appointments. Any member appointed to fill a vacancy occurring 92318  
prior to the expiration date of the term for which the member's 92319  
predecessor was appointed shall serve on the commission for the 92320  
remainder of that term. A member shall continue to serve on the 92321  
commission subsequent to the expiration date of the member's term 92322  
until the member's successor is appointed or until a period of 92323  
sixty days has elapsed, whichever occurs first. Members shall 92324  
serve without compensation but shall be reimbursed for necessary 92325  
expenses. 92326

**Sec. 5101.47.** (A) Except as provided in division (B) of this 92327  
section, the director of job and family services may accept 92328  
applications, determine eligibility, redetermine eligibility, and 92329

perform related administrative activities for one or more of the 92330  
following: 92331

(1) The medicaid program established by Chapter 5111. of the 92332  
Revised Code; 92333

(2) The children's health insurance program parts I, II, and 92334  
III provided for under sections 5101.50, 5101.51, and 5101.52 of 92335  
the Revised Code; 92336

(3) Publicly funded child care provided under Chapter 5104. 92337  
of the Revised Code; 92338

(4) The ~~food-stamp~~ supplemental nutrition assistance program 92339  
administered by the department of job and family services pursuant 92340  
to section 5101.54 of the Revised Code; 92341

(5) Other programs the director determines are supportive of 92342  
children, adults, or families; 92343

(6) Other programs regarding which the director determines 92344  
administrative cost savings and efficiency may be achieved through 92345  
the department accepting applications, determining eligibility, 92346  
redetermining eligibility, or performing related administrative 92347  
activities. 92348

(B) If federal law requires a face-to-face interview to 92349  
complete an eligibility determination for a program specified in 92350  
or pursuant to division (A) of this section, the face-to-face 92351  
interview shall not be conducted by the department of job and 92352  
family services. 92353

(C) Subject to division (B) of this section, if the director 92354  
elects to accept applications, determine eligibility, redetermine 92355  
eligibility, and perform related administrative activities for a 92356  
program specified in or pursuant to division (A) of this section, 92357  
both of the following apply: 92358

(1) An individual seeking services under the program may 92359



apply for the program to the director or to the entity that state 92360  
law governing the program authorizes to accept applications for 92361  
the program. 92362

(2) The director is subject to federal statutes and 92363  
regulations and state statutes and rules that require, permit, or 92364  
prohibit an action regarding accepting applications, determining 92365  
or redetermining eligibility, and performing related 92366  
administrative activities for the program. 92367

(D) The director may adopt rules as necessary to implement 92368  
this section. 92369

**Sec. 5101.50.** (A) As used in sections 5101.50 to ~~5101.529~~ 92370  
5101.5210 of the Revised Code: 92371

(1) "Children's health insurance program" means the program 92372  
authorized by Title XXI of the "Social Security Act," 111 Stat. 92373  
552 (1997), 42 U.S.C.A. 1397aa. 92374

(2) "Federal poverty guidelines" has the same meaning as in 92375  
section 5101.46 of the Revised Code. 92376

(B) The director of job and family services may continue to 92377  
operate the children's health insurance program initially 92378  
authorized by an executive order issued under section 107.17 of 92379  
the Revised Code as long as federal financial participation is 92380  
available for the program. If operated, the program shall provide 92381  
health assistance to uninsured individuals under nineteen years of 92382  
age with family incomes not exceeding one hundred fifty per cent 92383  
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 92384  
1397aa, the director may provide for the health assistance to meet 92385  
the requirements of 42 U.S.C.A. 1397cc, to be provided under the 92386  
medicaid program established under Chapter 5111. of the Revised 92387  
Code, or to be a combination of both. 92388

**Sec. 5101.504.** (A) A school-based health center, as defined 92389

in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 92390  
that the children's health insurance program part I covers if the 92391  
center meets the requirements applicable to other providers 92392  
providing those services. 92393

(B) The director may adopt rules under section 5101.502 of 92394  
the Revised Code pertaining to the billing, reimbursement, and 92395  
data collection for health-based health centers. 92396

**Sec. 5101.5110.** (A) A school-based health center, as defined 92397  
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 92398  
that the children's health insurance program part II covers if the 92399  
center meets the requirements applicable to other providers 92400  
providing those services. 92401

(B) The director may adopt rules under section 5101.512 of 92402  
the Revised Code pertaining to the billing, reimbursement, and 92403  
data collection for health-based health centers. 92404

**Sec. ~~5101.5110~~ 5101.5111.** (A) The director of job and family 92405  
services may submit a waiver request to the United States 92406  
secretary of health and human services to provide health 92407  
assistance to any individual who meets all of the following 92408  
requirements: 92409

(1) Is the parent of a child under nineteen years of age who 92410  
resides with the parent and is eligible for health assistance 92411  
under the children's health insurance program part I or II or the 92412  
medicaid program established under Chapter 5111. of the Revised 92413  
Code; 92414

(2) Is uninsured; 92415

(3) Has a family income that does not exceed one hundred per 92416  
cent of the federal poverty guidelines. 92417

(B) A waiver request the director submits under division (A) 92418

of this section may seek federal funds allotted to the state under 92419  
Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 92420  
U.S.C.A. 1397dd, as amended, that are not otherwise used to fund 92421  
the children's health insurance program parts I and II. 92422

(C) If a waiver request the director submits under division 92423  
(A) of this section is granted, the director may adopt rules in 92424  
accordance with Chapter 119. of the Revised Code as necessary for 92425  
the efficient administration of the program authorization by the 92426  
waiver. 92427

Sec. 5101.5210. (A) A school-based health center, as defined 92428  
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 92429  
that the children's health insurance program part III covers if 92430  
the center meets the requirements applicable to other providers 92431  
providing those services. 92432

(B) The director may adopt rules under section 5101.522 of 92433  
the Revised Code pertaining to the billing, reimbursement, and 92434  
data collection for health-based health centers. 92435

**Sec. 5101.5212. (A)** Under the children's buy-in program and 92436  
subject to section 5101.5213 of the Revised Code, an individual 92437  
who does both of the following in accordance with rules adopted 92438  
under section 5101.5215 of the Revised Code qualifies for medical 92439  
assistance under the program, unless the director of job and 92440  
family services has adopted rules under division (B) of section 92441  
5101.5215 of the Revised Code to limit the number of individuals 92442  
who may participate in the program at one time and the program is 92443  
serving the maximum number of individuals specified in the rules: 92444  
92445

~~(A)(1)~~ Applies for the children's buy-in program; 92446

~~(B)(2)~~ Provides satisfactory evidence of all of the 92447  
following: 92448

- ~~(1)(a)~~ That the individual is under nineteen years of age; 92449
- ~~(2)(b)~~ That the individual's countable family income exceeds 92450  
~~two three hundred ~~fifty~~ per cent of the federal poverty~~ 92451  
guidelines; 92452
- ~~(3) That (c) Except as provided in division (B) of this~~ 92453  
~~section, that~~ the individual has not had creditable coverage for 92454  
at least ~~six~~ three months before enrolling in the children's 92455  
buy-in program, ~~unless the individual lost the only creditable~~ 92456  
~~coverage available to the individual because the individual~~ 92457  
~~exhausted a lifetime benefit limitation;~~ 92458
- ~~(4) That one or more of the following apply to the~~ 92459  
individual: 92460
- ~~(a) The individual is unable to obtain creditable coverage~~ 92461  
~~due to a pre-existing condition of the individual;~~ 92462
- ~~(b) The individual lost the only creditable coverage~~ 92463  
~~available to the individual because the individual has exhausted a~~ 92464  
~~lifetime benefit limitation;~~ 92465
- ~~(c) The premium for the only creditable coverage available to~~ 92466  
~~the individual is greater than two hundred per cent of the premium~~ 92467  
~~applicable to the individual under the children's buy in program;~~ 92468
- ~~(d) The individual participates in the program for medically~~ 92469  
~~handicapped children.~~ 92470
- ~~(5)(d)~~ That the individual meets the additional eligibility 92471  
requirements for the children's buy-in program established in 92472  
rules adopted under section 5101.5215 of the Revised Code. 92473
- (B) Division (A)(2)(c) of this section does not apply to an 92474  
individual who meets both of the following requirements: 92475
- (1) At least one of the following applies to the individual: 92476
- (a) The individual's parents are involuntarily unemployed. 92477

<u>(b) At least one of the individual's parents is unable to find work due to a disabling condition.</u>	92478
	92479
<u>(c) At least one of the individual's parents involuntarily lost creditable coverage for the individual.</u>	92480
	92481
<u>(d) The individual has creditable coverage under COBRA continuation coverage as defined in 42 U.S.C. 1396a(u)(3).</u>	92482
	92483
<u>(2) At least one of the following applies to the individual:</u>	92484
<u>(a) The cost of the least expensive creditable coverage available to the individual is greater than ten per cent of the individual's countable family income.</u>	92485
	92486
	92487
<u>(b) The premium for the creditable coverage with the lowest premium available to the individual is greater than one hundred fifty per cent of the premium applicable to the individual under the children's buy-in program.</u>	92488
	92489
	92490
	92491
<u>(c) The individual is unable to obtain creditable coverage due to a pre-existing condition of the individual.</u>	92492
	92493
<u>(d) The individual lost the only creditable coverage available to the individual because the individual has exhausted a lifetime benefit limitation.</u>	92494
	92495
	92496
<u>(e) The individual participates in the program for medically handicapped children.</u>	92497
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<b>Sec. 5101.54.</b> (A) The director of job and family services shall administer the <del>food stamp</del> <u>supplemental nutrition assistance</u> program in accordance with the " <del>Food Stamp and Nutrition</del> Act of 1977," <del>91 Stat. 958, 2008 (7 U.S.C.A. 2011, as amended et seq).</del>	92499
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The department may:	92503
(1) Prepare and submit to the secretary of the United States department of agriculture a plan for the administration of the <del>food stamp</del> <u>supplemental nutrition assistance</u> program;	92504
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- (2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters; 92507  
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- (3) Require such reports and information from each county department of job and family services as may be necessary and advisable; 92510  
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- (4) Administer and expend any sums appropriated by the general assembly for the purposes of ~~this section~~ the supplemental nutrition assistance program and all sums paid to the state by the United States as authorized by the Food ~~Stamp~~ and Nutrition Act of ~~1977~~ 2008; 92513  
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- (5) Conduct such investigations as are necessary; 92518
- (6) Enter into interagency agreements and cooperate with investigations conducted by the department of public safety, including providing information for investigative purposes, exchanging property and records, passing through federal financial participation, modifying any agreements with the United States department of agriculture, providing for the supply, security, and accounting of ~~food stamp~~ supplemental nutrition assistance program benefits for investigative purposes, and meeting any other requirements necessary for the detection and deterrence of illegal activities in the ~~state food stamp~~ supplemental nutrition assistance program; 92519  
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- (7) Adopt rules in accordance with Chapter 119. of the Revised Code governing employment and training requirements of recipients of ~~food stamp~~ supplemental nutrition assistance program benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. The rules shall be consistent with 7 U.S.C.A. ~~2015~~ and, to the extent practicable, may provide for ~~food stamp benefit~~ the recipients to participate in work activities, 92530  
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developmental activities, and alternative work activities 92538  
established under sections 5107.40 to 5107.69 of the Revised Code 92539  
that are comparable to programs authorized by 7 U.S.C.A- 92540  
2015(d)(4). The rules may reference rules adopted under section 92541  
5107.05 of the Revised Code governing work activities, 92542  
developmental activities, and alternative work activities 92543  
established under sections 5107.40 to 5107.69 of the Revised Code. 92544

(8) Adopt rules in accordance with section 111.15 of the 92545  
Revised Code that are consistent with the Food ~~Stamp~~ and Nutrition 92546  
Act of ~~1977~~ 2008, as amended, and regulations adopted thereunder 92547  
governing the following: 92548

(a) Eligibility requirements for the ~~food stamp~~ supplemental 92549  
nutrition assistance program; 92550

(b) Sanctions for failure to comply with eligibility 92551  
requirements; 92552

(c) Allotment of ~~food stamp~~ supplemental nutrition assistance 92553  
program benefits; 92554

(d) To the extent permitted under federal statutes and 92555  
regulations, a system under which some or all recipients of ~~food~~ 92556  
~~stamp~~ supplemental nutrition assistance program benefits subject 92557  
to employment and training requirements established by rules 92558  
adopted under division (A)(7) of this section receive ~~food stamp~~ 92559  
the benefits after satisfying the requirements; 92560

(e) Administration of the program by county departments of 92561  
job and family services; 92562

(f) Other requirements necessary for the efficient 92563  
administration of the program. 92564

(9) Submit a plan to the United States secretary of 92565  
agriculture for the department of job and family services to 92566  
operate a simplified ~~food stamp~~ supplemental nutrition assistance 92567

program pursuant to 7 U.S.C.A. 2035 under which requirements 92568  
governing the Ohio works first program established under Chapter 92569  
5107. of the Revised Code also govern the ~~food stamp~~ supplemental 92570  
nutrition assistance program in the case of households receiving 92571  
~~food stamp~~ supplemental nutrition assistance program benefits and 92572  
participating in Ohio works first. 92573

(B) ~~Except while in the custody of the United States postal~~ 92574  
~~service, food stamps and any document necessary to obtain food~~ 92575  
~~stamps are the property of the department of job and family~~ 92576  
~~services from the time they are received in accordance with~~ 92577  
~~federal regulations by the department from the federal agency~~ 92578  
~~responsible for such delivery until they are received by a~~ 92579  
~~household entitled to receive them or by the authorized~~ 92580  
~~representative of the household.~~ 92581

(C) A household that is entitled to receive ~~food stamps under~~ 92582  
the "~~Food Stamp Act of 1977,~~" 91 Stat. 958, 7 U.S.C.A. 2011, as 92583  
~~amended,~~ supplemental nutrition assistance program benefits and 92584  
that is determined to be in immediate need of ~~food~~ nutrition 92585  
assistance, shall receive certification of eligibility for program 92586  
benefits, pending verification, within twenty-four hours, or, if 92587  
mitigating circumstances occur, within seventy-two hours, after 92588  
application, if: 92589

(1) The results of the application interview indicate that 92590  
the household will be eligible upon full verification; 92591

(2) Information sufficient to confirm the statements in the 92592  
application has been obtained from at least one additional source, 92593  
not a member of the applicant's household. Such information shall 92594  
be recorded in the case file, and shall include: 92595

(a) The name of the person who provided the name of the 92596  
information source; 92597

(b) The name and address of the information source; 92598



(c) A summary of the information obtained. 92599

The period of temporary eligibility shall not exceed one 92600  
month from the date of certification of temporary eligibility. If 92601  
eligibility is established by full verification, benefits shall 92602  
continue without interruption as long as eligibility continues. 92603

At the time of application, the county department of job and 92604  
family services shall provide to a household described in this 92605  
division a list of community assistance programs that provide 92606  
emergency food. 92607

~~(D)~~(C) All applications shall be approved or denied through 92608  
full verification within thirty days from receipt of the 92609  
application by the county department of job and family services. 92610

~~(E)~~(D) Nothing in this section shall be construed to prohibit 92611  
the certification of households that qualify under federal 92612  
regulations to receive ~~food stamps~~ supplemental nutrition 92613  
assistance program benefits without charge under the "Food Stamp 92614  
and Nutrition Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 92615  
amended 2008. 92616

~~(F)~~(E) Any person who applies for ~~food stamps~~ under this 92617  
section the supplemental nutrition assistance program shall 92618  
receive a voter registration application under section 3503.10 of 92619  
the Revised Code. 92620

**Sec. 5101.541.** The ~~food stamp~~ supplemental nutrition 92621  
assistance program fund is hereby created in the state treasury. 92622  
The fund shall consist of federal reimbursement for ~~food stamp~~ 92623  
supplemental nutrition assistance program administrative expenses 92624  
and other ~~food stamp~~ supplemental nutrition assistance program 92625  
expenses. The department of job and family services shall use the 92626  
money credited to the fund to pay for ~~food stamp~~ supplemental 92627  
nutrition assistance program administrative expenses and other 92628

~~food stamp~~ supplemental nutrition assistance program expenses. 92629

**Sec. 5101.542.** Immediately following a county department of 92630  
job and family services' certification that a household determined 92631  
under division (B) of section 5101.54 of the Revised Code to be in 92632  
immediate need of nutrition assistance is eligible for the 92633  
supplemental nutrition assistance program, the department of job 92634  
and family services shall provide for the household to be sent by 92635  
regular United States mail an electronic benefit transfer card 92636  
containing the amount of benefits the household is eligible to 92637  
receive under the program. The card shall be sent to the member of 92638  
the household in whose name application for the supplemental 92639  
nutrition assistance program was made or that member's authorized 92640  
representative. 92641

**Sec. 5101.544.** If the benefits of a household are reduced 92642  
under a federal, state, or local means-tested public assistance 92643  
program for failure of a member of the household to perform an 92644  
action required under the program, the household may not receive, 92645  
for the duration of the reduction, an increased allotment of ~~food~~ 92646  
~~stamp~~ supplemental nutrition assistance program benefits as the 92647  
result of a decrease in the income of the household to the extent 92648  
that the decrease is the result of the reduction. 92649

The department of job and family services shall adopt rules 92650  
in accordance with Chapter 119. of the Revised Code to implement 92651  
this section. The rules shall be consistent with 7 U.S.C.A.- 92652  
2017(d) and federal regulations. 92653

**Sec. 5101.571.** As used in sections 5101.571 to 5101.591 of 92654  
the Revised Code: 92655

(A) "Information" means all of the following: 92656

(1) An individual's name, address, date of birth, and social 92657

security number; 92658

(2) The group or plan number, or other identifier, assigned 92659  
by a third party to a policy held by an individual or a plan in 92660  
which the individual participates and the nature of the coverage; 92661

(3) Any other data the director of job and family services 92662  
specifies in rules adopted under section 5101.591 of the Revised 92663  
Code. 92664

(B) "Medical assistance" means medical items or services 92665  
provided under any of the following: 92666

(1) Medicaid, as defined in section 5111.01 of the Revised 92667  
Code; 92668

(2) The children's health insurance program part I, part II, 92669  
and part III established under sections 5101.50 ~~to 5101.529,~~ 92670  
5101.51, and 5101.52 of the Revised Code; 92671

(3) The disability medical assistance program established 92672  
under Chapter 5115. of the Revised Code; 92673

(4) The children's buy-in program established under sections 92674  
5101.5211 to 5101.5216 of the Revised Code. 92675

(C) "Medical support" means support specified as support for 92676  
the purpose of medical care by order of a court or administrative 92677  
agency. 92678

(D) "Public assistance" means medical assistance or 92679  
assistance under the Ohio works first program established under 92680  
Chapter 5107. of the Revised Code. 92681

(E)(1) Subject to division (E)(2) of this section, and except 92682  
as provided in division (E)(3) of this section, "third party" 92683  
means all of the following: 92684

(a) A person authorized to engage in the business of sickness 92685  
and accident insurance under Title XXXIX of the Revised Code; 92686

(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis;	92687 92688 92689
(c) A health insuring corporation as defined in section 1751.01 of the Revised Code;	92690 92691
(d) A group health plan as defined in 29 U.S.C. 1167;	92692
(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25);	92693 92694
(f) A managed care organization;	92695
(g) A pharmacy benefit manager;	92696
(h) A third party administrator;	92697
(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public assistance recipient or participant.	92698 92699 92700 92701
(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a person or governmental entity listed in division (E)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient.	92702 92703 92704 92705 92706
(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code.	92707 92708 92709
<b>Sec. 5101.573.</b> (A) Subject to divisions (B) and (C) of this section, a third party shall do all of the following:	92710 92711
(1) Accept the department of job and family services' right of recovery under section 5101.58 of the Revised Code and the assignment of rights to the department that are described in section 5101.59 of the Revised Code- <i>i</i>	92712 92713 92714 92715

(2) Respond to an inquiry by the department regarding a claim 92716  
for payment of a medical item or service that was submitted to the 92717  
third party not later than three years after the date of the 92718  
provision of such medical item or service; 92719

(3) Pay a claim described in division (A)(2) of this section; 92720

(4) Not deny a claim submitted by the department solely on 92721  
the basis of the date of submission of the claim, type or format 92722  
of the claim form, or a failure by the medical assistance 92723  
recipient who is the subject of the claim to present proper 92724  
documentation of coverage at the time of service, if both of the 92725  
following are true: 92726

(a) The claim was submitted by the department not later than 92727  
three years after the date of the provision of the medical item or 92728  
service; 92729

(b) An action by the department to enforce its right of 92730  
recovery under section 5101.58 of the Revised Code on the claim 92731  
was commenced not later than six years after the department's 92732  
submission of the claim. 92733

(5) Consider the department's payment of a claim for a 92734  
medical item or service to be the equivalent of the medical 92735  
assistance recipient having obtained prior authorization for the 92736  
item or service from the third party; 92737

(6) Not deny a claim described in division (A)(5) of this 92738  
section that is submitted by the department solely on the basis of 92739  
the medical assistance recipient's failure to obtain prior 92740  
authorization for the medical item or service. 92741

(B) For purposes of the requirements in division (A) of this 92742  
section, a third party shall treat a managed care organization as 92743  
the department for a claim in which both of the following are 92744  
true: 92745

(1) The individual who is the subject of the claim received a 92746  
medical item or service through a managed care organization that 92747  
has entered into a contract with the department of job and family 92748  
services under section ~~5111.16~~ 5111.17 of the Revised Code; 92749

(2) The department has assigned its right of recovery for the 92750  
claim to the managed care organization. 92751

(C) The time limitations associated with the requirements in 92752  
divisions (A)(2) and (A)(4) of this section apply only to 92753  
submissions of claims to, and payments of claims by, a health 92754  
insurer to which 42 U.S.C. 1396a(a)(25)(I) applies. 92755

**Sec. 5101.60.** As used in sections 5101.60 to 5101.71 of the 92756  
Revised Code: 92757

(A) "Abuse" means the infliction upon an adult by self or 92758  
others of injury, unreasonable confinement, intimidation, or cruel 92759  
punishment with resulting physical harm, pain, or mental anguish. 92760

(B) "Adult" means any person sixty years of age or older 92761  
within this state who is handicapped by the infirmities of aging 92762  
or who has a physical or mental impairment which prevents the 92763  
person from providing for the person's own care or protection, and 92764  
who resides in an independent living arrangement. An "independent 92765  
living arrangement" is a domicile of a person's own choosing, 92766  
including, but not limited to, a private home, apartment, trailer, 92767  
or rooming house. ~~Except as otherwise provided in this division,~~ 92768  
An "independent living arrangement" includes a community 92769  
alternative home an adult care facility licensed pursuant to 92770  
~~section 3724.03 Chapter 3722.~~ of the Revised Code, but does not 92771  
include other institutions or facilities licensed by the state, or 92772  
facilities in which a person resides as a result of voluntary, 92773  
civil, or criminal commitment. ~~"Independent living arrangement"~~ 92774  
~~does include adult care facilities licensed pursuant to Chapter~~ 92775  
~~3722. of the Revised Code.~~ 92776

(C) "Caretaker" means the person assuming the responsibility 92777  
for the care of an adult on a voluntary basis, by contract, 92778  
through receipt of payment for care, as a result of a family 92779  
relationship, or by order of a court of competent jurisdiction. 92780

(D) "Court" means the probate court in the county where an 92781  
adult resides. 92782

(E) "Emergency" means that the adult is living in conditions 92783  
which present a substantial risk of immediate and irreparable 92784  
physical harm or death to self or any other person. 92785

(F) "Emergency services" means protective services furnished 92786  
to an adult in an emergency. 92787

(G) "Exploitation" means the unlawful or improper act of a 92788  
caretaker using an adult or an adult's resources for monetary or 92789  
personal benefit, profit, or gain. 92790

(H) "In need of protective services" means an adult known or 92791  
suspected to be suffering from abuse, neglect, or exploitation to 92792  
an extent that either life is endangered or physical harm, mental 92793  
anguish, or mental illness results or is likely to result. 92794

(I) "Incapacitated person" means a person who is impaired for 92795  
any reason to the extent that the person lacks sufficient 92796  
understanding or capacity to make and carry out reasonable 92797  
decisions concerning the person's self or resources, with or 92798  
without the assistance of a caretaker. Refusal to consent to the 92799  
provision of services shall not be the sole determinative that the 92800  
person is incapacitated. "Reasonable decisions" are decisions made 92801  
in daily living which facilitate the provision of food, shelter, 92802  
clothing, and health care necessary for life support. 92803

(J) "Mental illness" means a substantial disorder of thought, 92804  
mood, perception, orientation, or memory that grossly impairs 92805  
judgment, behavior, capacity to recognize reality, or ability to 92806  
meet the ordinary demands of life. 92807

(K) "Neglect" means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

(L) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.

(M) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult.

(N) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter.

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code.

**Sec. 5101.61.** (A) As used in this section:

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.

(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:

(a) Provides preventive, diagnostic, therapeutic,



rehabilitative, or palliative items or services furnished to an 92838  
outpatient or ambulatory patient, by or under the direction of a 92839  
physician or dentist in a facility which is not a part of a 92840  
hospital, but which is organized and operated to provide medical 92841  
care to outpatients; 92842

(b) Has health and medical care policies which are developed 92843  
with the advice of, and with the provision of review of such 92844  
policies, an advisory committee of professional personnel, 92845  
including one or more physicians, one or more dentists, if dental 92846  
care is provided, and one or more registered nurses; 92847

(c) Has a medical director, a dental director, if dental care 92848  
is provided, and a nursing director responsible for the execution 92849  
of such policies, and has physicians, dentists, nursing, and 92850  
ancillary staff appropriate to the scope of services provided; 92851

(d) Requires that the health care and medical care of every 92852  
patient be under the supervision of a physician, provides for 92853  
medical care in a case of emergency, has in effect a written 92854  
agreement with one or more hospitals and other centers or clinics, 92855  
and has an established patient referral system to other resources, 92856  
and a utilization review plan and program; 92857

(e) Maintains clinical records on all patients; 92858

(f) Provides nursing services and other therapeutic services 92859  
in accordance with programs and policies, with such services 92860  
supervised by a registered professional nurse, and has a 92861  
registered professional nurse on duty at all times of clinical 92862  
operations; 92863

(g) Provides approved methods and procedures for the 92864  
dispensing and administration of drugs and biologicals; 92865

(h) Has established an accounting and record keeping system 92866  
to determine reasonable and allowable costs; 92867

(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of alcohol and drug addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.

(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.

(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.

(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:

(a) Is primarily engaged in providing home health services;

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;

(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;

(d) Maintains comprehensive records on all patients;

(e) Is operated by the state, a political subdivision, or an

agency of either, or is operated not for profit in this state and 92898  
is licensed or registered, if required, pursuant to law by the 92899  
appropriate department of the state, county, or municipality in 92900  
which it furnishes services; or is operated for profit in this 92901  
state, meets all the requirements specified in divisions (A)(5)(a) 92902  
to (d) of this section, and is certified under Title XVIII of the 92903  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 92904  
amended. 92905

(6) "Home health service" means the following items and 92906  
services, provided, except as provided in division (A)(6)(g) of 92907  
this section, on a visiting basis in a place of residence used as 92908  
the patient's home: 92909

(a) Nursing care provided by or under the supervision of a 92910  
registered professional nurse; 92911

(b) Physical, occupational, or speech therapy ordered by the 92912  
patient's attending physician; 92913

(c) Medical social services performed by or under the 92914  
supervision of a qualified medical or psychiatric social worker 92915  
and under the direction of the patient's attending physician; 92916

(d) Personal health care of the patient performed by aides in 92917  
accordance with the orders of a doctor of medicine or osteopathy 92918  
and under the supervision of a registered professional nurse; 92919

(e) Medical supplies and the use of medical appliances; 92920

(f) Medical services of interns and residents-in-training 92921  
under an approved teaching program of a nonprofit hospital and 92922  
under the direction and supervision of the patient's attending 92923  
physician; 92924

(g) Any of the foregoing items and services which: 92925

(i) Are provided on an outpatient basis under arrangements 92926  
made by the home health agency at a hospital or skilled nursing 92927

facility; 92928

(ii) Involve the use of equipment of such a nature that the 92929  
items and services cannot readily be made available to the patient 92930  
in the patient's place of residence, or which are furnished at the 92931  
hospital or skilled nursing facility while the patient is there to 92932  
receive any item or service involving the use of such equipment. 92933

Any attorney, physician, osteopath, podiatrist, chiropractor, 92934  
dentist, psychologist, any employee of a hospital as defined in 92935  
section 3701.01 of the Revised Code, any nurse licensed under 92936  
Chapter 4723. of the Revised Code, any employee of an ambulatory 92937  
health facility, any employee of a home health agency, any 92938  
employee of an adult care facility as defined in section 3722.01 92939  
of the Revised Code, ~~any employee of a community alternative home~~ 92940  
~~as defined in section 3724.01 of the Revised Code,~~ any employee of 92941  
a nursing home, residential care facility, or home for the aging, 92942  
as defined in section 3721.01 of the Revised Code, any senior 92943  
service provider, any peace officer, coroner, clergyman, any 92944  
employee of a community mental health facility, and any person 92945  
engaged in social work or counseling having reasonable cause to 92946  
believe that an adult is being abused, neglected, or exploited, or 92947  
is in a condition which is the result of abuse, neglect, or 92948  
exploitation shall immediately report such belief to the county 92949  
department of job and family services. This section does not apply 92950  
to employees of any hospital or public hospital as defined in 92951  
section 5122.01 of the Revised Code. 92952

(B) Any person having reasonable cause to believe that an 92953  
adult has suffered abuse, neglect, or exploitation may report, or 92954  
cause reports to be made of such belief to the department. 92955

(C) The reports made under this section shall be made orally 92956  
or in writing except that oral reports shall be followed by a 92957  
written report if a written report is requested by the department. 92958  
Written reports shall include: 92959

(1) The name, address, and approximate age of the adult who is the subject of the report; 92960  
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(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known; 92962  
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(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult; 92965  
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(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited. 92967  
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(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose. 92969  
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(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the employee's having filed a report under this section. 92979  
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(F) Neither the written or oral report provided for in this section nor the investigatory report provided for in section 5101.62 of the Revised Code shall be considered a public record as defined in section 149.43 of the Revised Code. Information contained in the report shall upon request be made available to the adult who is the subject of the report, to agencies authorized 92985  
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by the department to receive information contained in the report, 92991  
and to legal counsel for the adult. 92992

**Sec. 5101.83.** (A) As used in this section: 92993

(1) "Assistance group" has the same meaning as in section 92994  
5107.02 of the Revised Code, ~~except that it also means a group~~ 92995  
~~provided benefits and services under the prevention, retention,~~ 92996  
~~and contingency program.~~ 92997

(2) "Fraudulent assistance" means ~~assistance and service,~~ 92998  
~~including~~ cash assistance, provided under the Ohio works first 92999  
program established under Chapter 5107., ~~or benefits and services~~ 93000  
~~provided under the prevention, retention, and contingency program~~ 93001  
~~established under Chapter 5108.~~ of the Revised Code, to or on 93002  
behalf of an assistance group that is provided as a result of 93003  
fraud by a member of the assistance group, including an 93004  
intentional violation of the program's requirements. "Fraudulent 93005  
assistance" does not include cash assistance ~~or services~~ to or on 93006  
behalf of an assistance group that is provided as a result of an 93007  
error that is the fault of a county department of job and family 93008  
services or the state department of job and family services. 93009

(B) If a county director of job and family services 93010  
determines that an assistance group has received fraudulent 93011  
assistance, the assistance group is ineligible to participate in 93012  
the Ohio works first program ~~or the prevention, retention, and~~ 93013  
~~contingency program~~ until a member of the assistance group repays 93014  
the cost of the fraudulent assistance. If a member repays the cost 93015  
of the fraudulent assistance and the assistance group otherwise 93016  
meets the eligibility requirements for the Ohio works first 93017  
program ~~or the prevention, retention, and contingency program,~~ the 93018  
assistance group shall not be denied the opportunity to 93019  
participate in the program. 93020

This section does not limit the ability of a county 93021

department of job and family services to recover erroneous 93022  
payments under section 5107.76 of the Revised Code. 93023

The state department of job and family services shall adopt 93024  
rules in accordance with Chapter 119. of the Revised Code to 93025  
implement this section. 93026

**Sec. 5101.84.** An individual otherwise ineligible for aid 93027  
under ~~Chapter 5107. or 5108. a Title IV-A program, as defined in~~ 93028  
section 5101.80 of the Revised Code, or ~~food stamps~~ supplemental 93029  
nutrition assistance program benefits under the "Food Stamp and 93030  
Nutrition Act of 1977," 78 Stat. 703, 2008 (7 U.S.C. 2011, as 93031  
amended, et seq.) because of paragraph (a) of ~~section 115 of the~~ 93032  
~~"Personal Responsibility and Work Opportunity Reconciliation Act~~ 93033  
~~of 1996," 110 Stat. 2105, 21 U.S.C. 862a,~~ is eligible for the aid 93034  
or benefits if the individual meets all other eligibility 93035  
requirements for the aid or benefits. 93036

**Sec. 5104.01.** As used in this chapter: 93037

(A) "Administrator" means the person responsible for the 93038  
daily operation of a center or type A home. The administrator and 93039  
the owner may be the same person. 93040

(B) "Approved child day camp" means a child day camp approved 93041  
pursuant to section 5104.22 of the Revised Code. 93042

(C) "Authorized provider" means a person authorized by a 93043  
county director of job and family services to operate a certified 93044  
type B family day-care home. 93045

(D) "Border state child care provider" means a child care 93046  
provider that is located in a state bordering Ohio and that is 93047  
licensed, certified, or otherwise approved by that state to 93048  
provide child care. 93049

(E) "Caretaker parent" means the father or mother of a child 93050

whose presence in the home is needed as the caretaker of the 93051  
child, a person who has legal custody of a child and whose 93052  
presence in the home is needed as the caretaker of the child, a 93053  
guardian of a child whose presence in the home is needed as the 93054  
caretaker of the child, and any other person who stands in loco 93055  
parentis with respect to the child and whose presence in the home 93056  
is needed as the caretaker of the child. 93057

(F) "Certified type B family day-care home" and "certified 93058  
type B home" mean a type B family day-care home that is certified 93059  
by the director of the county department of job and family 93060  
services pursuant to section 5104.11 of the Revised Code to 93061  
receive public funds for providing child care pursuant to this 93062  
chapter and any rules adopted under it. 93063

(G) "Chartered nonpublic school" means a school that meets 93064  
standards for nonpublic schools prescribed by the state board of 93065  
education for nonpublic schools pursuant to section 3301.07 of the 93066  
Revised Code. 93067

(H) "Child" includes an infant, toddler, preschool child, or 93068  
school child. 93069

(I) "Child care block grant act" means the "Child Care and 93070  
Development Block Grant Act of 1990," established in section 5082 93071  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 93072  
1388-236 (1990), 42 U.S.C. 9858, as amended. 93073

(J) "Child day camp" means a program in which only school 93074  
children attend or participate, that operates for no more than 93075  
seven hours per day, that operates only during one or more public 93076  
school district's regular vacation periods or for no more than 93077  
fifteen weeks during the summer, and that operates outdoor 93078  
activities for each child who attends or participates in the 93079  
program for a minimum of fifty per cent of each day that children 93080  
attend or participate in the program, except for any day when 93081



hazardous weather conditions prevent the program from operating 93082  
outdoor activities for a minimum of fifty per cent of that day. 93083  
For purposes of this division, the maximum seven hours of 93084  
operation time does not include transportation time from a child's 93085  
home to a child day camp and from a child day camp to a child's 93086  
home. 93087

(K) "Child care" means administering to the needs of infants, 93088  
toddlers, preschool children, and school children outside of 93089  
school hours by persons other than their parents or guardians, 93090  
custodians, or relatives by blood, marriage, or adoption for any 93091  
part of the twenty-four-hour day in a place or residence other 93092  
than a child's own home. 93093

(L) "Child day-care center" and "center" mean any place in 93094  
which child care or publicly funded child care is provided for 93095  
thirteen or more children at one time or any place that is not the 93096  
permanent residence of the licensee or administrator in which 93097  
child care or publicly funded child care is provided for seven to 93098  
twelve children at one time. In counting children for the purposes 93099  
of this division, any children under six years of age who are 93100  
related to a licensee, administrator, or employee and who are on 93101  
the premises of the center shall be counted. "Child day-care 93102  
center" and "center" do not include any of the following: 93103

(1) A place located in and operated by a hospital, as defined 93104  
in section 3727.01 of the Revised Code, in which the needs of 93105  
children are administered to, if all the children whose needs are 93106  
being administered to are monitored under the on-site supervision 93107  
of a physician licensed under Chapter 4731. of the Revised Code or 93108  
a registered nurse licensed under Chapter 4723. of the Revised 93109  
Code, and the services are provided only for children who, in the 93110  
opinion of the child's parent, guardian, or custodian, are 93111  
exhibiting symptoms of a communicable disease or other illness or 93112  
are injured; 93113

(2) A child day camp;	93114
(3) A place that provides child care, but not publicly funded child care, if all of the following apply:	93115 93116
(a) An organized religious body provides the child care;	93117
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	93118 93119 93120
(c) The child care is not provided for more than thirty days a year;	93121 93122
(d) The child care is provided only for preschool and school children.	93123 93124
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	93125 93126 93127
(N) "Child care resource and referral services" means all of the following services:	93128 93129
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	93130 93131 93132
(2) Provision of individualized consumer education to families seeking child care;	93133 93134
(3) Provision of timely referrals of available child care providers to families seeking child care;	93135 93136
(4) Recruitment of child care providers;	93137
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	93138 93139 93140 93141
(6) Collection and analysis of data on the supply of and	93142

demand for child care in the community;	93143
(7) Technical assistance concerning locally, state, and	93144
federally funded child care and early childhood education	93145
programs;	93146
(8) Stimulation of employer involvement in making child care	93147
more affordable, more available, safer, and of higher quality for	93148
their employees and for the community;	93149
(9) Provision of written educational materials to caretaker	93150
parents and informational resources to child care providers;	93151
(10) Coordination of services among child care resource and	93152
referral service organizations to assist in developing and	93153
maintaining a statewide system of child care resource and referral	93154
services if required by the department of job and family services;	93155
(11) Cooperation with the county department of job and family	93156
services in encouraging the establishment of parent cooperative	93157
child care centers and parent cooperative type A family day-care	93158
homes.	93159
(O) "Child-care staff member" means an employee of a child	93160
day-care center or type A family day-care home who is primarily	93161
responsible for the care and supervision of children. The	93162
administrator may be a part-time child-care staff member when not	93163
involved in other duties.	93164
(P) "Drop-in child day-care center," "drop-in center,"	93165
"drop-in type A family day-care home," and "drop-in type A home"	93166
mean a center or type A home that provides child care or publicly	93167
funded child care for children on a temporary, irregular basis.	93168
(Q) "Employee" means a person who either:	93169
(1) Receives compensation for duties performed in a child	93170
day-care center or type A family day-care home;	93171
(2) Is assigned specific working hours or duties in a child	93172

day-care center or type A family day-care home. 93173

(R) "Employer" means a person, firm, institution, 93174  
organization, or agency that operates a child day-care center or 93175  
type A family day-care home subject to licensure under this 93176  
chapter. 93177

(S) "Federal poverty line" means the official poverty 93178  
guideline as revised annually in accordance with section 673(2) of 93179  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 93180  
U.S.C. 9902, as amended, for a family size equal to the size of 93181  
the family of the person whose income is being determined. 93182

(T) "Full-time week" means at least thirty-two and one-half 93183  
hours and not more than sixty hours of care in a week for licensed 93184  
child care centers and licensed type A homes and at least 93185  
thirty-two and one-half hours and not more than fifty hours of 93186  
care in a week for certified type B providers. 93187

(U) "Head start program" means a comprehensive child 93188  
development program that receives funds distributed under the 93189  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 93190  
amended, and is licensed as a child day-care center. 93191

~~(U)~~(V) "Income" means gross income, as defined in section 93192  
5107.10 of the Revised Code, less any amounts required by federal 93193  
statutes or regulations to be disregarded. 93194

~~(V)~~(W) "Indicator checklist" means an inspection tool, used 93195  
in conjunction with an instrument-based program monitoring 93196  
information system, that contains selected licensing requirements 93197  
that are statistically reliable indicators or predictors of a 93198  
child day-care center or type A family day-care home's compliance 93199  
with licensing requirements. 93200

~~(W)~~(X) "Infant" means a child who is less than eighteen 93201  
months of age. 93202

~~(X)~~(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

~~(Y)~~(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers and type A family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

~~(Z)~~(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, number of available child-care staff members, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

~~(AA)~~(BB) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.

~~(BB)~~(CC) "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.

~~(CC)~~(DD) "Operate a child day camp" means to operate,

establish, manage, conduct, or maintain a child day camp. 93234

~~(DD)~~(EE) "Owner" includes a person, as defined in section 93235  
1.59 of the Revised Code, or government entity. 93236

~~(EE)~~(FF) "Parent cooperative child day-care center," "parent 93237  
cooperative center," "parent cooperative type A family day-care 93238  
home," and "parent cooperative type A home" mean a corporation or 93239  
association organized for providing educational services to the 93240  
children of members of the corporation or association, without 93241  
gain to the corporation or association as an entity, in which the 93242  
services of the corporation or association are provided only to 93243  
children of the members of the corporation or association, 93244  
ownership and control of the corporation or association rests 93245  
solely with the members of the corporation or association, and at 93246  
least one parent-member of the corporation or association is on 93247  
the premises of the center or type A home during its hours of 93248  
operation. 93249

~~(FF)~~(GG) "Part-time child day-care center," "part-time 93250  
center," "part-time type A family day-care home," and "part-time 93251  
type A home" mean a center or type A home that provides child care 93252  
or publicly funded child care for no more than four hours a day 93253  
for any child. 93254

~~(GG)~~(HH) "Place of worship" means a building where activities 93255  
of an organized religious group are conducted and includes the 93256  
grounds and any other buildings on the grounds used for such 93257  
activities. 93258

~~(HH)~~(II) "Preschool child" means a child who is three years 93259  
old or older but is not a school child. 93260

~~(II)~~(JJ) "Protective child care" means publicly funded child 93261  
care for the direct care and protection of a child to whom either 93262  
of the following applies: 93263

(1) A case plan prepared and maintained for the child 93264

pursuant to section 2151.412 of the Revised Code indicates a need 93265  
for protective care and the child resides with a parent, 93266  
stepparent, guardian, or another person who stands in loco 93267  
parentis as defined in rules adopted under section 5104.38 of the 93268  
Revised Code; 93269

(2) The child and the child's caretaker either temporarily 93270  
reside in a facility providing emergency shelter for homeless 93271  
families or are determined by the county department of job and 93272  
family services to be homeless, and are otherwise ineligible for 93273  
publicly funded child care. 93274

~~(JJ)~~(KK) "Publicly funded child care" means administering to 93275  
the needs of infants, toddlers, preschool children, and school 93276  
children under age thirteen during any part of the 93277  
twenty-four-hour day by persons other than their caretaker parents 93278  
for remuneration wholly or in part with federal or state funds, 93279  
including funds available under the child care block grant act, 93280  
Title IV-A, and Title XX, distributed by the department of job and 93281  
family services. 93282

~~(KK)~~(LL) "Religious activities" means any of the following: 93283  
worship or other religious services; religious instruction; Sunday 93284  
school classes or other religious classes conducted during or 93285  
prior to worship or other religious services; youth or adult 93286  
fellowship activities; choir or other musical group practices or 93287  
programs; meals; festivals; or meetings conducted by an organized 93288  
religious group. 93289

~~(LL)~~(MM) "School child" means a child who is enrolled in or 93290  
is eligible to be enrolled in a grade of kindergarten or above but 93291  
is less than fifteen years old. 93292

~~(MM)~~(NN) "School child day-care center," "school child 93293  
center," "school child type A family day-care home," and "school 93294  
child type A family home" mean a center or type A home that 93295

provides child care for school children only and that does either 93296  
or both of the following: 93297

(1) Operates only during that part of the day that 93298  
immediately precedes or follows the public school day of the 93299  
school district in which the center or type A home is located; 93300

(2) Operates only when the public schools in the school 93301  
district in which the center or type A home is located are not 93302  
open for instruction with pupils in attendance. 93303

~~(NN)~~(OO) "State median income" means the state median income 93304  
calculated by the department of development pursuant to division 93305  
(A)(1)(g) of section 5709.61 of the Revised Code. 93306

~~(OO)~~(PP) "Title IV-A" means Title IV-A of the "Social 93307  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 93308

~~(PP)~~(QQ) "Title XX" means Title XX of the "Social Security 93309  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 93310

~~(QQ)~~(RR) "Toddler" means a child who is at least eighteen 93311  
months of age but less than three years of age. 93312

~~(RR)~~(SS) "Type A family day-care home" and "type A home" mean 93313  
a permanent residence of the administrator in which child care or 93314  
publicly funded child care is provided for seven to twelve 93315  
children at one time or a permanent residence of the administrator 93316  
in which child care is provided for four to twelve children at one 93317  
time if four or more children at one time are under two years of 93318  
age. In counting children for the purposes of this division, any 93319  
children under six years of age who are related to a licensee, 93320  
administrator, or employee and who are on the premises of the type 93321  
A home shall be counted. "Type A family day-care home" and "type A 93322  
home" do not include any child day camp. 93323

~~(SS)~~(TT) "Type B family day-care home" and "type B home" mean 93324  
a permanent residence of the provider in which child care is 93325



provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp.

**Sec. 5104.041.** (A) All type A and type B family day-care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family day-care home against liability arising out of, or in connection with, the operation of the family day-care home. Liability insurance procured under this division shall cover any cause for which the type A or type B family day-care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

(2) ~~An affidavit~~ A written statement signed by the parent, guardian, or custodian of each child receiving child care from the type A or type B family day-care home that states all of the following:

(a) The family day-care home does not carry liability insurance described in division (A)(1) of this section;

(b) If the licensee of a type A family day-care home or the provider of a type B family day-care home is not the owner of the real property where the family day-care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family day-care home.

(B) If the licensee of a type A family day-care home or the provider of a type B family day-care home is not the owner of the real property where the family day-care home is located and the family day-care home procures liability insurance described in division (A)(1) of this section, that licensee or provider shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply:

(1) The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family day-care home.

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or ~~affidavit~~ written statement required under division (A) of this section shall be maintained at the type A or type B family day-care home and made available for review during inspection or investigation as required under this chapter.

(D) The director of job and family services shall adopt rules for the enforcement of this section.

**Sec. 5104.051.** (A)(1) The department of commerce is responsible for the inspections of child day-care centers as required by division (A)(1) of section 5104.05 of the Revised Code. Where there is a municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes day-care centers, all

inspections required under division (A)(1) of section 5104.05 of 93386  
the Revised Code shall be made by that department according to the 93387  
standards established by the board of building standards. 93388  
Inspections in areas of the state where there is no municipal, 93389  
township, or county building department certified under section 93390  
3781.10 of the Revised Code to exercise enforcement authority with 93391  
respect to the category of building occupancy which includes 93392  
day-care centers shall be made by personnel of the department of 93393  
commerce. Inspections of centers shall be contingent upon payment 93394  
of a fee by the applicant to the department having jurisdiction to 93395  
inspect. 93396

(2) The department of commerce is responsible for the 93397  
inspections of type A family day-care homes as required by 93398  
division (B)(3) of section 5104.05 of the Revised Code. Where 93399  
there is a municipal, township, or county building department 93400  
certified under section 3781.10 of the Revised Code to exercise 93401  
enforcement authority with respect to the category of building 93402  
occupancy which includes type A homes, all inspections required 93403  
under division (B)(3) of section 5104.05 of the Revised Code shall 93404  
be made by that department according to the standards established 93405  
by the board of building standards. Inspections in areas of the 93406  
state where there is no municipal, township, or county building 93407  
department certified under section 3781.10 of the Revised Code to 93408  
exercise enforcement authority with respect to the category of 93409  
building occupancy which includes type A homes shall be made by 93410  
personnel of the department of commerce. Inspections of type A 93411  
homes shall be contingent upon payment of a fee by the applicant 93412  
to the department having jurisdiction to inspect. 93413

(B) The state fire marshal is responsible for the inspections 93414  
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 93415  
Revised Code. In municipal corporations and in townships outside 93416  
municipal corporations where there is a fire prevention official, 93417

the inspections shall be made by the fire chief or the fire 93418  
prevention official under the supervision of and according to the 93419  
standards established by the state fire marshal. In townships 93420  
outside municipal corporations where there is no fire prevention 93421  
official, inspections shall be made by the employees of the state 93422  
fire marshal. 93423

(C) The state fire marshal shall enforce all statutes and 93424  
rules pertaining to fire safety and fire prevention in child 93425  
day-care centers and type A family day-care homes. In the event of 93426  
a dispute between the state fire marshal and any other responsible 93427  
officer under sections 5104.05 and 5104.051 of the Revised Code 93428  
with respect to the interpretation or application of a specific 93429  
fire safety statute or rule, the interpretation of the state fire 93430  
marshal shall prevail. 93431

(D) As used in this division, "licensor" has the same meaning 93432  
as in section 3717.01 of the Revised Code. 93433

The licensor for food service operations in the city or 93434  
general health district in which the center is located is 93435  
responsible for the inspections required under Chapter 3717. of 93436  
the Revised Code. 93437

(E) Any moneys collected by the department of commerce under 93438  
this section shall be paid into the state treasury to the credit 93439  
of the ~~industrial compliance~~ labor operating fund created in 93440  
section 121.084 of the Revised Code. 93441

**Sec. 5104.30.** (A) The department of job and family services 93442  
is hereby designated as the state agency responsible for 93443  
administration and coordination of federal and state funding for 93444  
publicly funded child care in this state. Publicly funded child 93445  
care shall be provided to the following: 93446

(1) Recipients of transitional child care as provided under 93447

section 5104.34 of the Revised Code; 93448

(2) Participants in the Ohio works first program established 93449  
under Chapter 5107. of the Revised Code; 93450

(3) Individuals who would be participating in the Ohio works 93451  
first program if not for a sanction under section 5107.16 of the 93452  
Revised Code and who continue to participate in a work activity, 93453  
developmental activity, or alternative work activity pursuant to 93454  
an assignment under section 5107.42 of the Revised Code; 93455

(4) A family receiving publicly funded child care on October 93456  
1, 1997, until the family's income reaches one hundred fifty per 93457  
cent of the federal poverty line; 93458

(5) Subject to available funds, other individuals determined 93459  
eligible in accordance with rules adopted under section 5104.38 of 93460  
the Revised Code. 93461

The department shall apply to the United States department of 93462  
health and human services for authority to operate a coordinated 93463  
program for publicly funded child care, if the director of job and 93464  
family services determines that the application is necessary. For 93465  
purposes of this section, the department of job and family 93466  
services may enter into agreements with other state agencies that 93467  
are involved in regulation or funding of child care. The 93468  
department shall consider the special needs of migrant workers 93469  
when it administers and coordinates publicly funded child care and 93470  
shall develop appropriate procedures for accommodating the needs 93471  
of migrant workers for publicly funded child care. 93472

(B) The department of job and family services shall 93473  
distribute state and federal funds for publicly funded child care, 93474  
including appropriations of state funds for publicly funded child 93475  
care and appropriations of federal funds available under the child 93476  
care block grant act, Title IV-A, and Title XX. The department may 93477  
use any state funds appropriated for publicly funded child care as 93478

the state share required to match any federal funds appropriated 93479  
for publicly funded child care. 93480

(C) In the use of federal funds available under the child 93481  
care block grant act, all of the following apply: 93482

(1) The department may use the federal funds to hire staff to 93483  
prepare any rules required under this chapter and to administer 93484  
and coordinate federal and state funding for publicly funded child 93485  
care. 93486

(2) Not more than five per cent of the aggregate amount of 93487  
the federal funds received for a fiscal year may be expended for 93488  
administrative costs. 93489

(3) The department shall allocate and use at least four per 93490  
cent of the federal funds for the following: 93491

(a) Activities designed to provide comprehensive consumer 93492  
education to parents and the public; 93493

(b) Activities that increase parental choice; 93494

(c) Activities, including child care resource and referral 93495  
services, designed to improve the quality, and increase the 93496  
supply, of child care; 93497

(d) Establishing a voluntary child day-care center 93498  
quality-rating program in which participation in the program may 93499  
allow a child day-care center to be eligible for grants, technical 93500  
assistance, training, or other assistance and become eligible for 93501  
unrestricted monetary awards for maintaining a quality rating. 93502

(4) The department shall ensure that the federal funds will 93503  
be used only to supplement, and will not be used to supplant, 93504  
federal, state, and local funds available on the effective date of 93505  
the child care block grant act for publicly funded child care and 93506  
related programs. A If authorized by rules adopted by the 93507  
department pursuant to section 5104.42 of the Revised Code, county 93508

~~department~~ departments of job and family services may purchase 93509  
child care from funds obtained through any other means. 93510

(D) The department shall encourage the development of 93511  
suitable child care throughout the state, especially in areas with 93512  
high concentrations of recipients of public assistance and 93513  
families with low incomes. The department shall encourage the 93514  
development of suitable child care designed to accommodate the 93515  
special needs of migrant workers. On request, the department, 93516  
through its employees or contracts with state or community child 93517  
care resource and referral service organizations, shall provide 93518  
consultation to groups and individuals interested in developing 93519  
child care. The department of job and family services may enter 93520  
into interagency agreements with the department of education, the 93521  
board of regents, the department of development, and other state 93522  
agencies and entities whenever the cooperative efforts of the 93523  
other state agencies and entities are necessary for the department 93524  
of job and family services to fulfill its duties and 93525  
responsibilities under this chapter. 93526

The department shall develop and maintain a registry of 93527  
persons providing child care. The director shall adopt rules 93528  
pursuant to Chapter 119. of the Revised Code establishing 93529  
procedures and requirements for the registry's administration. 93530

(E)(1) The director shall adopt rules in accordance with 93531  
Chapter 119. of the Revised Code establishing both of the 93532  
following: 93533

(a) Reimbursement ceilings for providers of publicly funded 93534  
child care not later than the first day of July in each 93535  
odd-numbered year; 93536

(b) A procedure for reimbursing and paying providers of 93537  
publicly funded child care. 93538

(2) In establishing reimbursement ceilings under division 93539

(E)(1)(a) of this section, the director shall do all of the following: 93540  
93541

(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code; 93542  
93543

(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours; 93544  
93545  
93546

(c) For a type B family day-care home provider that has received limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code, establish a reimbursement ceiling that is the following: 93547  
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93549  
93550

(i) If the provider is a person described in division (G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department of job and family services pursuant to section 5104.11 of the Revised Code; 93551  
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(ii) If the provider is a person described in division (G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department pursuant to section 5104.11 of the Revised Code. 93557  
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93561

(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following: 93562  
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93564

(a) Geographic location of the provider; 93565

(b) Type of care provided; 93566

(c) Age of the child served; 93567

(d) Special needs of the child served; 93568

(e) Whether the expanded hours of service are provided; 93569



(f) Whether weekend service is provided; 93570

(g) Whether the provider has exceeded the minimum 93571  
requirements of state statutes and rules governing child care; 93572

(h) Any other factors the director considers appropriate. 93573

(F) The director shall adopt rules in accordance with Chapter 93574  
119. of the Revised Code to implement the voluntary child day-care 93575  
center quality-rating program described in division (C)(3)(d) of 93576  
this section. 93577

**Sec. 5104.32.** (A) Except as provided in division (C) of this 93578  
section, all purchases of publicly funded child care shall be made 93579  
under a contract entered into by a licensed child day-care center, 93580  
licensed type A family day-care home, certified type B family 93581  
day-care home, certified in-home aide, approved child day camp, 93582  
licensed preschool program, licensed school child program, or 93583  
border state child care provider and the county department of job 93584  
and family services. A county department of job and family 93585  
services may enter into a contract with a provider for publicly 93586  
funded child care for a specified period of time or upon a 93587  
continuous basis for an unspecified period of time. All contracts 93588  
for publicly funded child care shall be contingent upon the 93589  
availability of state and federal funds. The department of job and 93590  
family services shall prescribe a standard form to be used for all 93591  
contracts for the purchase of publicly funded child care, 93592  
regardless of the source of public funds used to purchase the 93593  
child care. To the extent permitted by federal law and 93594  
notwithstanding any other provision of the Revised Code that 93595  
regulates state or county contracts or contracts involving the 93596  
expenditure of state, county, or federal funds, all contracts for 93597  
publicly funded child care shall be entered into in accordance 93598  
with the provisions of this chapter and are exempt from any other 93599  
provision of the Revised Code that regulates state or county 93600

contracts or contracts involving the expenditure of state, county, 93601  
or federal funds. 93602

(B) Each contract for publicly funded child care shall 93603  
specify at least the following: 93604

(1) That the provider of publicly funded child care agrees to 93605  
be paid for rendering services at the lowest of the rate 93606  
customarily charged by the provider for children enrolled for 93607  
child care, the reimbursement ceiling or rate of payment 93608  
established pursuant to section 5104.30 of the Revised Code, or a 93609  
rate the county department negotiates with the provider; 93610

(2) That, if a provider provides child care to an individual 93611  
potentially eligible for publicly funded child care who is 93612  
subsequently determined to be eligible, the county department 93613  
agrees to pay for all child care provided between the date the 93614  
county department receives the individual's completed application 93615  
and the date the individual's eligibility is determined; 93616

(3) Whether the county department of job and family services, 93617  
the provider, or a child care resource and referral service 93618  
organization will make eligibility determinations, whether the 93619  
provider or a child care resource and referral service 93620  
organization will be required to collect information to be used by 93621  
the county department to make eligibility determinations, and the 93622  
time period within which the provider or child care resource and 93623  
referral service organization is required to complete required 93624  
eligibility determinations or to transmit to the county department 93625  
any information collected for the purpose of making eligibility 93626  
determinations; 93627

(4) That the provider, other than a border state child care 93628  
provider, shall continue to be licensed, approved, or certified 93629  
pursuant to this chapter and shall comply with all standards and 93630  
other requirements in this chapter and in rules adopted pursuant 93631

to this chapter for maintaining the provider's license, approval, 93632  
or certification; 93633

(5) That, in the case of a border state child care provider, 93634  
the provider shall continue to be licensed, certified, or 93635  
otherwise approved by the state in which the provider is located 93636  
and shall comply with all standards and other requirements 93637  
established by that state for maintaining the provider's license, 93638  
certificate, or other approval; 93639

(6) Whether the provider will be paid by the county 93640  
department of job and family services ~~or~~, the state department of 93641  
job and family services, or in some other manner as prescribed by 93642  
rules adopted under section 5104.42 of the Revised Code; 93643

(7) That the contract is subject to the availability of state 93644  
and federal funds. 93645

(C) Unless specifically prohibited by federal law or by rules 93646  
adopted under section 5104.42 of the Revised Code, the county 93647  
department of job and family services shall give individuals 93648  
eligible for publicly funded child care the option of obtaining 93649  
certificates for payment that the individual may use to purchase 93650  
services from any provider qualified to provide publicly funded 93651  
child care under section 5104.31 of the Revised Code. Providers of 93652  
publicly funded child care may present these certificates for 93653  
payment for reimbursement in accordance with rules that the 93654  
director of job and family services shall adopt. Only providers 93655  
may receive reimbursement for certificates for payment. The value 93656  
of the certificate for payment shall be based on the lowest of the 93657  
rate customarily charged by the provider, the reimbursement 93658  
ceiling or rate of payment established pursuant to section 5104.30 93659  
of the Revised Code, or a rate the county department negotiates 93660  
with the provider. The county department may provide the 93661  
certificates for payment to the individuals or may contract with 93662  
child care providers or child care resource and referral service 93663

organizations that make determinations of eligibility for publicly 93664  
funded child care pursuant to contracts entered into under section 93665  
5104.34 of the Revised Code for the providers or resource and 93666  
referral service organizations to provide the certificates for 93667  
payment to individuals whom they determine are eligible for 93668  
publicly funded child care. 93669

For each six-month period a provider of publicly funded child 93670  
care provides publicly funded child day-care to the child of an 93671  
individual given certificates for payment, the individual shall 93672  
provide the provider certificates for days the provider would have 93673  
provided publicly funded child care to the child had the child 93674  
been present. ~~County departments shall specify the maximum number~~ 93675  
~~of days providers will be provided certificates of payment for~~ 93676  
~~days the provider would have provided publicly funded child care~~ 93677  
~~had the child been present.~~ The maximum number of days providers 93678  
shall be provided certificates shall not exceed ten days in a 93679  
six-month period during which publicly funded child care is 93680  
provided to the child regardless of the number of providers that 93681  
provide publicly funded child care to the child during that 93682  
period. 93683

**Sec. 5104.341.** (A) Except as provided in division (B) of this 93684  
section, both of the following apply: 93685

(1) An eligibility determination made under section 5104.34 93686  
of the Revised Code for publicly funded child care is valid for 93687  
one year; 93688

(2) The county department of job and family services shall 93689  
~~redetermine~~ adjust the appropriate level of a fee charged under 93690  
division (B) of section 5104.34 of the Revised Code ~~every six~~ 93691  
~~months during the one year period, unless if~~ a caretaker parent 93692  
~~requests that the fee be reduced due to~~ reports changes in income, 93693  
family size, or both ~~and the county department of job and family~~ 93694

~~services approves the reduction.~~ 93695

(B) Division (A) of this section does not apply in either of 93696  
the following circumstances: 93697

(1) The publicly funded child care is provided under division 93698  
(B)(4) of section 5104.35 of the Revised Code; 93699

(2) The recipient of the publicly funded child care ceases to 93700  
be eligible for publicly funded child care. 93701

**Sec. 5104.35.** (A) The county department of job and family 93702  
services shall do all of the following: 93703

(1) Accept any gift, grant, or other funds from either public 93704  
or private sources offered unconditionally or under conditions 93705  
which are, in the judgment of the department, proper and 93706  
consistent with this chapter and deposit the funds in the county 93707  
public assistance fund established by section 5101.161 of the 93708  
Revised Code; 93709

(2) Recruit individuals and groups interested in 93710  
certification as in-home aides or in developing and operating 93711  
suitable licensed child day-care centers, type A family day-care 93712  
homes, or certified type B family day-care homes, especially in 93713  
areas with high concentrations of recipients of public assistance, 93714  
and for that purpose provide consultation to interested 93715  
individuals and groups on request; 93716

(3) Inform clients of the availability of child care 93717  
services; 93718

(4) Pay to a child day-care center, type A family day-care 93719  
home, certified type B family day-care home, in-home aide, 93720  
approved child day camp, licensed preschool program, licensed 93721  
school child program, or border state child care provider for 93722  
child care services, the amount provided for in division (B) of 93723  
section 5104.32 of the Revised Code. If part of the cost of care 93724

of a child is paid by the child's parent or any other person, the 93725  
amount paid shall be subtracted from the amount the ~~county~~ 93726  
~~department pays~~ provider is paid. 93727

(5) In accordance with rules adopted pursuant to section 93728  
5104.39 of the Revised Code, provide monthly reports to the 93729  
director of job and family services and the director of budget and 93730  
management regarding expenditures for the purchase of publicly 93731  
funded child care. 93732

(B) The county department of job and family services may do 93733  
any of the following: 93734

(1) To the extent permitted by federal law, use public child 93735  
care funds to extend the hours of operation of the county 93736  
department to accommodate the needs of working caretaker parents 93737  
and enable those parents to apply for publicly funded child care; 93738

(2) In accordance with rules adopted by the director of job 93739  
and family services, request a waiver of the reimbursement ceiling 93740  
established pursuant to section 5104.30 of the Revised Code for 93741  
the purpose of paying a higher rate for publicly funded child care 93742  
based upon the special needs of a child; 93743

(3) To the extent permitted by federal law, use state and 93744  
federal funds to pay deposits and other advance payments that a 93745  
provider of child care customarily charges all children who 93746  
receive child care from that provider; 93747

(4) To the extent permitted by federal law, pay for up to 93748  
thirty days of child care for a child whose caretaker parent is 93749  
seeking employment, taking part in employment orientation 93750  
activities, or taking part in activities in anticipation of 93751  
enrollment or attendance in an education or training program or 93752  
activity, if the employment or education or training program or 93753  
activity is expected to begin within the thirty-day period. 93754

**Sec. 5104.38.** In addition to any other rules adopted under 93755  
this chapter, the director of job and family services shall adopt 93756  
rules in accordance with Chapter 119. of the Revised Code 93757  
governing financial and administrative requirements for publicly 93758  
funded child care and establishing all of the following: 93759

(A) Procedures and criteria to be used in making 93760  
determinations of eligibility for publicly funded child care that 93761  
give priority to children of families with lower incomes and 93762  
procedures and criteria for eligibility for publicly funded 93763  
protective child care. The rules shall specify the maximum amount 93764  
of income a family may have for initial and continued eligibility. 93765  
The maximum amount shall not exceed two hundred per cent of the 93766  
federal poverty line. 93767

(B) Procedures under which a county department of job and 93768  
family services may, if the department, under division (A) of this 93769  
section, specifies a maximum amount of income a family may have 93770  
for eligibility for publicly funded child care that is less than 93771  
the maximum amount specified in that division, specify a maximum 93772  
amount of income a family residing in the county the county 93773  
department serves may have for initial and continued eligibility 93774  
for publicly funded child care that is higher than the amount 93775  
specified by the department but does not exceed the maximum amount 93776  
specified in division (A) of this section; 93777

(C) A schedule of fees requiring all eligible caretaker 93778  
parents to pay a fee for publicly funded child care according to 93779  
income and family size, which shall be uniform for all types of 93780  
publicly funded child care, except as authorized by rule, and, to 93781  
the extent permitted by federal law, shall permit the use of state 93782  
and federal funds to pay the customary deposits and other advance 93783  
payments that a provider charges all children who receive child 93784  
care from that provider. The schedule of fees may not provide for 93785

a caretaker parent to pay a fee that exceeds ten per cent of the parent's family income. 93786  
93787

(D) A formula based upon a percentage of the county's total expenditures for publicly funded child care for determining the maximum amount of state and federal funds appropriated for publicly funded child care that a county department may use for administrative purposes; 93788  
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(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care; 93793  
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93795

(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care; 93796  
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93800

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care; 93801  
93802

(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act; 93803  
93804

(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans; 93805  
93806

(J) A definition of "person who stands in loco parentis" for the purposes of division ~~(II)~~(JJ)(1) of section 5104.01 of the Revised Code; 93807  
93808  
93809

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department; 93810  
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(L) Any other rules necessary to carry out sections 5104.30 93815



to 5104.39 of the Revised Code. 93816

**Sec. 5104.39.** (A) The director of job and family services 93817  
shall adopt rules in accordance with Chapter 119. of the Revised 93818  
Code establishing a procedure for monitoring the expenditures of 93819  
county departments of job and family services to ensure that 93820  
expenditures do not exceed the available federal and state funds 93821  
for publicly funded child care. The department, with the 93822  
assistance of the office of budget and management and the child 93823  
care advisory council created pursuant to section 5104.08 of the 93824  
Revised Code, shall monitor the anticipated future expenditures of 93825  
county departments for publicly funded child care and shall 93826  
compare those anticipated future expenditures to available federal 93827  
and state funds for publicly funded child care. Whenever the 93828  
department determines that the anticipated future expenditures of 93829  
the county departments will exceed the available federal and state 93830  
funds for publicly funded child care, ~~it~~ and the department 93831  
reimburses the county departments in accordance with rules adopted 93832  
under section 5104.42 of the Revised Code, the department shall 93833  
promptly ~~shall~~ notify the county departments and, before the 93834  
available state and federal funds are used, the director shall 93835  
issue and implement an administrative order that shall specify 93836  
both of the following: 93837

(1) Priorities for expending the remaining available federal 93838  
and state funds for publicly funded child care; 93839

(2) Instructions and procedures to be used by the county 93840  
departments. 93841

(B) The order may do any or all of the following: 93842

(1) Suspend enrollment of all new participants in any program 93843  
of publicly funded child care; 93844

(2) Limit enrollment of new participants to those with 93845

incomes at or below a specified percentage of the federal poverty line; 93846  
93847

(3) Disenroll existing participants with income above a specified percentage of the federal poverty line. 93848  
93849

(C) Each county department shall comply with the order no later than thirty days after it is issued. If the department fails to notify the county departments and to implement the reallocation priorities specified in the order before the available federal and state funds for publicly funded child care are used, the state department shall provide sufficient funds to the county departments for publicly funded child care to enable each county department to pay for all publicly funded child care that was provided by providers pursuant to contract prior to the date that the county department received notice under this section and the state department implemented in that county the priorities. 93850  
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(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures of the county departments, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued. 93861  
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(E) The department of job and family services shall do all of the following: 93872  
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(1) Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.39 of the Revised Code; 93874  
93875  
93876

(2) Prepare reports based upon the evaluations that specify 93877  
for each county the number of participants and amount of 93878  
expenditures; 93879

(3) Provide copies of the reports to both houses of the 93880  
general assembly and, on request, to interested parties. 93881

**Sec. 5104.42.** The director of job and family services shall 93882  
adopt rules pursuant to section 111.15 of the Revised Code 93883  
establishing a payment procedure for publicly funded child care. 93884  
The rules may provide that the department of job and family 93885  
services will ~~either~~ reimburse county departments of job and 93886  
family services for payments made to providers of publicly funded 93887  
child care ~~or~~, make direct payments to providers ~~pursuant to an~~ 93888  
~~agreement entered into with a county board of commissioners~~ 93889  
~~pursuant to section 5101.21 of the Revised Code, or establish~~ 93890  
another system for the payment of publicly funded child care. 93891

Alternately, the director, by rule adopted in accordance with 93892  
section 111.15 of the Revised Code, may establish a methodology 93893  
for allocating among the county departments the state and federal 93894  
funds appropriated for all publicly funded child care services. If 93895  
the department chooses to allocate funds for publicly funded child 93896  
care, it may provide the funds to each county department, up to 93897  
the limit of the county's allocation, by advancing the funds or 93898  
reimbursing county care expenditures. The rules adopted under this 93899  
section may prescribe procedures for making the advances or 93900  
reimbursements. The rules may establish a method under which the 93901  
department may determine which county expenditures for child care 93902  
services are allowable for use of and federal funds. 93903

The rules may establish procedures that a county department 93904  
shall follow when the county department determines that its 93905  
anticipated future expenditures for publicly funded child care 93906  
services will exceed the amount of state and federal funds 93907

allocated by the state department. The procedures may include 93908  
suspending or limiting enrollment of new participants. 93909

**Sec. 5107.05.** The director of job and family services shall 93910  
adopt rules to implement this chapter. The rules shall be 93911  
consistent with Title IV-A, Title IV-D, federal regulations, state 93912  
law, the Title IV-A state plan submitted to the United States 93913  
secretary of health and human services under section 5101.80 of 93914  
the Revised Code, amendments to the plan, and waivers granted by 93915  
the United States secretary. Rules governing eligibility, program 93916  
participation, and other applicant and participant requirements 93917  
shall be adopted in accordance with Chapter 119. of the Revised 93918  
Code. Rules governing financial and other administrative 93919  
requirements applicable to the department of job and family 93920  
services and county departments of job and family services shall 93921  
be adopted in accordance with section 111.15 of the Revised Code. 93922

(A) The rules shall specify, establish, or govern all of the 93923  
following: 93924

(1) A payment standard for Ohio works first based on federal 93925  
and state appropriations that is increased in accordance with 93926  
section 5107.04 of the Revised Code; 93927

(2) For the purpose of section 5107.04 of the Revised Code, 93928  
the method of determining the amount of cash assistance an 93929  
assistance group receives under Ohio works first; 93930

(3) Requirements for initial and continued eligibility for 93931  
Ohio works first, including requirements regarding income, 93932  
citizenship, age, residence, and assistance group composition; 93933

(4) For the purpose of section 5107.12 of the Revised Code, 93934  
application and verification procedures, including the minimum 93935  
information an application must contain; 93936

(5) The extent to which a participant of Ohio works first 93937

must notify, pursuant to section 5107.12 of the Revised Code, a 93938  
county department of job and family services of additional income 93939  
not previously reported to the county department; 93940

(6) For the purpose of section 5107.16 of the Revised Code, 93941  
~~standards~~ all of the following: 93942

(a) Standards for the determination of good cause for failure 93943  
or refusal to comply in full with a provision of a 93944  
self-sufficiency contract; 93945

(b) The compliance form a member of an assistance group may 93946  
complete to indicate willingness to come into full compliance with 93947  
a provision of a self-sufficiency contract; 93948

(c) The manner by which the compliance form is to be 93949  
completed and provided to a county department of job and family 93950  
services. 93951

(7) The department of job and family services providing 93952  
written notice of a sanction under section 5107.161 of the Revised 93953  
Code; 93954

(8) For the purpose of division (A)(2) of section 5107.17 of 93955  
the Revised Code, the period of time by which a county department 93956  
of job and family services is to receive a compliance form 93957  
established in rules adopted under division (A)(6)(b) of this 93958  
section; 93959

(9) Requirements for the collection and distribution of 93960  
support payments owed participants of Ohio works first pursuant to 93961  
section 5107.20 of the Revised Code; 93962

~~(9)~~(10) For the purpose of section 5107.22 of the Revised 93963  
Code, what constitutes cooperating in establishing a minor child's 93964  
paternity or establishing, modifying, or enforcing a child support 93965  
order and good cause for failure or refusal to cooperate; 93966  
93967

~~(10)~~(11) The requirements governing the LEAP program, 93968  
including the definitions of "equivalent of a high school diploma" 93969  
and "good cause," and the incentives provided under the LEAP 93970  
program; 93971

~~(11)~~(12) If the director implements section 5107.301 of the 93972  
Revised Code, the requirements governing the award provided under 93973  
that section, including the form that the award is to take and 93974  
requirements an individual must satisfy to receive the award; 93975

~~(12)~~(13) Circumstances under which a county department of job 93976  
and family services may exempt a minor head of household or adult 93977  
from participating in a work activity or developmental activity 93978  
for all or some of the weekly hours otherwise required by section 93979  
5107.43 of the Revised Code. 93980

~~(13)~~(14) The maximum amount of time the department will 93981  
subsidize positions created by state agencies and political 93982  
subdivisions under division (C) of section 5107.52 of the Revised 93983  
Code; 93984

~~(14)~~(15) The implementation of sections 5107.71 to 5107.717 93985  
of the Revised Code by county departments of job and family 93986  
services; 93987

~~(15)~~(16) A domestic violence screening process to be used for 93988  
the purpose of division (A) of section 5107.71 of the Revised 93989  
Code; 93990

~~(16)~~(17) The minimum frequency with which county departments 93991  
of job and family services must redetermine a member of an 93992  
assistance group's need for a waiver issued under section 5107.714 93993  
of the Revised Code. 93994

(B) The rules adopted under division (A)(3) of this section 93995  
regarding income shall specify what is countable income, gross 93996  
earned income, and gross unearned income for the purpose of 93997  
section 5107.10 of the Revised Code. 93998

The rules adopted under division (A)~~(9)~~(10) of this section 93999  
shall be consistent with 42 U.S.C. 654(29). 94000

The rules adopted under division (A)~~(12)~~(13) of this section 94001  
shall specify that the circumstances include that a school or 94002  
place of work is closed due to a holiday or weather or other 94003  
emergency and that an employer grants the minor head of household 94004  
or adult leave for illness or earned vacation. 94005

(C) The rules may provide that a county department of job and 94006  
family services is not required to take action under section 94007  
5107.76 of the Revised Code to recover an erroneous payment that 94008  
is below an amount the department specifies. 94009

**Sec. 5107.16.** (A) If a member of an assistance group fails or 94010  
refuses, without good cause, to comply in full with a provision of 94011  
a self-sufficiency contract entered into under section 5107.14 of 94012  
the Revised Code, a county department of job and family services 94013  
shall sanction the assistance group as follows: 94014

(1) For a first failure or refusal, the county department 94015  
shall deny or terminate the assistance group's eligibility to 94016  
participate in Ohio works first for one payment month or until the 94017  
failure or refusal ceases, whichever is longer; 94018

(2) For a second failure or refusal, the county department 94019  
shall deny or terminate the assistance group's eligibility to 94020  
participate in Ohio works first for three payment months or until 94021  
the failure or refusal ceases, whichever is longer; 94022

(3) For a third or subsequent failure or refusal, the county 94023  
department shall deny or terminate the assistance group's 94024  
eligibility to participate in Ohio works first for six payment 94025  
months or until the failure or refusal ceases, whichever is 94026  
longer. 94027

(B) The director of job and family services shall establish 94028

standards for the determination of good cause for failure or 94029  
refusal to comply in full with a provision of a self-sufficiency 94030  
contract in rules adopted under section 5107.05 of the Revised 94031  
Code. 94032

(C) The director of job and family services shall provide a 94033  
compliance form established in rules adopted under section 5107.05 94034  
of the Revised Code to an assistance group member who fails or 94035  
refuses, without good cause, to comply in full with a provision of 94036  
a self-sufficiency contract. The member's failure or refusal to 94037  
comply in full with the provision shall be deemed to have ceased 94038  
on the date a county department of job and family services 94039  
receives the compliance form from the member if the compliance 94040  
form is completed and provided to the county department in the 94041  
manner specified in rules adopted under section 5107.05 of the 94042  
Revised Code. 94043

(D) After sanctioning an assistance group under division (A) 94044  
of this section, a county department of job and family services 94045  
shall continue to work with the assistance group. 94046

~~(D)~~(E) An adult eligible for medicaid pursuant to division 94047  
(A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned 94048  
under division (A)(3) of this section for a failure or refusal, 94049  
without good cause, to comply in full with a provision of a 94050  
self-sufficiency contract related to work responsibilities under 94051  
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 94052  
for medicaid unless the adult is otherwise eligible for medicaid 94053  
pursuant to another division of section 5111.01 of the Revised 94054  
Code. 94055

An assistance group that would be participating in Ohio works 94056  
first if not for a sanction under this section shall continue to 94057  
be eligible for all of the following: 94058

(1) Publicly funded child care in accordance with division 94059



(A)(3) of section 5104.30 of the Revised Code; 94060

(2) Support services in accordance with section 5107.66 of 94061  
the Revised Code; 94062

(3) To the extent permitted by the "Fair Labor Standards Act 94063  
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 94064  
in work activities, developmental activities, and alternative work 94065  
activities in accordance with sections 5107.40 to 5107.69 of the 94066  
Revised Code. 94067

**Sec. 5107.17.** An assistance group that resumes participation 94068  
in Ohio works first following a sanction under section 5107.16 of 94069  
the Revised Code is not required to do either of the following: 94070

(A) Reapply under section 5107.12 of the Revised Code, unless 94071  
~~it~~ either of the following applies: 94072

(1) It is the assistance group's regularly scheduled time for 94073  
an eligibility redetermination; 94074

(2) The county department of job and family services does not 94075  
receive the completed compliance form established in rules adopted 94076  
under section 5107.05 of the Revised Code within the period of 94077  
time specified in rules adopted under that section. 94078

(B) Enter into a new self-sufficiency contract under section 94079  
5107.14 of the Revised Code, unless the county department of job 94080  
and family services determines it is time for a new appraisal 94081  
under section 5107.41 of the Revised Code or the assistance 94082  
group's circumstances have changed in a manner necessitating an 94083  
amendment to the self-sufficiency contract as determined using 94084  
procedures included in the contract under division (B)(9) of 94085  
section 5107.14 of the Revised Code. 94086

**Sec. 5107.58.** In accordance with a federal waiver granted by 94087  
the United States secretary of health and human services pursuant 94088

to a request made under former section 5101.09 of the Revised Code, county departments of job and family services may establish and administer as a work activity for minor heads of households and adults participating in Ohio works first an education program under which the participant is enrolled full-time in post-secondary education leading to vocation at a state institution of higher education, as defined in section 3345.031 of the Revised Code; a private nonprofit college or university that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or is exempted by division (E) of section 1713.02 of the Revised Code from the requirement of a certificate; a school that holds a certificate of registration and program authorization issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code; a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code; or a school that has entered into a contract with the county department of job and family services. The participant shall make reasonable efforts, as determined by the county department, to obtain ~~a~~ an applicable loan, scholarship, grant, or other assistance to pay for the tuition, including a federal Pell grant under 20 U.S.C.A. 1070a, an Ohio instructional grant under section 3333.12 of the Revised Code, and an Ohio college opportunity grant, a private higher education need-based financial aid block grant program grant, and a career-college needs-based financial aid block grant program grant under section 3333.122 of the Revised Code. If the participant has made reasonable efforts but is unable to obtain sufficient assistance to pay the tuition the program may pay the tuition. On or after October 1, 1998, the county department may enter into a loan agreement with the participant to pay the tuition. The total period for which tuition is paid and loans made shall not exceed two years. If the participant, pursuant to division (B)(3) of

section 5107.43 of the Revised Code, volunteers to participate in 94122  
the education program for more hours each week than the 94123  
participant is assigned to the program, the program may pay or the 94124  
county department may loan the cost of the tuition for the 94125  
additional voluntary hours as well as the cost of the tuition for 94126  
the assigned number of hours. The participant may receive, for not 94127  
more than three years, support services, including publicly funded 94128  
child care under Chapter 5104. of the Revised Code and 94129  
transportation, that the participant needs to participate in the 94130  
program. To receive support services in the third year, the 94131  
participant must be, as determined by the educational institution 94132  
in which the participant is enrolled, in good standing with the 94133  
institution. 94134

A county department that provides loans under this section 94135  
shall establish procedures governing loan application for and 94136  
approval and administration of loans granted pursuant to this 94137  
section. 94138

**Sec. 5111.01.** As used in this chapter, "medical assistance 94139  
program" or "medicaid" means the program that is authorized by 94140  
this chapter and provided by the department of job and family 94141  
services under this chapter, Title XIX of the "Social Security 94142  
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 94143  
waivers of Title XIX requirements granted to the department by the 94144  
centers for medicare and medicaid services of the United States 94145  
department of health and human services. 94146

The department of job and family services shall act as the 94147  
single state agency to supervise the administration of the 94148  
medicaid program. As the single state agency, the department shall 94149  
comply with 42 C.F.R. 431.10(e). The department's rules governing 94150  
medicaid are binding on other agencies that administer components 94151  
of the medicaid program. No agency may establish, by rule or 94152

otherwise, a policy governing medicaid that is inconsistent with a 94153  
medicaid policy established, in rule or otherwise, by the director 94154  
of job and family services. 94155

(A) The department of job and family services may provide 94156  
medical assistance under the medicaid program as long as federal 94157  
funds are provided for such assistance, to the following: 94158

(1) Families with children that meet either of the following 94159  
conditions: 94160

(a) The family meets the income, resource, and family 94161  
composition requirements in effect on July 16, 1996, for the 94162  
former aid to dependent children program as those requirements 94163  
were established by Chapter 5107. of the Revised Code, federal 94164  
waivers granted pursuant to requests made under former section 94165  
5101.09 of the Revised Code, and rules adopted by the department 94166  
or any changes the department makes to those requirements in 94167  
accordance with paragraph (a)(2) of section 114 of the "Personal 94168  
Responsibility and Work Opportunity Reconciliation Act of 1996," 94169  
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 94170  
implementing section ~~5111.019~~ 5111.0120 of the Revised Code. An 94171  
adult loses eligibility for medicaid under division (A)(1)(a) of 94172  
this section pursuant to division ~~(D)~~(E) of section 5107.16 of the 94173  
Revised Code. 94174

(b) The family does not meet the requirements specified in 94175  
division (A)(1)(a) of this section but is eligible for medicaid 94176  
pursuant to section 5101.18 of the Revised Code. 94177

(2) Aged, blind, and disabled persons who meet the following 94178  
conditions: 94179

(a) Receive federal aid under Title XVI of the "Social 94180  
Security Act," or are eligible for but are not receiving such aid, 94181  
provided that the income from all other sources for individuals 94182  
with independent living arrangements shall not exceed one hundred 94183

seventy-five dollars per month. The income standards hereby 94184  
established shall be adjusted annually at the rate that is used by 94185  
the United States department of health and human services to 94186  
adjust the amounts payable under Title XVI. 94187

(b) Do not receive aid under Title XVI, but meet any of the 94188  
following criteria: 94189

(i) Would be eligible to receive such aid, except that their 94190  
income, other than that excluded from consideration as income 94191  
under Title XVI, exceeds the maximum under division (A)(2)(a) of 94192  
this section, and incurred expenses for medical care, as 94193  
determined under federal regulations applicable to section 209(b) 94194  
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 94195  
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 94196  
their income exceeds the maximum under division (A)(2)(a) of this 94197  
section; 94198

(ii) Received aid for the aged, aid to the blind, or aid for 94199  
the permanently and totally disabled prior to January 1, 1974, and 94200  
continue to meet all the same eligibility requirements; 94201

(iii) Are eligible for medicaid pursuant to section 5101.18 94202  
of the Revised Code. 94203

(3) Persons to whom federal law requires, as a condition of 94204  
state participation in the medicaid program, that medicaid be 94205  
provided; 94206

(4) Persons under age twenty-one who meet the income 94207  
requirements for the Ohio works first program established under 94208  
Chapter 5107. of the Revised Code but do not meet other 94209  
eligibility requirements for the program. The director shall adopt 94210  
rules in accordance with Chapter 119. of the Revised Code 94211  
specifying which Ohio works first requirements shall be waived for 94212  
the purpose of providing medicaid eligibility under division 94213  
(A)(4) of this section. 94214

(B) If sufficient funds are appropriated for the medicaid 94215  
program, the department may provide medical assistance under the 94216  
medicaid program to persons in groups designated by federal law as 94217  
groups to which a state, at its option, may provide medical 94218  
assistance under the medicaid program. 94219

(C) The department may expand eligibility for the medicaid 94220  
program to include individuals under age nineteen with family 94221  
incomes at or below one hundred fifty per cent of the federal 94222  
poverty guidelines, except that the eligibility expansion shall 94223  
not occur unless the department receives the approval of the 94224  
federal government. The department may implement the eligibility 94225  
expansion authorized under this division on any date selected by 94226  
the department, but not sooner than January 1, 1998. 94227

(D) In addition to any other authority or requirement to 94228  
adopt rules under this chapter, the director may adopt rules in 94229  
accordance with section 111.15 of the Revised Code as the director 94230  
considers necessary to establish standards, procedures, and other 94231  
requirements regarding the provision of medical assistance under 94232  
the medicaid program. The rules may establish requirements to be 94233  
followed in applying for medicaid, making determinations of 94234  
eligibility for medicaid, and verifying eligibility for medicaid. 94235  
The rules may include special conditions as the department 94236  
determines appropriate for making applications, determining 94237  
eligibility, and verifying eligibility for any medical assistance 94238  
that the department may provide under the medicaid program 94239  
pursuant to division (C) of this section and section 5111.014 or 94240  
~~5111.019~~ 5111.0120 of the Revised Code. 94241

**Sec. 5111.015.** (A) If the United States secretary of health 94242  
and human services grants a waiver of any contrary federal 94243  
requirements governing the medical assistance program or the 94244  
director of job and family services determines that there are no 94245

contrary federal requirements, divisions (A)(1) and (2) of this 94246  
section apply to determinations of eligibility under this chapter: 94247

(1) In determining the eligibility of an assistance group for 94248  
assistance under this chapter, the department of job and family 94249  
services shall exclude from the income and resources applicable to 94250  
the assistance group the value of any tuition payment contract 94251  
entered into under section 3334.09 of the Revised Code or any 94252  
scholarship awarded under section 3334.18 of the Revised Code and 94253  
the amount of payments made ~~by the Ohio tuition trust authority~~ 94254  
under section 3334.09 of the Revised Code pursuant to the contract 94255  
or scholarship. 94256

(2) The department shall not require any person to terminate 94257  
a tuition payment contract entered into under Chapter 3334. of the 94258  
Revised Code as a condition of an assistance group's eligibility 94259  
for assistance under this chapter. 94260

(B) To the extent required by federal law, the department 94261  
shall include as income any refund paid under section 3334.10 of 94262  
the Revised Code to a member of the assistance group. 94263

(C) Not later than sixty days after July 1, 1994, the 94264  
department shall apply to the United States department of health 94265  
and human services for a waiver of any federal requirements that 94266  
otherwise would be violated by implementation of division (A) of 94267  
this section. 94268

**Sec. ~~5111.019~~ 5111.0120.** The director of job and family 94269  
services shall submit to the United States secretary of health and 94270  
human services an amendment to the state medicaid plan to make an 94271  
individual eligible for medicaid who meets all of the following 94272  
requirements: 94273

(A) The individual is the parent of a child under nineteen 94274  
years of age and resides with the child; 94275

(B) The individual's family income does not exceed ninety per cent of the federal poverty guidelines; 94276  
94277

(C) The individual is not otherwise eligible for medicaid; 94278

(D) The individual satisfies all relevant requirements 94279  
established by rules adopted under division (D) of section 5111.01 94280  
of the Revised Code. 94281

Sec. 5111.0121. A parent eligible for the medicaid program 94282  
pursuant to section 5111.0120 of the Revised Code shall not be 94283  
required to undergo a redetermination of eligibility for the 94284  
medicaid program more often than once every twelve months unless 94285  
there are reasonable grounds to believe that circumstances have 94286  
changed that may affect the parent's eligibility. 94287

**Sec. 5111.028.** (A) Pursuant to section 5111.02 of the Revised 94288  
Code, the director of job and family services shall adopt rules 94289  
establishing procedures for the use of time-limited provider 94290  
agreements under the medicaid program. Except as provided in 94291  
division (E) of this section, all provider agreements shall be 94292  
time-limited in accordance with the procedures established in the 94293  
rules. 94294

The department of job and family services shall phase-in the 94295  
use of time-limited provider agreements pursuant to this section 94296  
during a period commencing not later than January 1, 2008, and 94297  
ending January 1, ~~2011~~ 2015. 94298

(B) In the use of time-limited provider agreements pursuant 94299  
to this section, all of the following apply: 94300

(1) Each provider agreement shall expire not later than ~~three~~ 94301  
seven years from the effective date of the agreement. 94302

(2) During the phase-in period specified in division (A) of 94303  
this section, the department may provide for the conversion of a 94304



provider agreement without a time limit to a provider agreement 94305  
with a time limit. The department may take an action to convert 94306  
the provider agreement by sending a notice by regular mail to the 94307  
address of the provider on record with the department advising the 94308  
provider of the conversion. 94309

(3) The department may make the effective date of a provider 94310  
agreement retroactive for a period not to exceed one year from the 94311  
date of the provider's application for the agreement, as long as 94312  
the provider met all medicaid program requirements during that 94313  
period. 94314

(C) The rules for use of time-limited provider agreements 94315  
pursuant to this section shall include a process for re-enrollment 94316  
of providers. All of the following apply to the re-enrollment 94317  
process: 94318

(1) The department of job and family services may terminate a 94319  
time-limited provider agreement or deny re-enrollment when a 94320  
provider fails to file an application for re-enrollment within the 94321  
time and in the manner required under the re-enrollment process. 94322  
94323

(2) If a provider files an application for re-enrollment 94324  
within the time and in the manner required under the re-enrollment 94325  
process, but the provider agreement expires before the department 94326  
acts on the application or before the effective date of the 94327  
department's decision on the application, the provider may 94328  
continue operating under the terms of the expired provider 94329  
agreement until the effective date of the department's decision. 94330

(3) A decision by the department to approve an application 94331  
for re-enrollment becomes effective on the date of the 94332  
department's decision. A decision by the department to deny 94333  
re-enrollment shall take effect not sooner than thirty days after 94334  
the date the department mails written notice of the decision to 94335

the provider. The department shall specify in the notice the date 94336  
on which the provider is required to cease operating under the 94337  
provider agreement. 94338

(D) Pursuant to section 5111.06 of the Revised Code, the 94339  
department is not required to take the actions specified in 94340  
division (C)(1) of this section by issuing an order pursuant to an 94341  
adjudication conducted in accordance with Chapter 119. of the 94342  
Revised Code. 94343

(E) The use of time-limited provider agreements pursuant to 94344  
this section does not apply to provider agreements issued to the 94345  
following, including any provider agreements issued to the 94346  
following that are otherwise time-limited under the medicaid 94347  
program: 94348

(1) A managed care organization under contract with the 94349  
department pursuant to section 5111.17 of the Revised Code; 94350

(2) A nursing facility, as defined in section 5111.20 of the 94351  
Revised Code; 94352

(3) An intermediate care facility for the mentally retarded, 94353  
as defined in section 5111.20 of the Revised Code; 94354

(4) A hospital. 94355

**Sec. 5111.032.** (A) As used in this section: 94356

(1) "Criminal records check" has the same meaning as in 94357  
section 109.572 of the Revised Code. 94358

(2) "Department" includes a designee of the department of job 94359  
and family services. 94360

(3) "Owner" means a person who has an ownership interest in a 94361  
provider in an amount designated by the department of job and 94362  
family services in rules adopted under this section. 94363

(4) "Provider" means a person, institution, or entity that 94364

has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended.

(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services may require that any provider, applicant to be a provider, employee or prospective employee of a provider, owner or prospective owner of a provider, officer or prospective officer of a provider, or board member or prospective board member of a provider submit to a criminal records check as a condition of obtaining a provider agreement, continuing to hold a provider agreement, being employed by a provider, having an ownership interest in a provider, or being an officer or board member of a provider. The department may designate the categories of persons who are subject to the criminal records check requirement. The department shall designate the times at which the criminal records checks must be conducted.

(2) The section does not apply to providers, applicants to be providers, employees of a provider, or prospective employees of a provider who are subject to criminal records checks under section 5111.033 or 5111.034 of the Revised Code.

(C)(1) The department shall inform each provider or applicant to be a provider whether the provider or applicant is subject to a criminal records check requirement under division (B) of this section. For providers, the information shall be given at times designated in rules adopted under this section. For applicants to be providers, the information shall be given at the time of initial application. When the information is given, the department shall specify which of the provider's or applicant's employees or prospective employees, owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to the criminal records check requirement.

(2) At times designated in rules adopted under this section,

a provider that is subject to the criminal records check 94397  
requirement shall inform each person specified by the department 94398  
under division (C)(1) of this section that the person is required, 94399  
as applicable, to submit to a criminal records check for final 94400  
consideration for employment in a full-time, part-time, or 94401  
temporary position; as a condition of continued employment; or as 94402  
a condition of becoming or continuing to be an officer, board 94403  
member or owner of a provider. 94404

(D)(1) If a provider or applicant to be a provider is subject 94405  
to a criminal records check under this section, the department 94406  
shall require the conduct of a criminal records check by the 94407  
superintendent of the bureau of criminal identification and 94408  
investigation. If a provider or applicant to be a provider for 94409  
whom a criminal records check is required does not present proof 94410  
of having been a resident of this state for the five-year period 94411  
immediately prior to the date the criminal records check is 94412  
requested or provide evidence that within that five-year period 94413  
the superintendent has requested information about the individual 94414  
from the federal bureau of investigation in a criminal records 94415  
check, the department shall require the provider or applicant to 94416  
request that the superintendent obtain information from the 94417  
federal bureau of investigation as part of the criminal records 94418  
check of the provider or applicant. Even if a provider or 94419  
applicant for whom a criminal records check request is required 94420  
presents proof of having been a resident of this state for the 94421  
five-year period, the department may require that the provider or 94422  
applicant request that the superintendent obtain information from 94423  
the federal bureau of investigation and include it in the criminal 94424  
records check of the provider or applicant. 94425

(2) A provider shall require the conduct of a criminal 94426  
records check by the superintendent with respect to each of the 94427  
persons specified by the department under division (C)(1) of this 94428

section. If the person for whom a criminal records check is 94429  
required does not present proof of having been a resident of this 94430  
state for the five-year period immediately prior to the date the 94431  
criminal records check is requested or provide evidence that 94432  
within that five-year period the superintendent of the bureau of 94433  
criminal identification and investigation has requested 94434  
information about the individual from the federal bureau of 94435  
investigation in a criminal records check, the individual shall 94436  
request that the superintendent obtain information from the 94437  
federal bureau of investigation as part of the criminal records 94438  
check of the individual. Even if an individual for whom a criminal 94439  
records check request is required presents proof of having been a 94440  
resident of this state for the five-year period, the department 94441  
may require the provider to request that the superintendent obtain 94442  
information from the federal bureau of investigation and include 94443  
it in the criminal records check of the person. 94444

(E)(1) Criminal records checks required under this section 94445  
for providers or applicants to be providers shall be obtained as 94446  
follows: 94447

(a) The department shall provide each provider or applicant 94448  
information about accessing and completing the form prescribed 94449  
pursuant to division (C)(1) of section 109.572 of the Revised Code 94450  
and the standard fingerprint impression sheet prescribed pursuant 94451  
to division (C)(2) of that section. 94452

(b) The provider or applicant shall submit the required form 94453  
and one complete set of fingerprint impressions directly to the 94454  
superintendent for purposes of conducting the criminal records 94455  
check using the applicable methods prescribed by division (C) of 94456  
section 109.572 of the Revised Code. The applicant or provider 94457  
shall pay all fees associated with obtaining the criminal records 94458  
check. 94459

(c) The superintendent shall conduct the criminal records 94460

check in accordance with section 109.572 of the Revised Code. The 94461  
provider or applicant shall instruct the superintendent to submit 94462  
the report of the criminal records check directly to the director 94463  
of job and family services. 94464

(2) Criminal records checks required under this section for 94465  
persons specified by the department under division (C)(1) of this 94466  
section shall be obtained as follows: 94467

(a) The provider shall give to each person subject to 94468  
criminal records check requirement information about accessing and 94469  
completing the form prescribed pursuant to division (C)(1) of 94470  
section 109.572 of the Revised Code and the standard fingerprint 94471  
impression sheet prescribed pursuant to division (C)(2) of that 94472  
section. 94473

(b) The person shall submit the required form and one 94474  
complete set of fingerprint impressions directly to the 94475  
superintendent for purposes of conducting the criminal records 94476  
check using the applicable methods prescribed by division (C) of 94477  
section 109.572 of the Revised Code. The person shall pay all fees 94478  
associated with obtaining the criminal records check. 94479

(c) The superintendent shall conduct the criminal records 94480  
check in accordance with section 109.572 of the Revised Code. The 94481  
person subject to the criminal records check shall instruct the 94482  
superintendent to submit the report of the criminal records check 94483  
directly to the provider. The department may require the provider 94484  
to submit the report to the department. 94485

(F) If a provider or applicant to be a provider is given the 94486  
information specified in division (E)(1)(a) of this section but 94487  
fails to obtain a criminal records check, the department shall, as 94488  
applicable, terminate the provider agreement or deny the 94489  
application to be a provider. 94490

If a person is given the information specified in division 94491

(E)(2)(a) of this section but fails to obtain a criminal records 94492  
check, the provider shall not, as applicable, permit the person to 94493  
be an employee, owner, officer, or board member of the provider. 94494

(G) Except as provided in rules adopted under division (J) of 94495  
this section, the department shall terminate the provider 94496  
agreement of a provider or the department shall not issue a 94497  
provider agreement to an applicant if the provider or applicant is 94498  
subject to a criminal records check under this section and the 94499  
provider or applicant has been convicted of, has pleaded guilty 94500  
to, or has been found eligible for intervention in lieu of 94501  
conviction for any of the following, regardless of the date of the 94502  
conviction, the date of entry of the guilty plea, or the date the 94503  
applicant or provider was found eligible for intervention in lieu 94504  
of conviction: 94505

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 94506  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 94507  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 94508  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 94509  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 94510  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 94511  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 94512  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 94513  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 94514  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 94515  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 94516  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 94517  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 94518  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 94519  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 94520  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 94521  
penetration in violation of former section 2907.12 of the Revised 94522  
Code, a violation of section 2905.04 of the Revised Code as it 94523

existed prior to July 1, 1996, a violation of section 2919.23 of 94524  
the Revised Code that would have been a violation of section 94525  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 94526  
had the violation been committed prior to that date; 94527

(2) ~~An~~ A violation of an existing or former municipal 94528  
ordinance or law of this state, any other state, or the United 94529  
States that is substantially equivalent to any of the offenses 94530  
listed in division (G)(1) of this section. 94531

(H)(1)(a) Except as provided in rules adopted under division 94532  
(J) of this section and subject to division (H)(2) of this 94533  
section, no provider shall permit a person to be an employee, 94534  
owner, officer, or board member of the provider if the person is 94535  
subject to a criminal records check under this section and the 94536  
person has been convicted of, has pleaded guilty to, or has been 94537  
found eligible for intervention in lieu of conviction for any of 94538  
the offenses specified in division (G)(1) or (2) of this section. 94539

(b) No provider shall employ a person who has been excluded 94540  
from participating in the medicaid program, the medicare program 94541  
operated pursuant to Title XVIII of the "Social Security Act," or 94542  
any other federal health care program. 94543

(2)(a) A provider may employ conditionally a person for whom 94544  
a criminal records check is required under this section prior to 94545  
obtaining the results of a criminal records check regarding the 94546  
person, but only if the person submits a request for a criminal 94547  
records check not later than five business days after the 94548  
individual begins conditional employment. 94549

(b) A provider that employs a person conditionally under 94550  
authority of division (H)(2)(a) of this section shall terminate 94551  
the person's employment if the results of the criminal records 94552  
check request are not obtained within the period ending sixty days 94553  
after the date the request is made. Regardless of when the results 94554



of the criminal records check are obtained, if the results 94555  
indicate that the individual has been convicted of, has pleaded 94556  
guilty to, or has been found eligible for intervention in lieu of 94557  
conviction for any of the offenses specified in division (G)(1) or 94558  
(2) of this section, the provider shall terminate the person's 94559  
employment unless the provider chooses to employ the individual 94560  
pursuant to division (J) of this section. 94561

(I) The report of a criminal records check conducted pursuant 94562  
to this section is not a public record for the purposes of section 94563  
149.43 of the Revised Code and shall not be made available to any 94564  
person other than the following: 94565

(1) The person who is the subject of the criminal records 94566  
check or the person's representative; 94567

(2) The director of job and family services and the staff of 94568  
the department in the administration of the medicaid program; 94569

(3) A court, hearing officer, or other necessary individual 94570  
involved in a case dealing with the denial or termination of a 94571  
provider agreement; 94572

(4) A court, hearing officer, or other necessary individual 94573  
involved in a case dealing with a person's denial of employment, 94574  
termination of employment, or employment or unemployment benefits. 94575

(J) The department may adopt rules in accordance with Chapter 94576  
119. of the Revised Code to implement this section. The rules may 94577  
specify circumstances under which the department may continue a 94578  
provider agreement or issue a provider agreement to an applicant 94579  
when the provider or applicant has been convicted of, has pleaded 94580  
guilty to, or has been found eligible for intervention in lieu of 94581  
conviction for any of the offenses specified in division (G)(1) or 94582  
(2) of this section. The rules may also specify circumstances 94583  
under which a provider may permit a person to be an employee, 94584  
owner, officer, or board member of the provider, when the person 94585

has been convicted of, has pleaded guilty to, or has been found 94586  
eligible for intervention in lieu of conviction for any of the 94587  
offenses specified in division (G)(1) or (2) of this section. 94588

**Sec. 5111.033.** (A) As used in this section: 94589

(1) "Applicant" means a person who is under final 94590  
consideration for employment or, after September 26, 2003, an 94591  
existing employee with a waiver agency in a full-time, part-time, 94592  
or temporary position that involves providing home and 94593  
community-based waiver services to a person with disabilities. 94594  
"Applicant" also means an existing employee with a waiver agency 94595  
in a full-time, part-time, or temporary position that involves 94596  
providing home and community-based waiver services to a person 94597  
with disabilities after September 26, 2003. 94598

(2) "Criminal records check" has the same meaning as in 94599  
section 109.572 of the Revised Code. 94600

(3) "Waiver agency" means a person or government entity that 94601  
is not certified under the medicare program and is accredited by 94602  
the community health accreditation program or the joint commission 94603  
on accreditation of health care organizations or a company that 94604  
provides home and community-based waiver services to persons with 94605  
disabilities through department of job and family services 94606  
administered home and community-based waiver programs. 94607

(4) "Home and community-based waiver services" means services 94608  
furnished under the provision of 42 C.F.R. 441, subpart G, that 94609  
permit individuals to live in a home setting rather than a nursing 94610  
facility or hospital. Home and community-based waiver services are 94611  
approved by the centers for medicare and medicaid for specific 94612  
populations and are not otherwise available under the medicaid 94613  
state plan. 94614

(B)(1) The chief administrator of a waiver agency shall 94615

require each applicant to request that the superintendent of the 94616  
bureau of criminal identification and investigation conduct a 94617  
criminal records check with respect to the applicant. If an 94618  
applicant for whom a criminal records check request is required 94619  
under this division does not present proof of having been a 94620  
resident of this state for the five-year period immediately prior 94621  
to the date the criminal records check is requested or provide 94622  
evidence that within that five-year period the superintendent has 94623  
requested information about the applicant from the federal bureau 94624  
of investigation in a criminal records check, the chief 94625  
administrator shall require the applicant to request that the 94626  
superintendent obtain information from the federal bureau of 94627  
investigation as part of the criminal records check of the 94628  
applicant. Even if an applicant for whom a criminal records check 94629  
request is required under this division presents proof of having 94630  
been a resident of this state for the five-year period, the chief 94631  
administrator may require the applicant to request that the 94632  
superintendent include information from the federal bureau of 94633  
investigation in the criminal records check. 94634

(2) The chief administrator shall provide the following to 94635  
each applicant for whom a criminal records check request is 94636  
required under division (B)(1) of this section: 94637

(a) Information about accessing, completing, and forwarding 94638  
to the superintendent of the bureau of criminal identification and 94639  
investigation the form prescribed pursuant to division (C)(1) of 94640  
section 109.572 of the Revised Code and the standard fingerprint 94641  
impression sheet prescribed pursuant to division (C)(2) of that 94642  
section; 94643

(b) Written notification that the applicant is to instruct 94644  
the superintendent to submit the completed report of the criminal 94645  
records check directly to the chief administrator. 94646

(3) An applicant given information and notification under 94647

divisions (B)(2)(a) and (b) of this section who fails to access, 94648  
complete, and forward to the superintendent the form or the 94649  
standard fingerprint impression sheet, or who fails to instruct 94650  
the superintendent to submit the completed report of the criminal 94651  
records check directly to the chief administrator, shall not be 94652  
employed in any position in a waiver agency for which a criminal 94653  
records check is required by this section. 94654

(C)(1) Except as provided in rules adopted by the department 94655  
of job and family services in accordance with division (F) of this 94656  
section and subject to division (C)(2) of this section, no waiver 94657  
agency shall employ a person in a position that involves providing 94658  
home and community-based waiver services to persons with 94659  
disabilities if the person has been convicted of, has pleaded 94660  
guilty to, or has been found eligible for intervention in lieu of 94661  
conviction for any of the following, regardless of the date of the 94662  
conviction, the date of entry of the guilty plea, or the date the 94663  
person was found eligible for intervention in lieu of conviction: 94664

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 94665  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 94666  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 94667  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 94668  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 94669  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 94670  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 94671  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 94672  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 94673  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 94674  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 94675  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 94676  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 94677  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 94678  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 94679

2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 94680  
penetration in violation of former section 2907.12 of the Revised 94681  
Code, a violation of section 2905.04 of the Revised Code as it 94682  
existed prior to July 1, 1996, a violation of section 2919.23 of 94683  
the Revised Code that would have been a violation of section 94684  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 94685  
had the violation been committed prior to that date; 94686

(b) ~~An~~ A violation of an existing or former municipal 94687  
ordinance or law of this state, any other state, or the United 94688  
States that is substantially equivalent to any of the offenses 94689  
listed in division (C)(1)(a) of this section. 94690

(2)(a) A waiver agency may employ conditionally an applicant 94691  
for whom a criminal records check request is required under 94692  
division (B) of this section prior to obtaining the results of a 94693  
criminal records check regarding the individual, provided that the 94694  
agency shall require the individual to request a criminal records 94695  
check regarding the individual in accordance with division (B)(1) 94696  
of this section not later than five business days after the 94697  
individual begins conditional employment. 94698

(b) A waiver agency that employs an individual conditionally 94699  
under authority of division (C)(2)(a) of this section shall 94700  
terminate the individual's employment if the results of the 94701  
criminal records check request under division (B) of this section, 94702  
other than the results of any request for information from the 94703  
federal bureau of investigation, are not obtained within the 94704  
period ending sixty days after the date the request is made. 94705  
Regardless of when the results of the criminal records check are 94706  
obtained, if the results indicate that the individual has been 94707  
convicted of, has pleaded guilty to, or has been found eligible 94708  
for intervention in lieu of conviction for any of the offenses 94709  
listed or described in division (C)(1) of this section, the agency 94710  
shall terminate the individual's employment unless the agency 94711

chooses to employ the individual pursuant to division (F) of this section. 94712  
94713

(D)(1) The fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section shall be paid to the bureau of criminal identification and investigation by the applicant or the waiver agency. 94714  
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94719

(2) If a waiver agency pays the fee, it may charge the applicant a fee not exceeding the amount the agency pays under division (D)(1) of this section. An agency may collect a fee only if the agency notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment. 94720  
94721  
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94725  
94726

(E) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 94727  
94728  
94729  
94730  
94731

(1) The individual who is the subject of the criminal records check or the individual's representative; 94732  
94733

(2) The chief administrator of the agency requesting the criminal records check or the administrator's representative; 94734  
94735

(3) An administrator at the department; 94736

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant. 94737  
94738  
94739  
94740

(F) The department shall adopt rules in accordance with 94741

Chapter 119. of the Revised Code to implement this section. The 94742  
rules shall specify circumstances under which a waiver agency may 94743  
employ a person who has been convicted of, has pleaded guilty to, 94744  
or has been found eligible for intervention in lieu of conviction 94745  
for an offense listed or described in division (C)(1) of this 94746  
section. 94747

(G) The chief administrator of a waiver agency shall inform 94748  
each person, at the time of initial application for a position 94749  
that involves providing home and community-based waiver services 94750  
to a person with a disability, that the person is required to 94751  
provide a set of fingerprint impressions and that a criminal 94752  
records check is required to be conducted if the person comes 94753  
under final consideration for employment. 94754

(H)(1) A person who, on September 26, 2003, is an employee of 94755  
a waiver agency in a full-time, part-time, or temporary position 94756  
that involves providing home and community-based waiver services 94757  
to a person with disabilities shall comply with this section 94758  
within sixty days after September 26, 2003, unless division (H)(2) 94759  
of this section applies. 94760

(2) This section shall not apply to a person to whom all of 94761  
the following apply: 94762

(a) On September 26, 2003, the person is an employee of a 94763  
waiver agency in a full-time, part-time, or temporary position 94764  
that involves providing home and community-based waiver services 94765  
to a person with disabilities. 94766

(b) The person previously had been the subject of a criminal 94767  
background check relating to that position; 94768

(c) The person has been continuously employed in that 94769  
position since that criminal background check had been conducted. 94770

**Sec. 5111.034.** (A) As used in this section: 94771

(1) "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after September 26, 2003.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Department" includes a designee of the department of job and family services.

(4) "Independent provider" means a person who is submitting an application for a provider agreement or who has a provider agreement as an independent provider in a department of job and family services administered home and community-based services program providing home and community-based waiver services to consumers with disabilities.

(5) "Home and community-based waiver services" has the same meaning as in section 5111.033 of the Revised Code.

(B)(1) The department of job and family services shall inform each independent provider, at the time of initial application for a provider agreement that involves providing home and community-based waiver services to consumers with disabilities, that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person is to become an independent provider in a department administered home and community-based waiver program.

(2) Beginning on September 26, 2003, the department shall inform each enrolled medicaid independent provider on or before time of the anniversary date of the provider agreement that involves providing home and community-based waiver services to consumers with disabilities that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted.



(C)(1) The department shall require the independent provider 94803  
to complete a criminal records check prior to entering into a 94804  
provider agreement with the independent provider and at least 94805  
annually thereafter. If an independent provider for whom a 94806  
criminal records check is required under this division does not 94807  
present proof of having been a resident of this state for the 94808  
five-year period immediately prior to the date the criminal 94809  
records check is requested or provide evidence that within that 94810  
five-year period the superintendent of the bureau of criminal 94811  
identification and investigation has requested information about 94812  
the independent provider from the federal bureau of investigation 94813  
in a criminal records check, the department shall request that the 94814  
independent provider obtain through the superintendent a criminal 94815  
records request from the federal bureau of investigation as part 94816  
of the criminal records check of the independent provider. Even if 94817  
an independent provider for whom a criminal records check request 94818  
is required under this division presents proof of having been a 94819  
resident of this state for the five-year period, the department 94820  
may request that the independent provider obtain information 94821  
through the superintendent from the federal bureau of 94822  
investigation in the criminal records check. 94823

(2) The department shall provide the following to each 94824  
independent provider for whom a criminal records check request is 94825  
required under division (C)(1) of this section: 94826

(a) Information about accessing, completing, and forwarding 94827  
to the superintendent of the bureau of criminal identification and 94828  
investigation the form prescribed pursuant to division (C)(1) of 94829  
section 109.572 of the Revised Code and the standard fingerprint 94830  
impression sheet prescribed pursuant to division (C)(2) of that 94831  
section; 94832

(b) Written notification that the independent provider is to 94833  
instruct the superintendent to submit the completed report of the 94834

criminal records check directly to the department. 94835

(3) An independent provider given information and 94836  
notification under divisions (C)(2)(a) and (b) of this section who 94837  
fails to access, complete, and forward to the superintendent the 94838  
form or the standard fingerprint impression sheet, or who fails to 94839  
instruct the superintendent to submit the completed report of the 94840  
criminal records check directly to the department, shall not be 94841  
approved as an independent provider. 94842

(D) Except as provided in rules adopted by the department in 94843  
accordance with division (G) of this section, the department shall 94844  
not issue a new provider agreement to, and shall terminate an 94845  
existing provider agreement of, an independent provider if the 94846  
person has been convicted of, has pleaded guilty to, or has been 94847  
found eligible for intervention in lieu of conviction for any of 94848  
the following, regardless of the date of the conviction, the date 94849  
of entry of the guilty plea, or the date the person was found 94850  
eligible for intervention in lieu of conviction: 94851

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 94852  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 94853  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 94854  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 94855  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 94856  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 94857  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 94858  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 94859  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 94860  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 94861  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 94862  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 94863  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 94864  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 94865  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 94866

2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 94867  
penetration in violation of former section 2907.12 of the Revised 94868  
Code, a violation of section 2905.04 of the Revised Code as it 94869  
existed prior to July 1, 1996, a violation of section 2919.23 of 94870  
the Revised Code that would have been a violation of section 94871  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 94872  
had the violation been committed prior to that date; 94873

(2) ~~An~~ A violation of an existing or former municipal 94874  
ordinance or law of this state, any other state, or the United 94875  
States that is substantially equivalent to any of the offenses 94876  
listed in division (D)(1) of this section. 94877

(E) Each independent provider shall pay to the bureau of 94878  
criminal identification and investigation the fee prescribed 94879  
pursuant to division (C)(3) of section 109.572 of the Revised Code 94880  
for each criminal records check conducted pursuant to a request 94881  
made under division (C) of this section. 94882

(F) The report of any criminal records check conducted by the 94883  
bureau of criminal identification and investigation in accordance 94884  
with section 109.572 of the Revised Code and pursuant to a request 94885  
made under division (C) of this section is not a public record for 94886  
the purposes of section 149.43 of the Revised Code and shall not 94887  
be made available to any person other than the following: 94888

(1) The person who is the subject of the criminal records 94889  
check or the person's representative; 94890

(2) An administrator at the department or the administrator's 94891  
representative; 94892

(3) A court, hearing officer, or other necessary individual 94893  
involved in a case dealing with a denial or termination of a 94894  
provider agreement related to the criminal records check. 94895

(G) The department shall adopt rules in accordance with 94896  
Chapter 119. of the Revised Code to implement this section. The 94897

rules shall specify circumstances under which the department may 94898  
either issue a provider agreement to an independent provider or 94899  
allow an independent provider to maintain an existing provider 94900  
agreement when the independent provider has been convicted of, has 94901  
pleaded guilty to, or has been found eligible for intervention in 94902  
lieu of conviction for an offense listed or described in division 94903  
~~(C)(1)~~(D)(1) or (D)(2) of this section. 94904

**Sec. 5111.06.** (A)(1) As used in this section and in sections 94905  
5111.061 and 5111.062 of the Revised Code: 94906

(a) "Provider" means any person, institution, or entity that 94907  
furnishes medicaid services under a provider agreement with the 94908  
department of job and family services pursuant to Title XIX of the 94909  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 94910  
amended. 94911

(b) "Party" has the same meaning as in division (G) of 94912  
section 119.01 of the Revised Code. 94913

(c) "Adjudication" has the same meaning as in division (D) of 94914  
section 119.01 of the Revised Code. 94915

(2) This section does not apply to any action taken by the 94916  
department of job and family services under sections 5111.35 to 94917  
5111.62 of the Revised Code. 94918

(B) Except as provided in division (D) of this section and 94919  
section 5111.914 of the Revised Code, the department shall do 94920  
either of the following by issuing an order pursuant to an 94921  
adjudication conducted in accordance with Chapter 119. of the 94922  
Revised Code: 94923

(1) Enter into or refuse to enter into a provider agreement 94924  
with a provider, or suspend, terminate, renew, or refuse to renew 94925  
an existing provider agreement with a provider; 94926

(2) Take any action based upon a final fiscal audit of a 94927

provider. 94928

(C) Any party who is adversely affected by the issuance of an 94929  
adjudication order under division (B) of this section may appeal 94930  
to the court of common pleas of Franklin county in accordance with 94931  
section 119.12 of the Revised Code. 94932

(D) The department is not required to comply with division 94933  
(B)(1) of this section whenever any of the following occur: 94934

(1) The terms of a provider agreement require the provider to 94935  
hold a license, permit, or certificate or maintain a certification 94936  
issued by an official, board, commission, department, division, 94937  
bureau, or other agency of state or federal government other than 94938  
the department of job and family services, and the license, 94939  
permit, certificate, or certification has been denied, revoked, 94940  
not renewed, suspended, or otherwise limited. 94941

(2) The terms of a provider agreement require the provider to 94942  
hold a license, permit, or certificate or maintain certification 94943  
issued by an official, board, commission, department, division, 94944  
bureau, or other agency of state or federal government other than 94945  
the department of job and family services, and the provider has 94946  
not obtained the license, permit, certificate, or certification. 94947

(3) The provider agreement is denied, terminated, or not 94948  
renewed due to the termination, refusal to renew, or denial of a 94949  
license, permit, certificate, or certification by an official, 94950  
board, commission, department, division, bureau, or other agency 94951  
of this state other than the department of job and family 94952  
services, notwithstanding the fact that the provider may hold a 94953  
license, permit, certificate, or certification from an official, 94954  
board, commission, department, division, bureau, or other agency 94955  
of another state. 94956

(4) The provider agreement is denied, terminated, or not 94957  
renewed pursuant to division (C) or (F) of section 5111.03 of the 94958

Revised Code <del>+</del> <u>.</u>	94959
(5) The provider agreement is denied, terminated, or not renewed due to the provider's termination, suspension, or exclusion from the medicare program established under Title XVIII of the "Social Security Act," and the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program <del>+</del> <u>.</u>	94960 94961 94962 94963 94964 94965
(6) The provider agreement is denied, terminated, or not renewed due to the provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program <del>+</del> <u>.</u>	94966 94967 94968 94969
(7) The provider agreement is denied, terminated, or suspended as a result of action by the United States department of health and human services and that action is binding on the provider's participation in the medicaid program <del>+</del> <u>.</u>	94970 94971 94972 94973
(8) The provider agreement is suspended pursuant to section 5111.031 of the Revised Code pending indictment of the provider.	94974 94975
(9) The provider agreement is denied, terminated, or not renewed because the provider <u>or its owner, officer, authorized agent, associate, manager, or employee</u> has been convicted of one of the offenses that caused the provider agreement to be suspended pursuant to section 5111.031 of the Revised Code.	94976 94977 94978 94979 94980
(10) The provider agreement is converted under section 5111.028 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.	94981 94982 94983
(11) The provider agreement is terminated or an application for re-enrollment is denied because the provider has failed to apply for re-enrollment within the time or in the manner specified for re-enrollment pursuant to section 5111.028 of the Revised Code.	94984 94985 94986 94987 94988

(12) The provider agreement is terminated or not renewed 94989  
because the provider has not billed or otherwise submitted a 94990  
medicaid claim to the department for two years or longer, ~~and the~~ 94991  
~~department has determined that the provider has moved from the~~ 94992  
~~address on record with the department without leaving an active~~ 94993  
~~forwarding address with the department.~~ 94994

(13) The provider agreement is denied, terminated, or not 94995  
renewed because the provider fails to provide to the department 94996  
the national provider identifier assigned the provider by the 94997  
national provider system pursuant to 45 C.F.R. 162. 408. 94998

In the case of a provider described in division (D)(12) or 94999  
(13) of this section, the department may ~~terminate or not renew~~ 95000  
the take its proposed action against a provider agreement by 95001  
sending a notice explaining the ~~department's~~ proposed action to 95002  
the provider. The notice shall be sent to the provider's address 95003  
on record with the department. ~~The~~ In the case of a provider 95004  
described in division (D)(12) of this section, the notice may be 95005  
sent by regular mail. In the case of a provider described in 95006  
division (D)(13) of this section, the notice shall be sent by 95007  
certified mail. 95008

(E) The department may withhold payments for services 95009  
rendered by a medicaid provider under the ~~medical assistance~~ 95010  
medicaid program during the pendency of proceedings initiated 95011  
under division (B)(1) of this section. If the proceedings are 95012  
initiated under division (B)(2) of this section, the department 95013  
may withhold payments only to the extent that they equal amounts 95014  
determined in a final fiscal audit as being due the state. This 95015  
division does not apply if the department fails to comply with 95016  
section 119.07 of the Revised Code, requests a continuance of the 95017  
hearing, or does not issue a decision within thirty days after the 95018  
hearing is completed. This division does not apply to nursing 95019  
facilities and intermediate care facilities for the mentally 95020

retarded as defined in section 5111.20 of the Revised Code. 95021

**Sec. 5111.176.** (A) As used in this section: 95022

(1) "Medicaid health insuring corporation" means a health 95023  
insuring corporation that holds a certificate of authority under 95024  
Chapter 1751. of the Revised Code and has entered into a contract 95025  
with the department of job and family services pursuant to section 95026  
5111.17 of the Revised Code. 95027

(2) "Managed care premium" means any premium payment, 95028  
capitation payment, or other payment a medicaid health insuring 95029  
corporation receives for providing, or arranging for the provision 95030  
of, health care services to its members or enrollees residing in 95031  
this state. 95032

(B) Except as provided in division (C) of this section, all 95033  
of the following apply: 95034

(1) Each medicaid health insuring corporation shall pay to 95035  
the department of job and family services a franchise permit fee 95036  
for the period December 1, 2005, through December 31, 2005, and 95037  
each calendar quarter occurring ~~thereafter~~ between January 1, 95038  
2006, and September 30, 2009. 95039

(2) The fee to be paid is an amount that is equal to a 95040  
percentage of the managed care premiums the medicaid health 95041  
insuring corporation received in the period December 1, 2005, 95042  
through December 31, 2005, and in the subsequent quarter to which 95043  
the fee applies, excluding the amount of any managed care premiums 95044  
the corporation returned or refunded to enrollees, members, or 95045  
premium payers during the period December 1, 2005, through 95046  
December 31, 2005, or the subsequent quarter to which the fee 95047  
applies. 95048

(3) The percentage to be used in calculating the fee shall be 95049  
four and one-half per cent, unless the department adopts rules 95050



under division (L) of this section decreasing the percentage below 95051  
four and one-half per cent or increasing the percentage to not 95052  
more than six per cent. 95053

(C) The department shall reduce the franchise permit fee 95054  
imposed under this section or terminate its collection of the fee 95055  
if the department determines either of the following: 95056

(1) That the reduction or termination is required to comply 95057  
with federal statutes or regulations; 95058

(2) That the fee does not qualify as a state share of 95059  
medicaid expenditures eligible for federal financial 95060  
participation. 95061

(D) The franchise permit fee shall be paid on or before the 95062  
thirtieth day following the end of the period December 1, 2005, 95063  
through December 31, 2005, or the calendar quarter to which the 95064  
fee applies. At the time the fee is submitted, the medicaid health 95065  
insuring corporation shall file with the department a report on a 95066  
form prescribed by the department. The corporation shall provide 95067  
on the form all information required by the department and shall 95068  
include with the form any necessary supporting documentation. 95069

(E) The department may audit the records of any medicaid 95070  
health insuring corporation to determine whether the corporation 95071  
is in compliance with this section. The department may audit the 95072  
records that pertain to the period December 1, 2005, through 95073  
December 31, 2005, or a particular calendar quarter, at any time 95074  
during the five years following the date the franchise permit fee 95075  
payment for that period or quarter was due. 95076

(F)(1) A medicaid health insuring corporation that does not 95077  
pay the franchise permit fee in full by the date the payment is 95078  
due is subject to any or all of the following: 95079

(a) A monetary penalty in the amount of five hundred dollars 95080  
for each day any part of the fee remains unpaid, except that the 95081

penalty shall not exceed an amount equal to five per cent of the 95082  
total fee that was due; 95083

(b) Withholdings from future managed care premiums pursuant 95084  
to division (G) of this section; 95085

(c) Termination of the corporation's medicaid provider 95086  
agreement pursuant to division (H) of this section. 95087

(2) Penalties imposed under division (F)(1)(a) of this 95088  
section are in addition to and not in lieu of the franchise permit 95089  
fee. 95090

(G) If a medicaid health insuring corporation fails to pay 95091  
the full amount of its franchise permit fee when due, or the full 95092  
amount of a penalty imposed under division (F)(1)(a) of this 95093  
section, the department may withhold an amount equal to the 95094  
remaining amount due from any future managed care premiums to be 95095  
paid to the corporation under the medicaid program. The department 95096  
may withhold amounts under this division without providing notice 95097  
to the corporation. The amounts may be withheld until the amount 95098  
due has been paid. 95099

(H) The department may commence actions to terminate a 95100  
medicaid health insuring corporation's medicaid provider 95101  
agreement, and may terminate the agreement subject to division (I) 95102  
of this section, if the corporation does any of the following: 95103

(1) Fails to pay its franchise permit fee or fails to pay the 95104  
fee promptly; 95105

(2) Fails to pay a penalty imposed under division (F)(1)(a) 95106  
of this section or fails to pay the penalty promptly; 95107

(3) Fails to cooperate with an audit conducted under division 95108  
(E) of this section. 95109

(I) At the request of a medicaid health insuring corporation, 95110  
the department shall grant the corporation a hearing in accordance 95111

with Chapter 119. of the Revised Code, if either of the following 95112  
is the case: 95113

(1) The department has determined that the corporation owes 95114  
an additional franchise permit fee or penalty as the result of an 95115  
audit conducted under division (E) of this section. 95116

(2) The department is proposing to terminate the 95117  
corporation's medicaid provider agreement and the provisions of 95118  
section 5111.06 of the Revised Code requiring an adjudication in 95119  
accordance with Chapter 119. of the Revised Code are applicable. 95120

(J)(1) At the request of a medicaid corporation, the 95121  
department shall grant the corporation a reconsideration of any 95122  
issue that arises out of the provisions of this section and is not 95123  
subject to division (I) of this section. The department's decision 95124  
at the conclusion of the reconsideration is not subject to appeal 95125  
under Chapter 119. of the Revised Code or any other provision of 95126  
the Revised Code. 95127

(2) In conducting a reconsideration, the department shall do 95128  
at least the following: 95129

(a) Specify the time frames within which a corporation must 95130  
act in order to exercise its opportunity for a reconsideration; 95131

(b) Permit the corporation to present written arguments or 95132  
other materials that support the corporation's position. 95133

(K) There is hereby created in the state treasury the managed 95134  
care assessment fund. Money collected from the franchise permit 95135  
fees and penalties imposed under this section shall be credited to 95136  
the fund. The department shall use the money in the fund to pay 95137  
for medicaid services, the department's administrative costs, and 95138  
contracts with medicaid health insuring corporations. 95139

(L) The director of job and family services may adopt rules 95140  
to implement and administer this section. The rules shall be 95141

adopted in accordance with Chapter 119. of the Revised Code. 95142

**Sec. 5111.222.** (A) Except as otherwise provided by sections 95143  
5111.20 to 5111.33 of the Revised Code and by division (B) of this 95144  
section, the payments that the department of job and family 95145  
services shall agree to make to the provider of a nursing facility 95146  
pursuant to a provider agreement shall equal the sum of all of the 95147  
following: 95148

(1) The rate for direct care costs determined for the nursing 95149  
facility under section 5111.231 of the Revised Code; 95150

(2) The rate for ancillary and support costs determined for 95151  
the nursing facility's ancillary and support cost peer group under 95152  
section 5111.24 of the Revised Code; 95153

(3) The rate for tax costs determined for the nursing 95154  
facility under section 5111.242 of the Revised Code; 95155

(4) The rate for franchise permit fees determined for the 95156  
nursing facility under section 5111.243 of the Revised Code; 95157

(5) The quality incentive payment paid to the nursing 95158  
facility under section 5111.244 of the Revised Code; 95159

(6) The ~~median~~ rate for capital costs determined for the 95160  
~~nursing facilities in the nursing facility's capital costs peer~~ 95161  
~~group as determined~~ facility under section 5111.25 of the Revised 95162  
Code. 95163

(B) The department shall adjust the rates otherwise 95164  
determined under divisions (A)(1), (2), (3), and (6) of this 95165  
section as directed by the general assembly through the enactment 95166  
of law governing medicaid payments to providers of nursing 95167  
facilities, including any law that does either of the following: 95168

(1) Establishes factors by which the rates are to be 95169  
adjusted; 95170

(2) Establishes a methodology for phasing in the rates 95171  
determined for fiscal year 2006 under uncodified law the general 95172  
assembly enacts to rates determined for subsequent fiscal years 95173  
under sections 5111.20 to 5111.33 of the Revised Code. 95174

**Sec. 5111.231.** (A) As used in this section, "applicable 95175  
calendar year" means the following: 95176

(1) For the purpose of the department of job and family 95177  
services' initial determination under division (D) of this section 95178  
of each peer group's cost per case-mix unit, calendar year 2003; 95179

(2) For the purpose of the department's subsequent 95180  
determinations under division (D) of this section of each peer 95181  
group's cost per case-mix unit, the calendar year the department 95182  
selects. 95183

(B) The department of job and family services shall pay a 95184  
provider for each of the provider's eligible nursing facilities a 95185  
per resident per day rate for direct care costs determined 95186  
semiannually by multiplying the cost per case-mix unit determined 95187  
under division (D) of this section for the facility's peer group 95188  
by the facility's semiannual case-mix score determined under 95189  
section 5111.232 of the Revised Code. 95190

(C) For the purpose of determining nursing facilities' rate 95191  
for direct care costs, the department shall establish three peer 95192  
groups. 95193

Each nursing facility located in any of the following 95194  
counties shall be placed in peer group one: Brown, Butler, 95195  
Clermont, Clinton, Hamilton, and Warren. 95196

Each nursing facility located in any of the following 95197  
counties shall be placed in peer group two: Ashtabula, Champaign, 95198  
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 95199  
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 95200

Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 95201  
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 95202  
and Wood. 95203

Each nursing facility located in any of the following 95204  
counties shall be placed in peer group three: Adams, Allen, 95205  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 95206  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 95207  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 95208  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 95209  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 95210  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 95211  
Washington, Wayne, Williams, and Wyandot. 95212

(D)(1) At least once every ten years, the department shall 95213  
determine a cost per case-mix unit for each peer group established 95214  
under division (C) of this section. A cost per case-mix unit 95215  
determined under this division for a peer group shall be used for 95216  
subsequent years until the department redetermines it. To 95217  
determine a peer group's cost per case-mix unit, the department 95218  
shall do all of the following: 95219

(a) Determine the cost per case-mix unit for each nursing 95220  
facility in the peer group for the applicable calendar year by 95221  
dividing each facility's desk-reviewed, actual, allowable, per 95222  
diem direct care costs for the applicable calendar year by the 95223  
facility's annual average case-mix score determined under section 95224  
5111.232 of the Revised Code for the applicable calendar year. 95225

(b) Subject to division (D)(2) of this section, identify 95226  
which nursing facility in the peer group is at the twenty-fifth 95227  
percentile of the cost per case-mix units determined under 95228  
division (D)(1)(a) of this section. 95229

(c) Calculate the amount that is seven per cent above the 95230  
cost per case-mix unit determined under division (D)(1)(a) of this 95231

section for the nursing facility identified under division 95232  
(D)(1)(b) of this section. 95233

(d) Multiply the amount calculated under division (D)(1)(c) 95234  
of this section by the rate of inflation for the eighteen-month 95235  
period beginning on the first day of July of the applicable 95236  
calendar year and ending the last day of December of the calendar 95237  
year immediately following the applicable calendar year using the 95238  
~~employment cost index for total compensation, health services~~ 95239  
~~component, published by the United States bureau of labor~~ 95240  
~~statistics~~ inflation measuring system or inflation factor the 95241  
director of job and family services shall specify in rules adopted 95242  
under section 5111.02 of the Revised Code. 95243

(2) In making the identification under division (D)(1)(b) of 95244  
this section, the department shall exclude both of the following: 95245

(a) Nursing facilities that participated in the medicaid 95246  
program under the same provider for less than twelve months in the 95247  
applicable calendar year; 95248

(b) Nursing facilities whose cost per case-mix unit is more 95249  
than one standard deviation from the mean cost per case-mix unit 95250  
for all nursing facilities in the nursing facility's peer group 95251  
for the applicable calendar year. 95252

(3) The department shall not redetermine a peer group's cost 95253  
per case-mix unit under this division based on additional 95254  
information that it receives after the peer group's per case-mix 95255  
unit is determined. The department shall redetermine a peer 95256  
group's cost per case-mix unit only if it made an error in 95257  
determining the peer group's cost per case-mix unit based on 95258  
information available to the department at the time of the 95259  
original determination. 95260

**Sec. 5111.232.** (A)(1) The department of job and family 95261

services shall determine semiannual and annual average case-mix scores for nursing facilities by using all of the following: 95262  
95263

(a) Data from a resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following residents: 95264  
95265  
95266  
95267  
95268

(i) When determining ~~semi-annual~~ semiannual case-mix scores, each resident who is a medicaid recipient; 95269  
95270

(ii) When determining annual average case-mix scores, each resident regardless of payment source. 95271  
95272

(b) Except as provided in rules authorized by ~~division~~ divisions (A)(2)(a) and (b) of this section, the case-mix values established by the United States department of health and human services; 95273  
95274  
95275  
95276

(c) Except as modified in rules authorized by division (A)(2)(c) of this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program established by Title XVIII. 95277  
95278  
95279  
95280  
95281

(2) The director of job and family services may adopt rules under section 5111.02 of the Revised Code that do any of the following: 95282  
95283  
95284

(a) Adjust the case-mix values specified in division (A)(1)(b) of this section to reflect changes in relative wage differentials that are specific to this state; 95285  
95286  
95287

(b) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another; 95288  
95289  
95290  
95291



(c) Modify the grouper methodology specified in division	95292
(A)(1)(c) of this section as follows:	95293
(i) Establish a different hierarchy for assigning residents	95294
to case-mix categories under the methodology;	95295
(ii) Prohibit the use of the index maximizer element of the	95296
methodology;	95297
(iii) Incorporate changes to the methodology the United	95298
States department of health and human services makes after June	95299
30, 1999;	95300
(iv) Make other changes the department determines are	95301
necessary.	95302
(B) The department shall determine case-mix scores for	95303
intermediate care facilities for the mentally retarded using data	95304
for each resident, regardless of payment source, from a resident	95305
assessment instrument and grouper methodology prescribed in rules	95306
adopted under section 5111.02 of the Revised Code and expressed in	95307
case-mix values established by the department in those rules.	95308
(C) Each calendar quarter, each provider shall compile	95309
complete assessment data, from the resident assessment instrument	95310
specified in rules authorized by division (A) or (B) of this	95311
section, for each resident of each of the provider's facilities,	95312
regardless of payment source, who was in the facility or on	95313
hospital or therapeutic leave from the facility on the last day of	95314
the quarter. Providers of a nursing facility shall submit the data	95315
to the department of health and, if required by rules, the	95316
department of job and family services. Providers of an	95317
intermediate care facility for the mentally retarded shall submit	95318
the data to the department of job and family services. The data	95319
shall be submitted not later than fifteen days after the end of	95320
the calendar quarter for which the data is compiled.	95321
Except as provided in division (D) of this section, the	95322

department, every six months and after the end of each calendar 95323  
year, shall calculate a semiannual and annual average case-mix 95324  
score for each nursing facility using the facility's quarterly 95325  
case-mix scores for that six-month period or calendar year. Also 95326  
except as provided in division (D) of this section, the 95327  
department, after the end of each calendar year, shall calculate 95328  
an annual average case-mix score for each intermediate care 95329  
facility for the mentally retarded using the facility's quarterly 95330  
case-mix scores for that calendar year. The department shall make 95331  
the calculations pursuant to procedures specified in rules adopted 95332  
under section 5111.02 of the Revised Code. 95333

(D)(1) If a provider does not timely submit information for a 95334  
calendar quarter necessary to calculate a facility's case-mix 95335  
score, or submits incomplete or inaccurate information for a 95336  
calendar quarter, the department may assign the facility a 95337  
quarterly average case-mix score that is five per cent less than 95338  
the facility's quarterly average case-mix score for the preceding 95339  
calendar quarter. If the facility was subject to an exception 95340  
review under division (C) of section 5111.27 of the Revised Code 95341  
for the preceding calendar quarter, the department may assign a 95342  
quarterly average case-mix score that is five per cent less than 95343  
the score determined by the exception review. If the facility was 95344  
assigned a quarterly average case-mix score for the preceding 95345  
quarter, the department may assign a quarterly average case-mix 95346  
score that is five per cent less than that score assigned for the 95347  
preceding quarter. 95348

The department may use a quarterly average case-mix score 95349  
assigned under division (D)(1) of this section, instead of a 95350  
quarterly average case-mix score calculated based on the 95351  
provider's submitted information, to calculate the facility's rate 95352  
for direct care costs being established under section 5111.23 or 95353  
5111.231 of the Revised Code for one or more months, as specified 95354

in rules authorized by division (E) of this section, of the 95355  
quarter for which the rate established under section 5111.23 or 95356  
5111.231 of the Revised Code will be paid. 95357

Before taking action under division (D)(1) of this section, 95358  
the department shall permit the provider a reasonable period of 95359  
time, specified in rules authorized by division (E) of this 95360  
section, to correct the information. In the case of an 95361  
intermediate care facility for the mentally retarded, the 95362  
department shall not assign a quarterly average case-mix score due 95363  
to late submission of corrections to assessment information unless 95364  
the provider fails to submit corrected information prior to the 95365  
eighty-first day after the end of the calendar quarter to which 95366  
the information pertains. In the case of a nursing facility, the 95367  
department shall not assign a quarterly average case-mix score due 95368  
to late submission of corrections to assessment information unless 95369  
the provider fails to submit corrected information prior to the 95370  
earlier of the ~~eighty-first~~ forty-sixth day after the end of the 95371  
calendar quarter to which the information pertains or the deadline 95372  
for submission of such corrections established by regulations 95373  
adopted by the United States department of health and human 95374  
services under Titles XVIII and XIX. 95375

(2) If a provider is paid a rate for a facility calculated 95376  
using a quarterly average case-mix score assigned under division 95377  
(D)(1) of this section for more than six months in a calendar 95378  
year, the department may assign the facility a cost per case-mix 95379  
unit that is five per cent less than the facility's actual or 95380  
assigned cost per case-mix unit for the preceding calendar year. 95381  
The department may use the assigned cost per case-mix unit, 95382  
instead of calculating the facility's actual cost per case-mix 95383  
unit in accordance with section 5111.23 or 5111.231 of the Revised 95384  
Code, to establish the facility's rate for direct care costs for 95385  
the following fiscal year. 95386

(3) The department shall take action under division (D)(1) or 95387  
(2) of this section only in accordance with rules authorized by 95388  
division (E) of this section. The department shall not take an 95389  
action that affects rates for prior payment periods except in 95390  
accordance with sections 5111.27 and 5111.28 of the Revised Code. 95391

(E) The director shall adopt rules under section 5111.02 of 95392  
the Revised Code that do all of the following: 95393

(1) Specify whether providers of a nursing facility must 95394  
submit the assessment data to the department of job and family 95395  
services; 95396

(2) Specify the medium or media through which the completed 95397  
assessment data shall be submitted; 95398

(3) Establish procedures under which the assessment data 95399  
shall be reviewed for accuracy and providers shall be notified of 95400  
any data that requires correction; 95401

(4) Establish procedures for providers to correct assessment 95402  
data and specify a reasonable period of time by which providers 95403  
shall submit the corrections. The procedures may limit the content 95404  
of corrections by providers of nursing facilities in the manner 95405  
required by regulations adopted by the United States department of 95406  
health and human services under Titles XVIII and XIX. 95407

(5) Specify when and how the department will assign case-mix 95408  
scores or costs per case-mix unit under division (D) of this 95409  
section if information necessary to calculate the facility's 95410  
case-mix score is not provided or corrected in accordance with the 95411  
procedures established by the rules. Notwithstanding any other 95412  
provision of sections 5111.20 to 5111.33 of the Revised Code, the 95413  
rules also may provide for the following: 95414

(a) Exclusion of case-mix scores assigned under division (D) 95415  
of this section from calculation of an intermediate care facility 95416  
for the mentally retarded's annual average case-mix score and the 95417

maximum cost per case-mix unit for the facility's peer group; 95418

(b) Exclusion of case-mix scores assigned under division (D) 95419  
of this section from calculation of a nursing facility's 95420  
semiannual or annual average case-mix score and the cost per 95421  
case-mix unit for the facility's peer group. 95422

Sec. 5111.236. (A) As used in this section, "medically 95423  
fragile child" means an individual under eighteen years of age who 95424  
requires both of the following: 95425

(1) The services of a doctor of medicine or osteopathic 95426  
medicine at least once a week due to the instability of the 95427  
individual's medical condition; 95428

(2) The services of a registered nurse on a daily basis. 95429

(B) The medicaid program shall cover oxygen services that a 95430  
medical supplier with a valid medicaid provider agreement provides 95431  
to a medicaid recipient who is a medically fragile child and 95432  
resides in an intermediate care facility for the mentally 95433  
retarded. The medicaid program shall cover such oxygen services 95434  
regardless of any of the following: 95435

(1) The percentage of the medicaid recipient's arterial 95436  
oxygen saturation at rest, exercise, or sleep; 95437

(2) The type of system used in delivering the oxygen to the 95438  
medicaid recipient; 95439

(3) Whether the intermediate care facility for the mentally 95440  
retarded in which the medicaid recipient resides purchases or 95441  
rents the equipment used in the delivery of the oxygen to the 95442  
recipient. 95443

(C) A medical supplier of an oxygen service shall bill the 95444  
department of job and family services directly for oxygen services 95445  
the medicaid program covers under this section. The provider of an 95446  
intermediate care facility for the mentally retarded may not 95447

include the cost of an oxygen service covered by the medicaid 95448  
program under this section in the facility's cost report unless 95449  
the facility is the medical supplier of the oxygen service. 95450

**Sec. 5111.24.** (A) As used in this section, "applicable 95451  
calendar year" means the following: 95452

(1) For the purpose of the department of job and family 95453  
services' initial determination under division (D) of this section 95454  
of each peer group's rate for ancillary and support costs, 95455  
calendar year 2003; 95456

(2) For the purpose of the department's subsequent 95457  
determinations under division (D) of this section of each peer 95458  
group's rate for ancillary and support costs, the calendar year 95459  
the department selects. 95460

(B) The department of job and family services shall pay a 95461  
provider for each of the provider's eligible nursing facilities a 95462  
per resident per day rate for ancillary and support costs 95463  
determined for the nursing facility's peer group under division 95464  
(D) of this section. 95465

(C) For the purpose of determining nursing facilities' rate 95466  
for ancillary and support costs, the department shall establish 95467  
six peer groups. 95468

Each nursing facility located in any of the following 95469  
counties shall be placed in peer group one or two: Brown, Butler, 95470  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 95471  
located in any of those counties that has fewer than one hundred 95472  
beds shall be placed in peer group one. Each nursing facility 95473  
located in any of those counties that has one hundred or more beds 95474  
shall be placed in peer group two. 95475

Each nursing facility located in any of the following 95476  
counties shall be placed in peer group three or four: Ashtabula, 95477

Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 95478  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 95479  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 95480  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 95481  
Union, and Wood. Each nursing facility located in any of those 95482  
counties that has fewer than one hundred beds shall be placed in 95483  
peer group three. Each nursing facility located in any of those 95484  
counties that has one hundred or more beds shall be placed in peer 95485  
group four. 95486

Each nursing facility located in any of the following 95487  
counties shall be placed in peer group five or six: Adams, Allen, 95488  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 95489  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 95490  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 95491  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 95492  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 95493  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 95494  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 95495  
located in any of those counties that has fewer than one hundred 95496  
beds shall be placed in peer group five. Each nursing facility 95497  
located in any of those counties that has one hundred or more beds 95498  
shall be placed in peer group six. 95499

(D)(1) At least once every ten years, the department shall 95500  
determine the rate for ancillary and support costs for each peer 95501  
group established under division (C) of this section. The rate for 95502  
ancillary and support costs determined under this division for a 95503  
peer group shall be used for subsequent years until the department 95504  
redetermines it. To determine a peer group's rate for ancillary 95505  
and support costs, the department shall do all of the following: 95506

(a) Determine the rate for ancillary and support costs for 95507  
each nursing facility in the peer group for the applicable 95508  
calendar year by using the greater of the nursing facility's 95509

actual inpatient days for the applicable calendar year or the 95510  
inpatient days the nursing facility would have had for the 95511  
applicable calendar year if its occupancy rate had been ninety per 95512  
cent. For the purpose of determining a nursing facility's 95513  
occupancy rate under division (D)(1)(a) of this section, the 95514  
department shall include any beds that the nursing facility 95515  
removes from its medicaid-certified capacity unless the nursing 95516  
facility also removes the beds from its licensed bed capacity. 95517

(b) Subject to division (D)(2) of this section, identify 95518  
which nursing facility in the peer group is at the twenty-fifth 95519  
percentile of the rate for ancillary and support costs for the 95520  
applicable calendar year determined under division (D)(1)(a) of 95521  
this section. 95522

(c) Calculate the amount that is three per cent above the 95523  
rate for ancillary and support costs determined under division 95524  
(D)(1)(a) of this section for the nursing facility identified 95525  
under division (D)(1)(b) of this section. 95526

(d) Multiply the amount calculated under division (D)(1)(c) 95527  
of this section by the rate of inflation for the eighteen-month 95528  
period beginning on the first day of July of the applicable 95529  
calendar year and ending the last day of December of the calendar 95530  
year immediately following the applicable calendar year using the 95531  
~~consumer price index for all items for all urban consumers for the~~ 95532  
~~north central region, published by the United States bureau of~~ 95533  
~~labor statistics~~ inflation measuring system or inflation factor 95534  
the director of job and family services shall specify in rules 95535  
adopted under section 5111.02 of the Revised Code. 95536

(2) In making the identification under division (D)(1)(b) of 95537  
this section, the department shall exclude both of the following: 95538

(a) Nursing facilities that participated in the medicaid 95539  
program under the same provider for less than twelve months in the 95540



applicable calendar year; 95541

(b) Nursing facilities whose ancillary and support costs are 95542  
more than one standard deviation from the mean desk-reviewed, 95543  
actual, allowable, per diem ancillary and support cost for all 95544  
nursing facilities in the nursing facility's peer group for the 95545  
applicable calendar year. 95546

(3) The department shall not redetermine a peer group's rate 95547  
for ancillary and support costs under this division based on 95548  
additional information that it receives after the rate is 95549  
determined. The department shall redetermine a peer group's rate 95550  
for ancillary and support costs only if it made an error in 95551  
determining the rate based on information available to the 95552  
department at the time of the original determination. 95553

**Sec. 5111.25.** (A) As used in this section, "applicable 95554  
calendar year" means the following: 95555

(1) For the purpose of the department of job and family 95556  
services' initial determination under division (D) of this section 95557  
of each peer group's median rate for capital costs, calendar year 95558  
2003; 95559

(2) For the purpose of the department's subsequent 95560  
determinations under division (D) of this section of each peer 95561  
group's median rate for capital costs, the calendar year the 95562  
department selects. 95563

(B) The department of job and family services shall pay a 95564  
provider for each of the provider's eligible nursing facilities a 95565  
per resident per day rate for capital costs. A nursing facility's 95566  
rate for capital costs shall be the greater of the following: 95567

(1) The median rate for capital costs for the nursing 95568  
facilities in the nursing facility's peer group as determined 95569  
under division (D) of this section; 95570

(2) The sum of the following: 95571

(a) The capital costs portion of the nursing facility's 95572  
medicaid reimbursement per diem rate on June 30, 2005, regardless 95573  
of whether the nursing facility has undergone a change of 95574  
operator, as defined in section 5111.65 of the Revised Code, after 95575  
that date or, if the nursing facility did not have a medicaid 95576  
reimbursement per diem rate on June 30, 2005, the capital costs 95577  
portion of the nursing facility's initial rate established under 95578  
section 5111.254 of the Revised Code; 95579

(b) Any per diem for which the nursing facility qualified 95580  
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th general 95581  
assembly, as amended by Am. Sub. H.B. 562 of the 127th general 95582  
assembly. 95583

(C) For the purpose of determining nursing facilities' median 95584  
rate for capital costs, the department shall establish six peer 95585  
groups. 95586

Each nursing facility located in any of the following 95587  
counties shall be placed in peer group one or two: Brown, Butler, 95588  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 95589  
located in any of those counties that has fewer than one hundred 95590  
beds shall be placed in peer group one. Each nursing facility 95591  
located in any of those counties that has one hundred or more beds 95592  
shall be placed in peer group two. 95593

Each nursing facility located in any of the following 95594  
counties shall be placed in peer group three or four: Ashtabula, 95595  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 95596  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 95597  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 95598  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 95599  
Union, and Wood. Each nursing facility located in any of those 95600  
counties that has fewer than one hundred beds shall be placed in 95601

peer group three. Each nursing facility located in any of those 95602  
counties that has one hundred or more beds shall be placed in peer 95603  
group four. 95604

Each nursing facility located in any of the following 95605  
counties shall be placed in peer group five or six: Adams, Allen, 95606  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 95607  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 95608  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 95609  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 95610  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 95611  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 95612  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 95613  
located in any of those counties that has fewer than one hundred 95614  
beds shall be placed in peer group five. Each nursing facility 95615  
located in any of those counties that has one hundred or more beds 95616  
shall be placed in peer group six. 95617

(D)(1) At least once every ten years, the department shall 95618  
determine the median rate for capital costs for each peer group 95619  
established under division (C) of this section. The median rate 95620  
for capital costs determined under this division for a peer group 95621  
shall be used for subsequent years until the department 95622  
redetermines it. To determine a peer group's median rate for 95623  
capital costs, the department shall do both of the following: 95624

(a) Subject to division (D)(2) of this section, use the 95625  
greater of each nursing facility's actual inpatient days for the 95626  
applicable calendar year or the inpatient days the nursing 95627  
facility would have had for the applicable calendar year if its 95628  
occupancy rate had been one hundred per cent. 95629

(b) Exclude both of the following: 95630

(i) Nursing facilities that participated in the medicaid 95631  
program under the same provider for less than twelve months in the 95632

applicable calendar year; 95633

(ii) Nursing facilities whose capital costs are more than one 95634  
standard deviation from the mean desk-reviewed, actual, allowable, 95635  
per diem capital cost for all nursing facilities in the nursing 95636  
facility's peer group for the applicable calendar year. 95637

(2) For the purpose of determining a nursing facility's 95638  
occupancy rate under division (D)(1)(a) of this section, the 95639  
department shall include any beds that the nursing facility 95640  
removes from its medicaid-certified capacity after June 30, 2005, 95641  
unless the nursing facility also removes the beds from its 95642  
licensed bed capacity. 95643

(E) Buildings shall be depreciated using the straight line 95644  
method over forty years or over a different period approved by the 95645  
department. Components and equipment shall be depreciated using 95646  
the straight-line method over a period designated in rules adopted 95647  
under section 5111.02 of the Revised Code, consistent with the 95648  
guidelines of the American hospital association, or over a 95649  
different period approved by the department. Any rules authorized 95650  
by this division that specify useful lives of buildings, 95651  
components, or equipment apply only to assets acquired on or after 95652  
July 1, 1993. Depreciation for costs paid or reimbursed by any 95653  
government agency shall not be included in capital costs unless 95654  
that part of the payment under sections 5111.20 to 5111.33 of the 95655  
Revised Code is used to reimburse the government agency. 95656

(F) The capital cost basis of nursing facility assets shall 95657  
be determined in the following manner: 95658

(1) Except as provided in division (F)(3) of this section, 95659  
for purposes of calculating the rates to be paid for facilities 95660  
with dates of licensure on or before June 30, 1993, the capital 95661  
cost basis of each asset shall be equal to the desk-reviewed, 95662  
actual, allowable, capital cost basis that is listed on the 95663

facility's cost report for the calendar year preceding the fiscal 95664  
year during which the rate will be paid. 95665

(2) For facilities with dates of licensure after June 30, 95666  
1993, the capital cost basis shall be determined in accordance 95667  
with the principles of the medicare program established under 95668  
Title XVIII, except as otherwise provided in sections 5111.20 to 95669  
5111.33 of the Revised Code. 95670

(3) Except as provided in division (F)(4) of this section, if 95671  
a provider transfers an interest in a facility to another provider 95672  
after June 30, 1993, there shall be no increase in the capital 95673  
cost basis of the asset if the providers are related parties or 95674  
the provider to which the interest is transferred authorizes the 95675  
provider that transferred the interest to continue to operate the 95676  
facility under a lease, management agreement, or other 95677  
arrangement. If the previous sentence does not prohibit the 95678  
adjustment of the capital cost basis under this division, the 95679  
basis of the asset shall be adjusted by the lesser of the 95680  
following: 95681

(a) One-half of the change in construction costs during the 95682  
time that the transferor held the asset, as calculated by the 95683  
department of job and family services using the "Dodge building 95684  
cost indexes, northeastern and north central states," published by 95685  
Marshall and Swift; 95686

(b) One-half of the change in the consumer price index for 95687  
all items for all urban consumers, as published by the United 95688  
States bureau of labor statistics, during the time that the 95689  
transferor held the asset. 95690

(4) If a provider transfers an interest in a facility to 95691  
another provider who is a related party, the capital cost basis of 95692  
the asset shall be adjusted as specified in division (F)(3) of 95693  
this section if all of the following conditions are met: 95694

- (a) The related party is a relative of owner; 95695
- (b) Except as provided in division (F)(4)(c)(ii) of this 95696  
section, the provider making the transfer retains no ownership 95697  
interest in the facility; 95698
- (c) The department of job and family services determines that 95699  
the transfer is an arm's length transaction pursuant to rules 95700  
adopted under section 5111.02 of the Revised Code. The rules shall 95701  
provide that a transfer is an arm's length transaction if all of 95702  
the following apply: 95703
- (i) Once the transfer goes into effect, the provider that 95704  
made the transfer has no direct or indirect interest in the 95705  
provider that acquires the facility or the facility itself, 95706  
including interest as an owner, officer, director, employee, 95707  
independent contractor, or consultant, but excluding interest as a 95708  
creditor. 95709
- (ii) The provider that made the transfer does not reacquire 95710  
an interest in the facility except through the exercise of a 95711  
creditor's rights in the event of a default. If the provider 95712  
reacquires an interest in the facility in this manner, the 95713  
department shall treat the facility as if the transfer never 95714  
occurred when the department calculates its reimbursement rates 95715  
for capital costs. 95716
- (iii) The transfer satisfies any other criteria specified in 95717  
the rules. 95718
- (d) Except in the case of hardship caused by a catastrophic 95719  
event, as determined by the department, or in the case of a 95720  
provider making the transfer who is at least sixty-five years of 95721  
age, not less than twenty years have elapsed since, for the same 95722  
facility, the capital cost basis was adjusted most recently under 95723  
division (F)(4) of this section or actual, allowable cost of 95724  
ownership was determined most recently under division (G)(9) of 95725

this section. 95726

(G) As used in this division: 95727

"Imputed interest" means the lesser of the prime rate plus 95728  
two per cent or ten per cent. 95729

"Lease expense" means lease payments in the case of an 95730  
operating lease and depreciation expense and interest expense in 95731  
the case of a capital lease. 95732

"New lease" means a lease, to a different lessee, of a 95733  
nursing facility that previously was operated under a lease. 95734

(1) Subject to division (B) of this section, for a lease of a 95735  
facility that was effective on May 27, 1992, the entire lease 95736  
expense is an actual, allowable capital cost during the term of 95737  
the existing lease. The entire lease expense also is an actual, 95738  
allowable capital cost if a lease in existence on May 27, 1992, is 95739  
renewed under either of the following circumstances: 95740

(a) The renewal is pursuant to a renewal option that was in 95741  
existence on May 27, 1992; 95742

(b) The renewal is for the same lease payment amount and 95743  
between the same parties as the lease in existence on May 27, 95744  
1992. 95745

(2) Subject to division (B) of this section, for a lease of a 95746  
facility that was in existence but not operated under a lease on 95747  
May 27, 1992, actual, allowable capital costs shall include the 95748  
lesser of the annual lease expense or the annual depreciation 95749  
expense and imputed interest expense that would be calculated at 95750  
the inception of the lease using the lessor's entire historical 95751  
capital asset cost basis, adjusted by the lesser of the following 95752  
amounts: 95753

(a) One-half of the change in construction costs during the 95754  
time the lessor held each asset until the beginning of the lease, 95755

as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of financing costs and interest expense at the inception of the lease or the imputed interest expense calculated at the inception of the lease using seventy per cent of the lessor's historical capital asset cost basis.

(4) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that was not initially operated under a lease and has been in existence for ten years, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at



the inception of the lease using the entire historical capital 95787  
asset cost basis of the lessor, adjusted by the lesser of the 95788  
following: 95789

(a) One-half of the change in construction costs during the 95790  
time the lessor held each asset until the beginning of the lease, 95791  
as calculated by the department using the "Dodge building cost 95792  
indexes, northeastern and north central states," published by 95793  
Marshall and Swift; 95794

(b) One-half of the change in the consumer price index for 95795  
all items for all urban consumers, as published by the United 95796  
States bureau of labor statistics, during the time the lessor held 95797  
each asset until the beginning of the lease. 95798

(5) Subject to division (B) of this section, for a new lease 95799  
of a facility that was operated under a lease on May 27, 1992, 95800  
actual, allowable capital costs shall include the lesser of the 95801  
annual new lease expense or the annual old lease payment. If the 95802  
old lease was in effect for ten years or longer, the old lease 95803  
payment from the beginning of the old lease shall be adjusted by 95804  
the lesser of the following: 95805

(a) One-half of the change in construction costs from the 95806  
beginning of the old lease to the beginning of the new lease, as 95807  
calculated by the department using the "Dodge building cost 95808  
indexes, northeastern and north central states," published by 95809  
Marshall and Swift; 95810

(b) One-half of the change in the consumer price index for 95811  
all items for all urban consumers, as published by the United 95812  
States bureau of labor statistics, from the beginning of the old 95813  
lease to the beginning of the new lease. 95814

(6) Subject to division (B) of this section, for a new lease 95815  
of a facility that was not in existence or that was in existence 95816  
but not operated under a lease on May 27, 1992, actual, allowable 95817

capital costs shall include the lesser of annual new lease expense 95818  
or the annual amount calculated for the old lease under division 95819  
(G)(2), (3), (4), or (6) of this section, as applicable. If the 95820  
old lease was in effect for ten years or longer, the lessor's 95821  
historical capital asset cost basis shall be adjusted by the 95822  
lesser of the following for purposes of calculating the annual 95823  
amount under division (G)(2), (3), (4), or (6) of this section: 95824

(a) One-half of the change in construction costs from the 95825  
beginning of the old lease to the beginning of the new lease, as 95826  
calculated by the department using the "Dodge building cost 95827  
indexes, northeastern and north central states," published by 95828  
Marshall and Swift; 95829

(b) One-half of the change in the consumer price index for 95830  
all items for all urban consumers, as published by the United 95831  
States bureau of labor statistics, from the beginning of the old 95832  
lease to the beginning of the new lease. 95833

In the case of a lease under division (G)(3) of this section 95834  
of a facility for which a substantial commitment of money was made 95835  
after December 22, 1992, and before July 1, 1993, the old lease 95836  
payment shall be adjusted for the purpose of determining the 95837  
annual amount. 95838

(7) For any revision of a lease described in division (G)(1), 95839  
(2), (3), (4), (5), or (6) of this section, or for any subsequent 95840  
lease of a facility operated under such a lease, other than 95841  
execution of a new lease, the portion of actual, allowable capital 95842  
costs attributable to the lease shall be the same as before the 95843  
revision or subsequent lease. 95844

(8) Except as provided in division (G)(9) of this section, if 95845  
a provider leases an interest in a facility to another provider 95846  
who is a related party or previously operated the facility, the 95847  
related party's or previous operator's actual, allowable capital 95848

costs shall include the lesser of the annual lease expense or the 95849  
reasonable cost to the lessor. 95850

(9) If a provider leases an interest in a facility to another 95851  
provider who is a related party, regardless of the date of the 95852  
lease, the related party's actual, allowable capital costs shall 95853  
include the annual lease expense, subject to the limitations 95854  
specified in divisions (G)(1) to (7) of this section, if all of 95855  
the following conditions are met: 95856

(a) The related party is a relative of owner; 95857

(b) If the lessor retains an ownership interest, it is, 95858  
except as provided in division (G)(9)(c)(ii) of this section, in 95859  
only the real property and any improvements on the real property; 95860

(c) The department of job and family services determines that 95861  
the lease is an arm's length transaction pursuant to rules adopted 95862  
under section 5111.02 of the Revised Code. The rules shall provide 95863  
that a lease is an arm's length transaction if all of the 95864  
following apply: 95865

(i) Once the lease goes into effect, the lessor has no direct 95866  
or indirect interest in the lessee or, except as provided in 95867  
division (G)(9)(b) of this section, the facility itself, including 95868  
interest as an owner, officer, director, employee, independent 95869  
contractor, or consultant, but excluding interest as a lessor. 95870

(ii) The lessor does not reacquire an interest in the 95871  
facility except through the exercise of a lessor's rights in the 95872  
event of a default. If the lessor reacquires an interest in the 95873  
facility in this manner, the department shall treat the facility 95874  
as if the lease never occurred when the department calculates its 95875  
reimbursement rates for capital costs. 95876

(iii) The lease satisfies any other criteria specified in the 95877  
rules. 95878

(d) Except in the case of hardship caused by a catastrophic 95879  
event, as determined by the department, or in the case of a lessor 95880  
who is at least sixty-five years of age, not less than twenty 95881  
years have elapsed since, for the same facility, the capital cost 95882  
basis was adjusted most recently under division (F)(4) of this 95883  
section or actual, allowable capital costs were determined most 95884  
recently under division (G)(9) of this section. 95885

(10) This division does not apply to leases of specific items 95886  
of equipment. 95887

(H) After the date on which a transaction of sale is closed, 95888  
the provider shall refund to the department the amount of excess 95889  
depreciation paid to the provider for the facility by the 95890  
department for each year the provider has operated the facility 95891  
under a provider agreement and prorated according to the number of 95892  
medicaid patient days for which the provider has received payment 95893  
for the facility. The provider of a facility that is sold or that 95894  
voluntarily terminates participation in the medicaid program also 95895  
shall refund any other amount that the department properly finds 95896  
to be due after the audit conducted under this division. For the 95897  
purposes of this division, "depreciation paid to the provider for 95898  
the facility" means the amount paid to the provider for the 95899  
nursing facility for capital costs pursuant to this section less 95900  
any amount paid for interest costs, amortization of financing 95901  
costs, and lease expenses. For the purposes of this division, 95902  
"excess depreciation" is the nursing facility's depreciated basis, 95903  
which is the provider's cost less accumulated depreciation, 95904  
subtracted from the purchase price net of selling costs but not 95905  
exceeding the amount of depreciation paid to the provider for the 95906  
facility. 95907

**Sec. 5111.261.** Except as otherwise provided in section 95908  
5111.264 of the Revised Code, the department of job and family 95909

services, in determining whether an intermediate care facility for 95910  
the mentally retarded's direct care costs and indirect care costs 95911  
are allowable, shall place no limit on specific categories of 95912  
reasonable costs other than compensation of owners, compensation 95913  
of relatives of owners, and compensation of administrators ~~and~~ 95914  
~~costs for resident meals that are prepared and consumed outside~~ 95915  
~~the facility.~~ 95916

Compensation cost limits for owners and relatives of owners 95917  
shall be based on compensation costs for individuals who hold 95918  
comparable positions but who are not owners or relatives of 95919  
owners, as reported on facility cost reports. As used in this 95920  
section, "comparable position" means the position that is held by 95921  
the owner or the owner's relative, if that position is listed 95922  
separately on the cost report form, or if the position is not 95923  
listed separately, the group of positions that is listed on the 95924  
cost report form and that includes the position held by the owner 95925  
or the owner's relative. In the case of an owner or owner's 95926  
relative who serves the facility in a capacity such as corporate 95927  
officer, proprietor, or partner for which no comparable position 95928  
or group of positions is listed on the cost report form, the 95929  
compensation cost limit shall be based on civil service 95930  
equivalents and shall be specified in rules adopted under section 95931  
5111.02 of the Revised Code. 95932

Compensation cost limits for administrators shall be based on 95933  
compensation costs for administrators who are not owners or 95934  
relatives of owners, as reported on facility cost reports. 95935  
Compensation cost limits for administrators of four or more 95936  
intermediate care facilities for the mentally retarded shall be 95937  
the same as the limits for administrators of intermediate care 95938  
facilities for the mentally retarded with one hundred fifty or 95939  
more beds. 95940

Sec. 5111.65. As used in sections 5111.65 to <del>5111.688</del>	95941
<u>5111.689</u> of the Revised Code:	95942
(A) "Change of operator" means an entering operator becoming	95943
the operator of a nursing facility or intermediate care facility	95944
for the mentally retarded in the place of the exiting operator.	95945
(1) Actions that constitute a change of operator include the	95946
following:	95947
(a) A change in an exiting operator's form of legal	95948
organization, including the formation of a partnership or	95949
corporation from a sole proprietorship;	95950
(b) A transfer of all the exiting operator's ownership	95951
interest in the operation of the facility to the entering	95952
operator, regardless of whether ownership of any or all of the	95953
real property or personal property associated with the facility is	95954
also transferred;	95955
(c) A lease of the facility to the entering operator or the	95956
exiting operator's termination of the exiting operator's lease;	95957
(d) If the exiting operator is a partnership, dissolution of	95958
the partnership;	95959
(e) If the exiting operator is a partnership, a change in	95960
composition of the partnership unless both of the following apply:	95961
(i) The change in composition does not cause the	95962
partnership's dissolution under state law.	95963
(ii) The partners agree that the change in composition does	95964
not constitute a change in operator.	95965
(f) If the operator is a corporation, dissolution of the	95966
corporation, a merger of the corporation into another corporation	95967
that is the survivor of the merger, or a consolidation of one or	95968
more other corporations to form a new corporation.	95969

(2) The following, alone, do not constitute a change of operator:	95970 95971
(a) A contract for an entity to manage a nursing facility or intermediate care facility for the mentally retarded as the operator's agent, subject to the operator's approval of daily operating and management decisions;	95972 95973 95974 95975
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility or intermediate care facility for the mentally retarded if an entering operator does not become the operator in place of an exiting operator;	95976 95977 95978 95979 95980
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	95981 95982 95983 95984
(B) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility or intermediate care facility for the mentally retarded.	95985 95986 95987
(C) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility or intermediate care facility for the mentally retarded resides in the facility.	95988 95989 95990 95991
(D) "Effective date of a voluntary termination" means the day the intermediate care facility for the mentally retarded ceases to accept medicaid patients.	95992 95993 95994
(E) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid patients other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.	95995 95996 95997 95998 95999

(F) "Entering operator" means the person or government entity 96000  
that will become the operator of a nursing facility or 96001  
intermediate care facility for the mentally retarded when a change 96002  
of operator occurs. 96003

(G) "Exiting operator" means any of the following: 96004

(1) An operator that will cease to be the operator of a 96005  
nursing facility or intermediate care facility for the mentally 96006  
retarded on the effective date of a change of operator; 96007

(2) An operator that will cease to be the operator of a 96008  
nursing facility or intermediate care facility for the mentally 96009  
retarded on the effective date of a facility closure; 96010

(3) An operator of an intermediate care facility for the 96011  
mentally retarded that is undergoing or has undergone a voluntary 96012  
termination; 96013

(4) An operator of a nursing facility that is undergoing or 96014  
has undergone a voluntary withdrawal of participation. 96015

(H)(1) "Facility closure" means discontinuance of the use of 96016  
the building, or part of the building, that houses the facility as 96017  
a nursing facility or intermediate care facility for the mentally 96018  
retarded that results in the relocation of all of the facility's 96019  
residents. A facility closure occurs regardless of any of the 96020  
following: 96021

(a) The operator completely or partially replacing the 96022  
facility by constructing a new facility or transferring the 96023  
facility's license to another facility; 96024

(b) The facility's residents relocating to another of the 96025  
operator's facilities; 96026

(c) Any action the department of health takes regarding the 96027  
facility's certification under Title XIX of the "Social Security 96028  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may 96029



result in the transfer of part of the facility's survey findings 96030  
to another of the operator's facilities; 96031

(d) Any action the department of health takes regarding the 96032  
facility's license under Chapter 3721. of the Revised Code; 96033

(e) Any action the department of mental retardation and 96034  
developmental disabilities takes regarding the facility's license 96035  
under section 5123.19 of the Revised Code. 96036

(2) A facility closure does not occur if all of the 96037  
facility's residents are relocated due to an emergency evacuation 96038  
and one or more of the residents return to a medicaid-certified 96039  
bed in the facility not later than thirty days after the 96040  
evacuation occurs. 96041

(I) "Fiscal year," "intermediate care facility for the 96042  
mentally retarded," "nursing facility," "operator," "owner," and 96043  
"provider agreement" have the same meanings as in section 5111.20 96044  
of the Revised Code. 96045

(J) "Voluntary termination" means an operator's voluntary 96046  
election to terminate the participation of an intermediate care 96047  
facility for the mentally retarded in the medicaid program but to 96048  
continue to provide service of the type provided by a residential 96049  
facility as defined in section 5123.19 of the Revised Code. 96050

(K) "Voluntary withdrawal of participation" means an 96051  
operator's voluntary election to terminate the participation of a 96052  
nursing facility in the medicaid program but to continue to 96053  
provide service of the type provided by a nursing facility. 96054

**Sec. 5111.651.** Sections 5111.65 to ~~5111.688~~ 5111.689 of the 96055  
Revised Code do not apply to a nursing facility or intermediate 96056  
care facility for the mentally retarded that undergoes a facility 96057  
closure, voluntary termination, voluntary withdrawal of 96058  
participation, or change of operator on or before September 30, 96059

2005, if the exiting operator provided written notice of the 96060  
facility closure, voluntary termination, voluntary withdrawal of 96061  
participation, or change of operator to the department of job and 96062  
family services on or before June 30, 2005. 96063

Sec. 5111.688. (A) All amounts withheld under section 96064  
5111.681 of the Revised Code from payment due an exiting operator 96065  
under the medicaid program shall be deposited into the medicaid 96066  
payment withholding fund created by the controlling board pursuant 96067  
to section 131.35 of the Revised Code. Money in the fund shall be 96068  
used as follows: 96069

(1) To pay an exiting operator when a withholding is released 96070  
to the exiting operator under section 5111.686 or 5111.687 of the 96071  
Revised Code; 96072

(2) To pay the department of job and family services and 96073  
United States centers for medicare and medicaid services the 96074  
amount an exiting operator owes the department and United States 96075  
centers under the medicaid program. 96076

(B) Amounts paid from the medicaid payment withholding fund 96077  
pursuant to division (A)(2) of this section shall be deposited 96078  
into the appropriate department fund. 96079

Sec. ~~5111.688~~ 5111.689. The director of job and family 96080  
services may adopt rules under section 5111.02 of the Revised Code 96081  
to implement sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised 96082  
Code, including rules applicable to an exiting operator that 96083  
provides written notification under section 5111.66 of the Revised 96084  
Code of a voluntary withdrawal of participation. Rules adopted 96085  
under this section shall comply with section 1919(c)(2)(F) of the 96086  
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 96087  
1396r(c)(2)(F), regarding restrictions on transfers or discharges 96088  
of nursing facility residents in the case of a voluntary 96089

withdrawal of participation. The rules may prescribe a medicaid 96090  
reimbursement methodology and other procedures that are applicable 96091  
after the effective date of a voluntary withdrawal of 96092  
participation that differ from the reimbursement methodology and 96093  
other procedures that would otherwise apply. 96094

**Sec. 5111.705.** No individual shall be denied eligibility for 96095  
the medicaid buy-in for workers with disabilities program on the 96096  
basis that the individual receives services under a home and 96097  
community-based services medicaid waiver component as defined in 96098  
section ~~5111.851~~ 5111.85 of the Revised Code. 96099

**Sec. 5111.85.** (A) As used in this section and sections 96100  
5111.851 to 5111.856 of the Revised Code, ~~"medicaid:~~ 96101

"Home and community-based services medicaid waiver component" 96102  
means a medicaid waiver component under which home and 96103  
community-based services are provided as an alternative to 96104  
hospital, nursing facility, or intermediate care facility for the 96105  
mentally retarded services. 96106

"Hospital" has the same meaning as in section 3727.01 of the 96107  
Revised Code. 96108

"Intermediate care facility for the mentally retarded" has 96109  
the same meaning as in section 5111.20 of the Revised Code. 96110

"Medicaid waiver component" means a component of the medicaid 96111  
program authorized by a waiver granted by the United States 96112  
department of health and human services under section 1115 or 1915 96113  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 96114  
1315 or 1396n. "Medicaid waiver component" does not include a care 96115  
management system established under section 5111.16 of the Revised 96116  
Code. 96117

"Nursing facility" has the same meaning as in section 5111.20 96118

<u>of the Revised Code.</u>	96119
(B) The director of job and family services may adopt rules	96120
under Chapter 119. of the Revised Code governing medicaid waiver	96121
components that establish all of the following:	96122
(1) Eligibility requirements for the medicaid waiver	96123
components;	96124
(2) The type, amount, duration, and scope of services the	96125
medicaid waiver components provide;	96126
(3) The conditions under which the medicaid waiver components	96127
cover services;	96128
(4) The amount the medicaid waiver components pay for	96129
services or the method by which the amount is determined;	96130
(5) The manner in which the medicaid waiver components pay	96131
for services;	96132
(6) Safeguards for the health and welfare of medicaid	96133
recipients receiving services under a medicaid waiver component;	96134
(7) <u>Procedures for both of the following:</u>	96135
<u>(a) Identifying individuals who meet all of the following</u>	96136
<u>requirements:</u>	96137
<u>(i) Are eligible for a home and community-based services</u>	96138
<u>medicaid waiver component and on a waiting list for the component;</u>	96139
<u>(ii) Are receiving inpatient hospital services or residing in</u>	96140
<u>an intermediate care facility for the mentally retarded or nursing</u>	96141
<u>facility (as appropriate for the component);</u>	96142
<u>(iii) Choose to be enrolled in the component.</u>	96143
<u>(b) Approving the enrollment of individuals identified under</u>	96144
<u>the procedures established under division (B)(7)(a) of this</u>	96145
<u>section into the home and community-based services medicaid waiver</u>	96146
<u>component.</u>	96147

(8) Procedures for enforcing the rules, including 96148  
establishing corrective action plans for, and imposing financial 96149  
and administrative sanctions on, persons and government entities 96150  
that violate the rules. Sanctions shall include terminating 96151  
medicaid provider agreements. The procedures shall include due 96152  
process protections. 96153

~~(8)~~(9) Other policies necessary for the efficient 96154  
administration of the medicaid waiver components. 96155

(C) The director of job and family services may adopt 96156  
different rules for the different medicaid waiver components. The 96157  
rules shall be consistent with the terms of the waiver authorizing 96158  
the medicaid waiver component. 96159

(D) Any procedures established under division (B)(7) of this 96160  
section for the PASSPORT program shall be consistent with section 96161  
173.401 of the Revised Code. Any procedures established under 96162  
division (B)(7) of this section for the assisted living program 96163  
shall be consistent with section 5111.894 of the Revised Code. 96164

**Sec. 5111.851.** (A) As used in sections 5111.851 to 5111.855 96165  
of the Revised Code: 96166

"Administrative agency" means, with respect to a home and 96167  
community-based services medicaid waiver component, the department 96168  
of job and family services or, if a state agency or political 96169  
subdivision contracts with the department under section 5111.91 of 96170  
the Revised Code to administer the component, that state agency or 96171  
political subdivision. 96172

~~"Home and community based services medicaid waiver component" 96173  
means a medicaid waiver component under which home and 96174  
community based services are provided as an alternative to 96175  
hospital, nursing facility, or intermediate care facility for the 96176  
mentally retarded services. 96177~~

~~"Hospital" has the same meaning as in section 3727.01 of the Revised Code.~~ 96178  
96179

~~"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.~~ 96180  
96181

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or intermediate care facility for the mentally retarded and whether the individual, if determined to need that level of care, would receive hospital, nursing facility, or intermediate care facility for the mentally retarded services if not for a home and community-based services medicaid waiver component. 96182  
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96189

"Medicaid buy-in for workers with disabilities program" means the component of the medicaid program established under sections 5111.70 to 5111.7011 of the Revised Code. 96190  
96191  
96192

~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 96193  
96194

"Skilled nursing facility" means a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 96195  
96196  
96197

(B) The following requirements apply to each home and community-based services medicaid waiver component: 96198  
96199

(1) Only an individual who qualifies for a component shall receive that component's services. 96200  
96201

(2) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed. 96202  
96203  
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(3) A written plan of care or individual service plan based 96208  
on an individual assessment of the services that an individual 96209  
needs to avoid needing admission to a hospital, nursing facility, 96210  
or intermediate care facility for the mentally retarded shall be 96211  
created for each individual determined eligible for a component. 96212

(4) Each individual determined eligible for a component shall 96213  
receive that component's services in accordance with the 96214  
individual's level of care determination and written plan of care 96215  
or individual service plan. 96216

(5) No individual may receive services under a component 96217  
while the individual is a hospital inpatient or resident of a 96218  
skilled nursing facility, nursing facility, or intermediate care 96219  
facility for the mentally retarded. 96220

(6) No individual may receive prevocational, educational, or 96221  
supported employment services under a component if the individual 96222  
is eligible for such services that are funded with federal funds 96223  
provided under 29 U.S.C. 730 or the "Individuals with Disabilities 96224  
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 96225

(7) Safeguards shall be taken to protect the health and 96226  
welfare of individuals receiving services under a component, 96227  
including safeguards established in rules adopted under section 96228  
5111.85 of the Revised Code and safeguards established by 96229  
licensing and certification requirements that are applicable to 96230  
the providers of that component's services. 96231

(8) No services may be provided under a component by a 96232  
provider that is subject to standards that 42 U.S.C. 1382e(e)(1) 96233  
requires be established if the provider fails to comply with the 96234  
standards applicable to the provider. 96235

(9) Individuals determined to be eligible for a component, or 96236  
such individuals' representatives, shall be informed of that 96237  
component's services, including any choices that the individual or 96238

representative may make regarding the component's services, and 96239  
given the choice of either receiving services under that component 96240  
or, as appropriate, hospital, nursing facility, or intermediate 96241  
care facility for the mentally retarded services. 96242

(10) No individual shall lose eligibility for services under 96243  
a component, or have the services reduced or otherwise disrupted, 96244  
on the basis that the individual also receives services under the 96245  
medicaid buy-in for workers with disabilities program. 96246

(11) No individual shall lose eligibility for services under 96247  
a component, or have the services reduced or otherwise disrupted, 96248  
on the basis that the individual's income or resources increase to 96249  
an amount above the eligibility limit for the component if the 96250  
individual is participating in the medicaid buy-in for workers 96251  
with disabilities program and the amount of the individual's 96252  
income or resources does not exceed the eligibility limit for the 96253  
medicaid buy-in for workers with disabilities program. 96254

(12) No individual receiving services under a component shall 96255  
be required to pay any cost sharing expenses for the services for 96256  
any period during which the individual also participates in the 96257  
medicaid buy-in for workers with disabilities program. 96258

**Sec. 5111.861.** (A) As used in this section: 96259

(1) "Assisted living program" means the medicaid waiver 96260  
component created under section 5111.89 of the Revised Code. 96261

(2) "Choices program" means the medicaid waiver component 96262  
created under section 173.402 of the Revised Code. 96263

(3) "Medicaid waiver component" has the same meaning as in 96264  
section 5111.85 of the Revised Code. 96265

(4) "PASSPORT program" means the medicaid waiver component 96266  
created under section 173.40 of the Revised Code. 96267

(B) The director of job and family services shall submit a 96268



request to the United States secretary of health and human 96269  
services pursuant to 42 U.S.C. 1396n to obtain a federal medicaid 96270  
waiver that consolidates the following medicaid waiver components 96271  
into one medicaid waiver component: 96272

(1) The assisted living program; 96273

(2) The choices program; 96274

(3) The PASSPORT program. 96275

(C) In seeking a consolidated federal medicaid waiver under 96276  
this section, the director of job and family services shall work 96277  
with the director of aging and provide for the waiver to do all of 96278  
the following: 96279

(1) For the part of the waiver that concerns the assisted 96280  
living program, include the provisions that sections 5111.89 to 96281  
5111.894 of the Revised Code establish for the assisted living 96282  
program; 96283

(2) For the part of the waiver that concerns the choices 96284  
program, include the provisions that sections 173.402 and 173.403 96285  
of the Revised Code establishes for the choices program; 96286

(3) For the part of the waiver that concerns the PASSPORT 96287  
program, include the provisions that sections 173.40, 173.401, and 96288  
173.403 of the Revised Code establish for the PASSPORT program; 96289

(4) For each part of the waiver, including the part that 96290  
concerns the choices program, be available statewide. 96291

(D) If the United States secretary approves the consolidated 96292  
federal medicaid waiver sought under this section, all of the 96293  
following shall apply: 96294

(1) The department of job and family services shall enter 96295  
into a contract with the department of aging under section 5111.91 96296  
of the Revised Code for the department of aging to administer the 96297  
consolidated federal medicaid waiver, except that the department 96298

of job and family services, rather than the department of aging, 96299  
shall administer the part of the waiver that concerns the assisted 96300  
living program if the director of budget and management does not 96301  
approve the contract; 96302

(2) The director of job and family services shall adopt rules 96303  
under section 5111.85 of the Revised Code to authorize the 96304  
director of aging to adopt rules in accordance with Chapter 119. 96305  
of the Revised Code that are needed to implement the consolidated 96306  
federal medicaid waiver, except that the director of job and 96307  
family services shall adopt rules under section 5111.85 of the 96308  
Revised Code that are needed to implement the part of the waiver 96309  
that concerns the assisted living program if the director of 96310  
budget and management does not approve the contract the 96311  
departments of job and family services and aging enter into under 96312  
division (D)(1) of this section; 96313

(3) Any statutory reference to the assisted living program 96314  
shall mean the part of the consolidated federal medicaid waiver 96315  
that concerns the assisted living program; 96316

(4) Any statutory reference to the choices program shall mean 96317  
the part of the consolidated federal medicaid waiver that concerns 96318  
the choices program; 96319

(5) Any statutory references to the PASSPORT program shall 96320  
mean the part of the consolidated federal medicaid waiver that 96321  
concerns the PASSPORT program. 96322

**Sec. 5111.874.** (A) As used in sections 5111.874 to 5111.8710 96323  
of the Revised Code: 96324

"Home and community-based services" has the same meaning as 96325  
in section 5123.01 of the Revised Code. 96326

"ICF/MR services" means intermediate care facility for the 96327  
mentally retarded services covered by the medicaid program that an 96328

intermediate care facility for the mentally retarded provides to a 96329  
resident of the facility who is a medicaid recipient eligible for 96330  
medicaid-covered intermediate care facility for the mentally 96331  
retarded services. 96332

"Intermediate care facility for the mentally retarded" means 96333  
an intermediate care facility for the mentally retarded that is 96334  
certified as in compliance with applicable standards for the 96335  
medicaid program by the director of health in accordance with 96336  
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 96337  
U.S.C. 1396, as amended, and licensed as a residential facility 96338  
under section 5123.19 of the Revised Code. 96339

"Residential facility" has the same meaning as in section 96340  
5123.19 of the Revised Code. 96341

(B) For the purpose of increasing the number of slots 96342  
available for home and community-based services and subject to 96343  
sections 5111.877 and 5111.878 of the Revised Code, the operator 96344  
of an intermediate care facility for the mentally retarded may 96345  
convert all of the beds in the facility from providing ICF/MR 96346  
services to providing home and community-based services if all of 96347  
the following requirements are met: 96348

(1) The operator provides the directors of health, job and 96349  
family services, and mental retardation and developmental 96350  
disabilities at least ninety days' notice of the operator's intent 96351  
to relinquish the facility's certification as an intermediate care 96352  
facility for the mentally retarded and to begin providing home and 96353  
community-based services. 96354

(2) The operator complies with the requirements of sections 96355  
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 96356  
voluntary termination as defined in section 5111.65 of the Revised 96357  
Code if those requirements are applicable. 96358

(3) The operator notifies each of the facility's residents 96359

that the facility is to cease providing ICF/MR services and inform 96360  
each resident that the resident may do either of the following: 96361

(a) Continue to receive ICF/MR services by transferring to 96362  
another facility that is an intermediate care facility for the 96363  
mentally retarded willing and able to accept the resident if the 96364  
resident continues to qualify for ICF/MR services; 96365

(b) Begin to receive home and community-based services 96366  
instead of ICF/MR services from any provider of home and 96367  
community-based services that is willing and able to provide the 96368  
services to the resident if the resident is eligible for the 96369  
services and a slot for the services is available to the resident. 96370

(4) The operator meets the requirements for providing home 96371  
and community-based services, including the following: 96372

(a) Such requirements applicable to a residential facility if 96373  
the operator maintains the facility's license as a residential 96374  
facility; 96375

(b) Such requirements applicable to a facility that is not 96376  
licensed as a residential facility if the operator surrenders the 96377  
facility's residential facility license under section 5123.19 of 96378  
the Revised Code. 96379

(5) The director of mental retardation and developmental 96380  
disabilities approves the conversion. 96381

(C) The notice to the director of mental retardation and 96382  
developmental disabilities under division (B)(1) of this section 96383  
shall specify whether the operator wishes to surrender the 96384  
facility's license as a residential facility under section 5123.19 96385  
of the Revised Code. 96386

(D) If the director of mental retardation and developmental 96387  
disabilities approves a conversion under division (B) of this 96388  
section, the director of health shall terminate the certification 96389

of the intermediate care facility for the mentally retarded to be 96390  
converted. The director of health shall notify the director of job 96391  
and family services of the termination. On receipt of the director 96392  
of health's notice, the director of job and family services shall 96393  
terminate the operator's medicaid provider agreement that 96394  
authorizes the operator to provide ICF/MR services at the 96395  
facility. The operator is not entitled to notice or a hearing 96396  
under Chapter 119. of the Revised Code before the director of job 96397  
and family services terminates the medicaid provider agreement. 96398  
96399

**Sec. 5111.875.** (A) For the purpose of increasing the number 96400  
of slots available for home and community-based services and 96401  
subject to sections 5111.877 and 5111.878 of the Revised Code, a 96402  
person who acquires, through a request for proposals issued by the 96403  
director of mental retardation and developmental disabilities, a 96404  
residential facility that is an intermediate care facility for the 96405  
mentally retarded and for which the license as a residential 96406  
facility was previously surrendered or revoked may convert some or 96407  
all of the facility's beds from providing ICF/MR services to 96408  
providing home and community-based services if all of the 96409  
following requirements are met: 96410

(1) The person provides the directors of health, job and 96411  
family services, and mental retardation and developmental 96412  
disabilities at least ninety days' notice of the person's intent 96413  
to make the conversion. 96414

(2) The person complies with the requirements of sections 96415  
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 96416  
voluntary termination as defined in section 5111.65 of the Revised 96417  
Code if those requirements are applicable. 96418

(3) If the person intends to convert all of the facility's 96419  
beds, the person notifies each of the facility's residents that 96420

the facility is to cease providing ICF/MR services and informs 96421  
each resident that the resident may do either of the following: 96422

(a) Continue to receive ICF/MR services by transferring to 96423  
another facility that is an intermediate care facility for the 96424  
mentally retarded willing and able to accept the resident if the 96425  
resident continues to qualify for ICF/MR services; 96426

(b) Begin to receive home and community-based services 96427  
instead of ICF/MR services from any provider of home and 96428  
community-based services that is willing and able to provide the 96429  
services to the resident if the resident is eligible for the 96430  
services and a slot for the services is available to the resident. 96431

(4) If the person intends to convert some but not all of the 96432  
facility's beds, the person notifies each of the facility's 96433  
residents that the facility is to convert some of its beds from 96434  
providing ICF/MR services to providing home and community-based 96435  
services and inform each resident that the resident may do either 96436  
of the following: 96437

(a) Continue to receive ICF/MR services from any provider of 96438  
ICF/MR services that is willing and able to provide the services 96439  
to the resident if the resident continues to qualify for ICF/MR 96440  
services; 96441

(b) Begin to receive home and community-based services 96442  
instead of ICF/MR services from any provider of home and 96443  
community-based services that is willing and able to provide the 96444  
services to the resident if the resident is eligible for the 96445  
services and a slot for the services is available to the resident. 96446

(5) The person meets the requirements for providing home and 96447  
community-based services at a residential facility. 96448

(B) The notice provided to the directors under division 96449  
(A)(1) of this section shall specify whether some or all of the 96450  
facility's beds are to be converted. If some but not all of the 96451

beds are to be converted, the notice shall specify how many of the 96452  
facility's beds are to be converted and how many of the beds are 96453  
to continue to provide ICF/MR services. 96454

(C) On receipt of a notice under division (A)(1) of this 96455  
section, the director of health shall do the following: 96456

(1) Terminate the certification of the intermediate care 96457  
facility for the mentally retarded if the notice specifies that 96458  
all of the facility's beds are to be converted; 96459

(2) Reduce the facility's certified capacity by the number of 96460  
beds being converted if the notice specifies that some but not all 96461  
of the beds are to be converted. 96462

(D) The director of health shall notify the director of job 96463  
and family services of the termination or reduction under division 96464  
(C) of this section. On receipt of the director of health's 96465  
notice, the director of job and family services shall do the 96466  
following: 96467

(1) Terminate the person's medicaid provider agreement that 96468  
authorizes the person to provide ICF/MR services at the facility 96469  
if the facility's certification was terminated; 96470

(2) Amend the person's medicaid provider agreement to reflect 96471  
the facility's reduced certified capacity if the facility's 96472  
certified capacity is reduced. 96473

The person is not entitled to notice or a hearing under 96474  
Chapter 119. of the Revised Code before the director of job and 96475  
family services terminates or amends the medicaid provider 96476  
agreement. 96477

**Sec. 5111.88.** (A) As used in sections 5111.88 to 5111.8811 of 96478  
the Revised Code: 96479

(1) "Adult" means an individual at least eighteen years of 96480  
age. 96481

<u>(2) "Authorized representative" means the following:</u>	96482
<u>(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;</u>	96483 96484
<u>(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.</u>	96485 96486 96487 96488
<u>(3) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.</u>	96489 96490 96491 96492
<u>(4) "Consumer" means an individual to whom all of the following apply:</u>	96493 96494
<u>(a) The individual is enrolled in a participating medicaid waiver component.</u>	96495 96496
<u>(b) The individual has a medically determinable physical impairment to which both of the following apply:</u>	96497 96498
<u>(i) It is expected to last for a continuous period of not less than twelve months.</u>	96499 96500
<u>(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.</u>	96501 96502 96503 96504
<u>(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.</u>	96505 96506 96507 96508
<u>(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care</u>	96509 96510 96511



<u>attendant.</u>	96512
<u>(5) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u>	96513 96514
<u>(6) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.</u>	96515 96516
<u>(7) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.</u>	96517 96518
<u>(8) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.</u>	96519 96520
<u>(9) "Health care professional" means a physician or registered nurse.</u>	96521 96522
<u>(10) "Home care attendant" means an individual holding a valid medicaid provider agreement in accordance with section 5111.881 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.</u>	96523 96524 96525 96526
<u>(11) "Home care attendant services" means all of the following as provided by a home care attendant:</u>	96527 96528
<u>(a) Personal care aide services;</u>	96529
<u>(b) Assistance with the self-administration of medication;</u>	96530
<u>(c) Assistance with nursing tasks.</u>	96531
<u>(12) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.</u>	96532 96533
<u>(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.</u>	96534 96535
<u>(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.</u>	96536 96537
<u>(15) "Minor" means an individual under eighteen years of age.</u>	96538
<u>(16) "Participating medicaid waiver component" means both of</u>	96539

the following: 96540

(a) The medicaid waiver component known as Ohio home care that the department of job and family services administers; 96541  
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(b) The medicaid waiver component known as Ohio transitions II aging carve-out that the department of job and family services administers. 96543  
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(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 96546  
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(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice nurse, as defined in section 4723.01 of the Revised Code. 96549  
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(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 96554  
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(B) The director of job and family services may submit requests to the United States secretary of health and human services to amend the federal medicaid waivers authorizing the participating medicaid waiver components to have those components cover home care attendant services in accordance with sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code. Notwithstanding sections 5111.881 to 5111.8811 of the Revised Code, those sections shall be implemented regarding a participating medicaid waiver component only if the secretary approves a waiver amendment for the component. 96557  
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Sec. 5111.881. The director of job and family services shall enter into a medicaid provider agreement with an individual to authorize the individual to provide home care attendant services 96567  
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to consumers if the individual does both of the following: 96570

(A) Agrees to comply with the requirements of sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code; 96571  
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(B) Provides the director evidence satisfactory to the director of all of the following: 96574  
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(1) That the individual either meets the personnel qualifications specified in 42 C.F.R. 484.4 for home health aides or has successfully completed at least one of the following: 96576  
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(a) A competency evaluation program or training and competency evaluation program approved or conducted by the director of health under section 3721.31 of the Revised Code; 96579  
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(b) A training program approved by the department of job and family services that includes training in at least all of the following and provides training equivalent to a training and competency evaluation program specified in division (B)(1)(a) of this section or meets the requirements of 42 C.F.R. 484.36(a): 96582  
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(i) Basic home safety; 96587

(ii) Universal precautions for the prevention of disease transmission, including hand-washing and proper disposal of bodily waste and medical instruments that are sharp or may produce sharp pieces if broken; 96588  
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(iii) Personal care aide services; 96592

(iv) The labeling, counting, and storage requirements for schedule II, III, IV, and V medications. 96593  
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(2) That the individual has obtained a certificate of completion of a course in first aid from a first aid course to which all of the following apply: 96595  
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(a) It is not provided solely through the internet. 96598

(b) It includes hands-on training provided by a first aid instructor who is qualified to provide such training according to standards set in rules adopted under section 5111.8811 of the Revised Code. 96599  
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(c) It requires the individual to demonstrate successfully that the individual has learned the first aid taught in the course. 96603  
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(3) That the individual meets any other requirements for the medicaid provider agreement specified in rules adopted under section 5111.8811 of the Revised Code. 96606  
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Sec. 5111.882. A home care attendant shall complete not less than twelve hours of in-service continuing education regarding home care attendant services each year and provide the director of job and family services evidence satisfactory to the director that the attendant satisfied this requirement. The evidence shall be submitted to the director not later than the annual anniversary of the issuance of the home care attendant's initial medicaid provider agreement. 96609  
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Sec. 5111.883. A home care attendant shall do all of the following: 96617  
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(A) Maintain a clinical record for each consumer to whom the attendant provides home care attendant services in a manner that protects the consumer's privacy; 96619  
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(B) Participate in a face-to-face visit every ninety days with all of the following to monitor the health and welfare of each of the consumers to whom the attendant provides home care attendant services: 96622  
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(1) The consumer; 96626

(2) The consumer's authorized representative, if any; 96627

(3) A registered nurse who agrees to answer any questions that the attendant, consumer, or authorized representative has about consumer care needs, medications, and other issues. 96628  
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(C) Document the activities of each visit required by division (B) of this section in the consumer's clinical record with the assistance of the registered nurse. 96631  
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**Sec. 5111.884.** (A) A home care attendant may assist a consumer with nursing tasks or self-administration of medication only after the attendant does both of the following: 96634  
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96636

(1) Subject to division (B) of this section, completes consumer-specific training in how to provide the assistance that the authorizing health care professional authorizes the attendant to provide to the consumer; 96637  
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(2) At the request of the consumer, consumer's authorized representative, or authorizing health care professional, successfully demonstrates that the attendant has learned how to provide the authorized assistance to the consumer. 96641  
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(B) The training required by division (A)(1) of this section shall be provided by either of the following: 96645  
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(1) The authorizing health care professional; 96647

(2) The consumer or consumer's authorized representative in cooperation with the authorizing health care professional. 96648  
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**Sec. 5111.885.** A home care attendant shall comply with both of the following when assisting a consumer with nursing tasks or self-administration of medication: 96650  
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(A) The written consent of the consumer or consumer's authorized representative provided to the director of job and family services under section 5111.886 of the Revised Code; 96653  
96654  
96655

(B) The authorizing health care professional's written 96656

authorization provided to the director under section 5111.887 of 96657  
the Revised Code. 96658

Sec. 5111.886. To consent to a home care attendant assisting 96659  
a consumer with nursing tasks or self-administration of 96660  
medication, the consumer or consumer's authorized representative 96661  
shall provide the director of job and family services a written 96662  
statement signed by the consumer or authorized representative 96663  
under which the consumer or authorized representative consents to 96664  
both of the following: 96665

(A) Having the attendant assist the consumer with nursing 96666  
tasks or self-administration of medication; 96667

(B) Assuming responsibility for directing the attendant when 96668  
the attendant assists the consumer with nursing tasks or 96669  
self-administration of medication. 96670

Sec. 5111.887. To authorize a home care attendant to assist a 96671  
consumer with nursing tasks or self-administration of medication, 96672  
a health care professional shall provide the director of job and 96673  
family services a written statement signed by the health care 96674  
professional that includes all of the following: 96675

(A) The consumer's name and address; 96676

(B) A description of the nursing tasks or self-administration 96677  
of medication with which the attendant is to assist the consumer, 96678  
including, in the case of assistance with self-administration of 96679  
medication, the name and dosage of the medication; 96680

(C) The times or intervals when the attendant is to assist 96681  
the consumer with the self-administration of each dosage of the 96682  
medication or nursing tasks; 96683

(D) The dates the attendant is to begin and cease providing 96684  
the assistance; 96685

(E) A list of severe adverse reactions the attendant must report to the health care professional should the consumer experience one or more of the reactions; 96686  
96687  
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(F) At least one telephone number at which the attendant can reach the health care professional in an emergency; 96689  
96690

(G) Instructions the attendant is to follow when assisting the consumer with nursing tasks or self-administration of medication, including instructions for maintaining sterile conditions and for storage of task-related equipment and supplies; 96691  
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96693  
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(H) The health care professional's attestation of both of the following: 96695  
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(1) That the consumer or consumer's authorized representative has demonstrated to the health care professional the ability to direct the attendant; 96697  
96698  
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(2) That the attendant has demonstrated to the health care professional the ability to provide the consumer assistance with nursing tasks or self-administration of medication that the health care professional has specifically authorized the attendant to provide and that the consumer or consumer's authorized representative has indicated to the health care professional that the consumer or authorized representative is satisfied with the attendant's demonstration. 96700  
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**Sec. 5111.888.** When authorizing a home care attendant to assist a consumer with nursing tasks or self-administration of medication a health care professional may not authorize a home care attendant to do any of the following: 96708  
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(A) Perform a task that is outside of the health care professional's scope of practice; 96712  
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(B) Assist the consumer with the self-administration of a medication, including a schedule II, schedule III, schedule IV, or 96714  
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schedule V drug unless both of the following apply: 96716

(1) The medication is administered orally, topically, or via 96717  
a gastrostomy tube or jejunostomy tube, including through any of 96718  
the following: 96719

(a) In the case of an oral medication, a metered dose 96720  
inhaler; 96721

(b) In the case of a topical medication, including a 96722  
transdermal medication, either of the following: 96723

(i) An eye, ear, or nose drop or spray; 96724

(ii) A vaginal or rectal suppository. 96725

(c) In the case of a gastrostomy tube or jejunostomy tube, 96726  
only through a pre-programmed pump. 96727

(2) The medication is in its original container and the label 96728  
attached to the container displays all of the following: 96729

(a) The consumer's full name in print; 96730

(b) The medication's dispensing date, which must not be more 96731  
than twelve months before the date the attendant assists the 96732  
consumer with self-administration of the medication; 96733

(c) The exact dosage and means of administration that match 96734  
the health care professional's authorization to the attendant. 96735

(C) Assist the consumer with the self-administration of a 96736  
schedule II, schedule III, schedule IV, or schedule V medication 96737  
unless, in addition to meeting the requirements of division (B) of 96738  
this section, all of the following apply: 96739

(1) The medication has a warning label on its container. 96740

(2) The attendant counts the medication in the consumer's or 96741  
authorized representative's presence when the medication is 96742  
administered to the consumer and records the count on a form used 96743  
for the count as specified in rules adopted under section 96744



5111.8811 of the Revised Code. 96745

(3) The attendant recounts the medication in the consumer's or authorized representative's presence at least monthly and reconciles the recount on a log located in the consumer's clinical record. 96746  
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(4) The medication is stored separately from all other medications and is secured and locked at all times when not being administered to the consumer to prevent unauthorized access. 96750  
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(D) Perform an intramuscular injection; 96753

(E) Perform a subcutaneous injection unless it is for a routine dose of insulin; 96754  
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(F) Program a pump used to deliver a medication unless the pump is used to deliver a routine dose of insulin; 96756  
96757

(G) Insert, remove, or discontinue an intravenous access device; 96758  
96759

(H) Engage in intravenous medication administration; 96760

(I) Insert or initiate an infusion therapy; 96761

(J) Perform a central line dressing change. 96762

**Sec. 5111.889.** A home care attendant who provides home care attendant services to a consumer in accordance with the authorizing health care professional's authorization does not engage in the practice of nursing as a registered nurse or in the practice of nursing as a licensed practical nurse in violation of section 4723.03 of the Revised Code. 96763  
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A consumer or the consumer's authorized representative shall report to the director of job and family services if a home care attendant engages in the practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse beyond the authorizing health care professional's authorization. The 96769  
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director shall forward a copy of each report to the board of 96774  
nursing. 96775

Sec. 5111.8810. A consumer who is an adult may select an 96776  
individual to act on the consumer's behalf for purposes regarding 96777  
home care attendant services by submitting a written notice of the 96778  
consumer's selection of an authorized representative to the 96779  
director of job and family services. The notice shall specifically 96780  
identify the individual the consumer selects as authorized 96781  
representative and may limit what the authorized representative 96782  
may do on the consumer's behalf regarding home care attendant 96783  
services. A consumer may not select the consumer's home care 96784  
attendant to be the consumer's authorized representative. 96785  
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Sec. 5111.8811. The director of job and family services shall 96787  
adopt rules under section 5111.85 of the Revised Code as necessary 96788  
for the implementation of sections 5111.88 to 5111.8810 of the 96789  
Revised Code. The rules shall be consistent with federal and state 96790  
law. 96791

**Sec. 5111.89.** (A) As used in sections 5111.89 to 5111.894 of 96792  
the Revised Code: 96793

"Area agency on aging" has the same meaning as in section 96794  
173.14 of the Revised Code. 96795

"Assisted living program" means the ~~medicaid waiver component~~ 96796  
~~for which the director of job and family services is authorized by~~ 96797  
program created under this section to request a medicaid waiver. 96798

"Assisted living services" means the following home and 96799  
community-based services: personal care, homemaker, chore, 96800  
attendant care, companion, medication oversight, and therapeutic 96801  
social and recreational programming. 96802

"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code. 96803  
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"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code. 96805  
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"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 96808  
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"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 96813  
96814

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 96815  
96816

"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 96817  
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"State administrative agency" means the department of job and family services if the department of job and family services administers the assisted living program or the department of aging if the department of aging administers the assisted living program. 96819  
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~~(B) The director of job and family services may submit a request to the United States secretary of health and human services under 42 U.S.C. 1396n to obtain a waiver of federal medicaid requirements that would otherwise be violated in the creation and implementation of a program under which~~ There is hereby created the assisted living program. The program shall provide assisted living services ~~are provided to not more than one thousand eight hundred~~ individuals who meet the program's eligibility requirements established under section 5111.891 of the Revised Code. The program may not serve more individuals than the 96824  
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number that is set by the United States secretary of health and 96834  
human services when the medicaid waiver authorizing the program is 96835  
approved. The program shall be operated as a separate medicaid 96836  
waiver component until the United States secretary approves the 96837  
consolidated federal medicaid waiver sought under section 5111.861 96838  
of the Revised Code. The program shall be part of the consolidated 96839  
federal medicaid waiver sought under that section if the United 96840  
States secretary approves the waiver. 96841

~~If the secretary approves the medicaid waiver requested under~~ 96842  
~~this section and the~~ director of budget and management approves 96843  
the contract, the department of job and family services shall 96844  
enter into a contract with the department of aging under section 96845  
5111.91 of the Revised Code that provides for the department of 96846  
aging to administer the assisted living program. The contract 96847  
shall include an estimate of the program's costs. 96848

The director of job and family services may adopt rules under 96849  
section 5111.85 of the Revised Code regarding the assisted living 96850  
program. The director of aging may adopt rules under Chapter 119. 96851  
of the Revised Code regarding the program that the rules adopted 96852  
by the director of job and family services authorize the director 96853  
of aging to adopt. 96854

**Sec. 5111.891.** To be eligible for the assisted living 96855  
program, an individual must meet all of the following 96856  
requirements: 96857

(A) Need an intermediate level of care as determined under 96858  
rule 5101:3-3-06 of the Administrative Code; 96859

(B) At the time the individual applies for the assisted 96860  
living program, be one of the following: 96861

(1) A nursing facility resident who is seeking to move to a 96862  
residential care facility and would remain in a nursing facility 96863

for long term care if not for the assisted living program; 96864

(2) A participant of any of the following medicaid waiver 96865  
components who would move to a nursing facility if not for the 96866  
assisted living program: 96867

(a) The PASSPORT program created under section 173.40 of the 96868  
Revised Code; 96869

(b) The ~~medicaid waiver component called the choices program~~ 96870  
~~that the department of aging administers~~ created under section 96871  
173.402 of the Revised Code; 96872

(c) A medicaid waiver component that the department of job 96873  
and family services administers. 96874

(3) A resident of a residential care facility who has resided 96875  
in a residential care facility for at least six months immediately 96876  
before the date the individual applies for the assisted living 96877  
program. 96878

(C) At the time the individual receives assisted living 96879  
services under the assisted living program, reside in a 96880  
residential care facility that is authorized by a valid medicaid 96881  
provider agreement to participate in the assisted living program, 96882  
including both of the following: 96883

(1) A residential care facility that is owned or operated by 96884  
a metropolitan housing authority that has a contract with the 96885  
United States department of housing and urban development to 96886  
receive an operating subsidy or rental assistance for the 96887  
residents of the facility; 96888

(2) A county or district home licensed as a residential care 96889  
facility. 96890

(D) Meet all other eligibility requirements for the assisted 96891  
living program established in rules adopted under section 5111.85 96892  
of the Revised Code. 96893

**Sec. 5111.894.** The state administrative agency may establish 96894  
one or more waiting lists for the assisted living program. Only 96895  
individuals eligible for the medicaid program may be placed on a 96896  
waiting list. 96897

Each month, each area agency on aging shall determine whether 96898  
any individual who resides in the area that the area agency on 96899  
aging serves and is on a waiting list for the assisted living 96900  
program has been admitted to a nursing facility. If an area agency 96901  
on aging determines that such an individual has been admitted to a 96902  
nursing facility and that there is a vacancy in a residential care 96903  
facility participating in the assisted living program that is 96904  
acceptable to the individual, the agency shall notify the 96905  
long-term care consultation program administrator serving the area 96906  
in which the individual resides about the determination. The 96907  
administrator shall determine whether the assisted living program 96908  
is appropriate for the individual and whether the individual would 96909  
rather participate in the assisted living program than continue 96910  
residing in the nursing facility. If the administrator determines 96911  
that the assisted living program is appropriate for the individual 96912  
and the individual would rather participate in the assisted living 96913  
program than continue residing in the nursing facility, the 96914  
administrator shall so notify the state administrative agency. 96915

96916  
On receipt of the notice from the administrator, the state 96917  
administrative agency shall approve the individual's enrollment in 96918  
the assisted living program regardless of any waiting list for the 96919  
assisted living program, unless the enrollment would cause the 96920  
assisted living program to exceed ~~the~~ any limit on the number of 96921  
individuals who may participate in the program as set by ~~section~~ 96922  
5111.89 of the Revised Code the United States secretary of health 96923  
and human services when the medicaid waiver authorizing the 96924  
program is approved. Each quarter, the state administrative agency 96925

shall certify to the director of budget and management the 96926  
estimated increase in costs of the assisted living program 96927  
resulting from enrollment of individuals in the assisted living 96928  
program pursuant to this section. 96929

~~Not later than the last day of each calendar year, the 96930  
director of job and family services shall submit to the general 96931  
assembly a report regarding the number of individuals enrolled in 96932  
the assisted living program pursuant to this section and the costs 96933  
incurred and savings achieved as a result of the enrollments. 96934~~

**Sec. 5111.971.** (A) As used in this section, "long-term care 96935  
medicaid waiver component" means any of the following: 96936

(1) The PASSPORT program created under section 173.40 of the 96937  
Revised Code; 96938

(2) ~~The medicaid waiver component called the choices program 96939  
that the department of aging administers~~ created under section 96940  
173.402 of the Revised Code; 96941

(3) A medicaid waiver component that the department of job 96942  
and family services administers. 96943

(B) The director of job and family services shall submit a 96944  
request to the United States secretary of health and human 96945  
services for a waiver of federal medicaid requirements that would 96946  
be otherwise violated in the creation of a pilot program under 96947  
which not more than two hundred individuals who meet the pilot 96948  
program's eligibility requirements specified in division (D) of 96949  
this section receive a spending authorization to pay for the cost 96950  
of medically necessary home and community-based services that the 96951  
pilot program covers. The spending authorization shall be in an 96952  
amount not exceeding seventy per cent of the average cost under 96953  
the medicaid program for providing nursing facility services to an 96954  
individual. An individual participating in the pilot program shall 96955

also receive necessary support services, including fiscal 96956  
intermediary and other case management services, that the pilot 96957  
program covers. 96958

(C) If the United States secretary of health and human 96959  
services approves the waiver submitted under division (B) of this 96960  
section, the department of job and family services shall enter 96961  
into a contract with the department of aging under section 5111.91 96962  
of the Revised Code that provides for the department of aging to 96963  
administer the pilot program that the waiver authorizes. 96964

(D) To be eligible to participate in the pilot program 96965  
created under division (B) of this section, an individual must 96966  
meet all of the following requirements: 96967

(1) Need an intermediate level of care as determined under 96968  
rule 5101:3-3-06 of the Administrative Code or a skilled level of 96969  
care as determined under rule 5101:3-3-05 of the Administrative 96970  
Code; 96971

(2) At the time the individual applies to participate in the 96972  
pilot program, be one of the following: 96973

(a) A nursing facility resident who would remain in a nursing 96974  
facility if not for the pilot program; 96975

(b) A participant of any long-term care medicaid waiver 96976  
component who would move to a nursing facility if not for the 96977  
pilot program. 96978

(3) Meet all other eligibility requirements for the pilot 96979  
program established in rules adopted under section 5111.85 of the 96980  
Revised Code. 96981

(E) The director of job and family services may adopt rules 96982  
under section 5111.85 of the Revised Code as the director 96983  
considers necessary to implement the pilot program created under 96984  
division (B) of this section. The director of aging may adopt 96985



rules under Chapter 119. of the Revised Code as the director 96986  
considers necessary for the pilot program's implementation. The 96987  
rules may establish a list of medicaid-covered services not 96988  
covered by the pilot program that an individual participating in 96989  
the pilot program may not receive if the individual also receives 96990  
medicaid-covered services outside of the pilot program. 96991

**Sec. 5112.30.** As used in sections 5112.30 to 5112.39 of the 96992  
Revised Code: 96993

(A) "Intermediate care facility for the mentally retarded" 96994  
has the same meaning as in section 5111.20 of the Revised Code, 96995  
~~except that it does not include any such facility operated by the~~ 96996  
~~department of mental retardation and developmental disabilities.~~ 96997

(B) "Medicaid" has the same meaning as in section 5111.01 of 96998  
the Revised Code. 96999

**Sec. 5112.31.** The department of job and family services shall 97000  
do all of the following: 97001

(A) For the purposes specified in sections 5112.37 ~~and~~, 97002  
5112.371, and 5112.372 of the Revised Code, annually assess each 97003  
intermediate care facility for the mentally retarded a franchise 97004  
permit fee equal to ~~eleven~~ fourteen dollars and ~~ninety-eight~~ 97005  
twenty-five cents multiplied by the product of the following: 97006

(1) The number of beds certified under Title XIX of the 97007  
"Social Security Act" on the first day of May of the calendar year 97008  
in which the assessment is determined pursuant to division (A) of 97009  
section 5112.33 of the Revised Code; 97010

(2) The number of days in the fiscal year beginning on the 97011  
first day of July of the same calendar year. 97012

(B) Beginning July 1, ~~2009~~ 2011, and the first day of each 97013  
July thereafter, adjust fees determined under division (A) of this 97014

section in accordance with the composite inflation factor 97015  
established in rules adopted under section 5112.39 of the Revised 97016  
Code. 97017

(C) If the United States secretary of health and human 97018  
services determines that the franchise permit fee established by 97019  
sections 5112.30 to 5112.39 of the Revised Code would be an 97020  
impermissible health care-related tax under section 1903(w) of the 97021  
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 97022  
necessary actions to cease implementation of those sections in 97023  
accordance with rules adopted under section 5112.39 of the Revised 97024  
Code. 97025

**Sec. 5112.37.** There is hereby created in the state treasury 97026  
the home and community-based services for the mentally retarded 97027  
and developmentally disabled fund. ~~Ninety-four~~ Seventy-four and 97028  
~~twenty-eight~~ eighty-nine hundredths per cent of all installment 97029  
payments and penalties paid by an intermediate care facility for 97030  
the mentally retarded under sections 5112.33 and 5112.34 of the 97031  
Revised Code for state fiscal year 2010 shall be deposited into 97032  
the fund. Seventy and sixty-seven hundredths per cent of all 97033  
installment payments and penalties paid by an intermediate care 97034  
facility for the mentally retarded under sections 5112.33 and 97035  
5112.34 of the Revised Code for state fiscal year 2011 and 97036  
thereafter shall be deposited into the fund. The department of job 97037  
and family services shall distribute the money in the fund in 97038  
accordance with rules adopted under section 5112.39 of the Revised 97039  
Code. The departments of job and family services and mental 97040  
retardation and developmental disabilities shall use the money for 97041  
the medicaid program established under Chapter 5111. of the 97042  
Revised Code and home and community-based services to mentally 97043  
retarded and developmentally disabled persons. 97044

**Sec. 5112.371.** There is hereby created in the state treasury 97045

the children with intensive behavioral needs programs fund. ~~Five~~ 97046  
~~Three~~ and ~~seventy-two~~ seventy-eight hundredths per cent of all 97047  
installment payments and penalties paid by an intermediate care 97048  
facility for the mentally retarded under sections 5112.33 and 97049  
5112.34 of the Revised Code for state fiscal year 2010 shall be 97050  
deposited in the fund. Three and fifty-seven hundredths per cent 97051  
of all installment payments and penalties paid by an intermediate 97052  
care facility for the mentally retarded under sections 5112.33 and 97053  
5112.34 of the Revised Code for state fiscal year 2011 and 97054  
thereafter shall be deposited into the fund. The money in the fund 97055  
shall be used for the programs the director of mental retardation 97056  
and developmental disabilities establishes under section 5123.0417 97057  
of the Revised Code. 97058

Sec. 5112.372. There is hereby created in the state treasury 97059  
the ODMR/DD operating and services fund. Twenty-one and 97060  
thirty-three hundredths per cent of all installment payments and 97061  
penalties paid by an intermediate care facility for the mentally 97062  
retarded under sections 5112.33 and 5112.34 of the Revised Code 97063  
for state fiscal year 2010 shall be deposited into the fund. 97064  
Twenty-five and seventy-six hundredths per cent of all installment 97065  
payments and penalties paid by an intermediate care facility for 97066  
the mentally retarded under sections 5112.33 and 5112.34 of the 97067  
Revised Code for state fiscal year 2011 and thereafter shall be 97068  
deposited into the fund. The money in the fund shall be used for 97069  
the expenses of the programs that the department of mental 97070  
retardation and developmental disabilities administers and the 97071  
department's administrative expenses. 97072

Sec. 5112.40. As used in sections 5112.40 to 5112.48 of the 97073  
Revised Code: 97074

(A) "Assessment program year" means the twelve-month period 97075

beginning the first day of October of a calendar year and ending 97076  
the last day of September of the following calendar year. 97077

(B) "Cost reporting period" means the period of time used by 97078  
a hospital in reporting costs for purposes of the medicare 97079  
program. 97080

(C) "Federal fiscal year" means the twelve-month period 97081  
beginning the first day of October of a calendar year and ending 97082  
the last day of September of the following calendar year. 97083

(D) "Hospital" means a nonfederal hospital to which any of 97084  
the following applies: 97085

(1) The hospital is registered under section 3701.07 of the 97086  
Revised Code as a general medical and surgical hospital or a 97087  
pediatric general hospital and provides inpatient hospital 97088  
services, as defined in 42 C.F.R. 440.10. 97089

(2) The hospital is recognized under the medicare program as 97090  
a cancer hospital and is exempt from the medicare prospective 97091  
payment system. 97092

(3) The hospital is a psychiatric hospital licensed under 97093  
section 5119.20 of the Revised Code. 97094

(E) "Hospital care assurance program" means the program 97095  
established under sections 5112.01 to 5112.21 of the Revised Code. 97096

(F) "Medicaid" has the same meaning as in section 5111.01 of 97097  
the Revised Code. 97098

(G) "Medicare" means the program established under Title 97099  
XVIII of the Social Security Act. 97100

(H) "State fiscal year" means the twelve-month period 97101  
beginning the first day of July of a calendar year and ending the 97102  
last day of June of the following calendar year. 97103

(I)(1) Except as provided in divisions (I)(2) and (3) of this 97104  
section, "total facility costs" means the total costs to a 97105

hospital for all care provided to all patients, including the 97106  
direct, indirect, and overhead costs to the hospital of all 97107  
services, supplies, equipment, and capital related to the care of 97108  
patients, regardless of whether patients are enrolled in a health 97109  
insuring corporation. 97110

(2) "Total facility costs" excludes all of the following of a 97111  
hospital's costs as shown on the cost-reporting data used for 97112  
purposes of determining the hospital's assessment under section 97113  
5112.41 of the Revised Code: 97114

(a) Skilled nursing services provided in distinct-part 97115  
nursing facility units; 97116

(b) Home health services; 97117

(c) Hospice services; 97118

(d) Ambulance services; 97119

(e) Renting durable medical equipment; 97120

(f) Buying durable medical equipment. 97121

(3) "Total facility costs" excludes any costs excluded from a 97122  
hospital's total facility costs pursuant to rules, if any, adopted 97123  
under division (B) of section 5112.46 of the Revised Code. 97124

**Sec. 5112.41.** (A) For the purposes specified in section 97125  
5112.45 of the Revised Code and subject to section 5112.48 of the 97126  
Revised Code, there is hereby imposed an assessment on all 97127  
hospitals each assessment program year. The amount of a hospital's 97128  
assessment for an assessment program year shall equal the 97129  
percentage specified in division (B) of this section of the 97130  
hospital's total facility costs for the period of time specified 97131  
in division (C) of this section. The amount of a hospital's total 97132  
facility costs shall be derived from cost-reporting data for the 97133  
hospital submitted to the department of job and family services 97134  
for purposes of the hospital care assurance program. The 97135

cost-reporting data used to determine a hospital's assessment is 97136  
subject to the same type of adjustments made to the data under the 97137  
hospital care assurance program. 97138

(B) The percentage specified in this division is the 97139  
following: 97140

(1) For the first assessment program year beginning after the 97141  
effective date of this section, one and fifty-two hundredths per 97142  
cent; 97143

(2) For the second assessment program year after the 97144  
effective date of this section and each successive assessment 97145  
program year, one and sixty-one hundredths per cent. 97146

(C) The period of time specified in this division is the 97147  
hospital's cost reporting period that ends in the state fiscal 97148  
year that ends in the federal fiscal year that precedes the 97149  
federal fiscal year that precedes the assessment program year for 97150  
which the assessment is imposed. 97151

(D) The assessment imposed by this section on a hospital is 97152  
in addition to the assessment imposed by section 5112.06 of the 97153  
Revised Code. 97154

**Sec. 5112.42.** (A) Before or during each assessment program 97155  
year, the department of job and family services shall mail to each 97156  
hospital by certified mail, return receipt requested, the 97157  
preliminary determination of the amount that the hospital is 97158  
assessed under section 5112.41 of the Revised Code for the 97159  
assessment program year. Except as provided in division (B) of 97160  
this section, the preliminary determination becomes the final 97161  
determination for the assessment program year fifteen days after 97162  
the preliminary determination is mailed to the hospital. 97163

(B) A hospital may request that the department reconsider the 97164  
preliminary determination mailed to the hospital under division 97165

(A) of this section by submitting to the department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is mailed to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration. On receipt of the timely request, the department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under section 5112.41 of the Revised Code for the assessment program year. 97166  
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(C) The department shall mail to each hospital a written notice of the final determination of its assessment for the assessment program year. A hospital may appeal the final determination to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with section 5112.43 of the Revised Code, any amount of its assessment that is not in dispute. 97177  
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Sec. 5112.43. Each hospital shall pay the amount it is assessed under section 5112.41 of the Revised Code in three equal installments due on the fifteenth day of December, the fifteenth day of March, and the fifteenth day of June of each assessment program year unless rules adopted under section 5112.46 of the Revised Code establish a different payment schedule. 97184  
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Sec. 5112.44. The department of job and family services may audit a hospital to ensure that the hospital properly pays the amount it is assessed under section 5112.41 of the Revised Code. The department shall take action to recover from a hospital any amount the audit reveals that the hospital should have paid but did not pay. 97190  
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Sec. 5112.45. There is hereby created in the state treasury 97196  
the hospital assessment fund. All installment payments made by 97197  
hospitals under section 5112.43 of the Revised Code and all 97198  
recoveries the department of job and family services makes under 97199  
section 5112.44 of the Revised Code shall be deposited into the 97200  
fund. All investment earnings of the fund shall be credited to the 97201  
fund. The department shall use money in the fund to pay for the 97202  
costs of the medicaid program, including the program's 97203  
administrative costs. Of the amounts deposited into the fund 97204  
during the first assessment program year beginning after the 97205  
effective date of this section, sixteen and forty-five hundredths 97206  
per cent shall be used for the hospital inpatient and outpatient 97207  
supplemental upper payment limit program created under section 97208  
5112.451 of the Revised Code. Of the amounts deposited into the 97209  
fund during the second assessment program year beginning after the 97210  
effective date of this section and each successive assessment 97211  
program year, fourteen and ninety-one hundredths per cent shall be 97212  
used for the hospital inpatient and outpatient supplemental upper 97213  
payment limit program. 97214

Sec. 5112.451. The director of job and family services shall 97215  
submit a medicaid state plan amendment to the United States 97216  
secretary of health and human services to create the hospital 97217  
inpatient and outpatient supplemental upper payment limit program. 97218  
If the United States secretary approves the medicaid state plan 97219  
amendment, the program shall make supplemental medicaid payments 97220  
to hospitals for inpatient services and outpatient services 97221  
covered by medicaid with funds made available for the program 97222  
under section 5112.45 of the Revised Code and federal matching 97223  
funds available for the program. 97224

Sec. 5112.46. (A) The director of job and family services may 97225



adopt, amend, and rescind rules in accordance with Chapter 119. of 97226  
the Revised Code as necessary to implement sections 5112.40 to 97227  
5112.48 of the Revised Code. 97228

(B) The rules adopted under this section may provide that a 97229  
hospital's total facility costs for the purpose of the assessment 97230  
under section 5112.41 of the Revised Code exclude any of the 97231  
following: 97232

(1) A hospital's costs associated with providing care to 97233  
recipients of any of the following: 97234

(a) The medicaid program; 97235

(b) The medicare program; 97236

(c) The disability financial assistance program established 97237  
under Chapter 5115. of the Revised Code; 97238

(d) The disability medical assistance program established 97239  
under Chapter 5115. of the Revised Code; 97240

(e) The program for medically handicapped children 97241  
established under section 3701.023 of the Revised Code; 97242

(f) Services provided under the maternal and child health 97243  
services block grant established under Title V of the Social 97244  
Security Act. 97245

(2) Any other category of hospital costs the director deems 97246  
appropriate under federal law and regulations governing the 97247  
medicaid program. 97248

**Sec. 5112.47.** The director of job and family services shall 97249  
implement the assessment imposed by section 5112.41 of the Revised 97250  
Code in a manner that does not cause a reduction in federal 97251  
financial participation for the medicaid program under 42 U.S.C. 97252  
1396b(w). 97253

Sec. 5112.48. If the United States secretary of health and 97254  
human services determines that the assessment imposed by section 97255  
5112.41 of the Revised Code is an impermissible health 97256  
care-related tax under 42 U.S.C. 1396b(w), the director of job and 97257  
family services shall take all necessary actions to cease 97258  
implementation of sections 5112.40 to 5112.47 of the Revised Code 97259  
and shall promptly refund to each hospital the amount of money in 97260  
the hospital assessment fund at the time the refund is to be made 97261  
that the hospital paid under section 5112.43 of the Revised Code, 97262  
plus any corresponding investment earnings on that amount. 97263

**Sec. 5115.03.** (A) The director of job and family services 97264  
shall adopt rules in accordance with section 111.15 of the Revised 97265  
Code governing the disability financial assistance program. The 97266  
rules may establish or specify any or all of the following: 97267

(1) Maximum payment amounts under the disability financial 97268  
assistance program, based on state appropriations for the program; 97269

(2) Limits on the length of time an individual may receive 97270  
disability financial assistance; 97271

(3) Limits on the total number of individuals in the state 97272  
who may receive disability financial assistance; 97273

(4) Income, resource, citizenship, age, residence, living 97274  
arrangement, and other eligibility requirements for disability 97275  
financial assistance; 97276

(5) Procedures for disregarding amounts of earned and 97277  
unearned income for the purpose of determining eligibility for 97278  
disability financial assistance and the amount of assistance to be 97279  
provided; 97280

(6) Procedures for including the income and resources, or a 97281  
certain amount of the income and resources, of a member of an 97282  
individual's family when determining eligibility for disability 97283

financial assistance and the amount of assistance to be provided. 97284

(B) In establishing or specifying eligibility requirements 97285  
for disability financial assistance, the director shall exclude 97286  
the value of any tuition payment contract entered into under 97287  
section 3334.09 of the Revised Code or any scholarship awarded 97288  
under section 3334.18 of the Revised Code and the amount of 97289  
payments made ~~by the Ohio tuition trust authority~~ under section 97290  
3334.09 of the Revised Code pursuant to the contract or 97291  
scholarship. The director shall not require any individual to 97292  
terminate a tuition payment contract entered into under Chapter 97293  
3334. of the Revised Code as a condition of eligibility for 97294  
disability financial assistance. The director shall consider as 97295  
income any refund paid under section 3334.10 of the Revised Code. 97296

(C) Notwithstanding section 3109.01 of the Revised Code, when 97297  
a disability financial assistance applicant or recipient who is at 97298  
least eighteen but under twenty-two years of age resides with the 97299  
applicant's or recipient's parents, the income of the parents 97300  
shall be taken into account in determining the applicant's or 97301  
recipient's financial eligibility. In the rules adopted under this 97302  
section, the director shall specify procedures for determining the 97303  
amount of income to be attributed to applicants and recipients in 97304  
this age category. 97305

(D) For purposes of limiting the cost of the disability 97306  
financial assistance program, the director may do either or both 97307  
of the following: 97308

(1) Adopt rules in accordance with section 111.15 of the 97309  
Revised Code that revise the program's eligibility requirements, 97310  
the maximum payment amounts, or any other requirement or standard 97311  
established or specified in the rules adopted by the director; 97312

(2) Suspend acceptance of applications for disability 97313  
financial assistance. While a suspension is in effect, no person 97314

shall receive a determination or redetermination of eligibility 97315  
for disability financial assistance unless the person was 97316  
receiving the assistance during the month immediately preceding 97317  
the suspension's effective date or the person submitted an 97318  
application prior to the suspension's effective date and receives 97319  
a determination of eligibility based on that application. The 97320  
director may adopt rules in accordance with section 111.15 of the 97321  
Revised Code establishing requirements and specifying procedures 97322  
applicable to the suspension of acceptance of applications. 97323

**Sec. 5119.16.** As used in this section, "free clinic" has the 97324  
same meaning as in section 2305.2341 of the Revised Code. 97325

(A) The department of mental health ~~is hereby designated to~~ 97326  
may provide certain goods and services for the department of 97327  
mental health, the department of mental retardation and 97328  
developmental disabilities, the department of rehabilitation and 97329  
correction, the department of youth services, and other state, 97330  
county, or municipal agencies requesting such goods and services 97331  
when the department of mental health determines that it is in the 97332  
public interest, and considers it advisable, to provide these 97333  
goods and services. The department of mental health also may 97334  
provide goods and services to agencies operated by the United 97335  
States government and to public or private nonprofit agencies, 97336  
other than free clinics, that are funded in whole or in part by 97337  
the state if the public or private nonprofit agencies are 97338  
designated for participation in this program by the director of 97339  
mental health for community mental health agencies, the director 97340  
of mental retardation and developmental disabilities for community 97341  
mental retardation and developmental disabilities agencies, the 97342  
director of rehabilitation and correction for community 97343  
rehabilitation and correction agencies, or the director of youth 97344  
services for community youth services agencies. 97345

Designated community agencies shall receive goods and 97346  
services through the department of mental health only in those 97347  
cases where the designating state agency certifies that providing 97348  
such goods and services to the agency will conserve public 97349  
resources to the benefit of the public and where the provision of 97350  
such goods and services is considered feasible by the department 97351  
of mental health. 97352

(B) The department of mental health may permit free clinics 97353  
to purchase certain goods and services to the extent the purchases 97354  
fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 97355  
et seq., applicable to ~~non-profit~~ nonprofit institutions, in 15 97356  
U.S.C. 13c, as amended. 97357

(C) The goods and services ~~to~~ that may be provided by the 97358  
department of mental health under divisions (A) and (B) of this 97359  
section may include: 97360

(1) Procurement, storage, processing, and distribution of 97361  
food and professional consultation on food operations; 97362

(2) Procurement, storage, and distribution of medical and 97363  
laboratory supplies, dental supplies, medical records, forms, 97364  
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 97365  
~~Revised Code;~~ 97366

(3) Procurement, storage, repackaging, distribution, and 97367  
dispensing of drugs, the provision of professional pharmacy 97368  
consultation, and drug information services; 97369

(4) Other goods and services ~~as may be agreed to.~~ 97370

(D) The department of mental health ~~shall~~ may provide the 97371  
goods and services designated in division (C) of this section to 97372  
its institutions and to state-operated community-based mental 97373  
health services. 97374

(E) After consultation with and advice from the director of 97375

mental retardation and developmental disabilities, the director of 97376  
rehabilitation and correction, and the director of youth services, 97377  
the department of mental health ~~shall~~ may provide the goods and 97378  
services designated in division (C) of this section to the 97379  
department of mental retardation and developmental disabilities, 97380  
the department of rehabilitation and correction, and the 97381  
department of youth services. 97382

(F) The cost of administration of this section shall be 97383  
determined by the department of mental health and paid by the 97384  
agencies or free clinics receiving the goods and services to the 97385  
department for deposit in the state treasury to the credit of the 97386  
mental health fund, which is hereby created. The fund shall be 97387  
used to pay the cost of administration of this section to the 97388  
department. 97389

~~(G) If the goods or services designated in division (C) of 97390  
this section are not provided in a satisfactory manner by the 97391  
department of mental health to the agencies described in division 97392  
(A) of this section, the director of mental retardation and 97393  
developmental disabilities, the director of rehabilitation and 97394  
correction, the director of youth services, or the managing 97395  
officer of a department of mental health institution shall attempt 97396  
to resolve unsatisfactory service with the director of mental 97397  
health. If, after such attempt, the provision of goods or services 97398  
continues to be unsatisfactory, the director or officer shall 97399  
notify the director of mental health. If within thirty days of 97400  
such notice the department of mental health does not provide the 97401  
specified goods and services in a satisfactory manner, the 97402  
director of mental retardation and developmental disabilities, the 97403  
director of rehabilitation and correction, the director of youth 97404  
services, or the managing officer of the department of mental 97405  
health institution shall notify the director of mental health of 97406  
the director's or managing officer's intent to cease purchasing 97407~~

~~goods and services from the department. Following a sixty day  
cancellation period from the date of such notice, the department  
of mental retardation, department of rehabilitation and  
correction, department of youth services, or the department of  
mental health institution may obtain the goods and services from a  
source other than the department of mental health, if the  
department certifies to the department of administrative services  
that the requirements of this division have been met.~~

~~(H)~~ Whenever a state agency fails to make a payment for goods  
and services provided under this section within thirty-one days  
after the date the payment was due, the office of budget and  
management may transfer moneys from the state agency to the  
department of mental health. The amount transferred shall not  
exceed the amount of overdue payments. Prior to making a transfer  
under this division, the office of budget and management shall  
apply any credits the state agency has accumulated in payments for  
goods and services provided under this section.

~~(I)~~(H) Purchases of goods and services under this section are  
not subject to section 307.86 of the Revised Code.

**Sec. 5119.61.** Any provision in this chapter that refers to a  
board of alcohol, drug addiction, and mental health services also  
refers to the community mental health board in an alcohol, drug  
addiction, and mental health service district that has a community  
mental health board.

The director of mental health with respect to all facilities  
and programs established and operated under Chapter 340. of the  
Revised Code for mentally ill and emotionally disturbed persons,  
shall do all of the following:

(A) Adopt rules pursuant to Chapter 119. of the Revised Code  
that may be necessary to carry out the purposes of Chapter 340.  
and sections 5119.61 to 5119.63 of the Revised Code.

- (1) The rules shall include all of the following: 97439
- (a) Rules governing a community mental health agency's 97440  
services under section 340.091 of the Revised Code to an 97441  
individual referred to the agency under division (C)(2) of section 97442  
173.35 of the Revised Code; 97443
- (b) For the purpose of division (A)(16) of section 340.03 of 97444  
the Revised Code, rules governing the duties of mental health 97445  
agencies and boards of alcohol, drug addiction, and mental health 97446  
services under section 3722.18 of the Revised Code regarding 97447  
referrals of individuals with mental illness or severe mental 97448  
disability to adult care facilities and effective arrangements for 97449  
ongoing mental health services for the individuals. The rules 97450  
shall do at least the following: 97451
- (i) Provide for agencies and boards to participate fully in 97452  
the procedures owners and managers of adult care facilities must 97453  
follow under division (A)~~(2)~~ of section 3722.18 of the Revised 97454  
Code; 97455
- (ii) Specify the manner in which boards are accountable for 97456  
ensuring that ongoing mental health services are effectively 97457  
arranged for individuals with mental illness or severe mental 97458  
disability who are referred by the board or mental health agency 97459  
under contract with the board to an adult care facility. 97460
- (c) Rules governing a board of alcohol, drug addiction, and 97461  
mental health services when making a report to the director of 97462  
health under section 3722.17 of the Revised Code regarding the 97463  
quality of care and services provided by an adult care facility to 97464  
a person with mental illness or a severe mental disability. 97465
- (2) Rules may be adopted to govern the method of paying a 97466  
community mental health facility, as defined in section 5111.023 97467  
of the Revised Code, for providing services listed in division (B) 97468  
of that section. Such rules must be consistent with the contract 97469



entered into between the departments of job and family services 97470  
and mental health under section 5111.91 of the Revised Code and 97471  
include requirements ensuring appropriate service utilization. 97472

(B) Review and evaluate, and, taking into account the 97473  
findings and recommendations of the board of alcohol, drug 97474  
addiction, and mental health services of the district served by 97475  
the program and the requirements and priorities of the state 97476  
mental health plan, including the needs of residents of the 97477  
district now residing in state mental institutions, approve and 97478  
allocate funds to support community programs, and make 97479  
recommendations for needed improvements to boards of alcohol, drug 97480  
addiction, and mental health services; 97481

(C) Withhold state and federal funds for any program, in 97482  
whole or in part, from a board of alcohol, drug addiction, and 97483  
mental health services in the event of failure of that program to 97484  
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 97485  
or 5119.62 of the Revised Code or rules of the department of 97486  
mental health. The director shall identify the areas of 97487  
noncompliance and the action necessary to achieve compliance. The 97488  
director shall offer technical assistance to the board to achieve 97489  
compliance. The director shall give the board a reasonable time 97490  
within which to comply or to present its position that it is in 97491  
compliance. Before withholding funds, a hearing shall be conducted 97492  
to determine if there are continuing violations and that either 97493  
assistance is rejected or the board is unable to achieve 97494  
compliance. Subsequent to the hearing process, if it is determined 97495  
that compliance has not been achieved, the director may allocate 97496  
all or part of the withheld funds to a public or private agency to 97497  
provide the services not in compliance until the time that there 97498  
is compliance. The director shall establish rules pursuant to 97499  
Chapter 119. of the Revised Code to implement this division. 97500

(D) Withhold state or federal funds from a board of alcohol, 97501

drug addiction, and mental health services that denies available 97502  
service on the basis of religion, race, color, creed, sex, 97503  
national origin, age, disability as defined in section 4112.01 of 97504  
the Revised Code, developmental disability, or the inability to 97505  
pay; 97506

(E) Provide consultative services to community mental health 97507  
agencies with the knowledge and cooperation of the board of 97508  
alcohol, drug addiction, and mental health services; 97509

(F) Provide to boards of alcohol, drug addiction, and mental 97510  
health services state or federal funds, in addition to those 97511  
allocated under section 5119.62 of the Revised Code, for special 97512  
programs or projects the director considers necessary but for 97513  
which local funds are not available; 97514

(G) Establish criteria by which a board of alcohol, drug 97515  
addiction, and mental health services reviews and evaluates the 97516  
quality, effectiveness, and efficiency of services provided 97517  
through its community mental health plan. The criteria shall 97518  
include requirements ensuring appropriate service utilization. The 97519  
department shall assess a board's evaluation of services and the 97520  
compliance of each board with this section, Chapter 340. or 97521  
section 5119.62 of the Revised Code, and other state or federal 97522  
law and regulations. The department, in cooperation with the 97523  
board, periodically shall review and evaluate the quality, 97524  
effectiveness, and efficiency of services provided through each 97525  
board. The department shall collect information that is necessary 97526  
to perform these functions. 97527

(H) Develop and operate a community mental health information 97528  
system or systems. 97529

Boards of alcohol, drug abuse, and mental health services 97530  
shall submit information requested by the department in the form 97531  
and manner prescribed by the department. Information collected by 97532

the department shall include, but not be limited to, all of the 97533  
following: 97534

(1) Information regarding units of services provided in whole 97535  
or in part under contract with a board, including diagnosis and 97536  
special needs, demographic information, the number of units of 97537  
service provided, past treatment, financial status, and service 97538  
dates in accordance with rules adopted by the department in 97539  
accordance with Chapter 119. of the Revised Code; 97540

(2) Financial information other than price or price-related 97541  
data regarding expenditures of boards and community mental health 97542  
agencies, including units of service provided, budgeted and actual 97543  
expenses by type, and sources of funds. 97544

Boards shall submit the information specified in division 97545  
(H)(1) of this section no less frequently than annually for each 97546  
client, and each time the client's case is opened or closed. The 97547  
department shall not collect any personal information ~~for the~~ 97548  
~~purpose of identifying by name any person who receives a service~~ 97549  
~~through a board of alcohol, drug addiction, and mental health~~ 97550  
~~services, from the boards except as required or permitted by state~~ 97551  
~~or federal law to validate appropriate reimbursement. For the~~ 97552  
~~purposes of division (H)(1) of this section, the department shall~~ 97553  
~~use an identification system that is consistent with applicable~~ 97554  
~~nationally recognized standards for purposes related to payment,~~ 97555  
health care operations, program and service evaluation, reporting 97556  
activities, research, system administration, and oversight. 97557

(I) Review each board's community mental health plan 97558  
submitted pursuant to section 340.03 of the Revised Code and 97559  
approve or disapprove it in whole or in part. Periodically, in 97560  
consultation with representatives of boards and after considering 97561  
the recommendations of the medical director, the director shall 97562  
issue criteria for determining when a plan is complete, criteria 97563  
for plan approval or disapproval, and provisions for conditional 97564

approval. The factors that the director considers may include, but 97565  
are not limited to, the following: 97566

(1) The mental health needs of all persons residing within 97567  
the board's service district, especially severely mentally 97568  
disabled children, adolescents, and adults; 97569

(2) The demonstrated quality, effectiveness, efficiency, and 97570  
cultural relevance of the services provided in each service 97571  
district, the extent to which any services are duplicative of 97572  
other available services, and whether the services meet the needs 97573  
identified above; 97574

(3) The adequacy of the board's accounting for the 97575  
expenditure of funds. 97576

If the director disapproves all or part of any plan, the 97577  
director shall provide the board an opportunity to present its 97578  
position. The director shall inform the board of the reasons for 97579  
the disapproval and of the criteria that must be met before the 97580  
plan may be approved. The director shall give the board a 97581  
reasonable time within which to meet the criteria, and shall offer 97582  
technical assistance to the board to help it meet the criteria. 97583

If the approval of a plan remains in dispute thirty days 97584  
prior to the conclusion of the fiscal year in which the board's 97585  
current plan is scheduled to expire, the board or the director may 97586  
request that the dispute be submitted to a mutually agreed upon 97587  
third-party mediator with the cost to be shared by the board and 97588  
the department. The mediator shall issue to the board and the 97589  
department recommendations for resolution of the dispute. Prior to 97590  
the conclusion of the fiscal year in which the current plan is 97591  
scheduled to expire, the director, taking into consideration the 97592  
recommendations of the mediator, shall make a final determination 97593  
and approve or disapprove the plan, in whole or in part. 97594

Sec. 5119.613. For purposes of Chapter 3722. of the Revised Code, the director of mental health shall approve a standardized form to be used in all areas of this state by adult care facilities and boards of alcohol, drug addiction, and mental health services when entering into mental health resident program participation agreements. As part of approving the form, the director shall specify the requirements that adult care facilities must meet in order to be authorized to admit residents who are receiving or are eligible for publicly funded mental health services.

Sec. 5119.621. (A)(1) When the director of mental health provides state or federal funds under section 5119.62 of the Revised Code to a board of alcohol, drug addiction, and mental health services for local management of mental health services, the director shall establish a limit on the amount or portion of the funds that may be used for administrative purposes and specify the permissible uses of the funds for administrative purposes.

(2) In establishing the limit on the amount or portion of the funds that may be used for administrative purposes, the director shall take into account both of the following:

(a) The board's community mental health plan approved under division (I) of section 5119.61 of the Revised Code;

(b) The board's total budget for mental health services.

(3) In specifying the permissible uses of the funds for administrative purposes, the director shall establish general categories that describe the function for which the funds may be used. The categories may include any of the following:

(a) Continuous quality improvement;

(b) Utilization review;

<u>(c) Resource development;</u>	97625
<u>(d) Fiscal administration;</u>	97626
<u>(e) General administration;</u>	97627
<u>(f) Other functions required under Chapter 340. of the Revised Code.</u>	97628 97629
<u>(4) A board shall account for its use of the funds for administrative purposes by submitting an annual report to the director. The report shall include details about the board's use of the funds according to the general categories of permissible uses established by the director.</u>	97630 97631 97632 97633 97634
<u>(B) By submitting a written application to the director, a board may seek a variance or waiver regarding the amount or portion established under division (A)(1) of this section as the maximum that may be used for administrative purposes. The director has sole discretion in granting or denying the variance or waiver. The director's determination is final.</u>	97635 97636 97637 97638 97639 97640
<u>(C) The director may deny state or federal funds to a board that exceeds the limit established under division (A)(1) of this section.</u>	97641 97642 97643
<b>Sec. 5119.622.</b> <u>(A) Notwithstanding the provisions of section 5119.62 of the Revised Code referring to the allocation of funds appropriated from the general revenue fund for local management of mental health services to separate boards of alcohol, drug addiction, and mental health services, the director of mental health may allocate the funds to groups of two or more boards, but only if the boards included in a proposed group of boards agree to the group allocation in lieu of separate allocations.</u>	97644 97645 97646 97647 97648 97649 97650 97651 97652
<u>(B) If funds for local management of mental health services are allocated to groups of boards pursuant to division (A) of this</u>	97653 97654

section, the director shall require the boards included in each 97655  
group to timely submit to the director a joint plan for the 97656  
provision of mental health services and use of the funds. 97657

(C) The director shall, at the request of a single board or 97658  
group of two or more boards, consider a proposal for mental health 97659  
services to be funded on a regional or statewide basis. 97660

(D)(1) Notwithstanding the provisions of section 5119.621 of 97661  
the Revised Code referring to the director's authority to 97662  
establish for separate boards a limit on the amount or portion of 97663  
state or federal funds provided under section 5119.62 of the 97664  
Revised Code that may be used for administrative purposes, the 97665  
director may specify a maximum amount or portion of such funds 97666  
that may be used by the group of boards for administrative 97667  
purposes if the conditions in division (A) of this section are 97668  
satisfied. 97669

(2) To accommodate the establishment of a maximum amount or 97670  
portion of state or federal funds that may be used by a group of 97671  
boards for administrative purposes pursuant to division (D)(1) of 97672  
this section, the director shall make all necessary adjustments in 97673  
the procedures specified under section 5119.621 of the Revised 97674  
Code. 97675

(E) In addition to the adjustments made by the director under 97676  
this section, all references in the Revised Code to the provision 97677  
of state or federal funds to separate boards or to the use of 97678  
state or federal funds by separate boards for administrative 97679  
purposes constitute references to groups of boards as the director 97680  
considers necessary to accommodate the provision of state or 97681  
federal funds to groups of boards under this section. 97682

**Sec. 5120.032.** (A) No later than January 1, 1998, the 97683  
department of rehabilitation and correction ~~shall~~ may develop and 97684  
implement intensive program prisons for male and female prisoners 97685

other than prisoners described in division (B)(2) of this section. 97686  
The intensive program prisons, if developed and implemented, shall 97687  
include institutions at which imprisonment of the type described 97688  
in division (B)(2)(a) of section 5120.031 of the Revised Code is 97689  
provided and prisons that focus on educational achievement, 97690  
vocational training, alcohol and other drug abuse treatment, 97691  
community service and conservation work, and other intensive 97692  
regimens or combinations of intensive regimens. 97693

(B)(1)(a) Except as provided in division (B)(2) of this 97694  
section, if one or more intensive program prisons are established 97695  
under this section, if an offender is sentenced to a term of 97696  
imprisonment under the custody of the department, if the 97697  
sentencing court either recommends the prisoner for placement in 97698  
~~the~~ an intensive program prison under this section or makes no 97699  
recommendation on placement of the prisoner, and if the department 97700  
determines that the prisoner is eligible for placement in an 97701  
intensive program prison under this section, the department may 97702  
place the prisoner in an intensive program prison established 97703  
pursuant to division (A) of this section. If the sentencing court 97704  
disapproves placement of the prisoner in an intensive program 97705  
prison, the department shall not place the prisoner in any 97706  
intensive program prison. 97707

If the sentencing court recommends a prisoner for placement 97708  
in an intensive program prison and if the department subsequently 97709  
places the prisoner in the recommended prison, the department 97710  
shall notify the court of the prisoner's placement in the 97711  
recommended intensive program prison and shall include with the 97712  
notice a brief description of the placement. 97713

If the sentencing court recommends placement of a prisoner in 97714  
an intensive program prison and the department for any reason does 97715  
not subsequently place the prisoner in the recommended prison, the 97716  
department shall send a notice to the court indicating why the 97717



prisoner was not placed in the recommended prison. 97718

If the sentencing court does not make a recommendation on the 97719  
placement of a prisoner in an intensive program prison and if the 97720  
department determines that the prisoner is eligible for placement 97721  
in a prison of that nature, the department shall screen the 97722  
prisoner and determine if the prisoner is suited for the prison. 97723  
If the prisoner is suited for ~~the~~ an intensive program prison, at 97724  
least three weeks prior to placing the prisoner in the prison, the 97725  
department shall notify the sentencing court of the proposed 97726  
placement of the prisoner in the intensive program prison and 97727  
shall include with the notice a brief description of the 97728  
placement. The court shall have ten days from receipt of the 97729  
notice to disapprove the placement. If the sentencing court 97730  
disapproves the placement, the department shall not proceed with 97731  
it. If the sentencing court does not timely disapprove of the 97732  
placement, the department may proceed with plans for it. 97733

If the department determines that a prisoner is not eligible 97734  
for placement in an intensive program prison, the department shall 97735  
not place the prisoner in any intensive program prison. 97736

(b) The department may reduce the stated prison term of a 97737  
prisoner upon the prisoner's successful completion of a ninety-day 97738  
period in an intensive program prison. A prisoner whose term has 97739  
been so reduced shall be required to serve an intermediate, 97740  
transitional type of detention followed by a release under 97741  
post-release control sanctions or, in the alternative, shall be 97742  
placed under post-release control sanctions, as described in 97743  
division (B)(2)(b)(ii) of section 5120.031 of the Revised Code. In 97744  
either case, the placement under post-release control sanctions 97745  
shall be under terms set by the parole board in accordance with 97746  
section 2967.28 of the Revised Code and shall be subject to the 97747  
provisions of that section and section 2929.141 of the Revised 97748  
Code with respect to a violation of any post-release control 97749

sanction. 97750

(2) A prisoner who is in any of the following categories is 97751  
not eligible to participate in an intensive program prison 97752  
established pursuant to division (A) of this section: 97753

(a) The prisoner is serving a prison term for aggravated 97754  
murder, murder, or a felony of the first or second degree or a 97755  
comparable offense under the law in effect prior to July 1, 1996, 97756  
or the prisoner previously has been imprisoned for aggravated 97757  
murder, murder, or a felony of the first or second degree or a 97758  
comparable offense under the law in effect prior to July 1, 1996. 97759

(b) The prisoner is serving a mandatory prison term, as 97760  
defined in section 2929.01 of the Revised Code. 97761

(c) The prisoner is serving a prison term for a felony of the 97762  
third, fourth, or fifth degree that either is a sex offense, an 97763  
offense betraying public trust, or an offense in which the 97764  
prisoner caused or attempted to cause actual physical harm to a 97765  
person, the prisoner is serving a prison term for a comparable 97766  
offense under the law in effect prior to July 1, 1996, or the 97767  
prisoner previously has been imprisoned for an offense of that 97768  
type or a comparable offense under the law in effect prior to July 97769  
1, 1996. 97770

(d) The prisoner is serving a mandatory prison term in prison 97771  
for a third or fourth degree felony OVI offense, as defined in 97772  
section 2929.01 of the Revised Code, that was imposed pursuant to 97773  
division (G)(2) of section 2929.13 of the Revised Code. 97774

(C) Upon the implementation of intensive program prisons 97775  
pursuant to division (A) of this section, the department at all 97776  
times shall maintain intensive program prisons sufficient in 97777  
number to reduce the prison terms of at least three hundred fifty 97778  
prisoners who are eligible for reduction of their stated prison 97779  
terms as a result of their completion of a regimen in an intensive 97780

program prison under this section. 97781

**Sec. 5120.033.** (A) As used in this section, "third degree 97782  
felony OVI offense" and "fourth degree felony OVI offense" have 97783  
the same meanings as in section 2929.01 of the Revised Code. 97784

(B) Within eighteen months after October 17, 1996, the 97785  
department of rehabilitation and correction ~~shall~~ may develop and 97786  
implement intensive program prisons for male and female prisoners 97787  
who are sentenced pursuant to division (G)(2) of section 2929.13 97788  
of the Revised Code to a mandatory prison term for a third or 97789  
fourth degree felony OVI offense. ~~The~~ If one or more intensive 97790  
program prisons are established under this section, the department 97791  
~~shall~~ may contract pursuant to section 9.06 of the Revised Code 97792  
for the private operation and management of the initial intensive 97793  
program prison established under this section and may contract 97794  
pursuant to that section for the private operation and management 97795  
of any other intensive program prison established under this 97796  
section. The intensive program prisons, if established under this 97797  
section, shall include prisons that focus on educational 97798  
achievement, vocational training, alcohol and other drug abuse 97799  
treatment, community service and conservation work, and other 97800  
intensive regimens or combinations of intensive regimens. 97801

(C) Except as provided in division (D) of this section, the 97802  
department may place a prisoner who is sentenced to a mandatory 97803  
prison term for a third or fourth degree felony OVI offense in an 97804  
intensive program prison established pursuant to division (B) of 97805  
this section if the sentencing judge, upon notification by the 97806  
department of its intent to place the prisoner in an intensive 97807  
program prison, does not notify the department that the judge 97808  
disapproves the placement. If the stated prison term imposed on a 97809  
prisoner who is so placed is longer than the mandatory prison term 97810  
that is required to be imposed on the prisoner, the department may 97811

reduce the stated prison term upon the prisoner's successful 97812  
completion of the prisoner's mandatory prison term in an intensive 97813  
program prison. A prisoner whose term has been so reduced shall be 97814  
required to serve an intermediate, transitional type of detention 97815  
followed by a release under post-release control sanctions or, in 97816  
the alternative, shall be placed under post-release control 97817  
sanctions, as described in division (B)(2)(b)(ii) of section 97818  
5120.031 of the Revised Code. In either case, the placement under 97819  
post-release control sanctions shall be under terms set by the 97820  
parole board in accordance with section 2967.28 of the Revised 97821  
Code and shall be subject to the provisions of that section and 97822  
section 2929.141 of the Revised Code with respect to a violation 97823  
of any post-release control sanction. ~~Upon the establishment of~~ 97824  
~~the initial~~ If one or more intensive program ~~prison~~ prisons are 97825  
established pursuant to division (B) of this section ~~that is and~~ 97826  
if as described in that division the initial intensive program 97827  
prison is to be privately operated and managed by a contractor 97828  
pursuant to a contract the department entered into under section 97829  
9.06 of the Revised Code, upon the establishment of that initial 97830  
intensive program prison the department shall comply with 97831  
divisions (G)(2)(a) and (b) of section 2929.13 of the Revised Code 97832  
in placing prisoners in intensive program prisons under this 97833  
section. 97834

(D) A prisoner who is sentenced to a mandatory prison term 97835  
for a third or fourth degree felony OVI offense is not eligible to 97836  
participate in an intensive program prison established under 97837  
division (B) of this section if any of the following applies 97838  
regarding the prisoner: 97839

(1) In addition to the mandatory prison term for the third or 97840  
fourth degree felony OVI offense, the prisoner also is serving a 97841  
prison term of a type described in division (B)(2)(a), (b), or (c) 97842  
of section 5120.032 of the Revised Code. 97843

(2) The prisoner previously has been imprisoned for an 97844  
offense of a type described in division (B)(2)(a) or (c) of 97845  
section 5120.032 of the Revised Code or a comparable offense under 97846  
the law in effect prior to July 1, 1996. 97847

(E) Intensive program prisons established under division (B) 97848  
of this section are not subject to section 5120.032 of the Revised 97849  
Code. 97850

**Sec. 5120.09.** Under the supervision and control of the 97851  
director of rehabilitation and correction, the division of 97852  
business administration shall do all of the following: 97853

(A) Submit the budgets for the several divisions of the 97854  
department of rehabilitation and correction, as prepared by the 97855  
respective chiefs of those divisions, to the director. The 97856  
director, with the assistance of the chief of the division of 97857  
business administration, shall compile a departmental budget that 97858  
contains all proposals submitted by the chiefs of the divisions 97859  
and shall forward the departmental budget to the governor with 97860  
comments and recommendations that the director considers 97861  
necessary. 97862

(B) Maintain accounts and records and compile statistics that 97863  
the director prescribes; 97864

(C) Under the control of the director, coordinate and make 97865  
the necessary purchases and requisitions for the department and 97866  
its divisions, except ~~as provided under~~ when goods and services 97867  
are provided to the department as described in section 5119.16 of 97868  
the Revised Code; 97869

(D) Administer within this state federal criminal justice 97870  
acts that the governor requires the department to administer. In 97871  
order to improve the criminal justice system of this state, the 97872  
division of business administration shall apply for, allocate, 97873

disburse, and account for grants that are made available pursuant 97874  
to those federal criminal justice acts and grants that are made 97875  
available from other federal government sources, state government 97876  
sources, or private sources. As used in this division, "criminal 97877  
justice system" and "federal criminal justice acts" have the same 97878  
meanings as in section 5502.61 of the Revised Code. 97879

(E) Audit the activities of governmental entities, persons as 97880  
defined in section 1.59 of the Revised Code, and other types of 97881  
nongovernmental entities that are financed in whole or in part by 97882  
funds that the department allocates or disburses and that are 97883  
derived from grants described in division (D) of this section; 97884

(F) Enter into contracts, including contracts with federal, 97885  
state, or local governmental entities, persons as defined in 97886  
section 1.59 of the Revised Code, foundations, and other types of 97887  
nongovernmental entities, that are necessary for the department to 97888  
carry out its duties and that neither the director nor another 97889  
section of the Revised Code authorizes another division of the 97890  
department to enter; 97891

(G) Exercise other powers and perform other duties that the 97892  
director may assign to the division of business administration. 97893

**Sec. 5120.135.** (A) As used in this section, "laboratory 97894  
services" includes the performance of medical laboratory analysis; 97895  
professional laboratory and pathologist consultation; the 97896  
procurement, storage, and distribution of laboratory supplies; and 97897  
the performance of phlebotomy services. 97898

(B) The department of rehabilitation and correction ~~shall~~ may 97899  
provide laboratory services to all of the following: 97900

(1) The departments of mental health, mental retardation and 97901  
developmental disabilities, youth services, and rehabilitation and 97902  
correction. ~~The department of rehabilitation and correction may~~ 97903

~~also provide laboratory services to other;~~ 97904

(2) Other state, county, or municipal agencies and to private 97905  
persons that request laboratory services if the department of 97906  
rehabilitation and correction determines that the provision of 97907  
laboratory services is in the public interest and considers it 97908  
advisable to provide such services. ~~The department of~~ 97909  
~~rehabilitation and correction may also provide laboratory services~~ 97910  
~~to agencies;~~ 97911

(3) Agencies operated by the United States government and to 97912  
public and private entities funded in whole or in part by the 97913  
state if the director of rehabilitation and correction designates 97914  
them as eligible to receive ~~such~~ laboratory services. 97915

(c) The department of rehabilitation and correction shall 97916  
provide laboratory services from a laboratory that complies with 97917  
the standards for certification set by the United States 97918  
department of health and human services under the "Clinical 97919  
Laboratory Improvement Amendments of 1988," 102 Stat. 293, 42 97920  
U.S.C.A. 263a. In addition, the laboratory shall maintain 97921  
accreditation or certification with an appropriate accrediting or 97922  
certifying organization as considered necessary by the recipients 97923  
of its laboratory services and as authorized by the director of 97924  
rehabilitation and correction. 97925

~~(C)~~(D) The cost of administering this section shall be 97926  
determined by the department of rehabilitation and correction and 97927  
shall be paid by entities that receive laboratory services to the 97928  
department for deposit in the state treasury to the credit of the 97929  
laboratory services fund, which is hereby created. The fund shall 97930  
be used to pay the costs the department incurs in administering 97931  
this section. 97932

~~(D) If the department of rehabilitation and correction does~~ 97933  
~~not provide laboratory services under this section in a~~ 97934

~~satisfactory manner to the department of mental retardation and 97935  
developmental disabilities, youth services, or mental health, the 97936  
director of mental retardation and developmental disabilities, 97937  
youth services, or mental health shall attempt to resolve the 97938  
matter of the unsatisfactory provision of services with the 97939  
director of rehabilitation and correction. If, after this attempt, 97940  
the provision of laboratory services continues to be 97941  
unsatisfactory, the director of mental retardation and 97942  
developmental disabilities, youth services, or mental health shall 97943  
notify the director of rehabilitation and correction regarding the 97944  
continued unsatisfactory provision of laboratory services. If, 97945  
within thirty days after the director receives this notice, the 97946  
department of rehabilitation and correction does not provide the 97947  
specified laboratory services in a satisfactory manner, the 97948  
director of mental retardation and developmental disabilities, 97949  
youth services, or mental health shall notify the director of 97950  
rehabilitation and correction of the notifying director's intent 97951  
to cease obtaining laboratory services from the department of 97952  
rehabilitation and correction. Following the end of a cancellation 97953  
period of sixty days that begins on the date of the notice, the 97954  
department that sent the notice may obtain laboratory services 97955  
from a provider other than the department of rehabilitation and 97956  
correction, if the department that sent the notice certifies to 97957  
the department of administrative services that the requirements of 97958  
this division have been met. 97959~~

(E) Whenever a state agency fails to make a payment for 97960  
laboratory services provided to it by the department of 97961  
rehabilitation and correction under this section within thirty-one 97962  
days after the date the payment was due, the office of budget and 97963  
management may transfer moneys from that state agency to the 97964  
department of rehabilitation and correction for deposit to the 97965  
credit of the laboratory services fund. The amount transferred 97966  
shall not exceed the amount of the overdue payments. Prior to 97967



making a transfer under this division, the office shall apply any 97968  
credits the state agency has accumulated in payment for laboratory 97969  
services provided under this section. 97970

**Sec. 5122.31.** (A) All certificates, applications, records, 97971  
and reports made for the purpose of this chapter and sections 97972  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 97973  
Code, other than court journal entries or court docket entries, 97974  
and directly or indirectly identifying a patient or former patient 97975  
or person whose hospitalization has been sought under this 97976  
chapter, shall be kept confidential and shall not be disclosed by 97977  
any person except: 97978

(1) If the person identified, or the person's legal guardian, 97979  
if any, or if the person is a minor, the person's parent or legal 97980  
guardian, consents, and if the disclosure is in the best interests 97981  
of the person, as may be determined by the court for judicial 97982  
records and by the chief clinical officer for medical records; 97983

(2) When disclosure is provided for in this chapter or 97984  
section 5123.60 of the Revised Code; 97985

(3) That hospitals, boards of alcohol, drug addiction, and 97986  
mental health services, and community mental health agencies may 97987  
release necessary medical information to insurers and other 97988  
third-party payers, including government entities responsible for 97989  
processing and authorizing payment, to obtain payment for goods 97990  
and services furnished to the patient; 97991

(4) Pursuant to a court order signed by a judge; 97992

(5) That a patient shall be granted access to the patient's 97993  
own psychiatric and medical records, unless access specifically is 97994  
restricted in a patient's treatment plan for clear treatment 97995  
reasons; 97996

(6) That hospitals and other institutions and facilities 97997

within the department of mental health may exchange psychiatric 97998  
records and other pertinent information with other hospitals, 97999  
institutions, and facilities of the department, and with community 98000  
mental health agencies and boards of alcohol, drug addiction, and 98001  
mental health services with which the department has a current 98002  
agreement for patient care or services. Records and information 98003  
that may be released pursuant to this division shall be limited to 98004  
medication history, physical health status and history, financial 98005  
status, summary of course of treatment in the hospital, summary of 98006  
treatment needs, and a discharge summary, if any. 98007

(7) That hospitals within the department, other institutions 98008  
and facilities within the department, and community mental health 98009  
agencies may exchange psychiatric records and other pertinent 98010  
information with other providers of treatment and health services 98011  
if the purpose of the exchange is to facilitate continuity of care 98012  
for a patient; 98013

(8) That a patient's family member who is involved in the 98014  
provision, planning, and monitoring of services to the patient may 98015  
receive medication information, a summary of the patient's 98016  
diagnosis and prognosis, and a list of the services and personnel 98017  
available to assist the patient and the patient's family, if the 98018  
patient's treating physician determines that the disclosure would 98019  
be in the best interests of the patient. No such disclosure shall 98020  
be made unless the patient is notified first and receives the 98021  
information and does not object to the disclosure. 98022

~~(8)~~(9) That community mental health agencies may exchange 98023  
psychiatric records and certain other information with the board 98024  
of alcohol, drug addiction, and mental health services and other 98025  
agencies in order to provide services to a person involuntarily 98026  
committed to a board. Release of records under this division shall 98027  
be limited to medication history, physical health status and 98028  
history, financial status, summary of course of treatment, summary 98029

of treatment needs, and discharge summary, if any. 98030

~~(9)~~ (10) That information may be disclosed to the executor or 98031  
the administrator of an estate of a deceased patient when the 98032  
information is necessary to administer the estate; 98033

~~(10)~~ (11) That records in the possession of the Ohio 98034  
historical society may be released to the closest living relative 98035  
of a deceased patient upon request of that relative; 98036

~~(11)~~ (12) That information may be disclosed to staff members 98037  
of the appropriate board or to staff members designated by the 98038  
director of mental health for the purpose of evaluating the 98039  
quality, effectiveness, and efficiency of services and determining 98040  
if the services meet minimum standards. Information obtained 98041  
during such evaluations shall not be retained with the name of any 98042  
patient. 98043

~~(12)~~ (13) That records pertaining to the patient's diagnosis, 98044  
course of treatment, treatment needs, and prognosis shall be 98045  
disclosed and released to the appropriate prosecuting attorney if 98046  
the patient was committed pursuant to section 2945.38, 2945.39, 98047  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 98048  
attorney designated by the board for proceedings pursuant to 98049  
involuntary commitment under this chapter. 98050

~~(13)~~ (14) That the department of mental health may exchange 98051  
psychiatric hospitalization records, other mental health treatment 98052  
records, and other pertinent information with the department of 98053  
rehabilitation and correction to ensure continuity of care for 98054  
inmates who are receiving mental health services in an institution 98055  
of the department of rehabilitation and correction. The department 98056  
shall not disclose those records unless the inmate is notified, 98057  
receives the information, and does not object to the disclosure. 98058  
The release of records under this division is limited to records 98059  
regarding an inmate's medication history, physical health status 98060

and history, summary of course of treatment, summary of treatment 98061  
needs, and a discharge summary, if any. 98062

~~(14)~~(15) That a community mental health agency that ceases to 98063  
operate may transfer to either a community mental health agency 98064  
that assumes its caseload or to the board of alcohol, drug 98065  
addiction, and mental health services of the service district in 98066  
which the patient resided at the time services were most recently 98067  
provided any treatment records that have not been transferred 98068  
elsewhere at the patient's request. 98069

(B) Before records are disclosed pursuant to divisions 98070  
(A)(3), (6), (7), and ~~(8)~~(9) of this section, the custodian of the 98071  
records shall attempt to obtain the patient's consent for the 98072  
disclosure. No person shall reveal the contents of a medical 98073  
record of a patient except as authorized by law. 98074

(C) The managing officer of a hospital who releases necessary 98075  
medical information under division (A)(3) of this section to allow 98076  
an insurance carrier or other third party payor to comply with 98077  
section 5121.43 of the Revised Code shall neither be subject to 98078  
criminal nor civil liability. 98079

**Sec. 5123.049.** The director of mental retardation and 98080  
developmental disabilities shall adopt rules in accordance with 98081  
Chapter 119. of the Revised Code governing the authorization and 98082  
payment of home and community-based services and medicaid case 98083  
management services. The rules shall provide for private providers 98084  
of the services to receive one hundred per cent of the medicaid 98085  
allowable payment amount and for government providers of the 98086  
services to receive the federal share of the medicaid allowable 98087  
payment, less the amount withheld as a fee under section 5123.0412 98088  
of the Revised Code ~~and any amount that may be required by rules~~ 98089  
~~adopted under section 5123.0413 of the Revised Code to be~~ 98090  
~~deposited into the state MR/DD risk fund.~~ The rules shall 98091

establish the process by which county boards of mental retardation 98092  
and developmental disabilities shall certify and provide the 98093  
nonfederal share of medicaid expenditures that the county board is 98094  
required by sections 5126.059 and 5126.0510 of the Revised Code to 98095  
pay. The process shall require a county board to certify that the 98096  
county board has funding available at one time for two months 98097  
costs for those expenditures. The process may permit a county 98098  
board to certify that the county board has funding available at 98099  
one time for more than two months costs for those expenditures. 98100

**Sec. 5123.0412.** (A) The department of mental retardation and 98101  
developmental disabilities shall charge each county board of 98102  
mental retardation and developmental disabilities an annual fee 98103  
equal to one and one-half per cent of the total value of all 98104  
medicaid paid claims for home and community-based services 98105  
provided during the year to an individual eligible for services 98106  
from the county board. No county board shall pass the cost of a 98107  
fee charged to the county board under this section on to another 98108  
provider of these services. 98109

(B) The fees collected under this section shall be deposited 98110  
into the ODMR/DD administration and oversight fund and the ODJFS 98111  
administration and oversight fund, both of which are hereby 98112  
created in the state treasury. The portion of the fees to be 98113  
deposited into the ODMR/DD administration and oversight fund and 98114  
the portion of the fees to be deposited into the ODJFS 98115  
administration and oversight fund shall be the portion specified 98116  
in an interagency agreement entered into under division (C) of 98117  
this section. The department of mental retardation and 98118  
developmental disabilities shall use the money in the ODMR/DD 98119  
administration and oversight fund and the department of job and 98120  
family services shall use the money in the ODJFS administration 98121  
and oversight fund for both of the following purposes: 98122

(1) The Medicaid administrative costs, including 98123  
administrative and oversight costs of medicaid case management 98124  
services and home and community-based services. The administrative 98125  
and oversight costs of medicaid case management services and home 98126  
and community-based services shall include costs for staff, 98127  
systems, and other resources the departments need and dedicate 98128  
solely to the following duties associated with the services: 98129  
98130

(a) Eligibility determinations; 98131

(b) Training; 98132

(c) Fiscal management; 98133

(d) Claims processing; 98134

(e) Quality assurance oversight; 98135

(f) Other duties the departments identify. 98136

(2) Providing technical support to county boards' local 98137  
administrative authority under section 5126.055 of the Revised 98138  
Code for the services. 98139

(C) The departments of mental retardation and developmental 98140  
disabilities and job and family services shall enter into an 98141  
interagency agreement to do both of the following: 98142

(1) Specify which portion of the fees collected under this 98143  
section is to be deposited into the ODMR/DD administration and 98144  
oversight fund and which portion is to be deposited into the ODJFS 98145  
administration and oversight fund; 98146

(2) Provide for the departments to coordinate the staff whose 98147  
costs are paid for with money in the ODMR/DD administration and 98148  
oversight fund and the ODJFS administration and oversight fund. 98149

(D) The departments shall submit an annual report to the 98150  
director of budget and management certifying how the departments 98151  
spent the money in the ODMR/DD administration and oversight fund 98152

and the ODJFS administration and oversight fund for the purposes 98153  
specified in division (B) of this section. 98154

**Sec. 5123.0413.** ~~(A) The department of mental retardation and 98155  
developmental disabilities, in consultation with the department of 98156  
job and family services, office of budget and management, and 98157  
county boards of mental retardation and developmental 98158  
disabilities, shall adopt rules in accordance with Chapter 119. of 98159  
the Revised Code no later than January 1, 2002, establishing a 98160  
method of paying for extraordinary costs, including extraordinary 98161  
costs for services to individuals with mental retardation or other 98162  
developmental disability, and ensure the availability of adequate 98163  
funds to establish both of the following in the event a county 98164  
property tax levy for services for individuals with mental 98165  
retardation or other developmental disability fails. The rules may 98166  
provide for using and managing either or both of the following:~~ 98167

~~(1) A state MR/DD risk fund, which is hereby created in the 98168  
state treasury;~~ 98169

~~(2) A state insurance against MR/DD risk fund, which is 98170  
hereby created in the state treasury.~~ 98171

~~(B) Beginning January 1, 2002, the department of job and 98172  
family services may not request approval from the United States 98173  
secretary of health and human services to increase the number of 98174  
slots for home and community based services until the rules 98175  
required by division (A) of this section are in effect;~~ 98176

(A) A method of paying for home and community-based services; 98177

(B) A method of reducing the number of individuals a county 98178  
board would otherwise be required by section 5126.0512 of the 98179  
Revised Code to ensure are enrolled in a medicaid waiver component 98180  
under which home and community-based services are provided. 98181

**Sec. 5126.044.** (A) As used in this section, ~~"eligible:~~ 98182

(1) "Eligible person" has the same meaning as in section 98183  
5126.03 of the Revised Code. 98184

(2) "Treatment" means the provision, coordination, or 98185  
management of services provided to an eligible person. 98186

(3) "Payment" means activities undertaken by a service 98187  
provider or governmental entity to obtain or provide reimbursement 98188  
for services to an eligible person. 98189

(B) Except as provided in division ~~(D)~~(C) of this section, no 98190  
person shall disclose the identity of an individual who requests 98191  
programs or services under this chapter or release a record or 98192  
report regarding an eligible person that is maintained by a county 98193  
board of mental retardation and developmental disabilities or an 98194  
entity under contract with a county board unless one of the 98195  
following circumstances exists: 98196

(1) The individual, eligible person, or the individual's 98197  
guardian, or, if the individual is a minor, the individual's 98198  
parent or guardian, makes a written request to the county board or 98199  
entity for or approves in writing disclosure of the individual's 98200  
identity or release of the record or report regarding the eligible 98201  
person. 98202

(2) Disclosure of the identity of an individual is needed for 98203  
approval of a direct services contract under section 5126.032 or 98204  
5126.033 of the Revised Code. The county board shall release only 98205  
the individual's name and the general nature of the services to be 98206  
provided. 98207

(3) Disclosure of the identity of the individual is needed to 98208  
ascertain that the county board's waiting lists for programs or 98209  
services are being maintained in accordance with section 5126.042 98210  
of the Revised Code and the rules adopted under that section. The 98211  
county board shall release only the individual's name, the general 98212  
nature of the programs or services to be provided the individual, 98213



the individual's rank on each waiting list that includes the 98214  
individual, and any circumstances under which the individual was 98215  
given priority when placed on a waiting list. 98216

(4) Disclosure of the identity of an individual who is an 98217  
eligible person is needed for treatment of or payment for services 98218  
provided to the individual. 98219

~~(C) A board or entity that discloses an individual's identity 98220~~  
~~or releases a record or report regarding an eligible person shall 98221~~  
~~maintain a record of when and to whom the disclosure or release 98222~~  
~~was made. 98223~~

~~(D)~~(1) At the request of an eligible person or the person's 98224  
guardian or, if the eligible person is a minor, the person's 98225  
parent or guardian, a county board or entity under contract with a 98226  
county board shall provide the person who made the request access 98227  
to records and reports regarding the eligible person. On written 98228  
request, the county board or entity shall provide copies of the 98229  
records and reports to the eligible person, guardian, or parent. 98230  
The county board or entity may charge a reasonable fee to cover 98231  
the costs of copying. The county board or entity may waive the fee 98232  
in cases of hardship. 98233

(2) A county board shall provide access to any waiting list 98234  
or record or report regarding an eligible person maintained by the 98235  
board to any state agency responsible for monitoring and reviewing 98236  
programs and services provided or arranged by the county board, 98237  
any state agency involved in the coordination of services for an 98238  
eligible person, and any agency under contract with the department 98239  
of mental retardation and developmental disabilities for the 98240  
provision of protective service pursuant to section 5123.56 of the 98241  
Revised Code. 98242

(3) When an eligible person who requests programs or services 98243  
under this chapter dies, the county board or entity under contract 98244

with the county board, shall, on written request, provide to both 98245  
of the following persons any reports and records in the board or 98246  
entity's possession concerning the eligible person: 98247

(a) If the report or records are necessary to administer the 98248  
estate of the person who is the subject of the reports or records, 98249  
to the executor or administrator of the person's estate; 98250

(b) To the guardian of the person who is the subject of the 98251  
reports or records or, if the individual had no guardian at the 98252  
time of death, to a person in the first applicable of the 98253  
following categories: 98254

(i) The person's spouse; 98255

(ii) The person's children; 98256

(iii) The person's parents; 98257

(iv) The person's brothers or sisters; 98258

(v) The person's uncles or aunts; 98259

(vi) The person's closest relative by blood or adoption; 98260

(vii) The person's closest relative by marriage. 98261

The county board or entity shall provide the reports and 98262  
records as required by division ~~(D)~~(C)(3) of this section not 98263  
later than thirty days after receipt of the request. 98264

~~(E)~~(D) A county board shall notify an eligible person, the 98265  
person's guardian, or, if the eligible person is a minor, the 98266  
person's parent or guardian, prior to destroying any record or 98267  
report regarding the eligible person. 98268

**Sec. 5126.05.** (A) Subject to the rules established by the 98269  
director of mental retardation and developmental disabilities 98270  
pursuant to Chapter 119. of the Revised Code for programs and 98271  
services offered pursuant to this chapter, and subject to the 98272  
rules established by the state board of education pursuant to 98273

Chapter 119. of the Revised Code for programs and services offered 98274  
pursuant to Chapter 3323. of the Revised Code, the county board of 98275  
mental retardation and developmental disabilities shall: 98276

(1) Administer and operate facilities, programs, and services 98277  
as provided by this chapter and Chapter 3323. of the Revised Code 98278  
and establish policies for their administration and operation; 98279

(2) Coordinate, monitor, and evaluate existing services and 98280  
facilities available to individuals with mental retardation and 98281  
developmental disabilities; 98282

(3) Provide early childhood services, supportive home 98283  
services, and adult services, according to the plan and priorities 98284  
developed under section 5126.04 of the Revised Code; 98285

(4) Provide or contract for special education services 98286  
pursuant to Chapters 3306., 3317. and 3323. of the Revised Code 98287  
and ensure that related services, as defined in section 3323.01 of 98288  
the Revised Code, are available according to the plan and 98289  
priorities developed under section 5126.04 of the Revised Code; 98290

(5) Adopt a budget, authorize expenditures for the purposes 98291  
specified in this chapter and do so in accordance with section 98292  
319.16 of the Revised Code, approve attendance of board members 98293  
and employees at professional meetings and approve expenditures 98294  
for attendance, and exercise such powers and duties as are 98295  
prescribed by the director; 98296

(6) Submit annual reports of its work and expenditures, 98297  
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 98298  
the director, the superintendent of public instruction, and the 98299  
board of county commissioners at the close of the fiscal year and 98300  
at such other times as may reasonably be requested; 98301

(7) Authorize all positions of employment, establish 98302  
compensation, including but not limited to salary schedules and 98303  
fringe benefits for all board employees, approve contracts of 98304

employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits; 98305  
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(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code; 98308  
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(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of mental retardation and developmental disabilities. 98310  
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(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code. 98313  
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(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code. 98318  
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(D) A county board may combine transportation for children and adults enrolled in programs and services offered under section 5126.12 with transportation for children enrolled in classes funded under section 3317.20 or units approved under section 3317.05 of the Revised Code. 98326  
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(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements. 98331  
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(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such board and shall be available for use by the board for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest.

(G) The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of mental retardation and developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose.

**Sec. 5126.054.** (A) Each county board of mental retardation and developmental disabilities shall, by resolution, develop a three-calendar year plan that includes the following three components:

(1) An assessment component that includes all of the following:

(a) The number of individuals with mental retardation or other developmental disability residing in the county who need the level of care provided by an intermediate care facility for the mentally retarded, may seek home and community-based services, are given priority for the services pursuant to division (D) of section 5126.042 of the Revised Code; the service needs of those

individuals; and the projected annualized cost for services; 98367

(b) The source of funds available to the county board to pay 98368  
the nonfederal share of medicaid expenditures that the county 98369  
board is required by sections 5126.059 and 5126.0510 of the 98370  
Revised Code to pay; 98371

(c) Any other applicable information or conditions that the 98372  
department of mental retardation and developmental disabilities 98373  
requires as a condition of approving the component under section 98374  
5123.046 of the Revised Code. 98375

(2) (A preliminary implementation component that specifies 98376  
the number of individuals to be provided, during the first year 98377  
that the plan is in effect, home and community-based services 98378  
pursuant to the priority given to them under divisions (D)(1) and 98379  
(2) of section 5126.042 of the Revised Code and the types of home 98380  
and community-based services the individuals are to receive; 98381

(3) A component that provides for the implementation of 98382  
medicaid case management services and home and community-based 98383  
services for individuals who begin to receive the services on or 98384  
after the date the plan is approved under section 5123.046 of the 98385  
Revised Code. A county board shall include all of the following in 98386  
the component: 98387

(a) If the department of mental retardation and developmental 98388  
disabilities or department of job and family services requires, an 98389  
agreement to pay the nonfederal share of medicaid expenditures 98390  
that the county board is required by sections 5126.059 and 98391  
5126.0510 of the Revised Code to pay; 98392

(b) How the services are to be phased in over the period the 98393  
plan covers, including how the county board will serve individuals 98394  
on a waiting list established under division (C) of section 98395  
5126.042 who are given priority status under division (D)(1) of 98396  
that section; 98397

(c) Any agreement or commitment regarding the county board's 98398  
funding of home and community-based services that the county board 98399  
has with the department at the time the county board develops the 98400  
component; 98401

(d) Assurances adequate to the department that the county 98402  
board will comply with all of the following requirements: 98403

(i) To provide the types of home and community-based services 98404  
specified in the preliminary implementation component required by 98405  
division (A)(2) of this section to at least the number of 98406  
individuals specified in that component; 98407

(ii) To use any additional funds the county board receives 98408  
for the services to improve the county board's resource 98409  
capabilities for supporting such services available in the county 98410  
at the time the component is developed and to expand the services 98411  
to accommodate the unmet need for those services in the county; 98412

(iii) To employ or contract with a business manager ~~who is~~ 98413  
~~either a new employee who has earned at least a bachelor's degree~~ 98414  
~~in business administration or a current employee who has the~~ 98415  
~~equivalent experience of a bachelor's degree in business~~ 98416  
~~administration~~ or enter into an agreement with another county 98417  
board of mental retardation and developmental disabilities that 98418  
employs or contracts with a business manager to have the business 98419  
manager serve both county boards. ~~If the county board will employ~~ 98420  
~~a new employee, the county board shall include in the component a~~ 98421  
~~timeline for employing the employee.~~ No superintendent of a county 98422  
board may serve as the county board's business manager. 98423

(iv) To employ or contract with a medicaid services manager 98424  
~~who is either a new employee who has earned at least a bachelor's~~ 98425  
~~degree or a current employee who has the equivalent experience of~~ 98426  
~~a bachelor's degree~~ or enter into an agreement with another county 98427  
board of mental retardation and developmental disabilities that 98428

~~employs or contracts with a medicaid services manager to have the  
medicaid services manager serve both county boards. If the county  
board will employ a new employee, the county board shall include  
in the component a timeline for employing the employee. Two or  
three county boards that have a combined total enrollment in  
county board services not exceeding one thousand individuals as  
determined pursuant to certifications made under division (B) of  
section 5126.12 of the Revised Code may satisfy this requirement  
by sharing the services of a medicaid services manager or using  
the services of a medicaid services manager employed by or under  
contract with a regional council that the county boards establish  
under section 5126.13 of the Revised Code. No superintendent of a  
county board may serve as the county board's medicaid services  
manager.~~

(e) Programmatic and financial accountability measures and  
projected outcomes expected from the implementation of the plan;

(f) Any other applicable information or conditions that the  
department requires as a condition of approving the component  
under section 5123.046 of the Revised Code.

(B) A county board whose plan developed under division (A) of  
this section is approved by the department under section 5123.046  
of the Revised Code shall update and renew the plan in accordance  
with a schedule the department shall develop.

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of  
the Revised Code, a county board of mental retardation and  
developmental disabilities has medicaid local administrative  
authority to, and shall, do all of the following for an individual  
with mental retardation or other developmental disability who  
resides in the county that the county board serves and seeks or  
receives home and community-based services:

(1) Perform assessments and evaluations of the individual. As



part of the assessment and evaluation process, the county board 98460  
shall do all of the following: 98461

(a) Make a recommendation to the department of mental 98462  
retardation and developmental disabilities on whether the 98463  
department should approve or deny the individual's application for 98464  
the services, including on the basis of whether the individual 98465  
needs the level of care an intermediate care facility for the 98466  
mentally retarded provides; 98467

(b) If the individual's application is denied because of the 98468  
county board's recommendation and the individual requests a 98469  
hearing under section 5101.35 of the Revised Code, present, with 98470  
the department of mental retardation and developmental 98471  
disabilities or department of job and family services, whichever 98472  
denies the application, the reasons for the recommendation and 98473  
denial at the hearing; 98474

(c) If the individual's application is approved, recommend to 98475  
the departments of mental retardation and developmental 98476  
disabilities and job and family services the services that should 98477  
be included in the individual's individualized service plan and, 98478  
if either department approves, reduces, denies, or terminates a 98479  
service included in the individual's individualized service plan 98480  
under section 5111.871 of the Revised Code because of the county 98481  
board's recommendation, present, with the department that made the 98482  
approval, reduction, denial, or termination, the reasons for the 98483  
recommendation and approval, reduction, denial, or termination at 98484  
a hearing under section 5101.35 of the Revised Code. 98485

(2) In accordance with the rules adopted under section 98486  
5126.046 of the Revised Code, perform the county board's duties 98487  
under that section regarding assisting the individual's right to 98488  
choose a qualified and willing provider of the services and, at a 98489  
hearing under section 5101.35 of the Revised Code, present 98490  
evidence of the process for appropriate assistance in choosing 98491

providers; 98492

(3) If the county board is certified under section 5123.161 98493  
of the Revised Code to provide the services and agrees to provide 98494  
the services to the individual and the individual chooses the 98495  
county board to provide the services, furnish, in accordance with 98496  
the county board's medicaid provider agreement and for the 98497  
authorized reimbursement rate, the services the individual 98498  
requires; 98499

(4) Monitor the services provided to the individual and 98500  
ensure the individual's health, safety, and welfare. The 98501  
monitoring shall include quality assurance activities. If the 98502  
county board provides the services, the department of mental 98503  
retardation and developmental disabilities shall also monitor the 98504  
services. 98505

(5) Develop, with the individual and the provider of the 98506  
individual's services, an effective individualized service plan 98507  
that includes coordination of services, recommend that the 98508  
departments of mental retardation and developmental disabilities 98509  
and job and family services approve the plan, and implement the 98510  
plan unless either department disapproves it+. The individualized 98511  
service plan shall include a summary page, agreed to by the county 98512  
board, provider, and individual receiving services, that clearly 98513  
outlines the amount, duration, and scope of services to be 98514  
provided under the plan. 98515

(6) Have an investigative agent conduct investigations under 98516  
section 5126.313 of the Revised Code that concern the individual; 98517

(7) Have a service and support administrator perform the 98518  
duties under division (B)(9) of section 5126.15 of the Revised 98519  
Code that concern the individual. 98520

(B) A county board shall perform its medicaid local 98521  
administrative authority under this section in accordance with all 98522

of the following:	98523
(1) The county board's plan that the department of mental retardation and developmental disabilities approves under section 5123.046 of the Revised Code;	98524 98525 98526
(2) All applicable federal and state laws;	98527
(3) All applicable policies of the departments of mental retardation and developmental disabilities and job and family services and the United States department of health and human services;	98528 98529 98530 98531
(4) The department of job and family services' supervision under its authority under section 5111.01 of the Revised Code to act as the single state medicaid agency;	98532 98533 98534
(5) The department of mental retardation and developmental disabilities' oversight.	98535 98536
(C) The departments of mental retardation and developmental disabilities and job and family services shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.	98537 98538 98539 98540 98541 98542 98543 98544 98545 98546 98547
(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of mental retardation and	98548 98549 98550 98551 98552 98553

developmental disabilities. The notice shall include the tasks and 98554  
responsibilities that the contract gives to the person or 98555  
government entity. The person or government entity shall comply in 98556  
full with all requirements to which the county board is subject 98557  
regarding the person or government entity's tasks and 98558  
responsibilities under the contract. The county board remains 98559  
ultimately responsible for the tasks and responsibilities. 98560

(E) A county board that has medicaid local administrative 98561  
authority under this section shall, through the departments of 98562  
mental retardation and developmental disabilities and job and 98563  
family services, reply to, and cooperate in arranging compliance 98564  
with, a program or fiscal audit or program violation exception 98565  
that a state or federal audit or review discovers. The department 98566  
of job and family services shall timely notify the department of 98567  
mental retardation and developmental disabilities and the county 98568  
board of any adverse findings. After receiving the notice, the 98569  
county board, in conjunction with the department of mental 98570  
retardation and developmental disabilities, shall cooperate fully 98571  
with the department of job and family services and timely prepare 98572  
and send to the department a written plan of correction or 98573  
response to the adverse findings. The county board is liable for 98574  
any adverse findings that result from an action it takes or fails 98575  
to take in its implementation of medicaid local administrative 98576  
authority. 98577

(F) If the department of mental retardation and developmental 98578  
disabilities or department of job and family services determines 98579  
that a county board's implementation of its medicaid local 98580  
administrative authority under this section is deficient, the 98581  
department that makes the determination shall require that county 98582  
board do the following: 98583

(1) If the deficiency affects the health, safety, or welfare 98584  
of an individual with mental retardation or other developmental 98585

disability, correct the deficiency within twenty-four hours; 98586

(2) If the deficiency does not affect the health, safety, or 98587  
welfare of an individual with mental retardation or other 98588  
developmental disability, receive technical assistance from the 98589  
department or submit a plan of correction to the department that 98590  
is acceptable to the department within sixty days and correct the 98591  
deficiency within the time required by the plan of correction. 98592

**Sec. 5126.0512.** (A) As used in this section, "medicaid waiver 98593  
component" means a medicaid waiver component as defined in section 98594  
5111.85 of the Revised Code under which home and community-based 98595  
services are provided. 98596

(B) Effective July 1, 2007, and except as provided in rules 98597  
adopted under section 5123.0413 of the Revised Code, each county 98598  
board of mental retardation and developmental disabilities shall 98599  
ensure, for each medicaid waiver component, that the number of 98600  
individuals eligible under section 5126.041 of the Revised Code 98601  
for services from the county board who are enrolled in a medicaid 98602  
waiver component is no less than the sum of the following: 98603

(1) The number of individuals eligible for services from the 98604  
county board who are enrolled in the medicaid waiver component on 98605  
June 30, 2007; 98606

(2) The number of medicaid waiver component slots the county 98607  
board requested before July 1, 2007, that were assigned to the 98608  
county board before that date but in which no individual was 98609  
enrolled before that date. 98610

(C) An individual enrolled in a medicaid waiver component 98611  
after March 1, 2007, due to an emergency reserve capacity waiver 98612  
assignment shall not be counted in determining the number of 98613  
individuals a county board must ensure under division (B) of this 98614  
section are enrolled in a medicaid waiver component. 98615

(D) An individual who is enrolled in a medicaid waiver component to comply with the terms of the consent order filed March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United States district court for the southern district of Ohio, eastern division, shall be excluded in determining whether a county board has complied with division (B) of this section.

(E) A county board shall make as many requests for individuals to be enrolled in a medicaid waiver component as necessary for the county board to comply with division (B) of this section.

**Sec. 5126.19.** (A) The director of mental retardation and developmental disabilities may grant temporary funding from the community mental retardation and developmental disabilities trust fund based on allocations to county boards of mental retardation and developmental disabilities. The director may distribute all or part of the funding directly to a county board, the persons who provide the services for which the funding is granted, or persons with mental retardation or developmental disabilities who are to receive those services.

(B) Funding granted under division (A) of this section shall be granted according to the availability of moneys in the fund and priorities established by the director. Funding may be granted for any of the following purposes:

(1) Behavioral or short-term interventions for persons with mental retardation or developmental disabilities that assist them in remaining in the community by preventing institutionalization;

(2) Emergency respite care services, as defined in section 5126.11 of the Revised Code;

(3) Family support services provided under section 5126.11 of the Revised Code;

(4) Supported living, as defined in section 5126.01 of the Revised Code; 98646  
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(5) Staff training for county board employees, employees of providers of residential services as defined in section 5126.01 of the Revised Code, and other personnel under contract with a county board, to provide the staff with necessary training in serving mentally retarded or developmentally disabled persons in the community; 98648  
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(6) Short-term provision of early childhood services provided under section 5126.05, adult services provided under sections 5126.05 and 5126.051, and service and support administration provided under section 5126.15 of the Revised Code, when local moneys are insufficient to meet the need for such services due to the successive failure within a two-year period of three or more proposed levies for the services; 98654  
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(7) Contracts with providers of residential services to maintain persons with mental retardation and developmental disabilities in their programs and avoid institutionalization. 98661  
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(C) If the trust fund contains more than ten million dollars on the first day of July the director shall use one million dollars for payments under section 5126.18 of the Revised Code, two million dollars for subsidies to county boards for supported living, and one million dollars for subsidies to county boards for early childhood services and adult services provided under section 5126.05 of the Revised Code. Distributions of funds under this division shall be made prior to August 31 of the state fiscal year in which the funds are available. The funds shall be allocated to a county board in an amount equal to the same percentage of the total amount allocated to the county board the immediately preceding state fiscal year. 98664  
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~~(D) In addition to making grants under division (A) of this~~ 98676

~~section, the director may use money available in the trust fund 98677  
for the same purposes that rules adopted under section 5123.0413 98678  
of the Revised Code provide for money in the state MR/DD risk fund 98679  
and the state insurance against MR/DD risk fund, both created 98680  
under that section, to be used. 98681~~

**Sec. 5126.24.** (A) As used in this section: 98682

(1) "License" means an educator license issued by the state 98683  
board of education under section 3319.22 of the Revised Code or a 98684  
certificate issued by the department of mental retardation and 98685  
developmental disabilities. 98686

(2) "Teacher" means a person employed by a county board of 98687  
mental retardation and developmental disabilities in a position 98688  
that requires a license. 98689

(3) "Nonteaching employee" means a person employed by a 98690  
county board of mental retardation and developmental disabilities 98691  
in a position that does not require a license. 98692

(4) "Years of service" includes all service described in 98693  
division (A) of section 3317.13 of the Revised Code. 98694

(B) Subject to rules established by the director of mental 98695  
retardation and developmental disabilities pursuant to Chapter 98696  
119. of the Revised Code, each county board of mental retardation 98697  
and developmental disabilities shall annually adopt separate 98698  
salary schedules for teachers and nonteaching employees. 98699

(C) The teachers' salary schedule shall provide for 98700  
increments based on training and years of service. The board may 98701  
establish its own service requirements provided no teacher 98702  
receives less than the salary the teacher would be paid under 98703  
section 3317.13 of the Revised Code if the teacher were employed 98704  
by a school district board of education and provided full credit 98705  
for a minimum of five years of actual teaching and military 98706



experience as defined in division (A) of such section is given to 98707  
each teacher. 98708

Each teacher who has completed training that would qualify 98709  
the teacher for a higher salary bracket pursuant to this section 98710  
shall file by the fifteenth day of September with the fiscal 98711  
officer of the board, satisfactory evidence of the completion of 98712  
such additional training. The fiscal officer shall then 98713  
immediately place the teacher, pursuant to this section, in the 98714  
proper salary bracket in accordance with training and years of 98715  
service. No teacher shall be paid less than the salary to which 98716  
the teacher would be entitled under section 3317.13 of the Revised 98717  
Code if the teacher were employed by a school district board of 98718  
education. 98719

The superintendent of each county board, on or before the 98720  
fifteenth day of October of each year, shall certify to the state 98721  
board of education the name of each teacher employed, on an annual 98722  
salary, in each special education program operated pursuant to 98723  
section 3323.09 of the Revised Code during the first full school 98724  
week of October. The superintendent further shall certify, for 98725  
each teacher, the number of years of training completed at a 98726  
recognized college, the degrees earned from a college recognized 98727  
by the state board, the type of license held, the number of months 98728  
employed by the board, the annual salary, and other information 98729  
that the state board may request. 98730

(D) The nonteaching employees' salary schedule established by 98731  
the board shall be based on training, experience, and 98732  
qualifications with initial salaries no less than salaries in 98733  
effect on July 1, 1985. Each board shall prepare and may amend 98734  
from time to time, specifications descriptive of duties, 98735  
responsibilities, requirements, and desirable qualifications of 98736  
the classifications of employees required to perform the duties 98737  
specified in the salary schedule. All nonteaching employees shall 98738

be notified of the position classification to which they are 98739  
assigned and the salary for the classification. The compensation 98740  
of all nonteaching employees working for a particular board shall 98741  
be uniform for like positions except as compensation would be 98742  
affected by salary increments based upon length of service. 98743

On the fifteenth day of October of each year the nonteaching 98744  
employees' salary schedule and list of job classifications and 98745  
salaries in effect on that date shall be filed by each board with 98746  
the superintendent of public instruction. If such salary schedule 98747  
and classification plan is not filed, the superintendent of public 98748  
instruction shall order the board to file such schedule and list 98749  
forthwith. If this condition is not corrected within ten days 98750  
after receipt of the order from the superintendent, no money shall 98751  
be distributed to the district under Chapter 3306. or 3317. of the 98752  
Revised Code until the superintendent has satisfactory evidence of 98753  
the board's full compliance with such order. 98754

**Sec. 5139.43.** (A) The department of youth services shall 98755  
operate a felony delinquent care and custody program that shall be 98756  
operated in accordance with the formula developed pursuant to 98757  
section 5139.41 of the Revised Code, subject to the conditions 98758  
specified in this section. 98759

(B)(1) Each juvenile court shall use the moneys disbursed to 98760  
it by the department of youth services pursuant to division (B) of 98761  
section 5139.41 of the Revised Code in accordance with the 98762  
applicable provisions of division (B)(2) of this section and shall 98763  
transmit the moneys to the county treasurer for deposit in 98764  
accordance with this division. The county treasurer shall create 98765  
in the county treasury a fund that shall be known as the felony 98766  
delinquent care and custody fund and shall deposit in that fund 98767  
the moneys disbursed to the juvenile court pursuant to division 98768  
(B) of section 5139.41 of the Revised Code. The county treasurer 98769

also shall deposit into that fund the state subsidy funds granted 98770  
to the county pursuant to section 5139.34 of the Revised Code. The 98771  
moneys disbursed to the juvenile court pursuant to division (B) of 98772  
section 5139.41 of the Revised Code and deposited pursuant to this 98773  
division in the felony delinquent care and custody fund shall not 98774  
be commingled with any other county funds except state subsidy 98775  
funds granted to the county pursuant to section 5139.34 of the 98776  
Revised Code; shall not be used for any capital construction 98777  
projects; upon an order of the juvenile court and subject to 98778  
appropriation by the board of county commissioners, shall be 98779  
disbursed to the juvenile court for use in accordance with the 98780  
applicable provisions of division (B)(2) of this section; shall 98781  
not revert to the county general fund at the end of any fiscal 98782  
year; and shall carry over in the felony delinquent care and 98783  
custody fund from the end of any fiscal year to the next fiscal 98784  
year. ~~At~~The maximum balance carry-over at the end of each 98785  
respective fiscal year, beginning June 30, 2008, the balance in 98786  
the felony delinquent care and custody fund in any county shall 98787  
not exceed the total moneys from funds allocated to the county 98788  
pursuant to sections 5139.34 and 5139.41 of the Revised Code 98789  
during in the previous fiscal year shall not exceed an amount to 98790  
be calculated as provided in the formula set forth in this 98791  
division, unless that county has applied for and been granted an 98792  
exemption by the director of youth services. Beginning June 30, 98793  
2008, the maximum balance carry-over at the end of each respective 98794  
fiscal year shall be determined by the following formula: for 98795  
fiscal year 2008, the maximum balance carry-over shall be one 98796  
hundred per cent of the allocation for fiscal year 2007, to be 98797  
applied in determining the fiscal year 2009 allocation; for fiscal 98798  
year 2009, it shall be fifty per cent of the allocation for fiscal 98799  
year 2008, to be applied in determining the fiscal year 2010 98800  
allocation; for fiscal year 2010, it shall be twenty-five per cent 98801  
of the allocation for fiscal year 2009, to be applied in 98802

determining the fiscal year 2011 allocation; and for each fiscal 98803  
year subsequent to fiscal year 2010, it shall be twenty-five per 98804  
cent of the allocation for the immediately preceding fiscal year, 98805  
to be applied in determining the allocation for the next immediate 98806  
fiscal year. The department shall withhold from future payments to 98807  
a county an amount equal to any moneys in the felony delinquent 98808  
care and custody fund of the county that exceed the total ~~moneys~~ 98809  
~~allocated pursuant to those sections to the county during the~~ 98810  
~~preceding fiscal year~~ maximum balance carry-over that applies for 98811  
that county for the fiscal year in which the payments are being 98812  
made and shall reallocate the withheld amount. The department 98813  
shall adopt rules for the withholding and reallocation of moneys 98814  
disbursed under sections 5139.34 and 5139.41 of the Revised Code 98815  
and for the criteria and process for a county to obtain an 98816  
exemption from the withholding requirement. The moneys disbursed 98817  
to the juvenile court pursuant to division (B) of section 5139.41 98818  
of the Revised Code and deposited pursuant to this division in the 98819  
felony delinquent care and custody fund shall be in addition to, 98820  
and shall not be used to reduce, any usual annual increase in 98821  
county funding that the juvenile court is eligible to receive or 98822  
the current level of county funding of the juvenile court and of 98823  
any programs or services for delinquent children, unruly children, 98824  
or juvenile traffic offenders. 98825

(2)(a) A county and the juvenile court that serves the county 98826  
shall use the moneys in its felony delinquent care and custody 98827  
fund in accordance with rules that the department of youth 98828  
services adopts pursuant to division (D) of section 5139.04 of the 98829  
Revised Code and as follows: 98830

(i) The moneys in the fund that represent state subsidy funds 98831  
granted to the county pursuant to section 5139.34 of the Revised 98832  
Code shall be used to aid in the support of prevention, early 98833  
intervention, diversion, treatment, and rehabilitation programs 98834

that are provided for alleged or adjudicated unruly children or 98835  
delinquent children or for children who are at risk of becoming 98836  
unruly children or delinquent children. The county shall not use 98837  
for capital improvements more than fifteen per cent of the moneys 98838  
in the fund that represent the applicable annual grant of those 98839  
state subsidy funds. 98840

(ii) The moneys in the fund that were disbursed to the 98841  
juvenile court pursuant to division (B) of section 5139.41 of the 98842  
Revised Code and deposited pursuant to division (B)(1) of this 98843  
section in the fund shall be used to provide programs and services 98844  
for the training, treatment, or rehabilitation of felony 98845  
delinquents that are alternatives to their commitment to the 98846  
department, including, but not limited to, community residential 98847  
programs, day treatment centers, services within the home, and 98848  
electronic monitoring, and shall be used in connection with 98849  
training, treatment, rehabilitation, early intervention, or other 98850  
programs or services for any delinquent child, unruly child, or 98851  
juvenile traffic offender who is under the jurisdiction of the 98852  
juvenile court. 98853

The fund also may be used for prevention, early intervention, 98854  
diversion, treatment, and rehabilitation programs that are 98855  
provided for alleged or adjudicated unruly children, delinquent 98856  
children, or juvenile traffic offenders or for children who are at 98857  
risk of becoming unruly children, delinquent children, or juvenile 98858  
traffic offenders. Consistent with division (B)(1) of this 98859  
section, a county and the juvenile court of a county shall not use 98860  
any of those moneys for capital construction projects. 98861

(iii) Moneys in the fund shall not be used to support 98862  
programs or services that do not comply with federal juvenile 98863  
justice and delinquency prevention core requirements or to support 98864  
programs or services that research has shown to be ineffective. 98865

(iv) The county and the juvenile court that serves the county 98866

may use moneys in the fund to provide out-of-home placement of 98867  
children only in detention centers, community rehabilitation 98868  
centers, or community corrections facilities approved by the 98869  
department pursuant to standards adopted by the department, 98870  
licensed by an authorized state agency, or accredited by the 98871  
American correctional association or another national organization 98872  
recognized by the department. 98873

(b) Each juvenile court shall comply with division (B)(3)(d) 98874  
of this section as implemented by the department. If a juvenile 98875  
court fails to comply with division (B)(3)(d) of this section, the 98876  
department shall not be required to make any disbursements in 98877  
accordance with division (C) or (D) of section 5139.41 or division 98878  
(C)(2) of section 5139.34 of the Revised Code. 98879

(3) In accordance with rules adopted by the department 98880  
pursuant to division (D) of section 5139.04 of the Revised Code, 98881  
each juvenile court and the county served by that juvenile court 98882  
shall do all of the following that apply: 98883

(a) The juvenile court shall prepare an annual grant 98884  
agreement and application for funding that satisfies the 98885  
requirements of this section and section 5139.34 of the Revised 98886  
Code and that pertains to the use, upon an order of the juvenile 98887  
court and subject to appropriation by the board of county 98888  
commissioners, of the moneys in its felony delinquent care and 98889  
custody fund for specified programs, care, and services as 98890  
described in division (B)(2)(a) of this section, shall submit that 98891  
agreement and application to the county family and children first 98892  
council, the regional family and children first council, or the 98893  
local intersystem services to children cluster as described in 98894  
sections 121.37 and 121.38 of the Revised Code, whichever is 98895  
applicable, and shall file that agreement and application with the 98896  
department for its approval. The annual grant agreement and 98897  
application for funding shall include a method of ensuring equal 98898

access for minority youth to the programs, care, and services 98899  
specified in it. 98900

The department may approve an annual grant agreement and 98901  
application for funding only if the juvenile court involved has 98902  
complied with the preparation, submission, and filing requirements 98903  
described in division (B)(3)(a) of this section. If the juvenile 98904  
court complies with those requirements and the department approves 98905  
that agreement and application, the juvenile court and the county 98906  
served by the juvenile court may expend the state subsidy funds 98907  
granted to the county pursuant to section 5139.34 of the Revised 98908  
Code only in accordance with division (B)(2)(a) of this section, 98909  
the rules pertaining to state subsidy funds that the department 98910  
adopts pursuant to division (D) of section 5139.04 of the Revised 98911  
Code, and the approved agreement and application. 98912

(b) By the thirty-first day of August of each year, the 98913  
juvenile court shall file with the department a report that 98914  
contains all of the statistical and other information for each 98915  
month of the prior state fiscal year. If the juvenile court fails 98916  
to file the report required by division (B)(3)(b) of this section 98917  
by the thirty-first day of August of any year, the department 98918  
shall not disburse any payment of state subsidy funds to which the 98919  
county otherwise is entitled pursuant to section 5139.34 of the 98920  
Revised Code and shall not disburse pursuant to division (B) of 98921  
section 5139.41 of the Revised Code the applicable allocation 98922  
until the juvenile court fully complies with division (B)(3)(b) of 98923  
this section. 98924

(c) If the department requires the juvenile court to prepare 98925  
monthly statistical reports and to submit the reports on forms 98926  
provided by the department, the juvenile court shall file those 98927  
reports with the department on the forms so provided. If the 98928  
juvenile court fails to prepare and submit those monthly 98929  
statistical reports within the department's timelines, the 98930

department shall not disburse any payment of state subsidy funds 98931  
to which the county otherwise is entitled pursuant to section 98932  
5139.34 of the Revised Code and shall not disburse pursuant to 98933  
division (B) of section 5139.41 of the Revised Code the applicable 98934  
allocation until the juvenile court fully complies with division 98935  
(B)(3)(c) of this section. If the juvenile court fails to prepare 98936  
and submit those monthly statistical reports within one hundred 98937  
eighty days of the date the department establishes for their 98938  
submission, the department shall not disburse any payment of state 98939  
subsidy funds to which the county otherwise is entitled pursuant 98940  
to section 5139.34 of the Revised Code and shall not disburse 98941  
pursuant to division (B) of section 5139.41 of the Revised Code 98942  
the applicable allocation, and the state subsidy funds and the 98943  
remainder of the applicable allocation shall revert to the 98944  
department. If a juvenile court states in a monthly statistical 98945  
report that the juvenile court adjudicated within a state fiscal 98946  
year five hundred or more children to be delinquent children for 98947  
committing acts that would be felonies if committed by adults and 98948  
if the department determines that the data in the report may be 98949  
inaccurate, the juvenile court shall have an independent auditor 98950  
or other qualified entity certify the accuracy of the data on a 98951  
date determined by the department. 98952

(d) If the department requires the juvenile court and the 98953  
county to participate in a fiscal monitoring program or another 98954  
monitoring program that is conducted by the department to ensure 98955  
compliance by the juvenile court and the county with division (B) 98956  
of this section, the juvenile court and the county shall 98957  
participate in the program and fully comply with any guidelines 98958  
for the performance of audits adopted by the department pursuant 98959  
to that program and all requests made by the department pursuant 98960  
to that program for information necessary to reconcile fiscal 98961  
accounting. If an audit that is performed pursuant to a fiscal 98962  
monitoring program or another monitoring program described in this 98963



division determines that the juvenile court or the county used 98964  
moneys in the county's felony delinquent care and custody fund for 98965  
expenses that are not authorized under division (B) of this 98966  
section, within forty-five days after the department notifies the 98967  
county of the unauthorized expenditures, the county either shall 98968  
repay the amount of the unauthorized expenditures from the county 98969  
general revenue fund to the state's general revenue fund or shall 98970  
file a written appeal with the department. If an appeal is timely 98971  
filed, the director of the department shall render a decision on 98972  
the appeal and shall notify the appellant county or its juvenile 98973  
court of that decision within forty-five days after the date that 98974  
the appeal is filed. If the director denies an appeal, the 98975  
county's fiscal agent shall repay the amount of the unauthorized 98976  
expenditures from the county general revenue fund to the state's 98977  
general revenue fund within thirty days after receiving the 98978  
director's notification of the appeal decision. 98979

(C) The determination of which county a reduction of the care 98980  
and custody allocation will be charged against for a particular 98981  
youth shall be made as outlined below for all youths who do not 98982  
qualify as public safety beds. The determination of which county a 98983  
reduction of the care and custody allocation will be charged 98984  
against shall be made as follows until each youth is released: 98985  
98986

(1) In the event of a commitment, the reduction shall be 98987  
charged against the committing county. 98988

(2) In the event of a recommitment, the reduction shall be 98989  
charged against the original committing county until the 98990  
expiration of the minimum period of institutionalization under the 98991  
original order of commitment or until the date on which the youth 98992  
is admitted to the department of youth services pursuant to the 98993  
order of recommitment, whichever is later. Reductions of the 98994  
allocation shall be charged against the county that recommitted 98995

the youth after the minimum expiration date of the original 98996  
commitment. 98997

(3) In the event of a revocation of a release on parole, the 98998  
reduction shall be charged against the county that revokes the 98999  
youth's parole. 99000

(D) A juvenile court is not precluded by its allocation 99001  
amount for the care and custody of felony delinquents from 99002  
committing a felony delinquent to the department of youth services 99003  
for care and custody in an institution or a community corrections 99004  
facility when the juvenile court determines that the commitment is 99005  
appropriate. 99006

Sec. 5155.38. As used in this section, "long-term care bed" 99007  
has the same meaning as in section 3702.51 of the Revised Code. 99008

The operator of each county home and each county nursing home 99009  
shall, not later than November 1, 2009, certify to the director of 99010  
health the number of long-term care beds that were in operation in 99011  
the home on July 1, 1993. The certification shall be accompanied 99012  
by any documentation requested by the director. 99013

**Sec. 5501.04.** The following divisions are hereby established 99014  
in the department of transportation: 99015

(A) The division of business services; 99016

(B) The division of engineering policy; 99017

(C) The division of finance; 99018

(D) The division of human resources; 99019

(E) The division of information technology; 99020

(F) The division of multi-modal planning and programs; 99021

(G) The division of project management; 99022

(H) The division of equal opportunity. 99023

The director of transportation shall distribute the duties, 99024  
powers, and functions of the department among the divisions of the 99025  
department. 99026

Each division shall be headed by a deputy director, whose 99027  
title shall be designated by the director, and shall include those 99028  
other officers and employees as may be necessary to carry out the 99029  
work of the division. The director shall appoint the deputy 99030  
director of each division, who shall be in the unclassified civil 99031  
service of the state and shall serve at the pleasure of the 99032  
director. The director shall supervise the work of each division 99033  
and shall be responsible for the determination of general policies 99034  
in the performance of the duties, powers, and functions of the 99035  
department and of each division. The director shall have complete 99036  
executive charge of the department, shall be responsible for the 99037  
organization, direction, and supervision of the work of the 99038  
department and the performance of the duties, powers, and 99039  
functions assigned to each division, and may establish necessary 99040  
administrative units therein. The deputy director of each 99041  
division, with the approval of the director and subject to Chapter 99042  
124. of the Revised Code, shall appoint the necessary employees of 99043  
the division and may remove such employees for cause. 99044

The division of equal opportunity shall ensure that minority 99045  
groups and all groups protected by state and federal civil rights 99046  
laws are afforded equal opportunity to be recruited, trained, and 99047  
work in the employment of or on projects of the department of 99048  
transportation, and to participate in contracts awarded by the 99049  
department. The director of transportation each year shall report 99050  
to the governor and the general assembly on the division's 99051  
activities and accomplishments. 99052

**Sec. 5502.01.** (A) The department of public safety shall 99053  
administer and enforce the laws relating to the registration, 99054

licensing, sale, and operation of motor vehicles and the laws 99055  
pertaining to the licensing of drivers of motor vehicles. 99056

The department shall compile, analyze, and publish statistics 99057  
relative to motor vehicle accidents and the causes of them, 99058  
prepare and conduct educational programs for the purpose of 99059  
promoting safety in the operation of motor vehicles on the 99060  
highways, and conduct research and studies for the purpose of 99061  
promoting safety on the highways of this state. 99062

(B) The department shall administer the laws and rules 99063  
relative to trauma and emergency medical services specified in 99064  
Chapter 4765. of the Revised Code. 99065

(C) The department shall administer and enforce the laws 99066  
contained in Chapters 4301. and 4303. of the Revised Code and 99067  
enforce the rules and orders of the liquor control commission 99068  
pertaining to retail liquor permit holders. 99069

(D) The department shall administer the laws governing the 99070  
state emergency management agency and shall enforce all additional 99071  
duties and responsibilities as prescribed in the Revised Code 99072  
related to emergency management services. 99073

(E) The department shall conduct investigations pursuant to 99074  
Chapter 5101. of the Revised Code in support of the duty of the 99075  
department of job and family services to administer ~~food stamp~~ 99076  
~~programs~~ the supplemental nutrition assistance program throughout 99077  
this state. The department of public safety shall conduct 99078  
investigations necessary to protect the state's property rights 99079  
and interests in the ~~food stamp~~ supplemental nutrition assistance 99080  
program. 99081

(F) The department of public safety shall enforce compliance 99082  
with orders and rules of the public utilities commission and 99083  
applicable laws in accordance with Chapters 4919., 4921., and 99084  
4923. of the Revised Code regarding commercial motor vehicle 99085

transportation safety, economic, and hazardous materials 99086  
requirements. 99087

(G) Notwithstanding Chapter 4117. of the Revised Code, the 99088  
department of public safety may establish requirements for its 99089  
enforcement personnel, including its enforcement agents described 99090  
in section 5502.14 of the Revised Code, that include standards of 99091  
conduct, work rules and procedures, and criteria for eligibility 99092  
as law enforcement personnel. 99093

(H) The department shall administer, maintain, and operate 99094  
the Ohio criminal justice network. The Ohio criminal justice 99095  
network shall be a computer network that supports state and local 99096  
criminal justice activities. The network shall be an electronic 99097  
repository for various data, which may include arrest warrants, 99098  
notices of persons wanted by law enforcement agencies, criminal 99099  
records, prison inmate records, stolen vehicle records, vehicle 99100  
operator's licenses, and vehicle registrations and titles. 99101

(I) The department shall coordinate all homeland security 99102  
activities of all state agencies and shall be a liaison between 99103  
state agencies and local entities for those activities and related 99104  
purposes. 99105

(J) Beginning July 1, 2004, the department shall administer 99106  
and enforce the laws relative to private investigators and 99107  
security service providers specified in Chapter 4749. of the 99108  
Revised Code. 99109

(K) The department shall administer criminal justice services 99110  
in accordance with sections 5502.61 to 5502.66 of the Revised 99111  
Code. 99112

**Sec. 5502.12.** The accident reports submitted pursuant to 99113  
section 5502.11 of the Revised Code shall be for the use of the 99114  
director of public safety for purposes of statistical, safety, and 99115

other studies. The law enforcement agency that submitted a report 99116  
shall furnish a copy of such report and associated documents to 99117  
any person claiming an interest arising out of a motor vehicle 99118  
accident, or to the person's attorney, upon the payment of a 99119  
nonrefundable fee ~~that shall not exceed~~ of four dollars. With 99120  
respect to accidents investigated by the state highway patrol, the 99121  
director of public safety shall furnish to such person all related 99122  
reports and statements upon the payment of a nonrefundable fee of 99123  
four dollars. The cost of photographs or any other electronic 99124  
format shall be a four-dollar fee in addition to the nonrefundable 99125  
four-dollar fee for the accident report, whether the report was 99126  
submitted by the state highway patrol or another law enforcement 99127  
agency. 99128

Such state highway patrol reports, statements, and 99129  
photographs, in the discretion of the director of public safety, 99130  
may be withheld until all criminal prosecution has been concluded; 99131  
the director of public safety may require proof, satisfactory to 99132  
the director, of the right of any applicant to be furnished such 99133  
documents. 99134

**Sec. 5502.14.** (A) As used in this section, "felony" has the 99135  
same meaning as in section 109.511 of the Revised Code. 99136

(B)(1) Any person who is employed by the department of public 99137  
safety and designated by the director of public safety to enforce 99138  
Title XLIII of the Revised Code, the rules adopted under it, and 99139  
the laws and rules regulating the use of ~~food stamps~~ supplemental 99140  
nutrition assistance program benefits shall be known as an 99141  
enforcement agent. The employment by the department of public 99142  
safety and the designation by the director of public safety of a 99143  
person as an enforcement agent shall be subject to division (D) of 99144  
this section. An enforcement agent has the authority vested in 99145  
peace officers pursuant to section 2935.03 of the Revised Code to 99146

keep the peace, to enforce all applicable laws and rules on any 99147  
retail liquor permit premises, or on any other premises of public 99148  
or private property, where a violation of Title XLIII of the 99149  
Revised Code or any rule adopted under it is occurring, and to 99150  
enforce all laws and rules governing the use of ~~food stamp coupons~~ 99151  
supplemental nutrition assistance program benefits, women, 99152  
infants, and children's coupons, electronically transferred 99153  
benefits, or any other access device that is used alone or in 99154  
conjunction with another access device to obtain payments, 99155  
allotments, benefits, money, goods, or other things of value, or 99156  
that can be used to initiate a transfer of funds, pursuant to the 99157  
~~food stamp~~ supplemental nutrition assistance program established 99158  
under the "~~Food Stamp and Nutrition~~ Act of 1977," ~~91 Stat. 958,~~ 99159  
2008 (7 U.S.C.A. 2011, as amended, et seq.) or any supplemental 99160  
food program administered by any department of this state pursuant 99161  
to the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 99162  
1786. Enforcement agents, in enforcing compliance with the laws 99163  
and rules described in this division, may keep the peace and make 99164  
arrests for violations of those laws and rules. 99165

(2) In addition to the authority conferred by division (B)(1) 99166  
of this section, an enforcement agent also may execute search 99167  
warrants and seize and take into custody any contraband, as 99168  
defined in section 2901.01 of the Revised Code, or any property 99169  
that is otherwise necessary for evidentiary purposes related to 99170  
any violations of the laws or rules described in division (B)(1) 99171  
of this section. An enforcement agent may enter public or private 99172  
premises where activity alleged to violate the laws or rules 99173  
described in division (B)(1) of this section is occurring. 99174

(3) Enforcement agents who are on, immediately adjacent to, 99175  
or across from retail liquor permit premises and who are 99176  
performing investigative duties relating to that premises, 99177  
enforcement agents who are on premises that are not liquor permit 99178

premises but on which a violation of Title XLIII of the Revised 99179  
Code or any rule adopted under it allegedly is occurring, and 99180  
enforcement agents who view a suspected violation of Title XLIII 99181  
of the Revised Code, of a rule adopted under it, or of another law 99182  
or rule described in division (B)(1) of this section have the 99183  
authority to enforce the laws and rules described in division 99184  
(B)(1) of this section, authority to enforce any section in Title 99185  
XXIX of the Revised Code or any other section of the Revised Code 99186  
listed in section 5502.13 of the Revised Code if they witness a 99187  
violation of the section under any of the circumstances described 99188  
in this division, and authority to make arrests for violations of 99189  
the laws and rules described in division (B)(1) of this section 99190  
and violations of any of those sections. 99191

(4) The jurisdiction of an enforcement agent under division 99192  
(B) of this section shall be concurrent with that of the peace 99193  
officers of the county, township, or municipal corporation in 99194  
which the violation occurs. 99195

(C) Enforcement agents of the department of public safety who 99196  
are engaged in the enforcement of the laws and rules described in 99197  
division (B)(1) of this section may carry concealed weapons when 99198  
conducting undercover investigations pursuant to their authority 99199  
as law enforcement officers and while acting within the scope of 99200  
their authority pursuant to this chapter. 99201

(D)(1) The department of public safety shall not employ, and 99202  
the director of public safety shall not designate, a person as an 99203  
enforcement agent on a permanent basis, on a temporary basis, for 99204  
a probationary term, or on other than a permanent basis if the 99205  
person previously has been convicted of or has pleaded guilty to a 99206  
felony. 99207

(2)(a) The department of public safety shall terminate the 99208  
employment of a person who is designated as an enforcement agent 99209  
and who does either of the following: 99210



(i) Pleads guilty to a felony; 99211

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 99212  
plea agreement as provided in division (D) of section 2929.43 of 99213  
the Revised Code in which the enforcement agent agrees to 99214  
surrender the certificate awarded to that agent under section 99215  
109.77 of the Revised Code. 99216

(b) The department shall suspend the employment of a person 99217  
who is designated as an enforcement agent if the person is 99218  
convicted, after trial, of a felony. If the enforcement agent 99219  
files an appeal from that conviction and the conviction is upheld 99220  
by the highest court to which the appeal is taken or if no timely 99221  
appeal is filed, the department shall terminate the employment of 99222  
that agent. If the enforcement agent files an appeal that results 99223  
in that agent's acquittal of the felony or conviction of a 99224  
misdemeanor, or in the dismissal of the felony charge against the 99225  
agent, the department shall reinstate the agent. An enforcement 99226  
agent who is reinstated under division (D)(2)(b) of this section 99227  
shall not receive any back pay unless the conviction of that agent 99228  
of the felony was reversed on appeal, or the felony charge was 99229  
dismissed, because the court found insufficient evidence to 99230  
convict the agent of the felony. 99231

(3) Division (D) of this section does not apply regarding an 99232  
offense that was committed prior to January 1, 1997. 99233

(4) The suspension or termination of the employment of a 99234  
person designated as an enforcement agent under division (D)(2) of 99235  
this section shall be in accordance with Chapter 119. of the 99236  
Revised Code. 99237

**Sec. 5502.15.** Any funding provided or made available by the 99238  
United States or by any agency designated and authorized by the 99239  
United States government for the purposes of enforcing compliance 99240  
with ~~food stamp~~ supplemental nutrition assistance program laws 99241

shall be expended by the department of public safety for those 99242  
purposes. 99243

**Sec. 5505.15.** (A)(1) A member of the state highway patrol 99244  
retirement system shall contribute ten per cent of the member's 99245  
annual salary to the state highway patrol retirement fund. The 99246  
amount shall be deducted by the employer from the employee's 99247  
salary for each payroll period. 99248

(2) The total contributions arising from deductions made 99249  
prior to January 1, 1966, from the salaries of members in the 99250  
employ of the state highway patrol and standing to the credit of 99251  
their individual accounts in the retirement fund shall be 99252  
transferred and credited to their respective individual accounts 99253  
in the employees' savings fund. 99254

(B) The state shall annually pay into the employer 99255  
accumulation fund, in monthly or less frequent installments as the 99256  
state highway patrol retirement board requires, ~~an amount that~~ 99257  
~~shall be a certain percentage of the total salaries paid~~ 99258  
~~contributing members and shall be known as the "employer~~ 99259  
~~contribution."~~ The employer contribution shall be an amount equal 99260  
to twenty-six and one-half per cent of the total salaries paid 99261  
contributing members. If a member severs connection with the 99262  
patrol or is dismissed, the employer contribution shall remain in 99263  
the retirement system. 99264

The rate percentage of the employer contribution shall be 99265  
certified by the board to the director of budget and management 99266  
and shall not be lower than nine per cent of the total salaries 99267  
paid contributing members and shall not exceed three times the 99268  
rate percentage being deducted from the annual salaries of 99269  
contributing members. The board shall prepare and submit to the 99270  
director, on or before the first day of November of each 99271  
even-numbered year, an estimate of the amounts necessary to pay 99272

the state's obligations accruing during the biennium beginning the 99273  
first day of July of the following year. Such amounts shall be 99274  
included in the budget and allocated as certified by the board. 99275

Sec. 5505.152. (A) As used in this section, "entry age normal 99276  
actuarial cost method" means an actuarial cost method under which 99277  
the actuarial present value of the projected benefits of each 99278  
individual included in the valuation is allocated on a level basis 99279  
over the earnings or service of the individual between the entry 99280  
age and the assumed exit age, with the portion of the actuarial 99281  
present value that is allocated to the valuation year to be the 99282  
normal cost and the portion of the actuarial present value not 99283  
provided for at the valuation date by the actuarial present value 99284  
of future normal costs to be the actuarial accrued liability. 99285  
Under this method, the actuarial gains or losses are reflected as 99286  
they occur in a decrease or increase in the unfunded actuarial 99287  
accrued liability. 99288

(B) The Ohio retirement study council shall annually review 99289  
the adequacy of the contribution rates provided under divisions 99290  
(A) and (B) of section 5505.15 of the Revised Code and the 99291  
contribution rates recommended in a report by the actuary of the 99292  
state highway patrol retirement system for the forthcoming year. 99293

The actuarial calculations used by the actuary shall be based 99294  
on the entry age normal actuarial cost method, and the adequacy of 99295  
the contribution rates shall be reported on the basis of that 99296  
method. The Ohio retirement study council shall make 99297  
recommendations to the general assembly that it finds necessary 99298  
for the proper financing of the benefits of the state highway 99299  
patrol retirement system. 99300

Sec. 5701.11. The effective date to which this section refers 99301  
is the effective date of this section as amended by ~~Sub.~~ H.B. 458 99302

1 of the ~~127th~~ 128th general assembly. 99303

(A)(1) Except as provided under division (A)(2) or (B) of 99304  
this section, any reference in Title LVII of the Revised Code to 99305  
the Internal Revenue Code, to the Internal Revenue Code "as 99306  
amended," to other laws of the United States, or to other laws of 99307  
the United States, "as amended," means the Internal Revenue Code 99308  
or other laws of the United States as they exist on the effective 99309  
date. 99310

(2) This section does not apply to any reference in Title 99311  
LVII of the Revised Code to the Internal Revenue Code as of a date 99312  
certain specifying the day, month, and year, or to other laws of 99313  
the United States as of a date certain specifying the day, month, 99314  
and year. 99315

(B)(1) For purposes of applying section 5733.04, 5745.01, or 99316  
5747.01 of the Revised Code to a taxpayer's taxable year ending 99317  
after December ~~21, 2007~~ 30, 2008, and before the effective date, a 99318  
taxpayer may irrevocably elect to incorporate the provisions of 99319  
the Internal Revenue Code or other laws of the United States that 99320  
are in effect for federal income tax purposes for that taxable 99321  
year if those provisions differ from the provisions that, under 99322  
division (A) of this section, would otherwise apply. The filing by 99323  
the taxpayer for that taxable year of a report or return that 99324  
incorporates the provisions of the Internal Revenue Code or other 99325  
laws of the United States applicable for federal income tax 99326  
purposes for that taxable year, and that does not include any 99327  
adjustments to reverse the effects of any differences between 99328  
those provisions and the provisions that would otherwise apply, 99329  
constitutes the making of an irrevocable election under this 99330  
division for that taxable year. 99331

(2) Elections under prior versions of division (B)(1) of this 99332  
section remain in effect for the taxable years to which they 99333

apply. 99334

**Sec. 5703.05.** All powers, duties, and functions of the 99335  
department of taxation are vested in and shall be performed by the 99336  
tax commissioner, which powers, duties, and functions shall 99337  
include, but shall not be limited to, the following: 99338

(A) Prescribing all blank forms which the department is 99339  
authorized to prescribe, and to provide such forms and distribute 99340  
the same as required by law and the rules of the department. The 99341  
tax commissioner shall include a mail-in registration form 99342  
prescribed in section 3503.14 of the Revised Code within the 99343  
return and instructions for the tax levied in odd-numbered years 99344  
under section 5747.02 of the Revised Code, beginning with the tax 99345  
levied for 1995. The secretary of state shall bear all costs for 99346  
the inclusion of the mail-in registration form. That form shall be 99347  
addressed for return to the office of the secretary of state. 99348

(B) Exercising the authority provided by law, including 99349  
orders from bankruptcy courts, relative to remitting or refunding 99350  
taxes or assessments, including penalties and interest thereon, 99351  
illegally or erroneously assessed or collected, or for any other 99352  
reason overpaid, and in addition, the commissioner may on written 99353  
application of any person, firm, or corporation claiming to have 99354  
overpaid to the treasurer of state at any time within five years 99355  
prior to the making of such application any tax payable under any 99356  
law which the department of taxation is required to administer 99357  
which does not contain any provision for refund, or on the 99358  
commissioner's own motion investigate the facts and make in 99359  
triplicate a written statement of the commissioner's findings, 99360  
and, if the commissioner finds that there has been an overpayment, 99361  
issue in triplicate a certificate of abatement payable to the 99362  
taxpayer, the taxpayer's assigns, or legal representative which 99363  
shows the amount of the overpayment and the kind of tax overpaid. 99364

One copy of such statement shall be entered on the journal of the commissioner, one shall be certified to the attorney general, and one certified copy shall be delivered to the taxpayer. All copies of the certificate of abatement shall be transmitted to the attorney general, and if the attorney general finds it to be correct the attorney general shall so certify on each copy, and deliver one copy to the taxpayer, one copy to the commissioner, and the third copy to the treasurer of state. Except as provided in sections 5725.08 and 5725.16 of the Revised Code the taxpayer's copy of any certificates of abatement may be tendered by the payee or transferee thereof to the treasurer of state as payment, to the extent of the amount thereof, of any tax payable to the treasurer of state.

(C) Exercising the authority provided by law relative to consenting to the compromise and settlement of tax claims;

(D) Exercising the authority provided by law relative to the use of alternative tax bases by taxpayers in the making of personal property tax returns;

(E) Exercising the authority provided by law relative to authorizing the prepayment of taxes on retail sales of tangible personal property or on the storage, use, or consumption of personal property, and waiving the collection of such taxes from the consumers;

(F) Exercising the authority provided by law to revoke licenses;

(G) Maintaining a continuous study of the practical operation of all taxation and revenue laws of the state, the manner in which and extent to which such laws provide revenues for the support of the state and its political subdivisions, the probable effect upon such revenue of possible changes in existing laws, and the possible enactment of measures providing for other forms of

taxation. For this purpose the commissioner may establish and 99396  
maintain a division of research and statistics, ~~and may appoint~~ 99397  
~~necessary employees who shall be in the unclassified civil~~ 99398  
~~service; the.~~ The results of such study shall be available to the 99399  
members of the general assembly and the public. 99400

(H) Making all tax assessments, valuations, findings, 99401  
determinations, computations, and orders the department of 99402  
taxation is by law authorized and required to make and, pursuant 99403  
to time limitations provided by law, on the commissioner's own 99404  
motion, reviewing, redetermining, or correcting any tax 99405  
assessments, valuations, findings, determinations, computations, 99406  
or orders the commissioner has made, but the commissioner shall 99407  
not review, redetermine, or correct any tax assessment, valuation, 99408  
finding, determination, computation, or order which the 99409  
commissioner has made as to which an appeal or application for 99410  
rehearing, review, redetermination, or correction has been filed 99411  
with the board of tax appeals, unless such appeal or application 99412  
is withdrawn by the appellant or applicant or dismissed; 99413

(I) Appointing not more than five deputy tax commissioners, 99414  
who, under such regulations as the rules of the department of 99415  
taxation prescribe, may act for the commissioner in the 99416  
performance of such duties as the commissioner prescribes in the 99417  
administration of the laws which the commissioner is authorized 99418  
and required to administer, and who shall serve in the 99419  
unclassified civil service at the pleasure of the commissioner, 99420  
but if a person who holds a position in the classified service is 99421  
appointed, it shall not affect the civil service status of such 99422  
person. The commissioner may designate not more than two of the 99423  
deputy commissioners to act as commissioner in case of the 99424  
absence, disability, or recusal of the commissioner or vacancy in 99425  
the office of commissioner. The commissioner may adopt rules 99426  
relating to the order of precedence of such designated deputy 99427

commissioners and to their assumption and administration of the 99428  
office of commissioner. 99429

(J) Appointing and prescribing the duties of all other 99430  
employees of the department of taxation necessary in the 99431  
performance of the work of the department which the tax 99432  
commissioner is by law authorized and required to perform, and 99433  
creating such divisions or sections of employees as, in the 99434  
commissioner's judgment, is proper; 99435

(K) Organizing the work of the department, which the 99436  
commissioner is by law authorized and required to perform, so 99437  
that, in the commissioner's judgment, an efficient and economical 99438  
administration of the laws will result; 99439

(L) Maintaining a journal, which is open to public 99440  
inspection, in which the tax commissioner shall keep a record of 99441  
all final determinations of the commissioner; 99442

(M) Adopting and promulgating, in the manner provided by 99443  
section 5703.14 of the Revised Code, all rules of the department, 99444  
including rules for the administration of sections 3517.16, 99445  
3517.17, and 5747.081 of the Revised Code; 99446

(N) Destroying any or all returns or assessment certificates 99447  
in the manner authorized by law; 99448

(O) Adopting rules, in accordance with division (B) of 99449  
section 325.31 of the Revised Code, governing the expenditure of 99450  
moneys from the real estate assessment fund under that division. 99451

**Sec. 5703.37.** ~~Whenever~~ (A)(1) Except as provided in division 99452  
(B) of this section, whenever service of a notice or order is 99453  
required in the manner provided in this section, a ~~certified~~ copy 99454  
of the ~~order or~~ notice or order shall be served upon the person 99455  
affected thereby either by personal service or by certified mail- 99456  
~~Within the time specified in an order of the department of~~ 99457



~~taxation, every person upon whom it is served, if required by the order, shall notify the department, by personal service, certified mail, or a delivery service authorized under section 5703.056 of the Revised Code, whether the terms of the order are accepted and will be obeyed that notifies the tax commissioner of the date of delivery.~~

(2) With the permission of the person affected by the notice or order, the commissioner may enter into a written agreement to deliver a notice or order by alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service. An assessment is deemed final for the purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that

the notice or order is served. 99490

(2) If mailing of a notice or order by certified mail is 99491  
returned for some cause other than an undeliverable address, the 99492  
tax commissioner shall resend the notice or order by ordinary 99493  
mail. The notice or order shall show the date the commissioner 99494  
sends the notice or order and include the following statement: 99495

"This notice or order is deemed to be served on the addressee 99496  
under applicable law ten days from the date this notice or order 99497  
was mailed by the commissioner as shown on the notice or order, 99498  
and all periods within which an appeal may be filed apply from and 99499  
after that date." 99500

Unless the mailing is returned because of an undeliverable 99501  
address, the mailing of that information is prima-facie evidence 99502  
that delivery of the notice or order was completed ten days after 99503  
the commissioner sent the notice or order by ordinary mail and 99504  
that the notice or order was served. 99505

If the ordinary mail is subsequently returned because of an 99506  
undeliverable address, the commissioner shall proceed under 99507  
division (B)(1)(a) of this section. A person may challenge the 99508  
presumption of delivery and service under this division in 99509  
accordance with division (C) of this section. 99510

(C)(1) A person disputing the presumption of delivery and 99511  
service under division (B) of this section bears the burden of 99512  
proving by a preponderance of the evidence that the address to 99513  
which the notice or order was sent was not an address with which 99514  
the person was associated at the time the commissioner originally 99515  
mailed the notice or order by certified mail. For the purposes of 99516  
this section, a person is associated with an address if the person 99517  
was residing or receiving legal documents at the address, or if a 99518  
business was conducted at the address either by the person or the 99519  
person's agent, or by any other person affiliated with the 99520

business, if the person owned or controlled at least twenty per cent of the business' ownership interests having voting rights. 99521  
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(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general must either enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code, or send to the tax commissioner the person's petition for reassessment for action under the procedures prescribed by this title for petitions for reassessment. 99523  
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(D) Nothing in this section prohibits the tax commissioner or the commissioner's designee from delivering a notice or order by personal service. 99531  
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(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section, but such a claim remains certified for subsequent collection by the attorney general for the purposes of this section and section 131.02 of the Revised Code. 99534  
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(F) As used in this section: 99541

(1) "Last known address" means the address the department has at the time the document is originally sent by certified mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service. 99542  
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(2) "Undeliverable address" means an address to which the United States postal service is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order. 99547  
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Sec. 5703.80. There is hereby created in the state treasury 99551  
the property tax administration fund. All money to the credit of 99552  
the fund shall be used to defray the costs incurred by the 99553  
department of taxation in administering the taxation of property 99554  
and the equalization of real property valuation. 99555

Each fiscal year between the first and fifteenth days of 99556  
July, the tax commissioner shall compute the following amounts for 99557  
the property in each taxing district in each county, and certify 99558  
to the director of budget and management the sum of those amounts 99559  
for all taxing districts in all counties: 99560

(A) For fiscal year ~~2006~~ 2010, ~~thirty-three~~ forty-two 99561  
hundredths of one per cent of the total amount by which taxes 99562  
charged against real property on the general tax list of real and 99563  
public utility property were reduced under section 319.302 of the 99564  
Revised Code for the preceding tax year; 99565

(B) For fiscal year ~~2007~~ 2011 and thereafter, ~~thirty-five~~ 99566  
forty-eight hundredths of one per cent of the total amount by 99567  
which taxes charged against real property on the general tax list 99568  
of real and public utility property were reduced under section 99569  
319.302 of the Revised Code for the preceding tax year; 99570

(C) For fiscal year ~~2006~~ 2010, ~~one-half~~ eight-tenths of one 99571  
per cent of the total amount of taxes charged and payable against 99572  
public utility personal property on the general tax list of real 99573  
and public utility property for the preceding tax year and of the 99574  
total amount of taxes charged and payable against tangible 99575  
personal property on the general tax list of personal property of 99576  
the preceding tax year and for which returns were filed with the 99577  
tax commissioner under section 5711.13 of the Revised Code; 99578

(D) For fiscal year ~~2007~~ 2011 and thereafter, ~~fifty-six~~ 99579  
~~hundredths~~ nine hundred fifty-one thousandths of one per cent of 99580  
the total amount of taxes charged and payable against public 99581

utility personal property on the general tax list of real and 99582  
public utility property for the preceding tax year and of the 99583  
total amount of taxes charged and payable against tangible 99584  
personal property on the general tax list of personal property of 99585  
the preceding tax year and for which returns were filed with the 99586  
tax commissioner under section 5711.13 of the Revised Code; 99587

~~(E) For fiscal year 2008, six tenths of one per cent of the 99588  
total amount of taxes charged and payable against public utility 99589  
personal property on the general tax list of real and public 99590  
utility property for the preceding tax year and of the total 99591  
amount of taxes charged and payable against tangible personal 99592  
property on the general tax list of personal property of the 99593  
preceding tax year and for which returns were filed with the tax 99594  
commissioner under section 5711.13 of the Revised Code; 99595~~

~~(F) For fiscal year 2009 and thereafter, seven hundred 99596  
twenty five one thousandths of one per cent of the total amount of 99597  
taxes charged and payable against public utility personal property 99598  
on the general tax list of real and public utility property for 99599  
the preceding tax year and of the total amount of taxes charged 99600  
and payable against tangible personal property on the general tax 99601  
list of personal property of the preceding tax year and for which 99602  
returns were filed with the tax commissioner under section 5711.13 99603  
of the Revised Code. 99604~~

After receiving the tax commissioner's certification, the 99605  
director of budget and management shall transfer from the general 99606  
revenue fund to the property tax administration fund one-fourth of 99607  
the amount certified on or before each of the following days: the 99608  
first days of August, November, February, and May. 99609

On or before the thirtieth day of June of the fiscal year, 99610  
the tax commissioner shall certify to the director of budget and 99611  
management the sum of the amounts by which the amounts computed 99612  
for a taxing district under this section exceeded the 99613

distributions to the taxing district under division (F) of section 99614  
321.24 of the Revised Code, and the director shall transfer that 99615  
sum from the property tax administration fund to the general 99616  
revenue fund. 99617

**Sec. 5705.214.** Not more than three elections during any 99618  
calendar year shall include the questions by a school district of 99619  
tax levies proposed under any one or any combination of the 99620  
following sections: sections 5705.194, 5705.199, 5705.21, 99621  
5705.212, 5705.213, 5705.217, ~~and~~ 5705.218, and 5705.219 of the 99622  
Revised Code. 99623

**Sec. 5705.219.** (A) As used in this section: 99624

(1) "Eligible school district" means a city, local, or 99625  
exempted village school district in which the taxes charged and 99626  
payable for current expenses on residential/agricultural real 99627  
property in the tax year preceding the year in which the levy 99628  
authorized by this section will be submitted for elector approval 99629  
or rejection are greater than two per cent of the taxable value of 99630  
the residential/agricultural real property. 99631

(2) "Residential/agricultural real property" and 99632  
"nonresidential/agricultural real property" means the property 99633  
classified as such under section 5713.041 of the Revised Code. 99634

(3) "Effective tax rate" and "taxes charged and payable" have 99635  
the same meanings as in division (B) of section 319.301 of the 99636  
Revised Code. 99637

(B) On or after January 1, 2010, but before January 1, 2015, 99638  
the board of education of an eligible school district, by a vote 99639  
of two-thirds of all its members, may adopt a resolution proposing 99640  
to convert existing levies imposed for the purpose of current 99641  
expenses into a levy raising a specified amount of tax money by 99642  
repealing all or a portion of one or more of those existing levies 99643

and imposing a levy in excess of the ten-mill limitation that will 99644  
raise a specified amount of money for current expenses of the 99645  
district. 99646

The board of education shall certify a copy of the resolution 99647  
to the tax commissioner not later than ninety days before the 99648  
election upon which the repeal and levy authorized by this section 99649  
will be proposed to the electors. Within ten days after receiving 99650  
the copy of the resolution, the tax commissioner shall determine 99651  
each of the following and certify the determinations to the board 99652  
of education: 99653

(1) The dollar amount to be raised by the proposed levy, 99654  
which shall be the product of: 99655

(a) The difference between the aggregate effective tax rate 99656  
for residential/agricultural real property for the tax year 99657  
preceding the year in which the repeal and levy will be proposed 99658  
to the electors and twenty mills per dollar of taxable value; 99659

(b) The total taxable value of all property on the tax list 99660  
of real and public utility property for the tax year preceding the 99661  
year in which the repeal and levy will be proposed to the 99662  
electors. 99663

(2) The estimated tax rate of the proposed levy. 99664

(3) The existing levies and any portion of an existing levy 99665  
to be repealed upon approval of the question. Levies shall be 99666  
repealed in reverse chronological order from most recently imposed 99667  
to least recently imposed until the sum of the effective tax rates 99668  
repealed for residential/agricultural real property is equal to 99669  
the difference calculated in division (B)(1)(a) of this section. 99670

(4) The sum of the following: 99671

(a) The total taxable value of nonresidential/agricultural 99672  
real property for the tax year preceding the year in which the 99673

repeal and levy will be proposed to the electors multiplied by the 99674  
difference between (i) the aggregate effective tax rate for 99675  
nonresidential/agricultural real property for the existing levies 99676  
and any portion of an existing levy to be repealed and (ii) the 99677  
amount determined under division (B)(1)(a) of this section, but 99678  
not less than zero; 99679

(b) The total taxable value of public utility tangible 99680  
personal property for the tax year preceding the year in which the 99681  
repeal and levy will be proposed to the electors multiplied by the 99682  
difference between (i) the aggregate voted tax rate for the 99683  
existing levies and any portion of an existing levy to be repealed 99684  
and (ii) the amount determined under division (B)(1)(a) of this 99685  
section, but not less than zero. 99686

(C) Upon receipt of the certification from the tax 99687  
commissioner under division (B) of this section, a majority of the 99688  
members of the board of education may adopt a resolution proposing 99689  
the repeal of the existing levies as identified in the 99690  
certification and the imposition of a levy in excess of the 99691  
ten-mill limitation that will raise annually the amount certified 99692  
by the commissioner. If the board determines that the tax should 99693  
be for an amount less than that certified by the commissioner, the 99694  
board, before January 1, 2015, may request that the commissioner 99695  
redetermine the rate under division (B)(2) of this section on the 99696  
basis of the lesser amount the levy is to raise as specified by 99697  
the board. The amount certified under division (B)(4) and the 99698  
levies to be repealed as certified under division (B)(3) of this 99699  
section shall not be redetermined. Within ten days after receiving 99700  
a timely request specifying the lesser amount to be raised by the 99701  
levy, the commissioner shall redetermine the rate and recertify it 99702  
to the board as otherwise provided in division (B) of this 99703  
section. Only one such request may be made by the board of 99704  
education of an eligible school district. 99705



The resolution shall state the first calendar year in which the levy will be due; the existing levies and any portion of an existing levy that will be repealed, as certified by the commissioner; the term of the levy expressed in years, which may be any number not exceeding ten, or that it will be levied for a continuing period of time; and the date of the election.

Immediately upon its passage, the resolution shall go into effect and shall be certified by the board of education to the county auditor of the proper county. The county auditor and the board of education shall proceed as required under section 5705.195 of the Revised Code. No publication of the resolution is necessary other than that provided for in the notice of election. Section 5705.196 of the Revised Code shall govern the matters concerning the election. The submission of a question to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(D) The form of the ballot to be used at the election provided for in this section shall be as follows:

"Shall the existing levy of . . . (insert the voted millage rate of the levy to be repealed), currently being charged against residential and agricultural property by the . . . (insert the name of school district) at a rate of . . . (insert the residential/agricultural real property effective tax rate of the levy being repealed) for the purpose of . . . (insert the purpose of the existing levy) be repealed, and shall a levy be imposed by the . . . (insert the name of school district) in excess of the ten-mill limitation for the necessary requirements of the school district in the sum of . . . (insert the annual amount the levy is to produce), estimated by the tax commissioner to require . . . (insert the number of mills) mills for each one dollar of valuation, which amounts to . . . (insert the rate expressed in

dollars and cents) for each one hundred dollars of valuation for 99738  
the initial year of the tax, for a period of . . . (insert the 99739  
number of years the levy is to be imposed, or that it will be 99740  
levied for a continuing period of time), commencing in . . . 99741  
(insert the first year the tax is to be levied), first due in 99742  
calendar year . . . (insert the first calendar year in which the 99743  
tax shall be due)? 99744

	FOR THE REPEAL AND TAX	
	AGAINST THE REPEAL AND TAX	"

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If the question submitted is a proposal to repeal all or a 99749  
portion of more than one existing levy, the form of the ballot 99750  
shall be modified by substituting the statement "shall the 99751  
existing levy of" with "shall existing levies of" and inserting 99752  
the aggregate voted and aggregate effective tax rates to be 99753  
repealed. 99754

(E) If a majority of the electors voting on the question 99755  
submitted in an election vote in favor of the repeal and levy, the 99756  
result shall be certified immediately after the canvass by the 99757  
board of elections to the board of education. The board of 99758  
education may make the levy necessary to raise the amount 99759  
specified in the resolution for the purpose stated in the 99760  
resolution and shall certify it to the county auditor, who shall 99761  
extend it on the current year tax lists for collection. After the 99762  
first year, the levy shall be included in the annual tax budget 99763  
that is certified to the county budget commission. 99764

(F) A levy imposed under this section for a continuing period 99765  
of time may be decreased or repealed pursuant to section 5705.261 99766  
of the Revised Code. If a levy imposed under this section is 99767  
decreased, the amount calculated under division (B)(4) of this 99768

section and paid under section 5705.2110 of the Revised Code shall 99769  
be decreased by the same proportion as the levy is decreased. If 99770  
the levy is repealed, no further payments shall be made to the 99771  
district under that section. 99772

(G) At any time, the board of education, by a vote of 99773  
two-thirds of all of its members, may adopt a resolution to renew 99774  
a tax levied under this section. The resolution shall provide for 99775  
levying the tax and specifically all of the following: 99776

(1) That the tax shall be called, and designated on the 99777  
ballot as, a renewal levy; 99778

(2) The amount of the renewal tax, which shall be no more 99779  
than the amount of tax previously collected; 99780

(3) The number of years, not to exceed ten, that the renewal 99781  
tax will be levied, or that it will be levied for a continuing 99782  
period of time; 99783

(4) That the purpose of the renewal tax is for current 99784  
expenses. 99785

(H) The form of the ballot to be used at the election on the 99786  
question of renewing a levy under this section shall be as 99787  
follows: 99788

"Shall a tax levy renewing an existing levy of . . . (insert 99789  
the annual dollar amount the levy is to produce each year), 99790  
estimated to require . . . (insert the number of mills) mills for 99791  
each one dollar of valuation be imposed by the . . . (insert the 99792  
name of school district) for the purpose of current expenses for a 99793  
period of . . . (insert the number of years the levy is to be 99794  
imposed, or that it will be levied for a continuing period of 99795  
time), commencing in . . . (insert the first year the tax is to be 99796  
levied), first due in calendar year . . . (insert the first 99797  
calendar year in which the tax shall be due)? 99798

	<u>FOR THE RENEWAL OF THE TAX</u>	
	<u>LEVY</u>	
	<u>AGAINST THE RENEWAL OF THE</u>	"
	<u>TAX LEVY</u>	

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If the levy submitted is to be for less than the amount of  
money previously collected, the form of the ballot shall be  
modified to add "and reducing" after "renewing" and to add before  
"estimated to require" the statement "be approved at a tax rate  
necessary to produce . . . (insert the lower annual dollar amount  
the levy is to produce each year)."

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**Sec. 5705.2110.** (A) For purposes of this section:

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(1) "Carryover property" has the same meaning as in section  
319.301 of the Revised Code.

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(2) "Residential/agricultural real property" has the same  
meaning as in section 5705.219 of the Revised Code.

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(B) For each city, local, or exempted village school district  
in which the tax authorized by section 5705.219 of the Revised  
Code has been approved by electors in the preceding year, the tax  
commissioner, not later than the twenty-eighth day of February,  
shall certify to the department of education the amount determined  
in division (B)(4) of section 5705.219 of the Revised Code. Not  
later than the twenty-eighth day of February of each year  
thereafter for twelve years, the commissioner shall certify an  
amount equal to the difference between the amount certified in the  
preceding year under this division and the product of ten mills  
per dollar multiplied by the excess, if any, of the value of  
carryover property for residential/agricultural real property for  
the preceding tax year over the value of carryover property for

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residential/agricultural real property in the second preceding tax 99827  
year. If the amount to be certified in any year is zero, in the 99828  
commissioner's certification the commissioner shall state that no 99829  
further certifications shall be forthcoming. 99830

(C) Not later than the last day of April and of October 99831  
beginning in the first year in which a certification under 99832  
division (B) of this section is received, the department of 99833  
education shall pay to the school district for which the 99834  
certification is made one-half of the amount most recently 99835  
certified by the tax commissioner. 99836

**Sec. 5705.29.** This section does not apply to a subdivision or 99837  
taxing unit for which the county budget commission has waived the 99838  
requirement to adopt a tax budget pursuant to section 5705.281 of 99839  
the Revised Code. The tax budget shall present the following 99840  
information in such detail as is prescribed by the auditor of 99841  
state: 99842

(A)(1) A statement of the necessary current operating 99843  
expenses for the ensuing fiscal year for each department and 99844  
division of the subdivision, classified as to personal services 99845  
and other expenses, and the fund from which such expenditures are 99846  
to be made. Except in the case of a school district, this estimate 99847  
may include a contingent expense not designated for any particular 99848  
purpose, and not to exceed three per cent of the total amount of 99849  
appropriations for current expenses. In the case of a school 99850  
district, this estimate may include a contingent expense not 99851  
designated for any particular purpose and not to exceed thirteen 99852  
per cent of the total amount of appropriations for current 99853  
expenses. 99854

(2) A statement of the expenditures for the ensuing fiscal 99855  
year necessary for permanent improvements, exclusive of any 99856  
expense to be paid from bond issues, classified as to the 99857

improvements contemplated by the subdivision and the fund from 99858  
which such expenditures are to be made; 99859

(3) The amounts required for the payment of final judgments; 99860

(4) A statement of expenditures for the ensuing fiscal year 99861  
necessary for any purpose for which a special levy is authorized, 99862  
and the fund from which such expenditures are to be made; 99863

(5) Comparative statements, so far as possible, in parallel 99864  
columns of corresponding items of expenditures for the current 99865  
fiscal year and the two preceding fiscal years. 99866

(B)(1) An estimate of receipts from other sources than the 99867  
general property tax during the ensuing fiscal year, which shall 99868  
include an estimate of unencumbered balances at the end of the 99869  
current fiscal year, and the funds to which such estimated 99870  
receipts are credited; 99871

(2) The amount each fund requires from the general property 99872  
tax, which shall be the difference between the contemplated 99873  
expenditure from the fund and the estimated receipts, as provided 99874  
in this section. The section of the Revised Code under which the 99875  
tax is authorized shall be set forth. 99876

(3) Comparative statements, so far as possible, in parallel 99877  
columns of taxes and other revenues for the current fiscal year 99878  
and the two preceding fiscal years. 99879

(C)(1) The amount required for debt charges; 99880

(2) The estimated receipts from sources other than the tax 99881  
levy for payment of such debt charges, including the proceeds of 99882  
refunding bonds to be issued to refund bonds maturing in the next 99883  
succeeding fiscal year; 99884

(3) The net amount for which a tax levy shall be made, 99885  
classified as to bonds authorized and issued prior to January 1, 99886  
1922, and those authorized and issued subsequent to such date, and 99887

as to what portion of the levy will be within and what in excess 99888  
of the ten-mill limitation. 99889

(D) An estimate of amounts from taxes authorized to be levied 99890  
in excess of the ten-mill limitation on the tax rate, and the fund 99891  
to which such amounts will be credited, together with the sections 99892  
of the Revised Code under which each such tax is exempted from all 99893  
limitations on the tax rate. 99894

(E)(1) A board of education may include in its budget for the 99895  
fiscal year in which a levy proposed under section 5705.194, 99896  
5705.199, 5705.21, ~~or 5705.213,~~ or 5705.219, or the original levy 99897  
under section 5705.212 of the Revised Code is first extended on 99898  
the tax list and duplicate an estimate of expenditures to be known 99899  
as a voluntary contingency reserve balance, which shall not be 99900  
greater than twenty-five per cent of the total amount of the levy 99901  
estimated to be available for appropriation in such year. 99902

(2) A board of education may include in its budget for the 99903  
fiscal year following the year in which a levy proposed under 99904  
section 5705.194, 5705.199, 5705.21, ~~or 5705.213,~~ or 5705.219, or 99905  
the original levy under section 5705.212 of the Revised Code is 99906  
first extended on the tax list and duplicate an estimate of 99907  
expenditures to be known as a voluntary contingency reserve 99908  
balance, which shall not be greater than twenty per cent of the 99909  
amount of the levy estimated to be available for appropriation in 99910  
such year. 99911

(3) Except as provided in division (E)(4) of this section, 99912  
the full amount of any reserve balance the board includes in its 99913  
budget shall be retained by the county auditor and county 99914  
treasurer out of the first semiannual settlement of taxes until 99915  
the beginning of the next succeeding fiscal year, and thereupon, 99916  
with the depository interest apportioned thereto, it shall be 99917  
turned over to the board of education, to be used for the purposes 99918  
of such fiscal year. 99919

(4) A board of education, by a two-thirds vote of all members of the board, may appropriate any amount withheld as a voluntary contingency reserve balance during the fiscal year for any lawful purpose, provided that prior to such appropriation the board of education has authorized the expenditure of all amounts appropriated for contingencies under section 5705.40 of the Revised Code. Upon request by the board of education, the county auditor shall draw a warrant on the district's account in the county treasury payable to the district in the amount requested.

(F)(1) A board of education may include a spending reserve in its budget for fiscal years ending on or before June 30, 2002. The spending reserve shall consist of an estimate of expenditures not to exceed the district's spending reserve balance. A district's spending reserve balance is the amount by which the designated percentage of the district's estimated personal property taxes to be settled during the calendar year in which the fiscal year ends exceeds the estimated amount of personal property taxes to be so settled and received by the district during that fiscal year. Moneys from a spending reserve shall be appropriated in accordance with section 133.301 of the Revised Code.

(2) For the purposes of computing a school district's spending reserve balance for a fiscal year, the designated percentage shall be as follows:

Fiscal year ending in:	Designated percentage	
1998	50%	
1999	40%	
2000	30%	
2001	20%	
2002	10%	

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance



account. Except as otherwise provided in this division, the county 99952  
budget commission shall not consider the amount in a reserve 99953  
balance account of a township, county, or municipal corporation as 99954  
an unencumbered balance or as revenue for the purposes of division 99955  
(E)(3) or (4) of section 5747.51 of the Revised Code. The county 99956  
budget commission may require documentation of the reasonableness 99957  
of the reserve balance held in any reserve balance account. The 99958  
commission shall consider any amount in a reserve balance account 99959  
that it determines to be unreasonable as unencumbered and as 99960  
revenue for the purposes of section 5747.51 of the Revised Code 99961  
and may take such amounts into consideration when determining 99962  
whether to reduce the taxing authority of a subdivision. 99963

**Sec. 5705.341.** Any person required to pay taxes on real, 99964  
public utility, or tangible personal property in any taxing 99965  
district or other political subdivision of this state may appeal 99966  
to the board of tax appeals from the action of the county budget 99967  
commission of any county which relates to the fixing of uniform 99968  
rates of taxation and the rate necessary to be levied by each 99969  
taxing authority within its subdivision or taxing unit and which 99970  
action has been certified by the county budget commission to the 99971  
taxing authority of any political subdivision or other taxing 99972  
district within the county. 99973

Such appeal shall be in writing and shall set forth the tax 99974  
rate complained of and the reason that such a tax rate is not 99975  
necessary to produce the revenue needed by the taxing district or 99976  
political subdivision for the ensuing fiscal year as those needs 99977  
are set out in the tax budget of said taxing unit or, if adoption 99978  
of a tax budget was waived under section 5705.281 of the Revised 99979  
Code, as set out in such other information the district or 99980  
subdivision was required to provide under that section, or that 99981  
the action of the budget commission appealed from does not 99982  
otherwise comply with sections 5705.01 to 5705.47 of the Revised 99983

Code. The notice of appeal shall be filed with the board of tax 99984  
appeals, and a true copy thereof shall be filed with the tax 99985  
commissioner, the county auditor, and with the fiscal officer of 99986  
each taxing district or political subdivision authorized to levy 99987  
the tax complained of, and such notice of appeal and copies 99988  
thereof must be filed within thirty days after the budget 99989  
commission has certified its action as provided by section 5705.34 99990  
of the Revised Code. Such notice of appeal and the copies thereof 99991  
may be filed either in person or by certified mail. If filed by 99992  
certified mail, the date of the United States postmark placed on 99993  
the sender's receipt by the postal employee to whom the notice of 99994  
appeal is presented shall be treated as the date of filing. 99995

Prior to filing the appeal provided by this section, the 99996  
appellant shall deposit with the county auditor of the county or, 99997  
in the event the appeal concerns joint taxing districts in two or 99998  
more counties, with the county auditor of the county with the 99999  
greatest valuation of taxable property the sum of five hundred 100000  
dollars to cover the costs of the proceeding. The county auditor 100001  
shall forthwith issue a pay-in order and pay such money into the 100002  
county treasury to the credit of the general fund. The appellant 100003  
shall produce the receipt of the county treasurer for such deposit 100004  
and shall file such receipt with the notice of appeal. 100005

The board of tax appeals shall forthwith consider the matter 100006  
presented on appeal from the action of the county budget 100007  
commission and may modify any action of the commission with 100008  
reference to the fixing of tax rates, to the end that no tax rate 100009  
shall be levied above that necessary to produce the revenue needed 100010  
by the taxing district or political subdivision for the ensuing 100011  
fiscal year and to the end that the action of the budget 100012  
commission appealed from shall otherwise be in conformity with 100013  
sections 5705.01 to 5705.47 of the Revised Code. The findings of 100014  
the board of tax appeals shall be substituted for the findings of 100015

the budget commission and shall be ~~certified~~ sent to the county 100016  
auditor and the taxing authority of the taxing district or 100017  
political subdivision affected as the action of such budget 100018  
commission under sections 5705.01 to 5705.47 of the Revised Code 100019  
and to the tax commissioner. 100020

The board of tax appeals shall promptly prepare a cost bill 100021  
listing the expenses incurred by the board in conducting any 100022  
hearing on the appeal and certify the cost bill to the county 100023  
auditor of the county receiving the deposit for costs, who shall 100024  
forthwith draw a warrant on the general fund of the county in 100025  
favor of the person or persons named in the bill of costs 100026  
certified by the board of tax appeals. 100027

In the event the appellant prevails, the board of tax appeals 100028  
promptly shall direct the county auditor to refund the deposit to 100029  
the appellant and the costs shall be taxed to the taxing district 100030  
or political subdivision involved in the appeal. The county 100031  
auditor shall withhold from any funds then or thereafter in the 100032  
auditor's possession belonging to the taxing district or political 100033  
subdivision named in the order of the board of tax appeals and 100034  
shall reimburse the general fund of the county. 100035

If the appellant fails, the costs shall be deducted from the 100036  
deposit provided for in this section and any balance which remains 100037  
shall be refunded promptly to the appellant by warrant of the 100038  
county auditor drawn on the general fund of the county. 100039

Nothing in this section or any section of the Revised Code 100040  
shall permit or require the levying of any rate of taxation, 100041  
whether within the ten-mill limitation or whether the levy has 100042  
been approved by the electors of the taxing district, the 100043  
political subdivision, or the charter of a municipal corporation 100044  
in excess of such ten-mill limitation, unless such rate of 100045  
taxation for the ensuing fiscal year is clearly required by a 100046  
budget of the taxing district or political subdivision properly 100047

and lawfully adopted under this chapter, or by other information 100048  
that must be provided under section 5705.281 of the Revised Code 100049  
if a tax budget was waived. 100050

In the event more than one appeal is filed involving the same 100051  
taxing district or political subdivision, all such appeals may be 100052  
consolidated by the board of tax appeals and heard at the same 100053  
time. 100054

Nothing herein contained shall be construed to bar or 100055  
prohibit the tax commissioner from initiating an investigation or 100056  
hearing on the commissioner's own motion. 100057

The tax commissioner shall adopt and issue such orders, 100058  
rules, and instructions, not inconsistent with law, as the 100059  
commissioner deems necessary, as to the exercise of the powers and 100060  
the discharge of the duties of any particular county budget 100061  
commission, county auditor, or other officer which relate to the 100062  
budget, the assessment of property, or the levy and collection of 100063  
taxes. The commissioner shall cause the orders and instructions 100064  
issued by the commissioner to be obeyed. 100065

**Sec. 5705.37.** The taxing authority of any subdivision, or the 100066  
board of trustees of any public library, nonprofit corporation, or 100067  
library association maintaining a free public library that has 100068  
adopted and certified rules under section 5705.28 of the Revised 100069  
Code, that is dissatisfied with any action of the county budget 100070  
commission may, through its fiscal officer, appeal to the board of 100071  
tax appeals within thirty days after the receipt by the 100072  
subdivision of the official certificate or notice of the 100073  
commission's action. In like manner, but through its clerk, any 100074  
park district may appeal to the board of tax appeals. An appeal 100075  
under this section shall be taken by the filing of a notice of 100076  
appeal, either in person or by certified mail, express mail, or 100077  
authorized delivery service as provided in section 5703.056 of the 100078

Revised Code, with the board and with the commission. If notice of appeal is filed by certified mail, express mail, or authorized delivery service, date of the United States postmark placed on the sender's receipt by the postal service or the date of receipt recorded by the authorized delivery service shall be treated as the date of filing. Upon receipt of the notice of appeal, the commission, by certified mail, shall notify all persons who were parties to the proceeding before the commission of the filing of the notice of appeal and shall file proof of notice with the board of tax appeals. The secretary of the commission shall forthwith certify to the board a transcript of the full and accurate record of all proceedings before the commission, together with all evidence presented in the proceedings or considered by the commission, pertaining to the action from which the appeal is taken. The secretary of the commission also shall certify to the board any additional information that the board may request.

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The board of tax appeals, in a de novo proceeding, shall forthwith consider the matter presented to the commission, and may modify any action of the commission with reference to the budget, the estimate of revenues and balances, the allocation of the public library fund, or the fixing of tax rates. The finding of the board of tax appeals shall be substituted for the findings of the commission, and shall be ~~certified~~ sent to the tax commissioner, the county auditor, and the taxing authority of the subdivision affected, or to the board of public library trustees affected, as the action of the commission under sections 5705.01 to 5705.47 of the Revised Code.

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This section does not give the board of tax appeals any authority to place any tax levy authorized by law within the ten-mill limitation outside of that limitation, or to reduce any levy below any minimum fixed by law.

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**Sec. 5709.62.** (A) In any municipal corporation that is 100111  
defined by the United States office of management and budget as a 100112  
principal city of a metropolitan statistical area, the legislative 100113  
authority of the municipal corporation may designate one or more 100114  
areas within its municipal corporation as proposed enterprise 100115  
zones. Upon designating an area, the legislative authority shall 100116  
petition the director of development for certification of the area 100117  
as having the characteristics set forth in division (A)(1) of 100118  
section 5709.61 of the Revised Code as amended by Substitute 100119  
Senate Bill No. 19 of the 120th general assembly. Except as 100120  
otherwise provided in division (E) of this section, on and after 100121  
July 1, 1994, legislative authorities shall not enter into 100122  
agreements under this section unless the legislative authority has 100123  
petitioned the director and the director has certified the zone 100124  
under this section as amended by that act; however, all agreements 100125  
entered into under this section as it existed prior to July 1, 100126  
1994, and the incentives granted under those agreements shall 100127  
remain in effect for the period agreed to under those agreements. 100128  
Within sixty days after receiving such a petition, the director 100129  
shall determine whether the area has the characteristics set forth 100130  
in division (A)(1) of section 5709.61 of the Revised Code, and 100131  
shall forward the findings to the legislative authority of the 100132  
municipal corporation. If the director certifies the area as 100133  
having those characteristics, and thereby certifies it as a zone, 100134  
the legislative authority may enter into an agreement with an 100135  
enterprise under division (C) of this section. 100136

(B) Any enterprise that wishes to enter into an agreement 100137  
with a municipal corporation under division (C) of this section 100138  
shall submit a proposal to the legislative authority of the 100139  
municipal corporation on a form prescribed by the director of 100140  
development, together with the application fee established under 100141  
section 5709.68 of the Revised Code. The form shall require the 100142

following information: 100143

(1) An estimate of the number of new employees whom the 100144  
enterprise intends to hire, or of the number of employees whom the 100145  
enterprise intends to retain, within the zone at a facility that 100146  
is a project site, and an estimate of the amount of payroll of the 100147  
enterprise attributable to these employees; 100148

(2) An estimate of the amount to be invested by the 100149  
enterprise to establish, expand, renovate, or occupy a facility, 100150  
including investment in new buildings, additions or improvements 100151  
to existing buildings, machinery, equipment, furniture, fixtures, 100152  
and inventory; 100153

(3) A listing of the enterprise's current investment, if any, 100154  
in a facility as of the date of the proposal's submission. 100155

The enterprise shall review and update the listings required 100156  
under this division to reflect material changes, and any agreement 100157  
entered into under division (C) of this section shall set forth 100158  
final estimates and listings as of the time the agreement is 100159  
entered into. The legislative authority may, on a separate form 100160  
and at any time, require any additional information necessary to 100161  
determine whether an enterprise is in compliance with an agreement 100162  
and to collect the information required to be reported under 100163  
section 5709.68 of the Revised Code. 100164

(C) Upon receipt and investigation of a proposal under 100165  
division (B) of this section, if the legislative authority finds 100166  
that the enterprise submitting the proposal is qualified by 100167  
financial responsibility and business experience to create and 100168  
preserve employment opportunities in the zone and improve the 100169  
economic climate of the municipal corporation, the legislative 100170  
authority, on or before October 15, ~~2009~~ 2010, may do one of the 100171  
following: 100172

(1) Enter into an agreement with the enterprise under which 100173

the enterprise agrees to establish, expand, renovate, or occupy a facility and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of the assessed value of tangible personal property first used in business at the project site as a result of the agreement. If an exemption for inventory is specifically granted in the agreement pursuant to this division, the exemption applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except that, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory that is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(b) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the legislative authority;

(c) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance that the municipal corporation is authorized to provide with regard to the project site.

(2) Enter into an agreement under which the enterprise agrees to remediate an environmentally contaminated facility, to spend an amount equal to at least two hundred fifty per cent of the true value in money of the real property of the facility prior to remediation as determined for the purposes of property taxation to



establish, expand, renovate, or occupy the remediated facility, 100206  
and to hire new employees or preserve employment opportunities for 100207  
existing employees at the remediated facility, in return for one 100208  
or more of the following incentives: 100209

(a) Exemption for a specified number of years, not to exceed 100210  
fifteen, of a specified portion, not to exceed fifty per cent, of 100211  
the assessed valuation of the real property of the facility prior 100212  
to remediation; 100213

(b) Exemption for a specified number of years, not to exceed 100214  
fifteen, of a specified portion, not to exceed one hundred per 100215  
cent, of the increase in the assessed valuation of the real 100216  
property of the facility during or after remediation; 100217

(c) The incentive under division (C)(1)(a) of this section, 100218  
except that the percentage of the assessed value of such property 100219  
exempted from taxation shall not exceed one hundred per cent; 100220

(d) The incentive under division (C)(1)(c) of this section. 100221

(3) Enter into an agreement with an enterprise that plans to 100222  
purchase and operate a large manufacturing facility that has 100223  
ceased operation or announced its intention to cease operation, in 100224  
return for exemption for a specified number of years, not to 100225  
exceed fifteen, of a specified portion, up to one hundred per 100226  
cent, of the assessed value of tangible personal property used in 100227  
business at the project site as a result of the agreement, or of 100228  
the assessed valuation of real property constituting the project 100229  
site, or both. 100230

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 100231  
section, the portion of the assessed value of tangible personal 100232  
property or of the increase in the assessed valuation of real 100233  
property exempted from taxation under those divisions may exceed 100234  
seventy-five per cent in any year for which that portion is 100235  
exempted if the average percentage exempted for all years in which 100236

the agreement is in effect does not exceed sixty per cent, or if 100237  
the board of education of the city, local, or exempted village 100238  
school district within the territory of which the property is or 100239  
will be located approves a percentage in excess of seventy-five 100240  
per cent. 100241

(2) Notwithstanding any provision of the Revised Code to the 100242  
contrary, the exemptions described in divisions (C)(1)(a), (b), 100243  
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 100244  
be for up to fifteen years if the board of education of the city, 100245  
local, or exempted village school district within the territory of 100246  
which the property is or will be located approves a number of 100247  
years in excess of ten. 100248

(3) For the purpose of obtaining the approval of a city, 100249  
local, or exempted village school district under division (D)(1) 100250  
or (2) of this section, the legislative authority shall deliver to 100251  
the board of education a notice not later than forty-five days 100252  
prior to approving the agreement, excluding Saturdays, Sundays, 100253  
and legal holidays as defined in section 1.14 of the Revised Code. 100254  
The notice shall state the percentage to be exempted, an estimate 100255  
of the true value of the property to be exempted, and the number 100256  
of years the property is to be exempted. The board of education, 100257  
by resolution adopted by a majority of the board, shall approve or 100258  
disapprove the agreement and certify a copy of the resolution to 100259  
the legislative authority not later than fourteen days prior to 100260  
the date stipulated by the legislative authority as the date upon 100261  
which approval of the agreement is to be formally considered by 100262  
the legislative authority. The board of education may include in 100263  
the resolution conditions under which the board would approve the 100264  
agreement, including the execution of an agreement to compensate 100265  
the school district under division (B) of section 5709.82 of the 100266  
Revised Code. The legislative authority may approve the agreement 100267  
at any time after the board of education certifies its resolution 100268

approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's approval of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such approval as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(4) The legislative authority shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(E) This division applies to zones certified by the director of development under this section prior to July 22, 1994.

On or before October 15, ~~2009~~ 2010, the legislative authority that designated a zone to which this division applies may enter into an agreement with an enterprise if the legislative authority finds that the enterprise satisfies one of the criteria described in divisions (E)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state

and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (C) of this section.

(F) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement is entered into under this section, if the legislative authority revokes its designation of a zone, or if the director of development revokes a zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(G) Except as otherwise provided in this division, an

agreement entered into under this section shall require that the 100331  
enterprise pay an annual fee equal to the greater of one per cent 100332  
of the dollar value of incentives offered under the agreement or 100333  
five hundred dollars; provided, however, that if the value of the 100334  
incentives exceeds two hundred fifty thousand dollars, the fee 100335  
shall not exceed two thousand five hundred dollars. The fee shall 100336  
be payable to the legislative authority once per year for each 100337  
year the agreement is effective on the days and in the form 100338  
specified in the agreement. Fees paid shall be deposited in a 100339  
special fund created for such purpose by the legislative authority 100340  
and shall be used by the legislative authority exclusively for the 100341  
purpose of complying with section 5709.68 of the Revised Code and 100342  
by the tax incentive review council created under section 5709.85 100343  
of the Revised Code exclusively for the purposes of performing the 100344  
duties prescribed under that section. The legislative authority 100345  
may waive or reduce the amount of the fee charged against an 100346  
enterprise, but such a waiver or reduction does not affect the 100347  
obligations of the legislative authority or the tax incentive 100348  
review council to comply with section 5709.68 or 5709.85 of the 100349  
Revised Code. 100350

(H) When an agreement is entered into pursuant to this 100351  
section, the legislative authority authorizing the agreement shall 100352  
forward a copy of the agreement to the director of development and 100353  
to the tax commissioner within fifteen days after the agreement is 100354  
entered into. If any agreement includes terms not provided for in 100355  
section 5709.631 of the Revised Code affecting the revenue of a 100356  
city, local, or exempted village school district or causing 100357  
revenue to be foregone by the district, including any compensation 100358  
to be paid to the school district pursuant to section 5709.82 of 100359  
the Revised Code, those terms also shall be forwarded in writing 100360  
to the director of development along with the copy of the 100361  
agreement forwarded under this division. 100362

(I) After an agreement is entered into, the enterprise shall 100363  
file with each personal property tax return required to be filed, 100364  
or annual report required to be filed under section 5727.08 of the 100365  
Revised Code, while the agreement is in effect, an informational 100366  
return, on a form prescribed by the tax commissioner for that 100367  
purpose, setting forth separately the property, and related costs 100368  
and values, exempted from taxation under the agreement. 100369

(J) Enterprises may agree to give preference to residents of 100370  
the zone within which the agreement applies relative to residents 100371  
of this state who do not reside in the zone when hiring new 100372  
employees under the agreement. 100373

(K) An agreement entered into under this section may include 100374  
a provision requiring the enterprise to create one or more 100375  
temporary internship positions for students enrolled in a course 100376  
of study at a school or other educational institution in the 100377  
vicinity, and to create a scholarship or provide another form of 100378  
educational financial assistance for students holding such a 100379  
position in exchange for the student's commitment to work for the 100380  
enterprise at the completion of the internship. 100381

(L) The tax commissioner's authority in determining the 100382  
accuracy of any exemption granted by an agreement entered into 100383  
under this section is limited to divisions (C)(1)(a) and (b), 100384  
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 100385  
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 100386  
and, as authorized by law, to enforcing any modification to, or 100387  
revocation of, that agreement by the legislative authority of a 100388  
municipal corporation or the director of development. 100389

**Sec. 5709.63.** (A) With the consent of the legislative 100390  
authority of each affected municipal corporation or of a board of 100391  
township trustees, a board of county commissioners may, in the 100392  
manner set forth in section 5709.62 of the Revised Code, designate 100393

one or more areas in one or more municipal corporations or in 100394  
unincorporated areas of the county as proposed enterprise zones. A 100395  
board of county commissioners may designate no more than one area 100396  
within a township, or within adjacent townships, as a proposed 100397  
enterprise zone. The board shall petition the director of 100398  
development for certification of the area as having the 100399  
characteristics set forth in division (A)(1) or (2) of section 100400  
5709.61 of the Revised Code as amended by Substitute Senate Bill 100401  
No. 19 of the 120th general assembly. Except as otherwise provided 100402  
in division (D) of this section, on and after July 1, 1994, boards 100403  
of county commissioners shall not enter into agreements under this 100404  
section unless the board has petitioned the director and the 100405  
director has certified the zone under this section as amended by 100406  
that act; however, all agreements entered into under this section 100407  
as it existed prior to July 1, 1994, and the incentives granted 100408  
under those agreements shall remain in effect for the period 100409  
agreed to under those agreements. The director shall make the 100410  
determination in the manner provided under section 5709.62 of the 100411  
Revised Code. 100412

Any enterprise wishing to enter into an agreement with the 100413  
board under division (B) or (D) of this section shall submit a 100414  
proposal to the board on the form and accompanied by the 100415  
application fee prescribed under division (B) of section 5709.62 100416  
of the Revised Code. The enterprise shall review and update the 100417  
estimates and listings required by the form in the manner required 100418  
under that division. The board may, on a separate form and at any 100419  
time, require any additional information necessary to determine 100420  
whether an enterprise is in compliance with an agreement and to 100421  
collect the information required to be reported under section 100422  
5709.68 of the Revised Code. 100423

(B) If the board of county commissioners finds that an 100424  
enterprise submitting a proposal is qualified by financial 100425

responsibility and business experience to create and preserve 100426  
employment opportunities in the zone and to improve the economic 100427  
climate of the municipal corporation or municipal corporations or 100428  
the unincorporated areas in which the zone is located and to which 100429  
the proposal applies, the board, on or before October 15, ~~2009~~ 100430  
2010, and with the consent of the legislative authority of each 100431  
affected municipal corporation or of the board of township 100432  
trustees may do either of the following: 100433

(1) Enter into an agreement with the enterprise under which 100434  
the enterprise agrees to establish, expand, renovate, or occupy a 100435  
facility in the zone and hire new employees, or preserve 100436  
employment opportunities for existing employees, in return for the 100437  
following incentives: 100438

(a) When the facility is located in a municipal corporation, 100439  
the board may enter into an agreement for one or more of the 100440  
incentives provided in division (C) of section 5709.62 of the 100441  
Revised Code, subject to division (D) of that section; 100442

(b) When the facility is located in an unincorporated area, 100443  
the board may enter into an agreement for one or more of the 100444  
following incentives: 100445

(i) Exemption for a specified number of years, not to exceed 100446  
fifteen, of a specified portion, up to sixty per cent, of the 100447  
assessed value of tangible personal property first used in 100448  
business at a project site as a result of the agreement. If an 100449  
exemption for inventory is specifically granted in the agreement 100450  
pursuant to this division, the exemption applies to inventory 100451  
required to be listed pursuant to sections 5711.15 and 5711.16 of 100452  
the Revised Code, except, in the instance of an expansion or other 100453  
situations in which an enterprise was in business at the facility 100454  
prior to the establishment of the zone, the inventory that is 100455  
exempt is that amount or value of inventory in excess of the 100456  
amount or value of inventory required to be listed in the personal 100457



property tax return of the enterprise in the return for the tax 100458  
year in which the agreement is entered into. 100459

(ii) Exemption for a specified number of years, not to exceed 100460  
fifteen, of a specified portion, up to sixty per cent, of the 100461  
increase in the assessed valuation of real property constituting 100462  
the project site subsequent to formal approval of the agreement by 100463  
the board; 100464

(iii) Provision for a specified number of years, not to 100465  
exceed fifteen, of any optional services or assistance the board 100466  
is authorized to provide with regard to the project site; 100467

(iv) The incentive described in division (C)(2) of section 100468  
5709.62 of the Revised Code. 100469

(2) Enter into an agreement with an enterprise that plans to 100470  
purchase and operate a large manufacturing facility that has 100471  
ceased operation or has announced its intention to cease 100472  
operation, in return for exemption for a specified number of 100473  
years, not to exceed fifteen, of a specified portion, up to one 100474  
hundred per cent, of tangible personal property used in business 100475  
at the project site as a result of the agreement, or of real 100476  
property constituting the project site, or both. 100477

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 100478  
this section, the portion of the assessed value of tangible 100479  
personal property or of the increase in the assessed valuation of 100480  
real property exempted from taxation under those divisions may 100481  
exceed sixty per cent in any year for which that portion is 100482  
exempted if the average percentage exempted for all years in which 100483  
the agreement is in effect does not exceed fifty per cent, or if 100484  
the board of education of the city, local, or exempted village 100485  
school district within the territory of which the property is or 100486  
will be located approves a percentage in excess of sixty per cent. 100487

(b) Notwithstanding any provision of the Revised Code to the 100488

contrary, the exemptions described in divisions (B)(1)(b)(i), 100489  
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 100490  
fifteen years if the board of education of the city, local, or 100491  
exempted village school district within the territory of which the 100492  
property is or will be located approves a number of years in 100493  
excess of ten. 100494

(c) For the purpose of obtaining the approval of a city, 100495  
local, or exempted village school district under division 100496  
(C)(1)(a) or (b) of this section, the board of county 100497  
commissioners shall deliver to the board of education a notice not 100498  
later than forty-five days prior to approving the agreement, 100499  
excluding Saturdays, Sundays, and legal holidays as defined in 100500  
section 1.14 of the Revised Code. The notice shall state the 100501  
percentage to be exempted, an estimate of the true value of the 100502  
property to be exempted, and the number of years the property is 100503  
to be exempted. The board of education, by resolution adopted by a 100504  
majority of the board, shall approve or disapprove the agreement 100505  
and certify a copy of the resolution to the board of county 100506  
commissioners not later than fourteen days prior to the date 100507  
stipulated by the board of county commissioners as the date upon 100508  
which approval of the agreement is to be formally considered by 100509  
the board of county commissioners. The board of education may 100510  
include in the resolution conditions under which the board would 100511  
approve the agreement, including the execution of an agreement to 100512  
compensate the school district under division (B) of section 100513  
5709.82 of the Revised Code. The board of county commissioners may 100514  
approve the agreement at any time after the board of education 100515  
certifies its resolution approving the agreement to the board of 100516  
county commissioners, or, if the board of education approves the 100517  
agreement conditionally, at any time after the conditions are 100518  
agreed to by the board of education and the board of county 100519  
commissioners. 100520

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board of education is not required under division (C) of this section. If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under this division fewer than forty-five business days prior to approval of the agreement by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board of county commissioners.

(2) The board of county commissioners shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(D) This division applies to zones certified by the director of development under this section prior to July 22, 1994.

On or before October 15, ~~2009~~ 2010, and with the consent of the legislative authority of each affected municipal corporation or board of township trustees of each affected township, the board of county commissioners that designated a zone to which this division applies may enter into an agreement with an enterprise if the board finds that the enterprise satisfies one of the criteria described in divisions (D)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish

operations in the zone; 100553

(2) The enterprise currently has operations in this state 100554  
and, subject to approval of the agreement, intends to establish 100555  
operations at a new location in the zone that would not result in 100556  
a reduction in the number of employee positions at any of the 100557  
enterprise's other locations in this state; 100558

(3) The enterprise, subject to approval of the agreement, 100559  
intends to relocate operations, currently located in another 100560  
state, to the zone; 100561

(4) The enterprise, subject to approval of the agreement, 100562  
intends to expand operations at an existing site in the zone that 100563  
the enterprise currently operates; 100564

(5) The enterprise, subject to approval of the agreement, 100565  
intends to relocate operations, currently located in this state, 100566  
to the zone, and the director of development has issued a waiver 100567  
for the enterprise under division (B) of section 5709.633 of the 100568  
Revised Code. 100569

The agreement shall require the enterprise to agree to 100570  
establish, expand, renovate, or occupy a facility in the zone and 100571  
hire new employees, or preserve employment opportunities for 100572  
existing employees, in return for one or more of the incentives 100573  
described in division (B) of this section. 100574

(E) All agreements entered into under this section shall be 100575  
in the form prescribed under section 5709.631 of the Revised Code. 100576  
After an agreement under this section is entered into, if the 100577  
board of county commissioners revokes its designation of a zone, 100578  
or if the director of development revokes a zone's certification, 100579  
any entitlements granted under the agreement shall continue for 100580  
the number of years specified in the agreement. 100581

(F) Except as otherwise provided in this division, an 100582  
agreement entered into under this section shall require that the 100583

enterprise pay an annual fee equal to the greater of one per cent 100584  
of the dollar value of incentives offered under the agreement or 100585  
five hundred dollars; provided, however, that if the value of the 100586  
incentives exceeds two hundred fifty thousand dollars, the fee 100587  
shall not exceed two thousand five hundred dollars. The fee shall 100588  
be payable to the board of county commissioners once per year for 100589  
each year the agreement is effective on the days and in the form 100590  
specified in the agreement. Fees paid shall be deposited in a 100591  
special fund created for such purpose by the board and shall be 100592  
used by the board exclusively for the purpose of complying with 100593  
section 5709.68 of the Revised Code and by the tax incentive 100594  
review council created under section 5709.85 of the Revised Code 100595  
exclusively for the purposes of performing the duties prescribed 100596  
under that section. The board may waive or reduce the amount of 100597  
the fee charged against an enterprise, but such waiver or 100598  
reduction does not affect the obligations of the board or the tax 100599  
incentive review council to comply with section 5709.68 or 5709.85 100600  
of the Revised Code, respectively. 100601

(G) With the approval of the legislative authority of a 100602  
municipal corporation or the board of township trustees of a 100603  
township in which a zone is designated under division (A) of this 100604  
section, the board of county commissioners may delegate to that 100605  
legislative authority or board any powers and duties of the board 100606  
of county commissioners to negotiate and administer agreements 100607  
with regard to that zone under this section. 100608

(H) When an agreement is entered into pursuant to this 100609  
section, the board of county commissioners authorizing the 100610  
agreement or the legislative authority or board of township 100611  
trustees that negotiates and administers the agreement shall 100612  
forward a copy of the agreement to the director of development and 100613  
to the tax commissioner within fifteen days after the agreement is 100614  
entered into. If any agreement includes terms not provided for in 100615

section 5709.631 of the Revised Code affecting the revenue of a 100616  
city, local, or exempted village school district or causing 100617  
revenue to be foregone by the district, including any compensation 100618  
to be paid to the school district pursuant to section 5709.82 of 100619  
the Revised Code, those terms also shall be forwarded in writing 100620  
to the director of development along with the copy of the 100621  
agreement forwarded under this division. 100622

(I) After an agreement is entered into, the enterprise shall 100623  
file with each personal property tax return required to be filed, 100624  
or annual report that is required to be filed under section 100625  
5727.08 of the Revised Code, while the agreement is in effect, an 100626  
informational return, on a form prescribed by the tax commissioner 100627  
for that purpose, setting forth separately the property, and 100628  
related costs and values, exempted from taxation under the 100629  
agreement. 100630

(J) Enterprises may agree to give preference to residents of 100631  
the zone within which the agreement applies relative to residents 100632  
of this state who do not reside in the zone when hiring new 100633  
employees under the agreement. 100634

(K) An agreement entered into under this section may include 100635  
a provision requiring the enterprise to create one or more 100636  
temporary internship positions for students enrolled in a course 100637  
of study at a school or other educational institution in the 100638  
vicinity, and to create a scholarship or provide another form of 100639  
educational financial assistance for students holding such a 100640  
position in exchange for the student's commitment to work for the 100641  
enterprise at the completion of the internship. 100642

(L) The tax commissioner's authority in determining the 100643  
accuracy of any exemption granted by an agreement entered into 100644  
under this section is limited to divisions (B)(1)(b)(i) and (ii), 100645  
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 100646  
this section as it pertains to divisions (C)(2)(a), (b), and (c) 100647

of section 5709.62 of the Revised Code, and divisions (B)(1) to 100648  
(10) of section 5709.631 of the Revised Code and, as authorized by 100649  
law, to enforcing any modification to, or revocation of, that 100650  
agreement by the board of county commissioners or the director of 100651  
development or, if the board's powers and duties are delegated 100652  
under division (G) of this section, by the legislative authority 100653  
of a municipal corporation or board of township trustees. 100654

**Sec. 5709.632.** (A)(1) The legislative authority of a 100655  
municipal corporation defined by the United States office of 100656  
management and budget as a principal city of a metropolitan 100657  
statistical area may, in the manner set forth in section 5709.62 100658  
of the Revised Code, designate one or more areas in the municipal 100659  
corporation as a proposed enterprise zone. 100660

(2) With the consent of the legislative authority of each 100661  
affected municipal corporation or of a board of township trustees, 100662  
a board of county commissioners may, in the manner set forth in 100663  
section 5709.62 of the Revised Code, designate one or more areas 100664  
in one or more municipal corporations or in unincorporated areas 100665  
of the county as proposed urban jobs and enterprise zones, except 100666  
that a board of county commissioners may designate no more than 100667  
one area within a township, or within adjacent townships, as a 100668  
proposed urban jobs and enterprise zone. 100669

(3) The legislative authority or board of county 100670  
commissioners may petition the director of development for 100671  
certification of the area as having the characteristics set forth 100672  
in division (A)(3) of section 5709.61 of the Revised Code. Within 100673  
sixty days after receiving such a petition, the director shall 100674  
determine whether the area has the characteristics set forth in 100675  
that division and forward the findings to the legislative 100676  
authority or board of county commissioners. If the director 100677  
certifies the area as having those characteristics and thereby 100678

certifies it as a zone, the legislative authority or board may 100679  
enter into agreements with enterprises under division (B) of this 100680  
section. Any enterprise wishing to enter into an agreement with a 100681  
legislative authority or board of county commissioners under this 100682  
section and satisfying one of the criteria described in divisions 100683  
(B)(1) to (5) of this section shall submit a proposal to the 100684  
legislative authority or board on the form prescribed under 100685  
division (B) of section 5709.62 of the Revised Code and shall 100686  
review and update the estimates and listings required by the form 100687  
in the manner required under that division. The legislative 100688  
authority or board may, on a separate form and at any time, 100689  
require any additional information necessary to determine whether 100690  
an enterprise is in compliance with an agreement and to collect 100691  
the information required to be reported under section 5709.68 of 100692  
the Revised Code. 100693

(B) Prior to entering into an agreement with an enterprise, 100694  
the legislative authority or board of county commissioners shall 100695  
determine whether the enterprise submitting the proposal is 100696  
qualified by financial responsibility and business experience to 100697  
create and preserve employment opportunities in the zone and to 100698  
improve the economic climate of the municipal corporation or 100699  
municipal corporations or the unincorporated areas in which the 100700  
zone is located and to which the proposal applies, and whether the 100701  
enterprise satisfies one of the following criteria: 100702

(1) The enterprise currently has no operations in this state 100703  
and, subject to approval of the agreement, intends to establish 100704  
operations in the zone; 100705

(2) The enterprise currently has operations in this state 100706  
and, subject to approval of the agreement, intends to establish 100707  
operations at a new location in the zone that would not result in 100708  
a reduction in the number of employee positions at any of the 100709  
enterprise's other locations in this state; 100710



(3) The enterprise, subject to approval of the agreement, 100711  
intends to relocate operations, currently located in another 100712  
state, to the zone; 100713

(4) The enterprise, subject to approval of the agreement, 100714  
intends to expand operations at an existing site in the zone that 100715  
the enterprise currently operates; 100716

(5) The enterprise, subject to approval of the agreement, 100717  
intends to relocate operations, currently located in this state, 100718  
to the zone, and the director of development has issued a waiver 100719  
for the enterprise under division (B) of section 5709.633 of the 100720  
Revised Code. 100721

(C) If the legislative authority or board determines that the 100722  
enterprise is so qualified and satisfies one of the criteria 100723  
described in divisions (B)(1) to (5) of this section, the 100724  
legislative authority or board may, after complying with section 100725  
5709.83 of the Revised Code and on or before October 15, ~~2009~~ 100726  
2010, and, in the case of a board of commissioners, with the 100727  
consent of the legislative authority of each affected municipal 100728  
corporation or of the board of township trustees, enter into an 100729  
agreement with the enterprise under which the enterprise agrees to 100730  
establish, expand, renovate, or occupy a facility in the zone and 100731  
hire new employees, or preserve employment opportunities for 100732  
existing employees, in return for the following incentives: 100733

(1) When the facility is located in a municipal corporation, 100734  
a legislative authority or board of commissioners may enter into 100735  
an agreement for one or more of the incentives provided in 100736  
division (C) of section 5709.62 of the Revised Code, subject to 100737  
division (D) of that section; 100738

(2) When the facility is located in an unincorporated area, a 100739  
board of commissioners may enter into an agreement for one or more 100740  
of the incentives provided in divisions (B)(1)(b), (B)(2), and 100741

(B)(3) of section 5709.63 of the Revised Code, subject to division 100742  
(C) of that section. 100743

(D) All agreements entered into under this section shall be 100744  
in the form prescribed under section 5709.631 of the Revised Code. 100745  
After an agreement under this section is entered into, if the 100746  
legislative authority or board of county commissioners revokes its 100747  
designation of the zone, or if the director of development revokes 100748  
the zone's certification, any entitlements granted under the 100749  
agreement shall continue for the number of years specified in the 100750  
agreement. 100751

(E) Except as otherwise provided in this division, an 100752  
agreement entered into under this section shall require that the 100753  
enterprise pay an annual fee equal to the greater of one per cent 100754  
of the dollar value of incentives offered under the agreement or 100755  
five hundred dollars; provided, however, that if the value of the 100756  
incentives exceeds two hundred fifty thousand dollars, the fee 100757  
shall not exceed two thousand five hundred dollars. The fee shall 100758  
be payable to the legislative authority or board of commissioners 100759  
once per year for each year the agreement is effective on the days 100760  
and in the form specified in the agreement. Fees paid shall be 100761  
deposited in a special fund created for such purpose by the 100762  
legislative authority or board and shall be used by the 100763  
legislative authority or board exclusively for the purpose of 100764  
complying with section 5709.68 of the Revised Code and by the tax 100765  
incentive review council created under section 5709.85 of the 100766  
Revised Code exclusively for the purposes of performing the duties 100767  
prescribed under that section. The legislative authority or board 100768  
may waive or reduce the amount of the fee charged against an 100769  
enterprise, but such waiver or reduction does not affect the 100770  
obligations of the legislative authority or board or the tax 100771  
incentive review council to comply with section 5709.68 or 5709.85 100772  
of the Revised Code, respectively. 100773

(F) With the approval of the legislative authority of a municipal corporation or the board of township trustees of a township in which a zone is designated under division (A)(2) of this section, the board of county commissioners may delegate to that legislative authority or board any powers and duties of the board to negotiate and administer agreements with regard to that zone under this section.

(G) When an agreement is entered into pursuant to this section, the legislative authority or board of commissioners authorizing the agreement shall forward a copy of the agreement to the director of development and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, or exempted village school district or causing revenue to be foregone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development along with the copy of the agreement forwarded under this division.

(H) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(I) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a

position in exchange for the student's commitment to work for the 100806  
enterprise at the completion of the internship. 100807

**Sec. 5711.33.** (A)(1) When a county treasurer receives a 100808  
certificate from a county auditor pursuant to division (A) of 100809  
section 5711.32 of the Revised Code charging the treasurer with 100810  
the collection of an amount of taxes due as the result of a 100811  
deficiency assessment, the treasurer shall immediately prepare and 100812  
mail a tax bill to the taxpayer owing such tax. The tax bill shall 100813  
contain the name of the taxpayer; the taxable value, tax rate, and 100814  
taxes charged for each year being assessed; the total amount of 100815  
taxes due; the final date payment may be made without additional 100816  
penalty; and any other information the treasurer considers 100817  
pertinent or necessary. Taxes due and payable as a result of a 100818  
deficiency assessment, less any amount specifically excepted from 100819  
collection under division (B) of section 5711.32 of the Revised 100820  
Code, shall be paid with interest thereon as prescribed by section 100821  
5719.041 of the Revised Code on or before the sixtieth day 100822  
following the date of issuance of the certificate by the county 100823  
auditor. The balance of taxes found due and payable after a final 100824  
determination by the tax commissioner or a final judgment of the 100825  
board of tax appeals or any court to which such final judgment may 100826  
be appealed shall be paid with interest thereon as prescribed by 100827  
section 5719.041 of the Revised Code on or before the sixtieth day 100828  
following the date of certification by the auditor to the 100829  
treasurer pursuant to division (C) of section 5711.32 of the 100830  
Revised Code of such final determination or judgment. Such final 100831  
dates for payment shall be determined and exhibited on the tax 100832  
bill by the treasurer. 100833

(2) If, on or before the sixtieth day following the date of a 100834  
certification of a deficiency assessment under division (A) of 100835  
section 5711.32 of the Revised Code or of a certification of a 100836  
final determination or judgment under division (C) of section 100837

5711.32 of the Revised Code, the taxpayer pays the full amount of 100838  
taxes and interest due at the time of the receipt of certification 100839  
with respect to that assessment, determination, or judgment, no 100840  
interest shall accrue or be charged with respect to that 100841  
assessment, determination, or judgment for the period that begins 100842  
on the first day of the month in which the certification is made 100843  
and that ends on the last day of the month preceding the month in 100844  
which such sixtieth day occurs. 100845

(B) When the taxes charged, as mentioned in division (A) of 100846  
this section, are not paid within the time prescribed by such 100847  
division, a penalty of ten per cent of the amount due and unpaid 100848  
and interest for the period described in division (A)(2) of this 100849  
section shall accrue at the time the treasurer closes the 100850  
treasurer's office for business on the last day so prescribed, but 100851  
if the taxes are paid within ten days subsequent to the last day 100852  
prescribed, the treasurer shall waive the collection of and the 100853  
auditor shall remit one-half of the penalty. The treasurer shall 100854  
not thereafter accept less than the full amount of taxes and 100855  
penalty except as otherwise authorized by law. Such penalty shall 100856  
be distributed in the same manner and at the same time as the tax 100857  
upon which it has accrued. The whole amount collected shall be 100858  
included in the next succeeding settlement of appropriate taxes. 100859

(C) When the taxes charged, as mentioned in division (A) of 100860  
this section, remain unpaid after the final date for payment 100861  
prescribed by such division, such charges shall be deemed to be 100862  
delinquent taxes. The county auditor shall cause such charges, 100863  
including the penalty that has accrued pursuant to this section, 100864  
to be added to the delinquent tax duplicate in accordance with 100865  
section 5719.04 of the Revised Code. 100866

(D) The county auditor, upon consultation with the county 100867  
treasurer, shall remit a penalty imposed under division (B) of 100868  
this section or division ~~(C)~~(D) of section 5719.03 of the Revised 100869

Code for the late payment of taxes when: 100870

(1) The taxpayer could not make timely payment of the tax 100871  
because of the negligence or error of the county auditor or county 100872  
treasurer in the performance of a statutory duty relating to the 100873  
levy or collection of such tax. 100874

(2) In cases other than those described in division (D)(1) of 100875  
this section, the taxpayer failed to receive a tax bill or a 100876  
correct tax bill, and the taxpayer made a good faith effort to 100877  
obtain such bill within thirty days after the last day for payment 100878  
of the tax. 100879

(3) The tax was not timely paid because of the death or 100880  
serious injury of the taxpayer, or the taxpayer's confinement in a 100881  
hospital within sixty days preceding the last day for payment of 100882  
the tax if, in any case, the tax was subsequently paid within 100883  
sixty days after the last day for payment of such tax. 100884

(4) The taxpayer demonstrates that the full payment was 100885  
properly deposited in the mail in sufficient time for the envelope 100886  
to be postmarked by the United States postal service on or before 100887  
the last day for payment of such tax. A private meter postmark on 100888  
an envelope is not a valid postmark for purposes of establishing 100889  
the date of payment of such tax. 100890

(5) In cases other than those described in divisions (D)(1) 100891  
to (4) of this section, the taxpayer's failure to make timely 100892  
payment of the tax is due to reasonable cause and not willful 100893  
neglect. 100894

(E) The taxpayer, upon application within sixty days after 100895  
the mailing of the county auditor's decision, may request the tax 100896  
commissioner to review the denial of the remission of a penalty by 100897  
the county auditor. The application may be filed in person or by 100898  
certified mail. If the application is filed by certified mail, the 100899  
date of the United States postmark placed on the sender's receipt 100900

by the postal service shall be treated as the date of filing. The 100901  
commissioner shall consider the application, determine whether the 100902  
penalty should be remitted, and certify the determination to the 100903  
taxpayer and to the county treasurer and county auditor, who shall 100904  
correct the tax list and duplicate accordingly. The commissioner 100905  
may issue orders and instructions for the uniform implementation 100906  
of this section by all county auditors and county treasurers, and 100907  
such orders and instructions shall be followed by such officers. 100908

**Sec. 5715.02.** The county treasurer, county auditor, and ~~the~~ 100909  
~~president of a member of~~ the board of county commissioners 100910  
selected by the board of county commissioners shall constitute the 100911  
county board of revision, or they may provide for one or more 100912  
hearing boards when they deem the creation of such to be necessary 100913  
to the expeditious hearing of valuation complaints. Each such 100914  
official may~~7~~ appoint one qualified employee from ~~his~~ the 100915  
official's office to serve in ~~his~~ the official's place and stead 100916  
on each such board for the purpose of hearing complaints as to the 100917  
value of real property only, each such hearing board has the same 100918  
authority to hear and decide complaints and sign the journal as 100919  
the board of revision, and shall proceed in the manner provided 100920  
for the board of revision by sections 5715.08 to 5715.20~~7~~ 100921  
~~inclusive7~~, of the Revised Code. Any decision by a hearing board 100922  
shall be the decision of the board of revision. 100923

A majority of a county board of revision or hearing board 100924  
shall constitute a quorum to hear and determine any complaint, and 100925  
any vacancy shall not impair the right of the remaining members of 100926  
such board, whether elected officials or appointees, to exercise 100927  
all the powers thereof so long as a majority remains. 100928

Each member of a county board of revision or hearing board 100929  
may administer oaths. 100930

Sec. 5715.251. The county auditor may appeal to the board of 100931  
tax appeals any determination of change in the abstract of real 100932  
property of a taxing district in ~~his~~ the auditor's county that is 100933  
made by the tax commissioner under section 5715.24 of the Revised 100934  
Code. The appeal shall be taken within thirty days after receipt 100935  
of the statement by the county auditor of the commissioner's 100936  
determination by the filing by the county auditor of a notice of 100937  
appeal with the board and the commissioner. Such notice of appeal 100938  
shall set forth the determination of the commissioner appealed 100939  
from and the errors therein complained of. Proof of the filing of 100940  
such notice with the commissioner shall be filed with the board. 100941  
The board shall have exclusive jurisdiction of the appeal. 100942

In all such appeals the commissioner shall be made appellee. 100943  
Unless waived, notice of the appeal shall be served upon the 100944  
commissioner by certified mail. The prosecuting attorney shall 100945  
represent the county auditor in such an appeal. 100946

The commissioner, upon written demand filed by the county 100947  
auditor, shall within thirty days after the filing of such demand 100948  
file with the board a certified transcript of the record of the 100949  
commissioner's proceedings pertaining to the determination 100950  
complained of and the evidence ~~he~~ the commissioner considered in 100951  
making such determination. 100952

If upon hearing and consideration of such record and evidence 100953  
the board decides that the determination appealed from is 100954  
reasonable and lawful, it shall affirm the same, but if the board 100955  
decides that such determination is unreasonable or unlawful, the 100956  
board shall reverse and vacate the determination or modify it and 100957  
enter final order in accordance with such modification. 100958

The secretary of the board shall ~~certify~~ send the order of 100959  
the board to the county auditor and to the commissioner, and they 100960  
shall take such action in connection therewith as is required to 100961



give effect to the order of the board. 100962

**Sec. 5715.26.** (A)(1) Upon receiving the statement required by 100963  
section 5715.25 of the Revised Code, the county auditor shall 100964  
forthwith add to or deduct from each tract, lot, or parcel of real 100965  
property or class of real property the required percentage or 100966  
amount of the valuation thereof, adding or deducting any sum less 100967  
than five dollars so that the value of any separate tract, lot, or 100968  
parcel of real property shall be ten dollars or some multiple 100969  
thereof. 100970

(2) ~~When he has made~~ After making the additions or deductions 100971  
required by this section, the auditor shall transmit to the tax 100972  
commissioner the appropriate adjusted abstract of the real 100973  
property of each taxing district in ~~his~~ the auditor's county in 100974  
which an adjustment was required. 100975

(3) If the commissioner increases or decreases the aggregate 100976  
value of the real property or any class thereof in any county or 100977  
taxing district thereof and does not receive within ninety days 100978  
thereafter an adjusted abstract conforming to its statement for 100979  
such county or taxing district therein, ~~he~~ the commissioner shall 100980  
withhold from such county or taxing district therein fifty per 100981  
cent of its share in the distribution of state revenues to local 100982  
governments pursuant to sections 5747.50 to 5747.55 of the Revised 100983  
Code and shall direct the department of education to withhold 100984  
therefrom fifty per cent of state revenues to school districts 100985  
pursuant to ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code. 100986  
The commissioner shall withhold the distribution of such funds 100987  
until such county auditor has complied with this division, and the 100988  
department shall withhold the distribution of such funds until the 100989  
commissioner has notified the department that such county auditor 100990  
has complied with this division. 100991

(B)(1) If the commissioner's determination is appealed under 100992

section 5715.251 of the Revised Code, the county auditor, 100993  
treasurer, and all other officers shall forthwith proceed with the 100994  
levy and collection of the current year's taxes in the manner 100995  
prescribed by law. The taxes shall be determined and collected as 100996  
if the commissioner had determined under section 5715.24 of the 100997  
Revised Code that the real property and the various classes 100998  
thereof in the county as shown in the auditor's abstract were 100999  
assessed for taxation and the true and agricultural use values 101000  
were recorded on the agricultural land tax list as required by 101001  
law. 101002

(2) If as a result of the appeal to the board it is finally 101003  
determined either that all real property and the various classes 101004  
thereof have not been assessed as required by law or that the 101005  
values set forth in the agricultural land tax list do not 101006  
correctly reflect the true and agricultural use values of the 101007  
lands contained therein, the county auditor shall forthwith add to 101008  
or deduct from each tract, lot, or parcel of real property or 101009  
class of real property the required percentage or amount of the 101010  
valuation in accordance with the order of the board or judgment of 101011  
the court to which the board's order was appealed, and the taxes 101012  
on each tract, lot, or parcel and the percentages required by 101013  
section 319.301 of the Revised Code shall be recomputed using the 101014  
valuation as finally determined. The order or judgment making the 101015  
final determination shall prescribe the time and manner for 101016  
collecting, crediting, or refunding the resultant increases or 101017  
decreases in taxes. 101018

**Sec. 5717.03.** (A) A decision of the board of tax appeals on 101019  
an appeal filed with it pursuant to section 5717.01, 5717.011, or 101020  
5717.02 of the Revised Code shall be entered of record on the 101021  
journal together with the date when the order is filed with the 101022  
secretary for journalization. 101023

(B) In case of an appeal from a decision of a county board of revision, the board of tax appeals shall determine the taxable value of the property whose valuation or assessment by the county board of revision is complained of, or in the event the complaint and appeal is against a discriminatory valuation, shall determine a valuation which shall correct such discrimination, and shall determine the liability of the property for taxation, if that question is in issue, and the board of tax ~~appeals's~~ appeals' decision and the date when it was filed with the secretary for journalization shall be ~~certified~~ sent by the board ~~by certified mail~~ to all persons who were parties to the appeal before the board, to the person in whose name the property is listed, or sought to be listed, if such person is not a party to the appeal, to the county auditor of the county in which the property involved in the appeal is located, and to the tax commissioner.

In correcting a discriminatory valuation, the board of tax appeals shall increase or decrease the value of the property whose valuation or assessment by the county board of revision is complained of by a per cent or amount which will cause such property to be listed and valued for taxation by an equal and uniform rule.

(C) In the case of an appeal from a review, redetermination, or correction of a tax assessment, valuation, determination, finding, computation, or order of the tax commissioner, the order of the board of tax appeals and the date of the entry thereof upon its journal shall be ~~certified~~ sent by the board ~~by certified mail~~ to all persons who were parties to the appeal before the board, the person in whose name the property is listed or sought to be listed, if the decision determines the valuation or liability of property for taxation and if such person is not a party to the appeal, the taxpayer or other person to whom notice of the tax assessment, valuation, determination, finding, computation, or

order, or correction or redetermination thereof, by the tax 101056  
commissioner was by law required to be given, the director of 101057  
budget and management, if the revenues affected by such decision 101058  
would accrue primarily to the state treasury, and the county 101059  
auditors of the counties to the undivided general tax funds of 101060  
which the revenues affected by such decision would primarily 101061  
accrue. 101062

(D) In the case of an appeal from a municipal board of appeal 101063  
created under section 718.11 of the Revised Code, the order of the 101064  
board of tax appeals and the date of the entry thereof upon the 101065  
board's journal shall be ~~certified~~ sent by the board ~~by certified~~ 101066  
~~mail~~ to all persons who were parties to the appeal before the 101067  
board. 101068

(E) In the case of all other appeals or applications filed 101069  
with and determined by the board, the board's order and the date 101070  
when the order was filed by the secretary for journalization shall 101071  
be ~~certified~~ sent by the board ~~by certified mail~~ to the person who 101072  
is a party to such appeal or application, to such persons as the 101073  
law requires, and to such other persons as the board deems proper. 101074

(F) The orders of the board may affirm, reverse, vacate, 101075  
modify, or remand the tax assessments, valuations, determinations, 101076  
findings, computations, or orders complained of in the appeals 101077  
determined by the board, and the board's decision shall become 101078  
final and conclusive for the current year unless reversed, 101079  
vacated, or modified as provided in section 5717.04 of the Revised 101080  
Code. When an order of the board becomes final the tax 101081  
commissioner and all officers to whom such decision has been 101082  
~~certified~~ sent shall make the changes in their tax lists or other 101083  
records which the decision requires. 101084

(G) If the board finds that issues not raised on the appeal 101085  
are important to a determination of a controversy, the board may 101086  
remand the cause for an administrative determination and the 101087

issuance of a new tax assessment, valuation, determination, 101088  
finding, computation, or order, unless the parties stipulate to 101089  
the determination of such other issues without remand. An order 101090  
remanding the cause is a final order. If the order relates to any 101091  
issue other than a municipal income tax matter appealed under 101092  
sections 718.11 and 5717.011 of the Revised Code, the order may be 101093  
appealed to the court of appeals in Franklin county. If the order 101094  
relates to a municipal income tax matter appealed under sections 101095  
718.11 and 5717.011 of the Revised Code, the order may be appealed 101096  
to the court of appeals for the county in which the municipal 101097  
corporation in which the dispute arose is primarily situated. 101098

**Sec. 5717.04.** The proceeding to obtain a reversal, vacation, 101099  
or modification of a decision of the board of tax appeals shall be 101100  
by appeal to the supreme court or the court of appeals for the 101101  
county in which the property taxed is situate or in which the 101102  
taxpayer resides. If the taxpayer is a corporation, then the 101103  
proceeding to obtain such reversal, vacation, or modification 101104  
shall be by appeal to the supreme court or to the court of appeals 101105  
for the county in which the property taxed is situate, or the 101106  
county of residence of the agent for service of process, tax 101107  
notices, or demands, or the county in which the corporation has 101108  
its principal place of business. In all other instances, the 101109  
proceeding to obtain such reversal, vacation, or modification 101110  
shall be by appeal to the court of appeals for Franklin county. 101111

Appeals from decisions of the board determining appeals from 101112  
decisions of county boards of revision may be instituted by any of 101113  
the persons who were parties to the appeal before the board of tax 101114  
appeals, by the person in whose name the property involved in the 101115  
appeal is listed or sought to be listed, if such person was not a 101116  
party to the appeal before the board of tax appeals, or by the 101117  
county auditor of the county in which the property involved in the 101118  
appeal is located. 101119

Appeals from decisions of the board of tax appeals 101120  
determining appeals from final determinations by the tax 101121  
commissioner of any preliminary, amended, or final tax 101122  
assessments, reassessments, valuations, determinations, findings, 101123  
computations, or orders made by the commissioner may be instituted 101124  
by any of the persons who were parties to the appeal or 101125  
application before the board, by the person in whose name the 101126  
property is listed or sought to be listed, if the decision 101127  
appealed from determines the valuation or liability of property 101128  
for taxation and if any such person was not a party to the appeal 101129  
or application before the board, by the taxpayer or any other 101130  
person to whom the decision of the board appealed from was by law 101131  
required to be ~~certified~~ sent, by the director of budget and 101132  
management, if the revenue affected by the decision of the board 101133  
appealed from would accrue primarily to the state treasury, by the 101134  
county auditor of the county to the undivided general tax funds of 101135  
which the revenues affected by the decision of the board appealed 101136  
from would primarily accrue, or by the tax commissioner. 101137

Appeals from decisions of the board upon all other appeals or 101138  
applications filed with and determined by the board may be 101139  
instituted by any of the persons who were parties to such appeal 101140  
or application before the board, by any persons to whom the 101141  
decision of the board appealed from was by law required to be 101142  
~~certified~~ sent, or by any other person to whom the board ~~certified~~ 101143  
sent the decision appealed from, as authorized by section 5717.03 101144  
of the Revised Code. 101145

Such appeals shall be taken within thirty days after the date 101146  
of the entry of the decision of the board on the journal of its 101147  
proceedings, as provided by such section, by the filing by 101148  
appellant of a notice of appeal with the court to which the appeal 101149  
is taken and the board. If a timely notice of appeal is filed by a 101150  
party, any other party may file a notice of appeal within ten days 101151

of the date on which the first notice of appeal was filed or 101152  
within the time otherwise prescribed in this section, whichever is 101153  
later. A notice of appeal shall set forth the decision of the 101154  
board appealed from and the errors therein complained of. Proof of 101155  
the filing of such notice with the board shall be filed with the 101156  
court to which the appeal is being taken. The court in which 101157  
notice of appeal is first filed shall have exclusive jurisdiction 101158  
of the appeal. 101159

In all such appeals the tax commissioner or all persons to 101160  
whom the decision of the board appealed from is required by such 101161  
section to be ~~certified~~ sent, other than the appellant, shall be 101162  
made appellees. Unless waived, notice of the appeal shall be 101163  
served upon all appellees by certified mail. The prosecuting 101164  
attorney shall represent the county auditor in any such appeal in 101165  
which the auditor is a party. 101166

The board, upon written demand filed by an appellant, shall 101167  
within thirty days after the filing of such demand file with the 101168  
court to which the appeal is being taken a certified transcript of 101169  
the record of the proceedings of the board pertaining to the 101170  
decision complained of and the evidence considered by the board in 101171  
making such decision. 101172

If upon hearing and consideration of such record and evidence 101173  
the court decides that the decision of the board appealed from is 101174  
reasonable and lawful it shall affirm the same, but if the court 101175  
decides that such decision of the board is unreasonable or 101176  
unlawful, the court shall reverse and vacate the decision or 101177  
modify it and enter final judgment in accordance with such 101178  
modification. 101179

The clerk of the court shall certify the judgment of the 101180  
court to the board, which shall certify such judgment to such 101181  
public officials or take such other action in connection therewith 101182  
as is required to give effect to the decision. The "taxpayer" 101183

includes any person required to return any property for taxation. 101184

Any party to the appeal shall have the right to appeal from 101185  
the judgment of the court of appeals on questions of law, as in 101186  
other cases. 101187

**Sec. 5725.18.** (A) An annual franchise tax on the privilege of 101188  
being an insurance company is hereby levied on each domestic 101189  
insurance company. In the month of May, annually, the treasurer of 101190  
state shall charge for collection from each domestic insurance 101191  
company a franchise tax in the amount computed in accordance with 101192  
the following, as applicable: 101193

(1) With respect to a domestic insurance company that is a 101194  
health insuring corporation, one per cent of all premium rate 101195  
payments received, exclusive of payments received under the 101196  
medicare program established under Title XVIII of the "Social 101197  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 101198  
~~or pursuant to the medical assistance program established under~~ 101199  
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 101200  
report for the preceding calendar year; 101201

(2) With respect to a domestic insurance company that is not 101202  
a health insuring corporation, one and four-tenths per cent of the 101203  
gross amount of premiums received from policies covering risks 101204  
within this state, exclusive of premiums received under the 101205  
medicare program established under Title XVIII of the "Social 101206  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 101207  
~~or pursuant to the medical assistance program established under~~ 101208  
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 101209  
statement for the preceding calendar year, and, if the company 101210  
operates a health insuring corporation as a line of business, one 101211  
per cent of all premium rate payments received from that line of 101212  
business, exclusive of payments received under the medicare 101213  
program established under Title XVIII of the "Social Security 101214



Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or~~ 101215  
~~pursuant to the medical assistance program established under~~ 101216  
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 101217  
statement for the preceding calendar year. 101218

(B) The gross amount of premium rate payments or premiums 101219  
used to compute the applicable tax in accordance with division (A) 101220  
of this section is subject to the deductions prescribed by section 101221  
5729.03 of the Revised Code for foreign insurance companies. The 101222  
objects of such tax are those declared in section 5725.24 of the 101223  
Revised Code, to which only such tax shall be applied. 101224

(C) In no case shall such tax be less than two hundred fifty 101225  
dollars. 101226

Sec. 5725.33. (A) Except as otherwise provided in this 101227  
section, terms used in this section have the same meaning as 101228  
section 45D of the Internal Revenue Code, any related proposed, 101229  
temporary or final regulations promulgated under the Internal 101230  
Revenue Code, any rules or guidance of the internal revenue 101231  
service or the United States department of the treasury, and any 101232  
related rules or guidance issued by the community development 101233  
financial institutions fund of the United States department of the 101234  
treasury. 101235

As used in this section: 101236

(1) "Adjusted purchase price" means the amount paid for 101237  
qualified equity investments multiplied by the qualified 101238  
low-income community investments made by the issuer in projects 101239  
located in this state as a percentage of the total amount of 101240  
qualified low-income community investments made by the issuer in 101241  
projects located in all states on the credit allowance date during 101242  
the applicable tax year, subject to divisions (B)(1) and (2) of 101243  
this section. 101244

(2) "Applicable percentage" means zero per cent for each of the first two credit allowance dates, seven per cent for the third credit allowance date, and eight per cent for the four following credit allowance dates. 101245  
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(3) "Credit allowance date" means the date, on or after January 1, 2010, a qualified equity investment is made and each of the six anniversary dates thereafter. For qualified equity investments made after the effective date of this section but before January 1, 2010, the initial credit allowance date is January 1, 2010, and each of the six anniversary dates thereafter is on the first day of January of each year. 101249  
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(4) "Qualified active low-income community business" excludes any business that derives or projects to derive fifteen per cent or more of annual revenue from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed solely for the purpose of renting, either directly or indirectly, or selling real property back to such principal user if such principal user does not derive fifteen per cent or more of its gross annual revenue from the rental or sale of real property. 101256  
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(5) "Qualified community development entity" includes only entities: 101265  
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(a) That have entered into an allocation agreement with the community development financial institutions fund of the United States department of the treasury with respect to credits authorized by section 45D of the Internal Revenue Code; 101267  
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(b) Whose service area includes any portion of this state; 101271  
and 101272

(c) That will designate an equity investment in such entities as a qualified equity investment for purposes of both section 45D of the Internal Revenue Code and this section. 101273  
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<u>(6) "Qualified equity investment" is limited to an equity investment in a qualified community development entity that:</u>	101276
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<u>(a) Is acquired after the effective date of the enactment of this section at its original issuance solely in exchange for cash;</u>	101278
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<u>(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments, provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments; and</u>	101281
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<u>(c) Is designated by the issuer as a qualified equity investment.</u>	101288
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<u>"Qualified equity investment" includes any equity investment that would, but for division (A)(6)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.</u>	101290
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<u>(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price of qualified low-income community investments, subject to divisions (B)(1) and (2) of this section:</u>	101295
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<u>(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh</u>	101302
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anniversary of the issuance of the qualified equity investment, 101307  
the qualified community development entity reinvests an amount 101308  
equal to the capital returned to or received or recovered by the 101309  
qualified community development entity from the original 101310  
investment, exclusive of any profits realized and costs incurred 101311  
in the sale or repayment, in another qualified low-income 101312  
community investment within twelve months of the receipt of such 101313  
capital. If the qualified low-income community investment is sold 101314  
or repaid after the sixth anniversary of the issuance of the 101315  
qualified equity investment, the qualified low-income community 101316  
investment shall be considered held by the qualified community 101317  
development entity through the seventh anniversary of the 101318  
qualified equity investment's issuance. 101319

(2) The qualified low-income community investment made in 101320  
this state shall equal the sum of the qualified low-income 101321  
community investments in each qualified active low-income 101322  
community business in this state, not to exceed two million five 101323  
hundred sixty-four thousand dollars, in which the qualified 101324  
community development entity invests, including such investments 101325  
in any such businesses in this state related to that qualified 101326  
active low-income community business through majority ownership or 101327  
control. 101328

The credit shall be claimed in the order prescribed by 101329  
section 5725.98 of the Revised Code. If the amount of the credit 101330  
exceeds the amount of tax otherwise due after deducting all other 101331  
credits in that order, the excess may be carried forward and 101332  
applied to the tax due for not more than four ensuing years. 101333

By claiming a tax credit under this section, an insurance 101334  
company waives its rights under section 5725.222 of the Revised 101335  
Code with respect to the time limitation for the assessment of 101336  
taxes as it relates to credits claimed that later become subject 101337  
to recapture under division (E) of this section. 101338

(C) The amount of qualified equity investments on the basis 101339  
of which credits may be claimed under this section and sections 101340  
5729.16 and 5733.58 of the Revised Code shall not exceed the 101341  
amount, estimated by the director of development, that would cause 101342  
the total amount of credits allowed each fiscal year to exceed ten 101343  
million dollars, computed without regard to the potential for 101344  
taxpayers to carry tax credits forward to later years. 101345

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(D) If any amount of the federal tax credit allowed for a 101347  
qualified equity investment for which a credit was received under 101348  
this section is recaptured under section 45D of the Internal 101349  
Revenue Code, or if the director of development determines that an 101350  
investment for which a tax credit is claimed under this section is 101351  
not a qualified equity investment or that the proceeds of an 101352  
investment for which a tax credit is claimed under this section 101353  
are used to make qualified low-income community investments other 101354  
than in a qualified active low-income community business, all or a 101355  
portion of the credit received on account of that investment shall 101356  
be paid by the insurance company that received the credit to the 101357  
superintendent of insurance. The amount to be recovered shall be 101358  
determined by the director of development pursuant to rules 101359  
adopted under division (E) of this section. The director shall 101360  
certify any amount due under this division to the superintendent 101361  
of insurance, and the superintendent shall notify the treasurer of 101362  
state of the amount due. Upon notification, the treasurer shall 101363  
invoice the insurance company for the amount due. The amount due 101364  
is payable not later than thirty days after the date the treasurer 101365  
invoices the insurance company. The amount due shall be considered 101366  
to be tax due under section 5725.18 of the Revised Code, and may 101367  
be collected by assessment without regard to the time limitations 101368  
imposed under section 5725.222 of the Revised Code for the 101369  
assessment of taxes by the superintendent. All amounts collected 101370  
under this division shall be credited as revenue from the tax 101371

levied under section 5725.18 of the Revised Code. 101372

101373

(E) The tax credits authorized under this section and sections 5729.16 and 5733.58 of the Revised Code shall be administered by the department of development. The director of development, in consultation with the tax commissioner and the superintendent of insurance, pursuant to Chapter 119. of the Revised Code, shall adopt rules for the administration of this section and sections 5729.16 and 5733.58 of the Revised Code. The rules shall provide for determining the recovery of credits under division (D) of this section, division (D) of section 5729.16, and section 5733.58 of the Revised Code, including prorating the amount of the credit to be recovered on any reasonable basis, the manner in which credits may be allocated among claimants, and the amount of any application or other fees to be charged in connection with a recovery. 101374  
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(F) There is hereby created in the state treasury the new markets tax credit operating fund. The director of development is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5729.16 and 5733.58 of the Revised Code. Any such fees collected shall be credited to the fund. The director of development shall use money in the fund to pay expenses related to the administration of tax credits authorized under sections 5725.33, 5729.16, and 5733.58 of the Revised Code. 101388  
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**Sec. 5725.98.** (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5725.18 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order: 101397  
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(1) The credit for an insurance company or insurance company 101402

group under section 5729.031 of the Revised Code.	101403
(2) The credit for eligible employee training costs under section 5725.31 of the Revised Code.	101404 101405
(3) <u>The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;</u>	101406 101407
(4) <u>The job retention credit under section 122.171 of the Revised Code;</u>	101408 101409
(5) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code.	101410 101411 101412
<del>(4)</del> (6) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code.	101413 101414
<del>(5)</del> (7) The refundable credit under section <del>5729.08</del> <u>5725.19</u> of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	101415 101416 101417 101418
(B) For any credit except the credits enumerated in divisions (A) <del>(4)</del> (6) and <del>(5)</del> (7) of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	101419 101420 101421 101422 101423 101424 101425 101426 101427
<b>Sec. 5727.84.</b> (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:	101428 101429
(1) "School district" means a city, local, or exempted village school district.	101430 101431

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

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

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

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) of section 3317.024; and sections 3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code; and the adjustments required by: division (C) of section 3310.08; division (C)(2) of section 3310.41; division (C) of section 3314.08, as that section existed for that fiscal year; division (D)(2) of section 3314.091; division (D) of former section 3314.13; divisions (E), (K), (L), (M), and (N) of section 3317.023; division (C) of section 3317.20; and sections 3313.979 and 3313.981 of the Revised Code. However, when calculating state education aid for a school district for fiscal years 2008 and 2009, include the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly, as subsequently amended, instead of division (D) of section 3317.022 of the Revised Code; and include amounts calculated under Section



269.30.80 of ~~this act~~ H.B. 119 of the 127th General Assembly, as 101464  
subsequently amended; ~~and account for adjustments under division~~ 101465  
~~(C)(2) of section 3310.41 of the Revised Code.~~ 101466

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(b) For fiscal year 2010 and for each fiscal year thereafter, 101468  
the sum of the amounts computed for the district under sections 101469  
3306.052, 3306.12, 3306.13, 3306.19, and 3306.192; division (G) of 101470  
section 3317.024; sections 3317.05, 3317.052, and 3317.053 of the 101471  
Revised Code; and the adjustments required by division (C)(2) of 101472  
section 3310.41; division (D)(2) of section 3314.091; divisions 101473  
(E), (K), (L), (M), and (N) of section 3317.023; division (C) of 101474  
section 3317.20; and section 3313.979 of the Revised Code. 101475

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(5) "State education aid," for a joint vocational school 101477  
district, means the following: 101478

(a) For fiscal years prior to fiscal year 2010, the sum of 101479  
the state aid amounts computed for the district under division (N) 101480  
of section 3317.024 and section 3317.16 of the Revised Code. 101481  
However, when calculating state education aid for a joint 101482  
vocational school district for fiscal years 2008 and 2009, include 101483  
the amount computed for the district under Section 269.30.90 of 101484  
H.B. 119 of the 127th general assembly, as subsequently amended. 101485

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(b) For fiscal years 2010 and 2011, the amount computed for 101487  
the district in accordance with the section of this act entitled 101488  
"FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS". 101489

(6) "State education aid offset" means the amount determined 101490  
for each school district or joint vocational school district under 101491  
division (A)(1) of section 5727.85 of the Revised Code. 101492

(7) "Recognized valuation" has the same meaning as in section 101493  
3317.02 of the Revised Code. 101494

(8) "Electric company tax value loss" means the amount determined under division (D) of this section.	101495 101496
(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	101497 101498
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	101499 101500
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	101501 101502
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	101503 101504
(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	101505 101506 101507 101508 101509
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	101510 101511
(15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	101512 101513 101514
(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:	101515 101516 101517 101518
(1) Sixty-three per cent shall be credited to the general revenue fund.	101519 101520
(2) Twenty-five and four-tenths per cent shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.	101521 101522 101523 101524

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

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

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

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

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

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

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

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing

district for tax year 2001, and assessed at the rates in effect 101556  
for tax year 2001. 101557

(2) The difference obtained by subtracting the amount 101558  
described in division (D)(2)(b) from the amount described in 101559  
division (D)(2)(a) of this section. 101560

(a) The three-year average for tax years 1996, 1997, and 1998 101561  
of the assessed value from nuclear fuel materials and assemblies 101562  
assessed against a person under Chapter 5711. of the Revised Code 101563  
from the leasing of them to an electric company for those 101564  
respective tax years, as reflected in the preliminary assessments; 101565

(b) The three-year average assessed value from nuclear fuel 101566  
materials and assemblies assessed under division (D)(2)(a) of this 101567  
section for tax years 1996, 1997, and 1998, as reflected in the 101568  
preliminary assessments, using an assessment rate of twenty-five 101569  
per cent. 101570

(3) In the case of a taxing district having a nuclear power 101571  
plant within its territory, any amount, resulting in an electric 101572  
company tax value loss, obtained by subtracting the amount 101573  
described in division (D)(1) of this section from the difference 101574  
obtained by subtracting the amount described in division (D)(3)(b) 101575  
of this section from the amount described in division (D)(3)(a) of 101576  
this section. 101577

(a) The value of electric company tangible personal property 101578  
as assessed by the tax commissioner for tax year 2000 on a 101579  
preliminary assessment, or an amended preliminary assessment if 101580  
issued prior to March 1, 2001, and as apportioned to the taxing 101581  
district for tax year 2000; 101582

(b) The value of electric company tangible personal property 101583  
as assessed by the tax commissioner for tax year 2001 on a 101584  
preliminary assessment, or an amended preliminary assessment if 101585  
issued prior to March 1, 2002, and as apportioned to the taxing 101586

district for tax year 2001. 101587

(4) In the case of a taxing district having a nuclear power 101588  
plant within its territory, the difference obtained by subtracting 101589  
the amount described in division (D)(4)(b) of this section from 101590  
the amount described in division (D)(4)(a) of this section, 101591  
provided that such difference is greater than ten per cent of the 101592  
amount described in division (D)(4)(a) of this section. 101593

(a) The value of electric company tangible personal property 101594  
as assessed by the tax commissioner for tax year 2005 on a 101595  
preliminary assessment, or an amended preliminary assessment if 101596  
issued prior to March 1, 2006, and as apportioned to the taxing 101597  
district for tax year 2005; 101598

(b) The value of electric company tangible personal property 101599  
as assessed by the tax commissioner for tax year 2006 on a 101600  
preliminary assessment, or an amended preliminary assessment if 101601  
issued prior to March 1, 2007, and as apportioned to the taxing 101602  
district for tax year 2006. 101603

(E) Not later than January 1, 2002, the tax commissioner 101604  
shall determine for each taxing district its natural gas company 101605  
tax value loss, which is the sum of the amounts described in 101606  
divisions (E)(1) and (2) of this section: 101607

(1) The difference obtained by subtracting the amount 101608  
described in division (E)(1)(b) from the amount described in 101609  
division (E)(1)(a) of this section. 101610

(a) The value of all natural gas company tangible personal 101611  
property, other than property described in division (E)(2) of this 101612  
section, as assessed by the tax commissioner for tax year 1999 on 101613  
a preliminary assessment, or an amended preliminary assessment if 101614  
issued prior to March 1, 2000, and apportioned to the taxing 101615  
district for tax year 1999; 101616

(b) The value of all natural gas company tangible personal 101617

property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

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

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

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

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

(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-rate levy loss, which is the sum of its electric company tax value loss multiplied by the tax rate in effect in tax year 1998 for fixed-rate levies and its natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999 for fixed-rate levies.

(H) Not later than January 1, 2002, the tax commissioner

shall determine for each school district, joint vocational school 101649  
district, and local taxing unit its fixed-sum levy loss, which is 101650  
the amount obtained by subtracting the amount described in 101651  
division (H)(2) of this section from the amount described in 101652  
division (H)(1) of this section: 101653

(1) The sum of the electric company tax value loss multiplied 101654  
by the tax rate in effect in tax year 1998, and the natural gas 101655  
company tax value loss multiplied by the tax rate in effect in tax 101656  
year 1999, for fixed-sum levies for all taxing districts within 101657  
each school district, joint vocational school district, and local 101658  
taxing unit. For the years 2002 through 2006, this computation 101659  
shall include school district emergency levies that existed in 101660  
1998 in the case of the electric company tax value loss, and 1999 101661  
in the case of the natural gas company tax value loss, and all 101662  
other fixed-sum levies that existed in 1998 in the case of the 101663  
electric company tax value loss and 1999 in the case of the 101664  
natural gas company tax value loss and continue to be charged in 101665  
the tax year preceding the distribution year. For the years 2007 101666  
through 2016 in the case of school district emergency levies, and 101667  
for all years after 2006 in the case of all other fixed-sum 101668  
levies, this computation shall exclude all fixed-sum levies that 101669  
existed in 1998 in the case of the electric company tax value loss 101670  
and 1999 in the case of the natural gas company tax value loss, 101671  
but are no longer in effect in the tax year preceding the 101672  
distribution year. For the purposes of this section, an emergency 101673  
levy that existed in 1998 in the case of the electric company tax 101674  
value loss, and 1999 in the case of the natural gas company tax 101675  
value loss, continues to exist in a year beginning on or after 101676  
January 1, 2007, but before January 1, 2017, if, in that year, the 101677  
board of education levies a school district emergency levy for an 101678  
annual sum at least equal to the annual sum levied by the board in 101679  
tax year 1998 or 1999, respectively, less the amount of the 101680  
payment certified under this division for 2002. 101681

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

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

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

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately



display the levy loss for each levy eligible for reimbursement. 101714

(K) Not later than September 1, 2001, the tax commissioner 101715  
shall certify the amount of the fixed-sum levy loss to the county 101716  
auditor of each county in which a school district with a fixed-sum 101717  
levy loss has territory. 101718

**Sec. 5728.12.** Any non-resident of this state who accepts the 101719  
privilege extended by the laws of this state to non-residents of 101720  
operating a commercial car or commercial tractor, which is subject 101721  
to the tax levied in section 5728.06 of the Revised Code, or of 101722  
having the same operated within this state, and any resident of 101723  
this state who operates a commercial car or commercial tractor, 101724  
which is subject to the tax levied in section 5728.06 of the 101725  
Revised Code, or has the same operated within this state and 101726  
subsequently becomes a non-resident or conceals ~~his~~ the person's 101727  
whereabouts, makes the secretary of state of the state of Ohio ~~his~~ 101728  
the person's agent for the service of process or notice in any 101729  
assessment, action or proceeding instituted in this state against 101730  
such person out of the failure to pay the taxes imposed ~~upon him~~ 101731  
by the provisions of section 5728.06 of the Revised Code. 101732

Such process or notice shall be served, ~~by the officer to~~ 101733  
~~whom the same is directed or by the tax commissioner, or by the~~ 101734  
~~sheriff of Franklin county, who may be deputized for such purpose~~ 101735  
~~by the officer to whom the service is directed, upon the secretary~~ 101736  
~~of state by leaving at the office of the secretary of state, at~~ 101737  
~~least fifteen days before the return day of such process or~~ 101738  
~~notice, a true and attested copy thereof, and by sending to the~~ 101739  
~~defendant by registered or certified mail, postage prepaid, a like~~ 101740  
~~and true attested copy, with an endorsement thereon of the service~~ 101741  
~~upon said secretary of state, addressed to such defendant at his~~ 101742  
~~last known address. The registered or certified mail return~~ 101743  
~~receipt of such defendant shall be attached to and made a part of~~ 101744

~~the return of such service of process as provided under section 101745  
5703.37 of the Revised Code. 101746~~

**Sec. 5729.03.** (A) If the superintendent of insurance finds 101747  
the annual statement required by section 5729.02 of the Revised 101748  
Code to be correct, the superintendent shall compute the following 101749  
amount, as applicable, of the balance of such gross amount, after 101750  
deducting such return premiums and considerations received for 101751  
reinsurance, and charge such amount to such company as a tax upon 101752  
the business done by it in this state for the period covered by 101753  
such annual statement: 101754

(1) If the company is a health insuring corporation, one per 101755  
cent of the balance of premium rate payments received, exclusive 101756  
of payments received under the medicare program established under 101757  
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 101758  
U.S.C.A. 301, as amended, ~~or pursuant to the medical assistance 101759  
program established under Chapter 5111. of the Revised Code, as 101760  
reflected in its annual report; 101761~~

(2) If the company is not a health insuring corporation, one 101762  
and four-tenths per cent of the balance of premiums received, 101763  
exclusive of premiums received under the medicare program 101764  
established under Title XVIII of the "Social Security Act," 49 101765  
Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or pursuant to the 101766  
medical assistance program established under Chapter 5111. of the 101767  
Revised Code, as reflected in its annual statement, and, if the 101768  
company operates a health insuring corporation as a line of 101769  
business, one per cent of the balance of premium rate payments 101770  
received from that line of business, exclusive of payments 101771  
received under the medicare program established under Title XVIII 101772  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 101773  
301, as amended, ~~or pursuant to the medical assistance program 101774  
established under Chapter 5111. of the Revised Code, as reflected 101775~~~~

in its annual statement. 101776

(B) Any insurance policies that were not issued in violation 101777  
of Title XXXIX of the Revised Code and that were issued prior to 101778  
April 15, 1967, by a life insurance company organized and operated 101779  
without profit to any private shareholder or individual, 101780  
exclusively for the purpose of aiding educational or scientific 101781  
institutions organized and operated without profit to any private 101782  
shareholder or individual, are not subject to the tax imposed by 101783  
this section. All taxes collected pursuant to this section shall 101784  
be credited to the general revenue fund. 101785

(C) In no case shall the tax imposed under this section be 101786  
less than two hundred fifty dollars. 101787

Sec. 5729.16. (A) Terms used in this section have the same 101788  
meaning as in section 5725.33 of the Revised Code. 101789

(B) There is hereby allowed a nonrefundable credit against 101790  
the tax imposed by section 5729.03 of the Revised Code for a 101791  
foreign insurance company holding a qualified equity investment on 101792  
the credit allowance date occurring in the calendar year for which 101793  
the tax is due. The credit shall be computed in the same manner 101794  
prescribed for the computation of credits allowed under section 101795  
5725.33 of the Revised Code. 101796

The credit shall be claimed in the order prescribed by 101797  
section 5729.98 of the Revised Code. If the amount of the credit 101798  
exceeds the amount of tax otherwise due after deducting all other 101799  
credits in that order, the excess may be carried forward and 101800  
applied to the tax due for not more than four ensuing years. 101801

By claiming a tax credit under this section, an insurance 101802  
company waives its rights under section 5729.102 of the Revised 101803  
Code with respect to the time limitation for the assessment of 101804  
taxes as it relates to credits claimed that later become subject 101805

to recapture under division (D) of this section. 101806

(C) The total amount of qualified equity investments on the 101807  
basis of which credits may be claimed under this section, section 101808  
5725.33, and section 5733.58 of the Revised Code is subject to the 101809  
limitation of division (C) of section 5725.33 of the Revised Code. 101810  
101811

(D) If any amount of the federal tax credit allowed for a 101812  
qualified equity investment for which a credit was received under 101813  
this section is recaptured under section 45D of the Internal 101814  
Revenue Code, or if the director of development determines that an 101815  
investment for which a tax credit is claimed under this section is 101816  
not a qualified equity investment or that the proceeds of an 101817  
investment for which a tax credit is claimed under this section 101818  
are used to make qualified low-income community investments other 101819  
than in a qualified active low-income community business, all or a 101820  
portion of the credit received on account of that investment shall 101821  
be paid by the insurance company that received the credit to the 101822  
superintendent of insurance. The amount to be recovered shall be 101823  
determined by the director of development pursuant to rules 101824  
adopted under section 5725.33 of the Revised Code. The director 101825  
shall certify any amount due under this division to the 101826  
superintendent of insurance, and the superintendent shall notify 101827  
the treasurer of state of the amount due. Upon notification, the 101828  
treasurer shall invoice the insurance company for the amount due. 101829  
The amount due is payable not later than thirty days after the 101830  
date the treasurer invoices the insurance company. The amount due 101831  
shall be considered to be tax due under section 5729.03 of the 101832  
Revised Code, and may be collected by assessment without regard to 101833  
the time limitations imposed under section 5729.102 of the Revised 101834  
Code for the assessment of taxes by the superintendent. All 101835  
amounts collected under this division shall be credited as revenue 101836  
from the tax levied under section 5729.03 of the Revised Code. 101837

101838

**Sec. 5729.98.** (A) To provide a uniform procedure for 101839  
calculating the amount of tax due under this chapter, a taxpayer 101840  
shall claim any credits and offsets against tax liability to which 101841  
it is entitled in the following order: 101842

(1) The credit for an insurance company or insurance company 101843  
group under section 5729.031 of the Revised Code. 101844

(2) The credit for eligible employee training costs under 101845  
section 5729.07 of the Revised Code. 101846

(3) The credit for purchases of qualified low-income 101847  
community investments under section 5729.16 of the Revised Code; 101848

(4) The job retention credit under section 122.171 of the 101849  
Revised Code. 101850

(5) The offset of assessments by the Ohio life and health 101851  
insurance guaranty association against tax liability permitted by 101852  
section 3956.20 of the Revised Code. 101853

~~(4)~~(6) The refundable credit for Ohio job creation under 101854  
section 5729.032 of the Revised Code. 101855

~~(5)~~(7) The refundable credit under section 5729.08 of the 101856  
Revised Code for losses on loans made under the Ohio venture 101857  
capital program under sections 150.01 to 150.10 of the Revised 101858  
Code. 101859

(B) For any credit except the credits enumerated in divisions 101860  
(A)~~(4)~~(6) and ~~(5)~~(7) of this section, the amount of the credit for 101861  
a taxable year shall not exceed the tax due after allowing for any 101862  
other credit that precedes it in the order required under this 101863  
section. Any excess amount of a particular credit may be carried 101864  
forward if authorized under the section creating that credit. 101865  
Nothing in this chapter shall be construed to allow a taxpayer to 101866  
claim, directly or indirectly, a credit more than once for a 101867

taxable year. 101868

**Sec. 5733.01.** (A) The tax provided by this chapter for 101869  
domestic corporations shall be the amount charged against each 101870  
corporation organized for profit under the laws of this state and 101871  
each nonprofit corporation organized pursuant to Chapter 1729. of 101872  
the Revised Code, except as provided in sections 5733.09 and 101873  
5733.10 of the Revised Code, for the privilege of exercising its 101874  
franchise during the calendar year in which that amount is 101875  
payable, and the tax provided by this chapter for foreign 101876  
corporations shall be the amount charged against each corporation 101877  
organized for profit and each nonprofit corporation organized or 101878  
operating in the same or similar manner as nonprofit corporations 101879  
organized under Chapter 1729. of the Revised Code, under the laws 101880  
of any state or country other than this state, except as provided 101881  
in sections 5733.09 and 5733.10 of the Revised Code, for the 101882  
privilege of doing business in this state, owning or using a part 101883  
or all of its capital or property in this state, holding a 101884  
certificate of compliance with the laws of this state authorizing 101885  
it to do business in this state, or otherwise having nexus in or 101886  
with this state under the Constitution of the United States, 101887  
during the calendar year in which that amount is payable. 101888

(B) A corporation is subject to the tax imposed by section 101889  
5733.06 of the Revised Code for each calendar year that it is so 101890  
organized, doing business, owning or using a part or all of its 101891  
capital or property, holding a certificate of compliance, or 101892  
otherwise having nexus in or with this state under the 101893  
Constitution of the United States, on the first day of January of 101894  
that calendar year. 101895

(C) Any corporation subject to this chapter that is not 101896  
subject to the federal income tax shall file its returns and 101897  
compute its tax liability as required by this chapter in the same 101898

manner as if that corporation were subject to the federal income tax. 101899  
101900

(D) For purposes of this chapter, a federally chartered financial institution shall be deemed to be organized under the laws of the state within which its principal office is located. 101901  
101902  
101903

(E) For purposes of this chapter, any person, as defined in section 5701.01 of the Revised Code, shall be treated as a corporation if the person is classified for federal income tax purposes as an association taxable as a corporation, and an equity interest in the person shall be treated as capital stock of the person. 101904  
101905  
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(F) For the purposes of this chapter, "disregarded entity" has the same meaning as in division (D) of section 5745.01 of the Revised Code. 101910  
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101912

(1) A person's interest in a disregarded entity, whether held directly or indirectly, shall be treated as the person's ownership of the assets and liabilities of the disregarded entity, and the income, including gain or loss, shall be included in the person's net income under this chapter. 101913  
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(2) Any sale, exchange, or other disposition of the person's interest in the disregarded entity, whether held directly or indirectly, shall be treated as a sale, exchange, or other disposition of the person's share of the disregarded entity's underlying assets or liabilities, and the gain or loss from such sale, exchange, or disposition shall be included in the person's net income under this chapter. 101918  
101919  
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(3) The disregarded entity's payroll, property, and sales factors shall be included in the person's factors. 101925  
101926

(G) The tax a corporation is required to pay under this chapter shall be as follows: 101927  
101928

(1)(a) For financial institutions, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the financial institution under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(b) A corporation satisfying the description in division (E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised Code that is not a financial institution, insurance company, or dealer in intangibles is subject to the taxes imposed under this chapter as a corporation and not subject to tax as a financial institution, and shall pay the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all the taxes charged under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(2) For all corporations other than those persons described in division (G)(1)(a) or (b) of this section, the amount under division (G)(2)(a) of this section applicable to the tax year specified less the amount under division (G)(2)(b) of this section:

(a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax;

(ii) For tax year 2006, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or four-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)~~(29)~~(30) and the refundable credits described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98



of the Revised Code; 101961

(iii) For tax year 2007, the greater of the minimum payment 101962  
required under division (E) of section 5733.06 of the Revised Code 101963  
or three-fifths of the difference between all taxes charged the 101964  
corporation under this chapter and any credits allowable against 101965  
such tax, except the qualifying pass-through entity tax credit 101966  
described in division (A)~~(29)~~(30) and the refundable credits 101967  
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 101968  
of the Revised Code; 101969

(iv) For tax year 2008, the greater of the minimum payment 101970  
required under division (E) of section 5733.06 of the Revised Code 101971  
or two-fifths of the difference between all taxes charged the 101972  
corporation under this chapter and any credits allowable against 101973  
such tax, except the qualifying pass-through entity tax credit 101974  
described in division (A)~~(29)~~(30) and the refundable credits 101975  
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 101976  
of the Revised Code; 101977

(v) For tax year 2009, the greater of the minimum payment 101978  
required under division (E) of section 5733.06 of the Revised Code 101979  
or one-fifth of the difference between all taxes charged the 101980  
corporation under this chapter and any credits allowable against 101981  
such tax, except the qualifying pass-through entity tax credit 101982  
described in division (A)~~(29)~~(30) and the refundable credits 101983  
described in divisions (A)~~(30)~~, (31), (32), ~~and~~ (33), and (34) of 101984  
section 5733.98 of the Revised Code; 101985

(vi) For tax year 2010 and each tax year thereafter, no tax. 101986

(b) A corporation shall subtract from the amount calculated 101987  
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 101988  
any qualifying pass-through entity tax credit described in 101989  
division (A)~~(29)~~(30) and any refundable credits described in 101990  
divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the 101991

Revised Code to which the corporation is entitled. Any unused 101992  
qualifying pass-through entity tax credit is not refundable. 101993

(c) For the purposes of computing the amount of a credit that 101994  
may be carried forward to a subsequent tax year under division 101995  
(G)(2) of this section, a credit is utilized against the tax for a 101996  
tax year to the extent the credit applies against the tax for that 101997  
tax year, even if the difference is then multiplied by the 101998  
applicable fraction under division (G)(2)(a) of this section. 101999

(3) Nothing in division (G) of this section eliminates or 102000  
reduces the tax imposed by section 5733.41 of the Revised Code on 102001  
a qualifying pass-through entity. 102002

**Sec. 5733.04.** As used in this chapter: 102003

(A) "Issued and outstanding shares of stock" applies to 102004  
nonprofit corporations, as provided in section 5733.01 of the 102005  
Revised Code, and includes, but is not limited to, membership 102006  
certificates and other instruments evidencing ownership of an 102007  
interest in such nonprofit corporations, and with respect to a 102008  
financial institution that does not have capital stock, "issued 102009  
and outstanding shares of stock" includes, but is not limited to, 102010  
ownership interests of depositors in the capital employed in such 102011  
an institution. 102012

(B) "Taxpayer" means a corporation subject to the tax imposed 102013  
by section 5733.06 of the Revised Code. 102014

(C) "Resident" means a corporation organized under the laws 102015  
of this state. 102016

(D) "Commercial domicile" means the principal place from 102017  
which the trade or business of the taxpayer is directed or 102018  
managed. 102019

(E) "Taxable year" means the period prescribed by division 102020  
(A) of section 5733.031 of the Revised Code upon the net income of 102021

which the value of the taxpayer's issued and outstanding shares of stock is determined under division (B) of section 5733.05 of the Revised Code or the period prescribed by division (A) of section 5733.031 of the Revised Code that immediately precedes the date as of which the total value of the corporation is determined under division (A) or (C) of section 5733.05 of the Revised Code.

(F) "Tax year" means the calendar year in and for which the tax imposed by section 5733.06 of the Revised Code is required to be paid.

(G) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(H) "Federal income tax" means the income tax imposed by the Internal Revenue Code.

(I) Except as provided in section 5733.058 of the Revised Code, "net income" means the taxpayer's taxable income before operating loss deduction and special deductions, as required to be reported for the taxpayer's taxable year under the Internal Revenue Code, subject to the following adjustments:

(1)(a) Deduct any net operating loss incurred in any taxable years ending in 1971 or thereafter, but exclusive of any net operating loss incurred in taxable years ending prior to January 1, 1971. This deduction shall not be allowed in any tax year commencing before December 31, 1973, but shall be carried over and allowed in tax years commencing after December 31, 1973, until fully utilized in the next succeeding taxable year or years in which the taxpayer has net income, but in no case for more than the designated carryover period as described in division (I)(1)(b) of this section. The amount of such net operating loss, as determined under the allocation and apportionment provisions of section 5733.051 and division (B) of section 5733.05 of the Revised Code for the year in which the net operating loss occurs,

shall be deducted from net income, as determined under the 102053  
allocation and apportionment provisions of section 5733.051 and 102054  
division (B) of section 5733.05 of the Revised Code, to the extent 102055  
necessary to reduce net income to zero with the remaining unused 102056  
portion of the deduction, if any, carried forward to the remaining 102057  
years of the designated carryover period as described in division 102058  
(I)(1)(b) of this section, or until fully utilized, whichever 102059  
occurs first. 102060

(b) For losses incurred in taxable years ending on or before 102061  
December 31, 1981, the designated carryover period shall be the 102062  
five consecutive taxable years after the taxable year in which the 102063  
net operating loss occurred. For losses incurred in taxable years 102064  
ending on or after January 1, 1982, and beginning before August 6, 102065  
1997, the designated carryover period shall be the fifteen 102066  
consecutive taxable years after the taxable year in which the net 102067  
operating loss occurs. For losses incurred in taxable years 102068  
beginning on or after August 6, 1997, the designated carryover 102069  
period shall be the twenty consecutive taxable years after the 102070  
taxable year in which the net operating loss occurs. 102071

(c) The tax commissioner may require a taxpayer to furnish 102072  
any information necessary to support a claim for deduction under 102073  
division (I)(1)(a) of this section and no deduction shall be 102074  
allowed unless the information is furnished. 102075

(2) Deduct any amount included in net income by application 102076  
of section 78 or 951 of the Internal Revenue Code, amounts 102077  
received for royalties, technical or other services derived from 102078  
sources outside the United States, and dividends received from a 102079  
subsidiary, associate, or affiliated corporation that neither 102080  
transacts any substantial portion of its business nor regularly 102081  
maintains any substantial portion of its assets within the United 102082  
States. For purposes of determining net foreign source income 102083  
deductible under division (I)(2) of this section, the amount of 102084

gross income from all such sources other than dividend income and 102085  
income derived by application of section 78 or 951 of the Internal 102086  
Revenue Code shall be reduced by: 102087

(a) The amount of any reimbursed expenses for personal 102088  
services performed by employees of the taxpayer for the 102089  
subsidiary, associate, or affiliated corporation; 102090

(b) Ten per cent of the amount of royalty income and 102091  
technical assistance fees; 102092

(c) Fifteen per cent of the amount of all other income. 102093

The amounts described in divisions (I)(2)(a) to (c) of this 102094  
section are deemed to be the expenses attributable to the 102095  
production of deductible foreign source income unless the taxpayer 102096  
shows, by clear and convincing evidence, less actual expenses, or 102097  
the tax commissioner shows, by clear and convincing evidence, more 102098  
actual expenses. 102099

(3) Add any loss or deduct any gain resulting from the sale, 102100  
exchange, or other disposition of a capital asset, or an asset 102101  
described in section 1231 of the Internal Revenue Code, to the 102102  
extent that such loss or gain occurred prior to the first taxable 102103  
year on which the tax provided for in section 5733.06 of the 102104  
Revised Code is computed on the corporation's net income. For 102105  
purposes of division (I)(3) of this section, the amount of the 102106  
prior loss or gain shall be measured by the difference between the 102107  
original cost or other basis of the asset and the fair market 102108  
value as of the beginning of the first taxable year on which the 102109  
tax provided for in section 5733.06 of the Revised Code is 102110  
computed on the corporation's net income. At the option of the 102111  
taxpayer, the amount of the prior loss or gain may be a percentage 102112  
of the gain or loss, which percentage shall be determined by 102113  
multiplying the gain or loss by a fraction, the numerator of which 102114  
is the number of months from the acquisition of the asset to the 102115

beginning of the first taxable year on which the fee provided in 102116  
section 5733.06 of the Revised Code is computed on the 102117  
corporation's net income, and the denominator of which is the 102118  
number of months from the acquisition of the asset to the sale, 102119  
exchange, or other disposition of the asset. The adjustments 102120  
described in this division do not apply to any gain or loss where 102121  
the gain or loss is recognized by a qualifying taxpayer, as 102122  
defined in section 5733.0510 of the Revised Code, with respect to 102123  
a qualifying taxable event, as defined in that section. 102124

(4) Deduct the dividend received deduction provided by 102125  
section 243 of the Internal Revenue Code. 102126

(5) Deduct any interest or interest equivalent on public 102127  
obligations and purchase obligations to the extent included in 102128  
federal taxable income. As used in divisions (I)(5) and (6) of 102129  
this section, "public obligations," "purchase obligations," and 102130  
"interest or interest equivalent" have the same meanings as in 102131  
section 5709.76 of the Revised Code. 102132

(6) Add any loss or deduct any gain resulting from the sale, 102133  
exchange, or other disposition of public obligations to the extent 102134  
included in federal taxable income. 102135

(7) To the extent not otherwise allowed, deduct any dividends 102136  
or distributions received by a taxpayer from a public utility, 102137  
excluding an electric company and a combined company, and, for tax 102138  
years 2005 and thereafter, a telephone company, if the taxpayer 102139  
owns at least eighty per cent of the issued and outstanding common 102140  
stock of the public utility. As used in division (I)(7) of this 102141  
section, "public utility" means a public utility as defined in 102142  
Chapter 5727. of the Revised Code, whether or not the public 102143  
utility is doing business in the state. 102144

(8) To the extent not otherwise allowed, deduct any dividends 102145  
received by a taxpayer from an insurance company, if the taxpayer 102146

owns at least eighty per cent of the issued and outstanding common 102147  
stock of the insurance company. As used in division (I)(8) of this 102148  
section, "insurance company" means an insurance company that is 102149  
taxable under Chapter 5725. or 5729. of the Revised Code. 102150

(9) Deduct expenditures for modifying existing buildings or 102151  
structures to meet American national standards institute standard 102152  
A-117.1-1961 (R-1971), as amended; provided, that no deduction 102153  
shall be allowed to the extent that such deduction is not 102154  
permitted under federal law or under rules of the tax 102155  
commissioner. Those deductions as are allowed may be taken over a 102156  
period of five years. The tax commissioner shall adopt rules under 102157  
Chapter 119. of the Revised Code establishing reasonable 102158  
limitations on the extent that expenditures for modifying existing 102159  
buildings or structures are attributable to the purpose of making 102160  
the buildings or structures accessible to and usable by physically 102161  
handicapped persons. 102162

(10) Deduct the amount of wages and salaries, if any, not 102163  
otherwise allowable as a deduction but that would have been 102164  
allowable as a deduction in computing federal taxable income 102165  
before operating loss deduction and special deductions for the 102166  
taxable year, had the targeted jobs credit allowed and determined 102167  
under sections 38, 51, and 52 of the Internal Revenue Code not 102168  
been in effect. 102169

(11) Deduct net interest income on obligations of the United 102170  
States and its territories and possessions or of any authority, 102171  
commission, or instrumentality of the United States to the extent 102172  
the laws of the United States prohibit inclusion of the net 102173  
interest for purposes of determining the value of the taxpayer's 102174  
issued and outstanding shares of stock under division (B) of 102175  
section 5733.05 of the Revised Code. As used in division (I)(11) 102176  
of this section, "net interest" means interest net of any expenses 102177  
taken on the federal income tax return that would not have been 102178

allowed under section 265 of the Internal Revenue Code if the 102179  
interest were exempt from federal income tax. 102180

(12)(a) Except as set forth in division (I)(12)(d) of this 102181  
section, to the extent not included in computing the taxpayer's 102182  
federal taxable income before operating loss deduction and special 102183  
deductions, add gains and deduct losses from direct or indirect 102184  
sales, exchanges, or other dispositions, made by a related entity 102185  
who is not a taxpayer, of the taxpayer's indirect, beneficial, or 102186  
constructive investment in the stock or debt of another entity, 102187  
unless the gain or loss has been included in computing the federal 102188  
taxable income before operating loss deduction and special 102189  
deductions of another taxpayer with a more closely related 102190  
investment in the stock or debt of the other entity. The amount of 102191  
gain added or loss deducted shall not exceed the product obtained 102192  
by multiplying such gain or loss by the taxpayer's proportionate 102193  
share, directly, indirectly, beneficially, or constructively, of 102194  
the outstanding stock of the related entity immediately prior to 102195  
the direct or indirect sale, exchange, or other disposition. 102196

(b) Except as set forth in division (I)(12)(e) of this 102197  
section, to the extent not included in computing the taxpayer's 102198  
federal taxable income before operating loss deduction and special 102199  
deductions, add gains and deduct losses from direct or indirect 102200  
sales, exchanges, or other dispositions made by a related entity 102201  
who is not a taxpayer, of intangible property other than stock, 102202  
securities, and debt, if such property was owned, or used in whole 102203  
or in part, at any time prior to or at the time of the sale, 102204  
exchange, or disposition by either the taxpayer or by a related 102205  
entity that was a taxpayer at any time during the related entity's 102206  
ownership or use of such property, unless the gain or loss has 102207  
been included in computing the federal taxable income before 102208  
operating loss deduction and special deductions of another 102209  
taxpayer with a more closely related ownership or use of such 102210



intangible property. The amount of gain added or loss deducted 102211  
shall not exceed the product obtained by multiplying such gain or 102212  
loss by the taxpayer's proportionate share, directly, indirectly, 102213  
beneficially, or constructively, of the outstanding stock of the 102214  
related entity immediately prior to the direct or indirect sale, 102215  
exchange, or other disposition. 102216

(c) As used in division (I)(12) of this section, "related 102217  
entity" means those entities described in divisions (I)(12)(c)(i) 102218  
to (iii) of this section: 102219

(i) An individual stockholder, or a member of the 102220  
stockholder's family enumerated in section 318 of the Internal 102221  
Revenue Code, if the stockholder and the members of the 102222  
stockholder's family own, directly, indirectly, beneficially, or 102223  
constructively, in the aggregate, at least fifty per cent of the 102224  
value of the taxpayer's outstanding stock; 102225

(ii) A stockholder, or a stockholder's partnership, estate, 102226  
trust, or corporation, if the stockholder and the stockholder's 102227  
partnerships, estates, trusts, and corporations own directly, 102228  
indirectly, beneficially, or constructively, in the aggregate, at 102229  
least fifty per cent of the value of the taxpayer's outstanding 102230  
stock; 102231

(iii) A corporation, or a party related to the corporation in 102232  
a manner that would require an attribution of stock from the 102233  
corporation to the party or from the party to the corporation 102234  
under division (I)(12)(c)(iv) of this section, if the taxpayer 102235  
owns, directly, indirectly, beneficially, or constructively, at 102236  
least fifty per cent of the value of the corporation's outstanding 102237  
stock. 102238

(iv) The attribution rules of section 318 of the Internal 102239  
Revenue Code apply for purposes of determining whether the 102240  
ownership requirements in divisions (I)(12)(c)(i) to (iii) of this 102241

section have been met. 102242

(d) For purposes of the adjustments required by division 102243  
(I)(12)(a) of this section, the term "investment in the stock or 102244  
debt of another entity" means only those investments where the 102245  
taxpayer and the taxpayer's related entities directly, indirectly, 102246  
beneficially, or constructively own, in the aggregate, at any time 102247  
during the twenty-four month period commencing one year prior to 102248  
the direct or indirect sale, exchange, or other disposition of 102249  
such investment at least fifty per cent or more of the value of 102250  
either the outstanding stock or such debt of such other entity. 102251

(e) For purposes of the adjustments required by division 102252  
(I)(12)(b) of this section, the term "related entity" excludes all 102253  
of the following: 102254

(i) Foreign corporations as defined in section 7701 of the 102255  
Internal Revenue Code; 102256

(ii) Foreign partnerships as defined in section 7701 of the 102257  
Internal Revenue Code; 102258

(iii) Corporations, partnerships, estates, and trusts created 102259  
or organized in or under the laws of the Commonwealth of Puerto 102260  
Rico or any possession of the United States; 102261

(iv) Foreign estates and foreign trusts as defined in section 102262  
7701 of the Internal Revenue Code. 102263

The exclusions described in divisions (I)(12)(e)(i) to (iv) 102264  
of this section do not apply if the corporation, partnership, 102265  
estate, or trust is described in any one of divisions (C)(1) to 102266  
(5) of section 5733.042 of the Revised Code. 102267

(f) Nothing in division (I)(12) of this section shall require 102268  
or permit a taxpayer to add any gains or deduct any losses 102269  
described in divisions (I)(12)(f)(i) and (ii) of this section: 102270

(i) Gains or losses recognized for federal income tax 102271

purposes by an individual, estate, or trust without regard to the 102272  
attribution rules described in division (I)(12)(c) of this 102273  
section; 102274

(ii) A related entity's gains or losses described in division 102275  
(I)(12)(b) of this section if the taxpayer's ownership of or use 102276  
of such intangible property was limited to a period not exceeding 102277  
nine months and was attributable to a transaction or a series of 102278  
transactions executed in accordance with the election or elections 102279  
made by the taxpayer or a related entity pursuant to section 338 102280  
of the Internal Revenue Code. 102281

(13) Any adjustment required by section 5733.042 of the 102282  
Revised Code. 102283

(14) Add any amount claimed as a credit under section 102284  
5733.0611 of the Revised Code to the extent that such amount 102285  
satisfies either of the following: 102286

(a) It was deducted or excluded from the computation of the 102287  
corporation's taxable income before operating loss deduction and 102288  
special deductions as required to be reported for the 102289  
corporation's taxable year under the Internal Revenue Code; 102290

(b) It resulted in a reduction of the corporation's taxable 102291  
income before operating loss deduction and special deductions as 102292  
required to be reported for any of the corporation's taxable years 102293  
under the Internal Revenue Code. 102294

(15) Deduct the amount contributed by the taxpayer to an 102295  
individual development account program established by a county 102296  
department of job and family services pursuant to sections 329.11 102297  
to 329.14 of the Revised Code for the purpose of matching funds 102298  
deposited by program participants. On request of the tax 102299  
commissioner, the taxpayer shall provide any information that, in 102300  
the tax commissioner's opinion, is necessary to establish the 102301  
amount deducted under division (I)(15) of this section. 102302

(16) Any adjustment required by section 5733.0510 or 102303  
5733.0511 of the Revised Code. 102304

(17)(a)(i) Add five-sixths of the amount of depreciation 102305  
expense allowed under subsection (k) of section 168 of the 102306  
Internal Revenue Code, including a person's proportionate or 102307  
distributive share of the amount of depreciation expense allowed 102308  
by that subsection to any pass-through entity in which the person 102309  
has direct or indirect ownership. 102310

(ii) Add five-sixths of the amount of qualifying section 179 102311  
depreciation expense, including a person's proportionate or 102312  
distributive share of the amount of qualifying section 179 102313  
depreciation expense allowed to any pass-through entity in which 102314  
the person has a direct or indirect ownership. For the purposes of 102315  
this division, "qualifying section 179 depreciation expense" means 102316  
the difference between (I) the amount of depreciation expense 102317  
directly or indirectly allowed to the taxpayer under section 179 102318  
of the Internal Revenue Code, and (II) the amount of depreciation 102319  
expense directly or indirectly allowed to the taxpayer under 102320  
section 179 of the Internal Revenue Code as that section existed 102321  
on December 31, 2002. 102322

The tax commissioner, under procedures established by the 102323  
commissioner, may waive the add-backs related to a pass-through 102324  
entity if the person owns, directly or indirectly, less than five 102325  
per cent of the pass-through entity. 102326

(b) Nothing in division (I)(17) of this section shall be 102327  
construed to adjust or modify the adjusted basis of any asset. 102328

(c) To the extent the add-back is attributable to property 102329  
generating income or loss allocable under section 5733.051 of the 102330  
Revised Code, the add-back shall be allocated to the same location 102331  
as the income or loss generated by that property. Otherwise, the 102332  
add-back shall be apportioned, subject to division (B)(2)(d) of 102333

section 5733.05 of the Revised Code. 102334

(18)(a) If a person is required to make the add-back under 102335  
division (I)(17)(a) of this section for a tax year, the person 102336  
shall deduct one-fifth of the amount added back for each of the 102337  
succeeding five tax years. 102338

(b) If the amount deducted under division (I)(18)(a) of this 102339  
section is attributable to an add-back allocated under division 102340  
(I)(17)(c) of this section, the amount deducted shall be allocated 102341  
to the same location. Otherwise, the amount shall be apportioned 102342  
using the apportionment factors for the taxable year in which the 102343  
deduction is taken, subject to division (B)(2)(d) of section 102344  
5733.05 of the Revised Code. 102345

(J) Except as otherwise expressly provided or clearly 102346  
appearing from the context, any term used in this chapter has the 102347  
same meaning as when used in a comparable context in the laws of 102348  
the United States relating to federal income taxes. Any reference 102349  
in this chapter to the Internal Revenue Code includes other laws 102350  
of the United States relating to federal income taxes. 102351

(K) "Financial institution" has the meaning given by section 102352  
5725.01 of the Revised Code but does not include a production 102353  
credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091. 102354

(L)(1) A "qualifying holding company" is any corporation 102355  
satisfying all of the following requirements: 102356

(a) Subject to divisions (L)(2) and (3) of this section, the 102357  
net book value of the corporation's intangible assets is greater 102358  
than or equal to ninety per cent of the net book value of all of 102359  
its assets and at least fifty per cent of the net book value of 102360  
all of its assets represents direct or indirect investments in the 102361  
equity of, loans and advances to, and accounts receivable due from 102362  
related members; 102363

(b) At least ninety per cent of the corporation's gross 102364

income for the taxable year is attributable to the following: 102365

(i) The maintenance, management, ownership, acquisition, use, 102366  
and disposition of its intangible property, its aircraft the use 102367  
of which is not subject to regulation under 14 C.F.R. part 121 or 102368  
part 135, and any real property described in division (L)(2)(c) of 102369  
this section; 102370

(ii) The collection and distribution of income from such 102371  
property. 102372

(c) The corporation is not a financial institution on the 102373  
last day of the taxable year ending prior to the first day of the 102374  
tax year; 102375

(d) The corporation's related members make a good faith and 102376  
reasonable effort to make timely and fully the adjustments 102377  
required by division ~~(C)(2)~~(D) of section 5733.05 of the Revised 102378  
Code and to pay timely and fully all uncontested taxes, interest, 102379  
penalties, and other fees and charges imposed under this chapter; 102380

(e) Subject to division (L)(4) of this section, the 102381  
corporation elects to be treated as a qualifying holding company 102382  
for the tax year. 102383

A corporation otherwise satisfying divisions (L)(1)(a) to (e) 102384  
of this section that does not elect to be a qualifying holding 102385  
company is not a qualifying holding company for the purposes of 102386  
this chapter. 102387

(2)(a)(i) For purposes of making the ninety per cent 102388  
computation under division (L)(1)(a) of this section, the net book 102389  
value of the corporation's assets shall not include the net book 102390  
value of aircraft or real property described in division 102391  
(L)(1)(b)(i) of this section. 102392

(ii) For purposes of making the fifty per cent computation 102393  
under division (L)(1)(a) of this section, the net book value of 102394

assets shall include the net book value of aircraft or real 102395  
property described in division (L)(1)(b)(i) of this section. 102396

(b)(i) As used in division (L) of this section, "intangible 102397  
asset" includes, but is not limited to, the corporation's direct 102398  
interest in each pass-through entity only if at all times during 102399  
the corporation's taxable year ending prior to the first day of 102400  
the tax year the corporation's and the corporation's related 102401  
members' combined direct and indirect interests in the capital or 102402  
profits of such pass-through entity do not exceed fifty per cent. 102403  
If the corporation's interest in the pass-through entity is an 102404  
intangible asset for that taxable year, then the distributive 102405  
share of any income from the pass-through entity shall be income 102406  
from an intangible asset for that taxable year. 102407

(ii) If a corporation's and the corporation's related 102408  
members' combined direct and indirect interests in the capital or 102409  
profits of a pass-through entity exceed fifty per cent at any time 102410  
during the corporation's taxable year ending prior to the first 102411  
day of the tax year, "intangible asset" does not include the 102412  
corporation's direct interest in the pass-through entity, and the 102413  
corporation shall include in its assets its proportionate share of 102414  
the assets of any such pass-through entity and shall include in 102415  
its gross income its distributive share of the gross income of 102416  
such pass-through entity in the same form as was earned by the 102417  
pass-through entity. 102418

(iii) A pass-through entity's direct or indirect 102419  
proportionate share of any other pass-through entity's assets 102420  
shall be included for the purpose of computing the corporation's 102421  
proportionate share of the pass-through entity's assets under 102422  
division (L)(2)(b)(ii) of this section, and such pass-through 102423  
entity's distributive share of any other pass-through entity's 102424  
gross income shall be included for purposes of computing the 102425  
corporation's distributive share of the pass-through entity's 102426

gross income under division (L)(2)(b)(ii) of this section. 102427

(c) For the purposes of divisions (L)(1)(b)(i), (1)(b)(ii), 102428  
(2)(a)(i), and (2)(a)(ii) of this section, real property is 102429  
described in division (L)(2)(c) of this section only if all of the 102430  
following conditions are present at all times during the taxable 102431  
year ending prior to the first day of the tax year: 102432

(i) The real property serves as the headquarters of the 102433  
corporation's trade or business, or is the place from which the 102434  
corporation's trade or business is principally managed or 102435  
directed; 102436

(ii) Not more than ten per cent of the value of the real 102437  
property and not more than ten per cent of the square footage of 102438  
the building or buildings that are part of the real property is 102439  
used, made available, or occupied for the purpose of providing, 102440  
acquiring, transferring, selling, or disposing of tangible 102441  
property or services in the normal course of business to persons 102442  
other than related members, the corporation's employees and their 102443  
families, and such related members' employees and their families. 102444

(d) As used in division (L) of this section, "related member" 102445  
has the same meaning as in division (A)(6) of section 5733.042 of 102446  
the Revised Code without regard to division (B) of that section. 102447

(3) The percentages described in division (L)(1)(a) of this 102448  
section shall be equal to the quarterly average of those 102449  
percentages as calculated during the corporation's taxable year 102450  
ending prior to the first day of the tax year. 102451

(4) With respect to the election described in division 102452  
(L)(1)(e) of this section: 102453

(a) The election need not accompany a timely filed report; 102454

(b) The election need not accompany the report; rather, the 102455  
election may accompany a subsequently filed but timely application 102456



for refund and timely amended report, or a subsequently filed but 102457  
timely petition for reassessment; 102458

(c) The election is not irrevocable; 102459

(d) The election applies only to the tax year specified by 102460  
the corporation; 102461

(e) The corporation's related members comply with division 102462  
(L)(1)(d) of this section. 102463

Nothing in division (L)(4) of this section shall be construed 102464  
to extend any statute of limitations set forth in this chapter. 102465

(M) "Qualifying controlled group" means two or more 102466  
corporations that satisfy the ownership and control requirements 102467  
of division (A) of section 5733.052 of the Revised Code. 102468

(N) "Limited liability company" means any limited liability 102469  
company formed under Chapter 1705. of the Revised Code or under 102470  
the laws of any other state. 102471

(O) "Pass-through entity" means a corporation that has made 102472  
an election under subchapter S of Chapter 1 of Subtitle A of the 102473  
Internal Revenue Code for its taxable year under that code, or a 102474  
partnership, limited liability company, or any other person, other 102475  
than an individual, trust, or estate, if the partnership, limited 102476  
liability company, or other person is not classified for federal 102477  
income tax purposes as an association taxed as a corporation. 102478

(P) "Electric company," "combined company," and "telephone 102479  
company" have the same meanings as in section 5727.01 of the 102480  
Revised Code. 102481

(Q) "Business income" means income arising from transactions, 102482  
activities, and sources in the regular course of a trade or 102483  
business and includes income from real property, tangible personal 102484  
property, and intangible personal property if the acquisition, 102485  
rental, management, and disposition of the property constitute 102486

integral parts of the regular course of a trade or business 102487  
operation. "Business income" includes income, including gain or 102488  
loss, from a partial or complete liquidation of a business, 102489  
including, but not limited to, gain or loss from the sale or other 102490  
disposition of goodwill. 102491

(R) "Nonbusiness income" means all income other than business 102492  
income. 102493

Sec. 5733.58. (A) Terms used in this section have the same 102494  
meaning as in section 5725.33 of the Revised Code. 102495

(B) There is hereby allowed a nonrefundable credit against 102496  
the tax imposed by section 5733.06 of the Revised Code for a 102497  
financial institution holding a qualified equity investment on the 102498  
credit allowance date occurring in the calendar year immediately 102499  
preceding the tax year for which the tax is due. The credit shall 102500  
be computed in the same manner prescribed for the computation of 102501  
credits allowed under section 5725.33 of the Revised Code. 102502

By claiming a tax credit under this section, a financial 102503  
institution waives its rights under section 5733.11 of the Revised 102504  
Code with respect to the time limitation for the assessment of 102505  
taxes as it relates to credits claimed that later become subject 102506  
to recapture under division (D) of this section. 102507

The credit shall be claimed in the order prescribed by 102508  
section 5733.98 of the Revised Code. If the amount of the credit 102509  
exceeds the amount of tax otherwise due after deducting all other 102510  
credits in that order, the excess may be carried forward and 102511  
applied to the tax due for not more than four ensuing tax years. 102512

(C) The total amount of qualified equity investments on the 102513  
basis of which credits may be claimed under this section and 102514  
sections 5725.33 and 5729.16 of the Revised Code is subject to the 102515  
limitation of division (C) of section 5725.33 of the Revised Code. 102516

(D) If any amount of the federal tax credit allowed for a 102517  
qualified equity investment for which a credit was received under 102518  
this section is recaptured under section 45D of the Internal 102519  
Revenue Code, or if the director of development determines that an 102520  
investment for which a tax credit is claimed under this section is 102521  
not a qualified equity investment or that the proceeds of an 102522  
investment for which a tax credit is claimed under this section 102523  
are used to make qualified low-income community investments other 102524  
than in a qualified active low-income community business, all or a 102525  
portion of the credit received on account of that investment shall 102526  
be paid by the financial institution that received the credit to 102527  
the tax commissioner. The amount to be recovered shall be 102528  
determined by the director of development pursuant to rules 102529  
adopted under section 5725.33 of the Revised Code. The director 102530  
shall certify any amount due under this division to the tax 102531  
commissioner, and the commissioner shall notify the financial 102532  
institution of the amount due. The amount due is payable not later 102533  
than thirty days after the day the commissioner issues the notice. 102534  
The amount due shall be considered to be tax due under section 102535  
5733.06 of the Revised Code, and may be collected by assessment 102536  
without regard to the limitations imposed under section 5733.11 of 102537  
the Revised Code for the assessment of taxes by the commissioner. 102538  
All amounts collected under this division shall be credited as 102539  
revenue from the tax levied under section 5733.06 of the Revised 102540  
Code. 102541

**Sec. 5733.59.** (A) Any term used in this section has the same 102542  
meaning as in section 122.85 of the Revised Code. 102543

(B) There is allowed a credit against the tax imposed by 102544  
section 5733.06 of the Revised Code for any corporation that is 102545  
the certificate owner of a tax credit certificate issued under 102546  
section 122.85 of the Revised Code. The credit shall be claimed 102547  
for the taxable year in which the certificate is issued by the 102548

director of development. The credit amount equals the amount 102549  
stated in the certificate. The credit shall be claimed in the 102550  
order required under section 5733.98 of the Revised Code. If the 102551  
credit amount exceeds the tax otherwise due under section 5733.06 102552  
of the Revised Code after deducting all other credits in that 102553  
order, the excess shall be refunded. 102554

(C) If, pursuant to division (G) of section 5733.01 of the 102555  
Revised Code, the corporation is not required to pay tax under 102556  
this chapter, the corporation may file an annual report under 102557  
section 5733.02 of the Revised Code and claim the credit 102558  
authorized by this section. Nothing in this section allows a 102559  
corporation to claim more than one credit per tax credit-eligible 102560  
production. 102561

**Sec. 5733.98.** (A) To provide a uniform procedure for 102562  
calculating the amount of tax imposed by section 5733.06 of the 102563  
Revised Code that is due under this chapter, a taxpayer shall 102564  
claim any credits to which it is entitled in the following order, 102565  
except as otherwise provided in section 5733.058 of the Revised 102566  
Code: 102567

(1) For tax year 2005, the credit for taxes paid by a 102568  
qualifying pass-through entity allowed under section 5733.0611 of 102569  
the Revised Code; 102570

(2) The credit allowed for financial institutions under 102571  
section 5733.45 of the Revised Code; 102572

(3) The credit for qualifying affiliated groups under section 102573  
5733.068 of the Revised Code; 102574

(4) The subsidiary corporation credit under section 5733.067 102575  
of the Revised Code; 102576

(5) The savings and loan assessment credit under section 102577  
5733.063 of the Revised Code; 102578

(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	102579 102580
(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	102581 102582
(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	102583 102584
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	102585 102586
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	102587 102588
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	102589 102590
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	102591 102592
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	102593 102594
(14) The job training credit under section 5733.42 of the Revised Code;	102595 102596
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	102597 102598
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	102599 102600
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	102601 102602
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	102603 102604
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	102605 102606
(20) The credit for purchases of qualifying grape production	102607

property under section 5733.32 of the Revised Code;	102608
(21) The export sales credit under section 5733.069 of the Revised Code;	102609 102610
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	102611 102612
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	102613 102614
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	102615 102616
(25) <u>The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;</u>	102617 102618
<u>(26)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	102619 102620
<del>(26)</del> <u>(27)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	102621 102622
<del>(27)</del> <u>(28)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	102623 102624 102625
<del>(28)</del> <u>(29)</u> The research and development credit under section 5733.352 of the Revised Code;	102626 102627
<del>(29)</del> <u>(30)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	102628 102629 102630
<del>(30)</del> <u>(31)</u> The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	102631 102632
<del>(31)</del> <u>(32)</u> The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	102633 102634
<del>(32)</del> <u>(33)</u> The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	102635 102636

~~(33)~~(34) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

~~(34)~~(35) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;

(36) The refundable motion picture production credit under section 5733.59 of the Revised Code.

(B) For any credit except the credits enumerated in divisions (A)~~(30)~~(31) to ~~(34)~~(36) of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.

**Sec. 5735.142.** (A)(1) Any person who uses any motor fuel, on which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of the Revised Code has been paid, for the purpose of operating a transit bus shall be reimbursed in the amount of ~~the~~ such tax paid on motor fuel used by public transportation systems providing transit or paratransit service on a regular and continuing basis within the state;

(2) A city, exempted village, joint vocational, or local school district or educational service center that purchases any motor fuel for school district or service center operations, on which any tax imposed by section 5735.29 of the Revised Code that became effective on or after July 1, 2003, has been paid, may, if an application is filed under this section, be reimbursed in the amount of all but two cents per gallon of the total tax imposed by such section and paid on motor fuel.

(3) A county board of mental retardation and developmental disabilities that, on or after July 1, 2005, purchases any motor fuel for county board operations, on which any tax imposed by section 5735.29 of the Revised Code has been paid may, if an application is filed under this section, be reimbursed in the amount of all but two cents per gallon of the total tax imposed by such section and paid on motor fuel purchased on or after July 1, 2005.

(B) Such person, school district, educational service center, or county board shall file with the tax commissioner an application for refund within one year from the date of purchase, stating the quantity of fuel used for operating transit buses used by local transit systems in furnishing scheduled common carrier, public passenger land transportation service along regular routes primarily in one or more municipal corporations or for operating vehicles used for school district, service center, or county board operations. However, no claim shall be made for the tax on fewer than one hundred gallons of motor fuel. A school district, educational service center, or county board shall not apply for a refund for any tax paid on motor fuel that is sold by the district, service center, or county board. The application shall be accompanied by the statement described in section 5735.15 of the Revised Code showing the purchase, together with evidence of payment thereof.

(C) After consideration of the application and statement, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised



Code. 102699

The commissioner may require that the application be 102700  
supported by the affidavit of the claimant. No refund shall be 102701  
authorized or ordered for any single claim for the tax on fewer 102702  
than one hundred gallons of motor fuel. No refund shall be 102703  
authorized or ordered on motor fuel that is sold by a school 102704  
district, educational service center, or county board. 102705

(D) The refund authorized by this section or section 5703.70 102706  
of the Revised Code shall be reduced by the cents per gallon 102707  
amount of any qualified fuel credit received under section 102708  
5735.145 of the Revised Code, as determined by the commissioner, 102709  
for each gallon of qualified fuel included in the total gallonage 102710  
of motor fuel upon which the refund is computed. 102711

(E) The right to receive any refund under this section or 102712  
section 5703.70 of the Revised Code is not assignable. The payment 102713  
of this refund shall not be made to any person or entity other 102714  
than the person or entity originally entitled thereto who used the 102715  
motor fuel upon which the claim for refund is based, except that 102716  
the refund when allowed and certified, as provided in this 102717  
section, may be paid to the executor, the administrator, the 102718  
receiver, the trustee in bankruptcy, or the assignee in insolvency 102719  
proceedings of the person. 102720

**Sec. 5739.01.** As used in this chapter: 102721

(A) "Person" includes individuals, receivers, assignees, 102722  
trustees in bankruptcy, estates, firms, partnerships, 102723  
associations, joint-stock companies, joint ventures, clubs, 102724  
societies, corporations, the state and its political subdivisions, 102725  
and combinations of individuals of any form. 102726

(B) "Sale" and "selling" include all of the following 102727  
transactions for a consideration in any manner, whether absolutely 102728

or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever:

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

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;

(3) All transactions by which:

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;

(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;

(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;

(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services

are incidental or supplemental. Notwithstanding any other 102759  
provision of this chapter, such transactions that occur between 102760  
members of an affiliated group are not sales. An "affiliated 102761  
group" means two or more persons related in such a way that one 102762  
person owns or controls the business operation of another member 102763  
of the group. In the case of corporations with stock, one 102764  
corporation owns or controls another if it owns more than fifty 102765  
per cent of the other corporation's common stock with voting 102766  
rights. 102767

(f) Telecommunications service, including prepaid calling 102768  
service, prepaid wireless calling service, or ancillary service, 102769  
is or is to be provided, but not including coin-operated telephone 102770  
service; 102771

(g) Landscaping and lawn care service is or is to be 102772  
provided; 102773

(h) Private investigation and security service is or is to be 102774  
provided; 102775

(i) Information services or tangible personal property is 102776  
provided or ordered by means of a nine hundred telephone call; 102777

(j) Building maintenance and janitorial service is or is to 102778  
be provided; 102779

(k) Employment service is or is to be provided; 102780

(l) Employment placement service is or is to be provided; 102781

(m) Exterminating service is or is to be provided; 102782

(n) Physical fitness facility service is or is to be 102783  
provided; 102784

(o) Recreation and sports club service is or is to be 102785  
provided; 102786

(p) On and after August 1, 2003, satellite broadcasting 102787  
service is or is to be provided; 102788

(q) On and after August 1, 2003, personal care service is or 102789  
is to be provided to an individual. As used in this division, 102790  
"personal care service" includes skin care, the application of 102791  
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 102792  
piercing, tanning, massage, and other similar services. "Personal 102793  
care service" does not include a service provided by or on the 102794  
order of a licensed physician or licensed chiropractor, or the 102795  
cutting, coloring, or styling of an individual's hair. 102796

(r) On and after August 1, 2003, the transportation of 102797  
persons by motor vehicle or aircraft is or is to be provided, when 102798  
the transportation is entirely within this state, except for 102799  
transportation provided by an ambulance service, by a transit bus, 102800  
as defined in section 5735.01 of the Revised Code, and 102801  
transportation provided by a citizen of the United States holding 102802  
a certificate of public convenience and necessity issued under 49 102803  
U.S.C. 41102; 102804

(s) On and after August 1, 2003, motor vehicle towing service 102805  
is or is to be provided. As used in this division, "motor vehicle 102806  
towing service" means the towing or conveyance of a wrecked, 102807  
disabled, or illegally parked motor vehicle. 102808

(t) On and after August 1, 2003, snow removal service is or 102809  
is to be provided. As used in this division, "snow removal 102810  
service" means the removal of snow by any mechanized means, but 102811  
does not include the providing of such service by a person that 102812  
has less than five thousand dollars in sales of such service 102813  
during the calendar year. 102814

(u) Electronic publishing service is or is to be provided to 102815  
a consumer for use in business, except that such transactions 102816  
occurring between members of an affiliated group, as defined in 102817  
division (B)(3)(e) of this section, are not sales. 102818

(4) All transactions by which printed, imprinted, 102819

overprinted, lithographic, multilithic, blueprinted, photostatic, 102820  
or other productions or reproductions of written or graphic matter 102821  
are or are to be furnished or transferred; 102822

(5) The production or fabrication of tangible personal 102823  
property for a consideration for consumers who furnish either 102824  
directly or indirectly the materials used in the production of 102825  
fabrication work; and include the furnishing, preparing, or 102826  
serving for a consideration of any tangible personal property 102827  
consumed on the premises of the person furnishing, preparing, or 102828  
serving such tangible personal property. Except as provided in 102829  
section 5739.03 of the Revised Code, a construction contract 102830  
pursuant to which tangible personal property is or is to be 102831  
incorporated into a structure or improvement on and becoming a 102832  
part of real property is not a sale of such tangible personal 102833  
property. The construction contractor is the consumer of such 102834  
tangible personal property, provided that the sale and 102835  
installation of carpeting, the sale and installation of 102836  
agricultural land tile, the sale and erection or installation of 102837  
portable grain bins, or the provision of landscaping and lawn care 102838  
service and the transfer of property as part of such service is 102839  
never a construction contract. 102840

As used in division (B)(5) of this section: 102841

(a) "Agricultural land tile" means fired clay or concrete 102842  
tile, or flexible or rigid perforated plastic pipe or tubing, 102843  
incorporated or to be incorporated into a subsurface drainage 102844  
system appurtenant to land used or to be used directly in 102845  
production by farming, agriculture, horticulture, or floriculture. 102846  
The term does not include such materials when they are or are to 102847  
be incorporated into a drainage system appurtenant to a building 102848  
or structure even if the building or structure is used or to be 102849  
used in such production. 102850

(b) "Portable grain bin" means a structure that is used or to 102851

be used by a person engaged in farming or agriculture to shelter 102852  
the person's grain and that is designed to be disassembled without 102853  
significant damage to its component parts. 102854

(6) All transactions in which all of the shares of stock of a 102855  
closely held corporation are transferred, if the corporation is 102856  
not engaging in business and its entire assets consist of boats, 102857  
planes, motor vehicles, or other tangible personal property 102858  
operated primarily for the use and enjoyment of the shareholders; 102859

(7) All transactions in which a warranty, maintenance or 102860  
service contract, or similar agreement by which the vendor of the 102861  
warranty, contract, or agreement agrees to repair or maintain the 102862  
tangible personal property of the consumer is or is to be 102863  
provided; 102864

(8) The transfer of copyrighted motion picture films used 102865  
solely for advertising purposes, except that the transfer of such 102866  
films for exhibition purposes is not a sale; 102867

(9) On and after August 1, 2003, all transactions by which 102868  
tangible personal property is or is to be stored, except such 102869  
property that the consumer of the storage holds for sale in the 102870  
regular course of business; 102871

(10) All transactions in which "guaranteed auto protection" 102872  
is provided whereby a person promises to pay to the consumer the 102873  
difference between the amount the consumer receives from motor 102874  
vehicle insurance and the amount the consumer owes to a person 102875  
holding title to or a lien on the consumer's motor vehicle in the 102876  
event the consumer's motor vehicle suffers a total loss under the 102877  
terms of the motor vehicle insurance policy or is stolen and not 102878  
recovered, if the protection and its price are included in the 102879  
purchase or lease agreement; 102880

(11)(a) Except as provided in division (B)(11)(b) of this 102881  
section, on and after September 1, 2009, all transactions by which 102882

health care services are paid for, reimbursed, provided, 102883  
delivered, arranged for, or otherwise made available by a medicaid 102884  
health insuring corporation pursuant to the corporation's contract 102885  
with the state. 102886

(b) If the centers for medicare and medicaid services of the 102887  
United States department of health and human services determines 102888  
that the taxation of transactions described in division (B)(11)(a) 102889  
of this section constitutes an impermissible health care-related 102890  
tax under section 1903(w) of the "Social Security Act," 49 Stat. 102891  
620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations 102892  
adopted thereunder, the director of job and family services shall 102893  
notify the tax commissioner of that determination. Beginning with 102894  
the first day of the month following that notification, the 102895  
transactions described in division (B)(11)(a) of this section are 102896  
not sales for the purposes of this chapter or Chapter 5741. of the 102897  
Revised Code. The tax commissioner shall order that the collection 102898  
of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 102899  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code 102900  
shall cease for transactions occurring on or after that date. 102901

Except as provided in this section, "sale" and "selling" do 102902  
not include transfers of interest in leased property where the 102903  
original lessee and the terms of the original lease agreement 102904  
remain unchanged, or professional, insurance, or personal service 102905  
transactions that involve the transfer of tangible personal 102906  
property as an inconsequential element, for which no separate 102907  
charges are made. 102908

(C) "Vendor" means the person providing the service or by 102909  
whom the transfer effected or license given by a sale is or is to 102910  
be made or given and, for sales described in division (B)(3)(i) of 102911  
this section, the telecommunications service vendor that provides 102912  
the nine hundred telephone service; if two or more persons are 102913  
engaged in business at the same place of business under a single 102914

trade name in which all collections on account of sales by each 102915  
are made, such persons shall constitute a single vendor. 102916

Physicians, dentists, hospitals, and veterinarians who are 102917  
engaged in selling tangible personal property as received from 102918  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 102919  
articles, are vendors. Veterinarians who are engaged in 102920  
transferring to others for a consideration drugs, the dispensing 102921  
of which does not require an order of a licensed veterinarian or 102922  
physician under federal law, are vendors. 102923

(D)(1) "Consumer" means the person for whom the service is 102924  
provided, to whom the transfer effected or license given by a sale 102925  
is or is to be made or given, to whom the service described in 102926  
division (B)(3)(f) or (i) of this section is charged, or to whom 102927  
the admission is granted. 102928

(2) Physicians, dentists, hospitals, and blood banks operated 102929  
by nonprofit institutions and persons licensed to practice 102930  
veterinary medicine, surgery, and dentistry are consumers of all 102931  
tangible personal property and services purchased by them in 102932  
connection with the practice of medicine, dentistry, the rendition 102933  
of hospital or blood bank service, or the practice of veterinary 102934  
medicine, surgery, and dentistry. In addition to being consumers 102935  
of drugs administered by them or by their assistants according to 102936  
their direction, veterinarians also are consumers of drugs that 102937  
under federal law may be dispensed only by or upon the order of a 102938  
licensed veterinarian or physician, when transferred by them to 102939  
others for a consideration to provide treatment to animals as 102940  
directed by the veterinarian. 102941

(3) A person who performs a facility management, or similar 102942  
service contract for a contractee is a consumer of all tangible 102943  
personal property and services purchased for use in connection 102944  
with the performance of such contract, regardless of whether title 102945  
to any such property vests in the contractee. The purchase of such 102946



property and services is not subject to the exception for resale 102947  
under division (E)(1) of this section. 102948

(4)(a) In the case of a person who purchases printed matter 102949  
for the purpose of distributing it or having it distributed to the 102950  
public or to a designated segment of the public, free of charge, 102951  
that person is the consumer of that printed matter, and the 102952  
purchase of that printed matter for that purpose is a sale. 102953

(b) In the case of a person who produces, rather than 102954  
purchases, printed matter for the purpose of distributing it or 102955  
having it distributed to the public or to a designated segment of 102956  
the public, free of charge, that person is the consumer of all 102957  
tangible personal property and services purchased for use or 102958  
consumption in the production of that printed matter. That person 102959  
is not entitled to claim exemption under division (B)(42)(f) of 102960  
section 5739.02 of the Revised Code for any material incorporated 102961  
into the printed matter or any equipment, supplies, or services 102962  
primarily used to produce the printed matter. 102963

(c) The distribution of printed matter to the public or to a 102964  
designated segment of the public, free of charge, is not a sale to 102965  
the members of the public to whom the printed matter is 102966  
distributed or to any persons who purchase space in the printed 102967  
matter for advertising or other purposes. 102968

(5) A person who makes sales of any of the services listed in 102969  
division (B)(3) of this section is the consumer of any tangible 102970  
personal property used in performing the service. The purchase of 102971  
that property is not subject to the resale exception under 102972  
division (E)(1) of this section. 102973

(6) A person who engages in highway transportation for hire 102974  
is the consumer of all packaging materials purchased by that 102975  
person and used in performing the service, except for packaging 102976  
materials sold by such person in a transaction separate from the 102977

service. 102978

(7) In the case of a transaction for health care services 102979  
under division (B)(11) of this section, a medicaid health insuring 102980  
corporation is the consumer of such services. The purchase of such 102981  
services by a medicaid health insuring corporation is not subject 102982  
to the exception for resale under division (E)(1) of this section 102983  
or to the exemptions provided under divisions (B)(12), (18), (19), 102984  
and (22) of section 5739.02 of the Revised Code. 102985

(E) "Retail sale" and "sales at retail" include all sales, 102986  
except those in which the purpose of the consumer is to resell the 102987  
thing transferred or benefit of the service provided, by a person 102988  
engaging in business, in the form in which the same is, or is to 102989  
be, received by the person. 102990

(F) "Business" includes any activity engaged in by any person 102991  
with the object of gain, benefit, or advantage, either direct or 102992  
indirect. "Business" does not include the activity of a person in 102993  
managing and investing the person's own funds. 102994

(G) "Engaging in business" means commencing, conducting, or 102995  
continuing in business, and liquidating a business when the 102996  
liquidator thereof holds itself out to the public as conducting 102997  
such business. Making a casual sale is not engaging in business. 102998

(H)(1)(a) "Price," except as provided in divisions (H)(2) 102999  
and (3), and (4) of this section, means the total amount of 103000  
consideration, including cash, credit, property, and services, for 103001  
which tangible personal property or services are sold, leased, or 103002  
rented, valued in money, whether received in money or otherwise, 103003  
without any deduction for any of the following: 103004

(i) The vendor's cost of the property sold; 103005

(ii) The cost of materials used, labor or service costs, 103006  
interest, losses, all costs of transportation to the vendor, all 103007  
taxes imposed on the vendor, including the tax imposed under 103008

Chapter 5751. of the Revised Code, and any other expense of the vendor; 103009  
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(iii) Charges by the vendor for any services necessary to complete the sale; 103011  
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(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing. 103013  
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(v) Installation charges; 103018

(vi) Credit for any trade-in. 103019

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met: 103020  
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(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented; 103029  
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(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization. 103035  
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(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

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(c) "Price" does not include any of the following:

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(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

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(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

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(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

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(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

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(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

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(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section

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1547.543 of the Revised Code, in which another watercraft, 103071  
watercraft and trailer, or outboard motor is accepted by the 103072  
dealer as part of the consideration received, "price" has the same 103073  
meaning as in division (H)(1) of this section, reduced by the 103074  
credit afforded the consumer by the dealer for the watercraft, 103075  
watercraft and trailer, or outboard motor received in trade. As 103076  
used in this division, "watercraft" includes an outdrive unit 103077  
attached to the watercraft. 103078

(4) In the case of transactions for health care services 103079  
under division (B)(11) of this section, "price" means the amount 103080  
of managed care premiums received each month by a medicaid health 103081  
insuring corporation. 103082

(I) "Receipts" means the total amount of the prices of the 103083  
sales of vendors, provided that cash discounts allowed and taken 103084  
on sales at the time they are consummated are not included, minus 103085  
any amount deducted as a bad debt pursuant to section 5739.121 of 103086  
the Revised Code. "Receipts" does not include the sale price of 103087  
property returned or services rejected by consumers when the full 103088  
sale price and tax are refunded either in cash or by credit. 103089

(J) "Place of business" means any location at which a person 103090  
engages in business. 103091

(K) "Premises" includes any real property or portion thereof 103092  
upon which any person engages in selling tangible personal 103093  
property at retail or making retail sales and also includes any 103094  
real property or portion thereof designated for, or devoted to, 103095  
use in conjunction with the business engaged in by such person. 103096

(L) "Casual sale" means a sale of an item of tangible 103097  
personal property that was obtained by the person making the sale, 103098  
through purchase or otherwise, for the person's own use and was 103099  
previously subject to any state's taxing jurisdiction on its sale 103100  
or use, and includes such items acquired for the seller's use that 103101

are sold by an auctioneer employed directly by the person for such 103102  
purpose, provided the location of such sales is not the 103103  
auctioneer's permanent place of business. As used in this 103104  
division, "permanent place of business" includes any location 103105  
where such auctioneer has conducted more than two auctions during 103106  
the year. 103107

(M) "Hotel" means every establishment kept, used, maintained, 103108  
advertised, or held out to the public to be a place where sleeping 103109  
accommodations are offered to guests, in which five or more rooms 103110  
are used for the accommodation of such guests, whether the rooms 103111  
are in one or several structures, except as otherwise provided in 103112  
division (G) of section 5739.09 of the Revised Code. 103113

(N) "Transient guests" means persons occupying a room or 103114  
rooms for sleeping accommodations for less than thirty consecutive 103115  
days. 103116

(O) "Making retail sales" means the effecting of transactions 103117  
wherein one party is obligated to pay the price and the other 103118  
party is obligated to provide a service or to transfer title to or 103119  
possession of the item sold. "Making retail sales" does not 103120  
include the preliminary acts of promoting or soliciting the retail 103121  
sales, other than the distribution of printed matter which 103122  
displays or describes and prices the item offered for sale, nor 103123  
does it include delivery of a predetermined quantity of tangible 103124  
personal property or transportation of property or personnel to or 103125  
from a place where a service is performed, regardless of whether 103126  
the vendor is a delivery vendor. 103127

(P) "Used directly in the rendition of a public utility 103128  
service" means that property that is to be incorporated into and 103129  
will become a part of the consumer's production, transmission, 103130  
transportation, or distribution system and that retains its 103131  
classification as tangible personal property after such 103132  
incorporation; fuel or power used in the production, transmission, 103133

transportation, or distribution system; and tangible personal 103134  
property used in the repair and maintenance of the production, 103135  
transmission, transportation, or distribution system, including 103136  
only such motor vehicles as are specially designed and equipped 103137  
for such use. Tangible personal property and services used 103138  
primarily in providing highway transportation for hire are not 103139  
used directly in the rendition of a public utility service. In 103140  
this definition, "public utility" includes a citizen of the United 103141  
States holding, and required to hold, a certificate of public 103142  
convenience and necessity issued under 49 U.S.C. 41102. 103143

(Q) "Refining" means removing or separating a desirable 103144  
product from raw or contaminated materials by distillation or 103145  
physical, mechanical, or chemical processes. 103146

(R) "Assembly" and "assembling" mean attaching or fitting 103147  
together parts to form a product, but do not include packaging a 103148  
product. 103149

(S) "Manufacturing operation" means a process in which 103150  
materials are changed, converted, or transformed into a different 103151  
state or form from which they previously existed and includes 103152  
refining materials, assembling parts, and preparing raw materials 103153  
and parts by mixing, measuring, blending, or otherwise committing 103154  
such materials or parts to the manufacturing process. 103155  
"Manufacturing operation" does not include packaging. 103156

(T) "Fiscal officer" means, with respect to a regional 103157  
transit authority, the secretary-treasurer thereof, and with 103158  
respect to a county that is a transit authority, the fiscal 103159  
officer of the county transit board if one is appointed pursuant 103160  
to section 306.03 of the Revised Code or the county auditor if the 103161  
board of county commissioners operates the county transit system. 103162

(U) "Transit authority" means a regional transit authority 103163  
created pursuant to section 306.31 of the Revised Code or a county 103164

in which a county transit system is created pursuant to section 103165  
306.01 of the Revised Code. For the purposes of this chapter, a 103166  
transit authority must extend to at least the entire area of a 103167  
single county. A transit authority that includes territory in more 103168  
than one county must include all the area of the most populous 103169  
county that is a part of such transit authority. County population 103170  
shall be measured by the most recent census taken by the United 103171  
States census bureau. 103172

(V) "Legislative authority" means, with respect to a regional 103173  
transit authority, the board of trustees thereof, and with respect 103174  
to a county that is a transit authority, the board of county 103175  
commissioners. 103176

(W) "Territory of the transit authority" means all of the 103177  
area included within the territorial boundaries of a transit 103178  
authority as they from time to time exist. Such territorial 103179  
boundaries must at all times include all the area of a single 103180  
county or all the area of the most populous county that is a part 103181  
of such transit authority. County population shall be measured by 103182  
the most recent census taken by the United States census bureau. 103183

(X) "Providing a service" means providing or furnishing 103184  
anything described in division (B)(3) of this section for 103185  
consideration. 103186

(Y)(1)(a) "Automatic data processing" means processing of 103187  
others' data, including keypunching or similar data entry services 103188  
together with verification thereof, or providing access to 103189  
computer equipment for the purpose of processing data. 103190

(b) "Computer services" means providing services consisting 103191  
of specifying computer hardware configurations and evaluating 103192  
technical processing characteristics, computer programming, and 103193  
training of computer programmers and operators, provided in 103194  
conjunction with and to support the sale, lease, or operation of 103195



taxable computer equipment or systems. 103196

(c) "Electronic information services" means providing access 103197  
to computer equipment by means of telecommunications equipment for 103198  
the purpose of either of the following: 103199

(i) Examining or acquiring data stored in or accessible to 103200  
the computer equipment; 103201

(ii) Placing data into the computer equipment to be retrieved 103202  
by designated recipients with access to the computer equipment. 103203

For transactions occurring on or after the effective date of 103204  
the amendment of this section by H.B. 157 of the 127th general 103205  
assembly, December 21, 2007, "electronic information services" 103206  
does not include electronic publishing as defined in division 103207  
(LLL) of this section. 103208

(d) "Automatic data processing, computer services, or 103209  
electronic information services" shall not include personal or 103210  
professional services. 103211

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 103212  
section, "personal and professional services" means all services 103213  
other than automatic data processing, computer services, or 103214  
electronic information services, including but not limited to: 103215

(a) Accounting and legal services such as advice on tax 103216  
matters, asset management, budgetary matters, quality control, 103217  
information security, and auditing and any other situation where 103218  
the service provider receives data or information and studies, 103219  
alters, analyzes, interprets, or adjusts such material; 103220

(b) Analyzing business policies and procedures; 103221

(c) Identifying management information needs; 103222

(d) Feasibility studies, including economic and technical 103223  
analysis of existing or potential computer hardware or software 103224  
needs and alternatives; 103225

(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	103226 103227 103228 103229
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	103230 103231 103232
(g) Testing of business procedures;	103233
(h) Training personnel in business procedure applications;	103234
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	103235 103236 103237 103238 103239 103240
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	103241 103242
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	103243 103244
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	103245 103246 103247
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;	103248 103249 103250 103251 103252
(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare	103253 103254 103255

but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming 103286  
services, regardless of the medium, including the furnishing of 103287  
transmission, conveyance, and routing of such services by the 103288  
programming service provider. Radio and television audio and video 103289  
programming services include, but are not limited to, cable 103290  
service, as defined in 47 U.S.C. 522(6), and audio and video 103291  
programming services delivered by commercial mobile radio service 103292  
providers, as defined in 47 C.F.R. 20.3; 103293

(h) Ancillary service; 103294

(i) Digital products delivered electronically, including 103295  
software, music, video, reading materials, or ring tones. 103296

(2) "Ancillary service" means a service that is associated 103297  
with or incidental to the provision of telecommunications service, 103298  
including conference bridging service, detailed telecommunications 103299  
billing service, directory assistance, vertical service, and voice 103300  
mail service. As used in this division: 103301

(a) "Conference bridging service" means an ancillary service 103302  
that links two or more participants of an audio or video 103303  
conference call, including providing a telephone number. 103304  
"Conference bridging service" does not include telecommunications 103305  
services used to reach the conference bridge. 103306

(b) "Detailed telecommunications billing service" means an 103307  
ancillary service of separately stating information pertaining to 103308  
individual calls on a customer's billing statement. 103309

(c) "Directory assistance" means an ancillary service of 103310  
providing telephone number or address information. 103311

(d) "Vertical service" means an ancillary service that is 103312  
offered in connection with one or more telecommunications 103313  
services, which offers advanced calling features that allow 103314  
customers to identify callers and manage multiple calls and call 103315  
connections, including conference bridging service. 103316

(e) "Voice mail service" means an ancillary service that 103317  
enables the customer to store, send, or receive recorded messages. 103318  
"Voice mail service" does not include any vertical services that 103319  
the customer may be required to have in order to utilize the voice 103320  
mail service. 103321

(3) "900 service" means an inbound toll telecommunications 103322  
service purchased by a subscriber that allows the subscriber's 103323  
customers to call in to the subscriber's prerecorded announcement 103324  
or live service, and which is typically marketed under the name 103325  
"900" service and any subsequent numbers designated by the federal 103326  
communications commission. "900 service" does not include the 103327  
charge for collection services provided by the seller of the 103328  
telecommunications service to the subscriber, or services or 103329  
products sold by the subscriber to the subscriber's customer. 103330

(4) "Prepaid calling service" means the right to access 103331  
exclusively telecommunications services, which must be paid for in 103332  
advance and which enables the origination of calls using an access 103333  
number or authorization code, whether manually or electronically 103334  
dialed, and that is sold in predetermined units of dollars of 103335  
which the number declines with use in a known amount. 103336

(5) "Prepaid wireless calling service" means a 103337  
telecommunications service that provides the right to utilize 103338  
mobile telecommunications service as well as other 103339  
non-telecommunications services, including the download of digital 103340  
products delivered electronically, and content and ancillary 103341  
services, that must be paid for in advance and that is sold in 103342  
predetermined units of dollars of which the number declines with 103343  
use in a known amount. 103344

(6) "Value-added non-voice data service" means a 103345  
telecommunications service in which computer processing 103346  
applications are used to act on the form, content, code, or 103347  
protocol of the information or data primarily for a purpose other 103348

than transmission, conveyance, or routing. 103349

(7) "Coin-operated telephone service" means a 103350  
telecommunications service paid for by inserting money into a 103351  
telephone accepting direct deposits of money to operate. 103352

(8) "Customer" has the same meaning as in section 5739.034 of 103353  
the Revised Code. 103354

(BB) "Laundry and dry cleaning services" means removing soil 103355  
or dirt from towels, linens, articles of clothing, or other fabric 103356  
items that belong to others and supplying towels, linens, articles 103357  
of clothing, or other fabric items. "Laundry and dry cleaning 103358  
services" does not include the provision of self-service 103359  
facilities for use by consumers to remove soil or dirt from 103360  
towels, linens, articles of clothing, or other fabric items. 103361

(CC) "Magazines distributed as controlled circulation 103362  
publications" means magazines containing at least twenty-four 103363  
pages, at least twenty-five per cent editorial content, issued at 103364  
regular intervals four or more times a year, and circulated 103365  
without charge to the recipient, provided that such magazines are 103366  
not owned or controlled by individuals or business concerns which 103367  
conduct such publications as an auxiliary to, and essentially for 103368  
the advancement of the main business or calling of, those who own 103369  
or control them. 103370

(DD) "Landscaping and lawn care service" means the services 103371  
of planting, seeding, sodding, removing, cutting, trimming, 103372  
pruning, mulching, aerating, applying chemicals, watering, 103373  
fertilizing, and providing similar services to establish, promote, 103374  
or control the growth of trees, shrubs, flowers, grass, ground 103375  
cover, and other flora, or otherwise maintaining a lawn or 103376  
landscape grown or maintained by the owner for ornamentation or 103377  
other nonagricultural purpose. However, "landscaping and lawn care 103378  
service" does not include the providing of such services by a 103379

person who has less than five thousand dollars in sales of such 103380  
services during the calendar year. 103381

(EE) "Private investigation and security service" means the 103382  
performance of any activity for which the provider of such service 103383  
is required to be licensed pursuant to Chapter 4749. of the 103384  
Revised Code, or would be required to be so licensed in performing 103385  
such services in this state, and also includes the services of 103386  
conducting polygraph examinations and of monitoring or overseeing 103387  
the activities on or in, or the condition of, the consumer's home, 103388  
business, or other facility by means of electronic or similar 103389  
monitoring devices. "Private investigation and security service" 103390  
does not include special duty services provided by off-duty police 103391  
officers, deputy sheriffs, and other peace officers regularly 103392  
employed by the state or a political subdivision. 103393

(FF) "Information services" means providing conversation, 103394  
giving consultation or advice, playing or making a voice or other 103395  
recording, making or keeping a record of the number of callers, 103396  
and any other service provided to a consumer by means of a nine 103397  
hundred telephone call, except when the nine hundred telephone 103398  
call is the means by which the consumer makes a contribution to a 103399  
recognized charity. 103400

(GG) "Research and development" means designing, creating, or 103401  
formulating new or enhanced products, equipment, or manufacturing 103402  
processes, and also means conducting scientific or technological 103403  
inquiry and experimentation in the physical sciences with the goal 103404  
of increasing scientific knowledge which may reveal the bases for 103405  
new or enhanced products, equipment, or manufacturing processes. 103406

(HH) "Qualified research and development equipment" means 103407  
capitalized tangible personal property, and leased personal 103408  
property that would be capitalized if purchased, used by a person 103409  
primarily to perform research and development. Tangible personal 103410  
property primarily used in testing, as defined in division (A)(4) 103411

of section 5739.011 of the Revised Code, or used for recording or 103412  
storing test results, is not qualified research and development 103413  
equipment unless such property is primarily used by the consumer 103414  
in testing the product, equipment, or manufacturing process being 103415  
created, designed, or formulated by the consumer in the research 103416  
and development activity or in recording or storing such test 103417  
results. 103418

(II) "Building maintenance and janitorial service" means 103419  
cleaning the interior or exterior of a building and any tangible 103420  
personal property located therein or thereon, including any 103421  
services incidental to such cleaning for which no separate charge 103422  
is made. However, "building maintenance and janitorial service" 103423  
does not include the providing of such service by a person who has 103424  
less than five thousand dollars in sales of such service during 103425  
the calendar year. 103426

(JJ) "Employment service" means providing or supplying 103427  
personnel, on a temporary or long-term basis, to perform work or 103428  
labor under the supervision or control of another, when the 103429  
personnel so provided or supplied receive their wages, salary, or 103430  
other compensation from the provider or supplier of the employment 103431  
service or from a third party that provided or supplied the 103432  
personnel to the provider or supplier. "Employment service" does 103433  
not include: 103434

(1) Acting as a contractor or subcontractor, where the 103435  
personnel performing the work are not under the direct control of 103436  
the purchaser. 103437

(2) Medical and health care services. 103438

(3) Supplying personnel to a purchaser pursuant to a contract 103439  
of at least one year between the service provider and the 103440  
purchaser that specifies that each employee covered under the 103441  
contract is assigned to the purchaser on a permanent basis. 103442



(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section. 103443  
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(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party. 103445  
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(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position. 103450  
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(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure. 103453  
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(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 103458  
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(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, 103465  
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card club, swimming club, tennis club, golf club, country club, 103474  
riding club, amateur sports club, or similar organization. 103475

(OO) "Livestock" means farm animals commonly raised for food 103476  
or food production, and includes but is not limited to cattle, 103477  
sheep, goats, swine, and poultry. "Livestock" does not include 103478  
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 103479  
animals for use in laboratories or for exhibition, or other 103480  
animals not commonly raised for food or food production. 103481

(PP) "Livestock structure" means a building or structure used 103482  
exclusively for the housing, raising, feeding, or sheltering of 103483  
livestock, and includes feed storage or handling structures and 103484  
structures for livestock waste handling. 103485

(QQ) "Horticulture" means the growing, cultivation, and 103486  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 103487  
and nursery stock. As used in this division, "nursery stock" has 103488  
the same meaning as in section 927.51 of the Revised Code. 103489

(RR) "Horticulture structure" means a building or structure 103490  
used exclusively for the commercial growing, raising, or 103491  
overwintering of horticultural products, and includes the area 103492  
used for stocking, storing, and packing horticultural products 103493  
when done in conjunction with the production of those products. 103494

(SS) "Newspaper" means an unbound publication bearing a title 103495  
or name that is regularly published, at least as frequently as 103496  
biweekly, and distributed from a fixed place of business to the 103497  
public in a specific geographic area, and that contains a 103498  
substantial amount of news matter of international, national, or 103499  
local events of interest to the general public. 103500

(TT) "Professional racing team" means a person that employs 103501  
at least twenty full-time employees for the purpose of conducting 103502  
a motor vehicle racing business for profit. The person must 103503  
conduct the business with the purpose of racing one or more motor 103504

racing vehicles in at least ten competitive professional racing 103505  
events each year that comprise all or part of a motor racing 103506  
series sanctioned by one or more motor racing sanctioning 103507  
organizations. A "motor racing vehicle" means a vehicle for which 103508  
the chassis, engine, and parts are designed exclusively for motor 103509  
racing, and does not include a stock or production model vehicle 103510  
that may be modified for use in racing. For the purposes of this 103511  
division: 103512

(1) A "competitive professional racing event" is a motor 103513  
vehicle racing event sanctioned by one or more motor racing 103514  
sanctioning organizations, at which aggregate cash prizes in 103515  
excess of eight hundred thousand dollars are awarded to the 103516  
competitors. 103517

(2) "Full-time employee" means an individual who is employed 103518  
for consideration for thirty-five or more hours a week, or who 103519  
renders any other standard of service generally accepted by custom 103520  
or specified by contract as full-time employment. 103521

(UU)(1) "Lease" or "rental" means any transfer of the 103522  
possession or control of tangible personal property for a fixed or 103523  
indefinite term, for consideration. "Lease" or "rental" includes 103524  
future options to purchase or extend, and agreements described in 103525  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 103526  
the amount of consideration may be increased or decreased by 103527  
reference to the amount realized upon the sale or disposition of 103528  
the property. "Lease" or "rental" does not include: 103529

(a) A transfer of possession or control of tangible personal 103530  
property under a security agreement or a deferred payment plan 103531  
that requires the transfer of title upon completion of the 103532  
required payments; 103533

(b) A transfer of possession or control of tangible personal 103534  
property under an agreement that requires the transfer of title 103535

upon completion of required payments and payment of an option 103536  
price that does not exceed the greater of one hundred dollars or 103537  
one per cent of the total required payments; 103538

(c) Providing tangible personal property along with an 103539  
operator for a fixed or indefinite period of time, if the operator 103540  
is necessary for the property to perform as designed. For purposes 103541  
of this division, the operator must do more than maintain, 103542  
inspect, or set-up the tangible personal property. 103543

(2) "Lease" and "rental," as defined in division (UU) of this 103544  
section, shall not apply to leases or rentals that exist before 103545  
June 26, 2003. 103546

(3) "Lease" and "rental" have the same meaning as in division 103547  
(UU)(1) of this section regardless of whether a transaction is 103548  
characterized as a lease or rental under generally accepted 103549  
accounting principles, the Internal Revenue Code, Title XIII of 103550  
the Revised Code, or other federal, state, or local laws. 103551

(VV) "Mobile telecommunications service" has the same meaning 103552  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 103553  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 103554  
on and after August 1, 2003, includes related fees and ancillary 103555  
services, including universal service fees, detailed billing 103556  
service, directory assistance, service initiation, voice mail 103557  
service, and vertical services, such as caller ID and three-way 103558  
calling. 103559

(WW) "Certified service provider" has the same meaning as in 103560  
section 5740.01 of the Revised Code. 103561

(XX) "Satellite broadcasting service" means the distribution 103562  
or broadcasting of programming or services by satellite directly 103563  
to the subscriber's receiving equipment without the use of ground 103564  
receiving or distribution equipment, except the subscriber's 103565  
receiving equipment or equipment used in the uplink process to the 103566

satellite, and includes all service and rental charges, premium 103567  
channels or other special services, installation and repair 103568  
service charges, and any other charges having any connection with 103569  
the provision of the satellite broadcasting service. 103570

(YY) "Tangible personal property" means personal property 103571  
that can be seen, weighed, measured, felt, or touched, or that is 103572  
in any other manner perceptible to the senses. For purposes of 103573  
this chapter and Chapter 5741. of the Revised Code, "tangible 103574  
personal property" includes motor vehicles, electricity, water, 103575  
gas, steam, and prewritten computer software. 103576

(ZZ) "Direct mail" means printed material delivered or 103577  
distributed by United States mail or other delivery service to a 103578  
mass audience or to addressees on a mailing list provided by the 103579  
consumer or at the direction of the consumer when the cost of the 103580  
items are not billed directly to the recipients. "Direct mail" 103581  
includes tangible personal property supplied directly or 103582  
indirectly by the consumer to the direct mail vendor for inclusion 103583  
in the package containing the printed material. "Direct mail" does 103584  
not include multiple items of printed material delivered to a 103585  
single address. 103586

(AAA) "Computer" means an electronic device that accepts 103587  
information in digital or similar form and manipulates it for a 103588  
result based on a sequence of instructions. 103589

(BBB) "Computer software" means a set of coded instructions 103590  
designed to cause a computer or automatic data processing 103591  
equipment to perform a task. 103592

(CCC) "Delivered electronically" means delivery of computer 103593  
software from the seller to the purchaser by means other than 103594  
tangible storage media. 103595

(DDD) "Prewritten computer software" means computer software, 103596  
including prewritten upgrades, that is not designed and developed 103597

by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.

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

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

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such

a form, is not represented as conventional food for use as a sole 103630  
item of a meal or of the diet; that is required to be labeled as a 103631  
dietary supplement, identifiable by the "supplement facts" box 103632  
found on the label, as required by 21 C.F.R. 101.36; and that 103633  
contains one or more of the following dietary ingredients: 103634

- (i) A vitamin; 103635
- (ii) A mineral; 103636
- (iii) An herb or other botanical; 103637
- (iv) An amino acid; 103638
- (v) A dietary substance for use by humans to supplement the 103639  
diet by increasing the total dietary intake; 103640
- (vi) A concentrate, metabolite, constituent, extract, or 103641  
combination of any ingredient described in divisions 103642  
(EEE)(2)(b)(i) to (v) of this section. 103643

(c) "Soft drinks" means nonalcoholic beverages that contain 103644  
natural or artificial sweeteners. "Soft drinks" does not include 103645  
beverages that contain milk or milk products, soy, rice, or 103646  
similar milk substitutes, or that contains greater than fifty per 103647  
cent vegetable or fruit juice by volume. 103648

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 103649  
tobacco, or any other item that contains tobacco. 103650

(FFF) "Drug" means a compound, substance, or preparation, and 103651  
any component of a compound, substance, or preparation, other than 103652  
food, dietary supplements, or alcoholic beverages that is 103653  
recognized in the official United States pharmacopoeia, official 103654  
homeopathic pharmacopoeia of the United States, or official 103655  
national formulary, and supplements to them; is intended for use 103656  
in the diagnosis, cure, mitigation, treatment, or prevention of 103657  
disease; or is intended to affect the structure or any function of 103658  
the body. 103659

(GGG) "Prescription" means an order, formula, or recipe 103660  
issued in any form of oral, written, electronic, or other means of 103661  
transmission by a duly licensed practitioner authorized by the 103662  
laws of this state to issue a prescription. 103663

(HHH) "Durable medical equipment" means equipment, including 103664  
repair and replacement parts for such equipment, that can 103665  
withstand repeated use, is primarily and customarily used to serve 103666  
a medical purpose, generally is not useful to a person in the 103667  
absence of illness or injury, and is not worn in or on the body. 103668  
"Durable medical equipment" does not include mobility enhancing 103669  
equipment. 103670

(III) "Mobility enhancing equipment" means equipment, 103671  
including repair and replacement parts for such equipment, that is 103672  
primarily and customarily used to provide or increase the ability 103673  
to move from one place to another and is appropriate for use 103674  
either in a home or a motor vehicle, that is not generally used by 103675  
persons with normal mobility, and that does not include any motor 103676  
vehicle or equipment on a motor vehicle normally provided by a 103677  
motor vehicle manufacturer. "Mobility enhancing equipment" does 103678  
not include durable medical equipment. 103679

(JJJ) "Prosthetic device" means a replacement, corrective, or 103680  
supportive device, including repair and replacement parts for the 103681  
device, worn on or in the human body to artificially replace a 103682  
missing portion of the body, prevent or correct physical deformity 103683  
or malfunction, or support a weak or deformed portion of the body. 103684  
As used in this division, "prosthetic device" does not include 103685  
corrective eyeglasses, contact lenses, or dental prosthesis. 103686

(KKK)(1) "Fractional aircraft ownership program" means a 103687  
program in which persons within an affiliated group sell and 103688  
manage fractional ownership program aircraft, provided that at 103689  
least one hundred airworthy aircraft are operated in the program 103690  
and the program meets all of the following criteria: 103691



(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners. 103692  
103693  
103694

(b) Each program aircraft is owned or possessed by at least one fractional owner. 103695  
103696

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft. 103697  
103698  
103699

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 103700  
103701

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 103702  
103703  
103704

(2) As used in division (KKK)(1) of this section: 103705

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 103706  
103707

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section. 103708  
103709  
103710  
103711

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 103712  
103713  
103714  
103715  
103716  
103717  
103718

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under 103719  
103720  
103721

division (KKK)(1)(e) of this section, and offered by the program 103722  
manager to the fractional owners, including, at a minimum, the 103723  
establishment and implementation of safety guidelines; the 103724  
coordination of the scheduling of the program aircraft and crews; 103725  
program aircraft maintenance; program aircraft insurance; crew 103726  
training for crews employed, furnished, or contracted by the 103727  
program manager or the fractional owner; the satisfaction of 103728  
record-keeping requirements; and the development and use of an 103729  
operations manual and a maintenance manual for the fractional 103730  
aircraft ownership program. 103731

(e) "Program manager" means the person that offers management 103732  
services to fractional owners pursuant to a management services 103733  
agreement under division (KKK)(1)(e) of this section. 103734

(LLL) "Electronic publishing" means providing access to one 103735  
or more of the following primarily for business customers, 103736  
including the federal government or a state government or a 103737  
political subdivision thereof, to conduct research: news; 103738  
business, financial, legal, consumer, or credit materials; 103739  
editorials, columns, reader commentary, or features; photos or 103740  
images; archival or research material; legal notices, identity 103741  
verification, or public records; scientific, educational, 103742  
instructional, technical, professional, trade, or other literary 103743  
materials; or other similar information which has been gathered 103744  
and made available by the provider to the consumer in an 103745  
electronic format. Providing electronic publishing includes the 103746  
functions necessary for the acquisition, formatting, editing, 103747  
storage, and dissemination of data or information that is the 103748  
subject of a sale. 103749

(MMM) "Medicaid health insuring corporation" means a health 103750  
insuring corporation that holds a certificate of authority under 103751  
Chapter 1751. of the Revised Code and is under contract with the 103752  
department of job and family services pursuant to section 5111.17 103753

of the Revised Code. 103754

(NNN) "Managed care premium" means any premium, capitation, 103755  
or other payment a medicaid health insuring corporation receives 103756  
for providing or arranging for the provision of health care 103757  
services to its members or enrollees residing in this state. 103758

**Sec. 5739.02.** For the purpose of providing revenue with which 103759  
to meet the needs of the state, for the use of the general revenue 103760  
fund of the state, for the purpose of securing a thorough and 103761  
efficient system of common schools throughout the state, for the 103762  
purpose of affording revenues, in addition to those from general 103763  
property taxes, permitted under constitutional limitations, and 103764  
from other sources, for the support of local governmental 103765  
functions, and for the purpose of reimbursing the state for the 103766  
expense of administering this chapter, an excise tax is hereby 103767  
levied on each retail sale made in this state. 103768

(A)(1) The tax shall be collected as provided in section 103769  
5739.025 of the Revised Code. The rate of the tax shall be five 103770  
and one-half per cent. The tax applies and is collectible when the 103771  
sale is made, regardless of the time when the price is paid or 103772  
delivered. 103773

(2) In the case of the lease or rental, with a fixed term of 103774  
more than thirty days or an indefinite term with a minimum period 103775  
of more than thirty days, of any motor vehicles designed by the 103776  
manufacturer to carry a load of not more than one ton, watercraft, 103777  
outboard motor, or aircraft, or of any tangible personal property, 103778  
other than motor vehicles designed by the manufacturer to carry a 103779  
load of more than one ton, to be used by the lessee or renter 103780  
primarily for business purposes, the tax shall be collected by the 103781  
vendor at the time the lease or rental is consummated and shall be 103782  
calculated by the vendor on the basis of the total amount to be 103783  
paid by the lessee or renter under the lease agreement. If the 103784

total amount of the consideration for the lease or rental includes 103785  
amounts that are not calculated at the time the lease or rental is 103786  
executed, the tax shall be calculated and collected by the vendor 103787  
at the time such amounts are billed to the lessee or renter. In 103788  
the case of an open-end lease or rental, the tax shall be 103789  
calculated by the vendor on the basis of the total amount to be 103790  
paid during the initial fixed term of the lease or rental, and for 103791  
each subsequent renewal period as it comes due. As used in this 103792  
division, "motor vehicle" has the same meaning as in section 103793  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 103794  
unit attached to the watercraft. 103795

A lease with a renewal clause and a termination penalty or 103796  
similar provision that applies if the renewal clause is not 103797  
exercised is presumed to be a sham transaction. In such a case, 103798  
the tax shall be calculated and paid on the basis of the entire 103799  
length of the lease period, including any renewal periods, until 103800  
the termination penalty or similar provision no longer applies. 103801  
The taxpayer shall bear the burden, by a preponderance of the 103802  
evidence, that the transaction or series of transactions is not a 103803  
sham transaction. 103804

(3) Except as provided in division (A)(2) of this section, in 103805  
the case of a sale, the price of which consists in whole or in 103806  
part of the lease or rental of tangible personal property, the tax 103807  
shall be measured by the installments of that lease or rental. 103808

(4) In the case of a sale of a physical fitness facility 103809  
service or recreation and sports club service, the price of which 103810  
consists in whole or in part of a membership for the receipt of 103811  
the benefit of the service, the tax applicable to the sale shall 103812  
be measured by the installments thereof. 103813

(B) The tax does not apply to the following: 103814

(1) Sales to the state or any of its political subdivisions, 103815

or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

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

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

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

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

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

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

(8) Casual sales by a person, or auctioneer employed directly 103847  
by the person to conduct such sales, except as to such sales of 103848  
motor vehicles, watercraft or outboard motors required to be 103849  
titled under section 1548.06 of the Revised Code, watercraft 103850  
documented with the United States coast guard, snowmobiles, and 103851  
all-purpose vehicles as defined in section 4519.01 of the Revised 103852  
Code; 103853

(9)(a) Sales of services or tangible personal property, other 103854  
than motor vehicles, mobile homes, and manufactured homes, by 103855  
churches, organizations exempt from taxation under section 103856  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 103857  
organizations operated exclusively for charitable purposes as 103858  
defined in division (B)(12) of this section, provided that the 103859  
number of days on which such tangible personal property or 103860  
services, other than items never subject to the tax, are sold does 103861  
not exceed six in any calendar year, except as otherwise provided 103862  
in division (B)(9)(b) of this section. If the number of days on 103863  
which such sales are made exceeds six in any calendar year, the 103864  
church or organization shall be considered to be engaged in 103865  
business and all subsequent sales by it shall be subject to the 103866  
tax. In counting the number of days, all sales by groups within a 103867  
church or within an organization shall be considered to be sales 103868  
of that church or organization. 103869

(b) The limitation on the number of days on which tax-exempt 103870  
sales may be made by a church or organization under division 103871  
(B)(9)(a) of this section does not apply to sales made by student 103872  
clubs and other groups of students of a primary or secondary 103873  
school, or a parent-teacher association, booster group, or similar 103874  
organization that raises money to support or fund curricular or 103875  
extracurricular activities of a primary or secondary school. 103876

(c) Divisions (B)(9)(a) and (b) of this section do not apply 103877  
to sales by a noncommercial educational radio or television 103878

broadcasting station. 103879

(10) Sales not within the taxing power of this state under 103880  
the Constitution of the United States; 103881

(11) Except for transactions that are sales under division 103882  
(B)(3)(r) of section 5739.01 of the Revised Code, the 103883  
transportation of persons or property, unless the transportation 103884  
is by a private investigation and security service; 103885

(12) Sales of tangible personal property or services to 103886  
churches, to organizations exempt from taxation under section 103887  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 103888  
nonprofit organizations operated exclusively for charitable 103889  
purposes in this state, no part of the net income of which inures 103890  
to the benefit of any private shareholder or individual, and no 103891  
substantial part of the activities of which consists of carrying 103892  
on propaganda or otherwise attempting to influence legislation; 103893  
sales to offices administering one or more homes for the aged or 103894  
one or more hospital facilities exempt under section 140.08 of the 103895  
Revised Code; and sales to organizations described in division (D) 103896  
of section 5709.12 of the Revised Code. 103897

"Charitable purposes" means the relief of poverty; the 103898  
improvement of health through the alleviation of illness, disease, 103899  
or injury; the operation of an organization exclusively for the 103900  
provision of professional, laundry, printing, and purchasing 103901  
services to hospitals or charitable institutions; the operation of 103902  
a home for the aged, as defined in section 5701.13 of the Revised 103903  
Code; the operation of a radio or television broadcasting station 103904  
that is licensed by the federal communications commission as a 103905  
noncommercial educational radio or television station; the 103906  
operation of a nonprofit animal adoption service or a county 103907  
humane society; the promotion of education by an institution of 103908  
learning that maintains a faculty of qualified instructors, 103909  
teaches regular continuous courses of study, and confers a 103910

recognized diploma upon completion of a specific curriculum; the 103911  
operation of a parent-teacher association, booster group, or 103912  
similar organization primarily engaged in the promotion and 103913  
support of the curricular or extracurricular activities of a 103914  
primary or secondary school; the operation of a community or area 103915  
center in which presentations in music, dramatics, the arts, and 103916  
related fields are made in order to foster public interest and 103917  
education therein; the production of performances in music, 103918  
dramatics, and the arts; or the promotion of education by an 103919  
organization engaged in carrying on research in, or the 103920  
dissemination of, scientific and technological knowledge and 103921  
information primarily for the public. 103922

Nothing in this division shall be deemed to exempt sales to 103923  
any organization for use in the operation or carrying on of a 103924  
trade or business, or sales to a home for the aged for use in the 103925  
operation of independent living facilities as defined in division 103926  
(A) of section 5709.12 of the Revised Code. 103927

(13) Building and construction materials and services sold to 103928  
construction contractors for incorporation into a structure or 103929  
improvement to real property under a construction contract with 103930  
this state or a political subdivision of this state, or with the 103931  
United States government or any of its agencies; building and 103932  
construction materials and services sold to construction 103933  
contractors for incorporation into a structure or improvement to 103934  
real property that are accepted for ownership by this state or any 103935  
of its political subdivisions, or by the United States government 103936  
or any of its agencies at the time of completion of the structures 103937  
or improvements; building and construction materials sold to 103938  
construction contractors for incorporation into a horticulture 103939  
structure or livestock structure for a person engaged in the 103940  
business of horticulture or producing livestock; building 103941  
materials and services sold to a construction contractor for 103942



incorporation into a house of public worship or religious 103943  
education, or a building used exclusively for charitable purposes 103944  
under a construction contract with an organization whose purpose 103945  
is as described in division (B)(12) of this section; building 103946  
materials and services sold to a construction contractor for 103947  
incorporation into a building under a construction contract with 103948  
an organization exempt from taxation under section 501(c)(3) of 103949  
the Internal Revenue Code of 1986 when the building is to be used 103950  
exclusively for the organization's exempt purposes; building and 103951  
construction materials sold for incorporation into the original 103952  
construction of a sports facility under section 307.696 of the 103953  
Revised Code; and building and construction materials and services 103954  
sold to a construction contractor for incorporation into real 103955  
property outside this state if such materials and services, when 103956  
sold to a construction contractor in the state in which the real 103957  
property is located for incorporation into real property in that 103958  
state, would be exempt from a tax on sales levied by that state; 103959

(14) Sales of ships or vessels or rail rolling stock used or 103960  
to be used principally in interstate or foreign commerce, and 103961  
repairs, alterations, fuel, and lubricants for such ships or 103962  
vessels or rail rolling stock; 103963

(15) Sales to persons primarily engaged in any of the 103964  
activities mentioned in division (B)(42)(a) or (g) of this 103965  
section, to persons engaged in making retail sales, or to persons 103966  
who purchase for sale from a manufacturer tangible personal 103967  
property that was produced by the manufacturer in accordance with 103968  
specific designs provided by the purchaser, of packages, including 103969  
material, labels, and parts for packages, and of machinery, 103970  
equipment, and material for use primarily in packaging tangible 103971  
personal property produced for sale, including any machinery, 103972  
equipment, and supplies used to make labels or packages, to 103973  
prepare packages or products for labeling, or to label packages or 103974

products, by or on the order of the person doing the packaging, or 103975  
sold at retail. "Packages" includes bags, baskets, cartons, 103976  
crates, boxes, cans, bottles, bindings, wrappings, and other 103977  
similar devices and containers, but does not include motor 103978  
vehicles or bulk tanks, trailers, or similar devices attached to 103979  
motor vehicles. "Packaging" means placing in a package. Division 103980  
(B)(15) of this section does not apply to persons engaged in 103981  
highway transportation for hire. 103982

(16) Sales of food to persons using ~~food stamp~~ supplemental 103983  
nutrition assistance program benefits to purchase the food. As 103984  
used in this division, "food" has the same meaning as in ~~the "Food~~ 103985  
~~Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended,~~ and 103986  
federal regulations adopted pursuant to ~~that act~~ the Food and 103987  
Nutrition Act of 2008. 103988

(17) Sales to persons engaged in farming, agriculture, 103989  
horticulture, or floriculture, of tangible personal property for 103990  
use or consumption directly in the production by farming, 103991  
agriculture, horticulture, or floriculture of other tangible 103992  
personal property for use or consumption directly in the 103993  
production of tangible personal property for sale by farming, 103994  
agriculture, horticulture, or floriculture; or material and parts 103995  
for incorporation into any such tangible personal property for use 103996  
or consumption in production; and of tangible personal property 103997  
for such use or consumption in the conditioning or holding of 103998  
products produced by and for such use, consumption, or sale by 103999  
persons engaged in farming, agriculture, horticulture, or 104000  
floriculture, except where such property is incorporated into real 104001  
property; 104002

(18) Sales of drugs for a human being that may be dispensed 104003  
only pursuant to a prescription; insulin as recognized in the 104004  
official United States pharmacopoeia; urine and blood testing 104005  
materials when used by diabetics or persons with hypoglycemia to 104006

test for glucose or acetone; hypodermic syringes and needles when 104007  
used by diabetics for insulin injections; epoetin alfa when 104008  
purchased for use in the treatment of persons with medical 104009  
disease; hospital beds when purchased by hospitals, nursing homes, 104010  
or other medical facilities; and medical oxygen and medical 104011  
oxygen-dispensing equipment when purchased by hospitals, nursing 104012  
homes, or other medical facilities; 104013

(19) Sales of prosthetic devices, durable medical equipment 104014  
for home use, or mobility enhancing equipment, when made pursuant 104015  
to a prescription and when such devices or equipment are for use 104016  
by a human being. 104017

(20) Sales of emergency and fire protection vehicles and 104018  
equipment to nonprofit organizations for use solely in providing 104019  
fire protection and emergency services, including trauma care and 104020  
emergency medical services, for political subdivisions of the 104021  
state; 104022

(21) Sales of tangible personal property manufactured in this 104023  
state, if sold by the manufacturer in this state to a retailer for 104024  
use in the retail business of the retailer outside of this state 104025  
and if possession is taken from the manufacturer by the purchaser 104026  
within this state for the sole purpose of immediately removing the 104027  
same from this state in a vehicle owned by the purchaser; 104028

(22) Sales of services provided by the state or any of its 104029  
political subdivisions, agencies, instrumentalities, institutions, 104030  
or authorities, or by governmental entities of the state or any of 104031  
its political subdivisions, agencies, instrumentalities, 104032  
institutions, or authorities; 104033

(23) Sales of motor vehicles to nonresidents of this state 104034  
under the circumstances described in division (B) of section 104035  
5739.029 of the Revised Code; 104036

(24) Sales to persons engaged in the preparation of eggs for 104037

sale of tangible personal property used or consumed directly in 104038  
such preparation, including such tangible personal property used 104039  
for cleaning, sanitizing, preserving, grading, sorting, and 104040  
classifying by size; packages, including material and parts for 104041  
packages, and machinery, equipment, and material for use in 104042  
packaging eggs for sale; and handling and transportation equipment 104043  
and parts therefor, except motor vehicles licensed to operate on 104044  
public highways, used in intraplant or interplant transfers or 104045  
shipment of eggs in the process of preparation for sale, when the 104046  
plant or plants within or between which such transfers or 104047  
shipments occur are operated by the same person. "Packages" 104048  
includes containers, cases, baskets, flats, fillers, filler flats, 104049  
cartons, closure materials, labels, and labeling materials, and 104050  
"packaging" means placing therein. 104051

(25)(a) Sales of water to a consumer for residential use, 104052  
except the sale of bottled water, distilled water, mineral water, 104053  
carbonated water, or ice; 104054

(b) Sales of water by a nonprofit corporation engaged 104055  
exclusively in the treatment, distribution, and sale of water to 104056  
consumers, if such water is delivered to consumers through pipes 104057  
or tubing. 104058

(26) Fees charged for inspection or reinspection of motor 104059  
vehicles under section 3704.14 of the Revised Code; 104060

(27) Sales to persons licensed to conduct a food service 104061  
operation pursuant to section 3717.43 of the Revised Code, of 104062  
tangible personal property primarily used directly for the 104063  
following: 104064

(a) To prepare food for human consumption for sale; 104065

(b) To preserve food that has been or will be prepared for 104066  
human consumption for sale by the food service operator, not 104067  
including tangible personal property used to display food for 104068

selection by the consumer;	104069
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	104070 104071
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	104072 104073
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	104074 104075 104076 104077
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	104078 104079 104080
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	104081 104082 104083
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	104084 104085 104086 104087 104088 104089
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	104090 104091 104092 104093 104094
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or	104095 104096 104097 104098

recording any interactive, one- or two-way electromagnetic 104099  
communications, including voice, image, data, and information, 104100  
through the use of any medium, including, but not limited to, 104101  
poles, wires, cables, switching equipment, computers, and record 104102  
storage devices and media, and component parts for the tangible 104103  
personal property. The exemption provided in this division shall 104104  
be in lieu of all other exemptions under division (B)(42)(a) of 104105  
this section to which the vendor may otherwise be entitled, based 104106  
upon the use of the thing purchased in providing the 104107  
telecommunications, mobile telecommunications, or satellite 104108  
broadcasting service. 104109

(35)(a) Sales where the purpose of the consumer is to use or 104110  
consume the things transferred in making retail sales and 104111  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 104112  
certificates, or other advertising material that prices and 104113  
describes tangible personal property offered for retail sale. 104114

(b) Sales to direct marketing vendors of preliminary 104115  
materials such as photographs, artwork, and typesetting that will 104116  
be used in printing advertising material; of printed matter that 104117  
offers free merchandise or chances to win sweepstake prizes and 104118  
that is mailed to potential customers with advertising material 104119  
described in division (B)(35)(a) of this section; and of equipment 104120  
such as telephones, computers, facsimile machines, and similar 104121  
tangible personal property primarily used to accept orders for 104122  
direct marketing retail sales. 104123

(c) Sales of automatic food vending machines that preserve 104124  
food with a shelf life of forty-five days or less by refrigeration 104125  
and dispense it to the consumer. 104126

For purposes of division (B)(35) of this section, "direct 104127  
marketing" means the method of selling where consumers order 104128  
tangible personal property by United States mail, delivery 104129  
service, or telecommunication and the vendor delivers or ships the 104130

tangible personal property sold to the consumer from a warehouse, 104131  
catalogue distribution center, or similar fulfillment facility by 104132  
means of the United States mail, delivery service, or common 104133  
carrier. 104134

(36) Sales to a person engaged in the business of 104135  
horticulture or producing livestock of materials to be 104136  
incorporated into a horticulture structure or livestock structure; 104137

(37) Sales of personal computers, computer monitors, computer 104138  
keyboards, modems, and other peripheral computer equipment to an 104139  
individual who is licensed or certified to teach in an elementary 104140  
or a secondary school in this state for use by that individual in 104141  
preparation for teaching elementary or secondary school students; 104142

(38) Sales to a professional racing team of any of the 104143  
following: 104144

(a) Motor racing vehicles; 104145

(b) Repair services for motor racing vehicles; 104146

(c) Items of property that are attached to or incorporated in 104147  
motor racing vehicles, including engines, chassis, and all other 104148  
components of the vehicles, and all spare, replacement, and 104149  
rebuilt parts or components of the vehicles; except not including 104150  
tires, consumable fluids, paint, and accessories consisting of 104151  
instrumentation sensors and related items added to the vehicle to 104152  
collect and transmit data by means of telemetry and other forms of 104153  
communication. 104154

(39) Sales of used manufactured homes and used mobile homes, 104155  
as defined in section 5739.0210 of the Revised Code, made on or 104156  
after January 1, 2000; 104157

(40) Sales of tangible personal property and services to a 104158  
provider of electricity used or consumed directly and primarily in 104159  
generating, transmitting, or distributing electricity for use by 104160

others, including property that is or is to be incorporated into 104161  
and will become a part of the consumer's production, transmission, 104162  
or distribution system and that retains its classification as 104163  
tangible personal property after incorporation; fuel or power used 104164  
in the production, transmission, or distribution of electricity; 104165  
and tangible personal property and services used in the repair and 104166  
maintenance of the production, transmission, or distribution 104167  
system, including only those motor vehicles as are specially 104168  
designed and equipped for such use. The exemption provided in this 104169  
division shall be in lieu of all other exemptions in division 104170  
(B)(42)(a) of this section to which a provider of electricity may 104171  
otherwise be entitled based on the use of the tangible personal 104172  
property or service purchased in generating, transmitting, or 104173  
distributing electricity. 104174

(41) Sales to a person providing services under division 104175  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 104176  
personal property and services used directly and primarily in 104177  
providing taxable services under that section. 104178

(42) Sales where the purpose of the purchaser is to do any of 104179  
the following: 104180

(a) To incorporate the thing transferred as a material or a 104181  
part into tangible personal property to be produced for sale by 104182  
manufacturing, assembling, processing, or refining; or to use or 104183  
consume the thing transferred directly in producing tangible 104184  
personal property for sale by mining, including, without 104185  
limitation, the extraction from the earth of all substances that 104186  
are classed geologically as minerals, production of crude oil and 104187  
natural gas, farming, agriculture, horticulture, or floriculture, 104188  
or directly in the rendition of a public utility service, except 104189  
that the sales tax levied by this section shall be collected upon 104190  
all meals, drinks, and food for human consumption sold when 104191  
transporting persons. Persons engaged in rendering farming, 104192



agricultural, horticultural, or floricultural services, and 104193  
services in the exploration for, and production of, crude oil and 104194  
natural gas, for others are deemed engaged directly in farming, 104195  
agriculture, horticulture, and floriculture, or exploration for, 104196  
and production of, crude oil and natural gas. This paragraph does 104197  
not exempt from "retail sale" or "sales at retail" the sale of 104198  
tangible personal property that is to be incorporated into a 104199  
structure or improvement to real property. 104200

(b) To hold the thing transferred as security for the 104201  
performance of an obligation of the vendor; 104202

(c) To resell, hold, use, or consume the thing transferred as 104203  
evidence of a contract of insurance; 104204

(d) To use or consume the thing directly in commercial 104205  
fishing; 104206

(e) To incorporate the thing transferred as a material or a 104207  
part into, or to use or consume the thing transferred directly in 104208  
the production of, magazines distributed as controlled circulation 104209  
publications; 104210

(f) To use or consume the thing transferred in the production 104211  
and preparation in suitable condition for market and sale of 104212  
printed, imprinted, overprinted, lithographic, multilithic, 104213  
blueprinted, photostatic, or other productions or reproductions of 104214  
written or graphic matter; 104215

(g) To use the thing transferred, as described in section 104216  
5739.011 of the Revised Code, primarily in a manufacturing 104217  
operation to produce tangible personal property for sale; 104218

(h) To use the benefit of a warranty, maintenance or service 104219  
contract, or similar agreement, as described in division (B)(7) of 104220  
section 5739.01 of the Revised Code, to repair or maintain 104221  
tangible personal property, if all of the property that is the 104222  
subject of the warranty, contract, or agreement would not be 104223

subject to the tax imposed by this section;	104224
(i) To use the thing transferred as qualified research and development equipment;	104225 104226
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.	104227 104228 104229 104230 104231 104232 104233 104234 104235 104236 104237 104238 104239
(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;	104240 104241 104242 104243 104244 104245 104246
(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;	104247 104248
(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;	104249 104250 104251 104252 104253
(n) To use or consume the thing transferred in acquiring,	104254

formatting, editing, storing, and disseminating data or 104255  
information by electronic publishing. 104256

As used in division (B)(42) of this section, "thing" includes 104257  
all transactions included in divisions (B)(3)(a), (b), and (e) of 104258  
section 5739.01 of the Revised Code. 104259

(43) Sales conducted through a coin operated device that 104260  
activates vacuum equipment or equipment that dispenses water, 104261  
whether or not in combination with soap or other cleaning agents 104262  
or wax, to the consumer for the consumer's use on the premises in 104263  
washing, cleaning, or waxing a motor vehicle, provided no other 104264  
personal property or personal service is provided as part of the 104265  
transaction. 104266

(44) Sales of replacement and modification parts for engines, 104267  
airframes, instruments, and interiors in, and paint for, aircraft 104268  
used primarily in a fractional aircraft ownership program, and 104269  
sales of services for the repair, modification, and maintenance of 104270  
such aircraft, and machinery, equipment, and supplies primarily 104271  
used to provide those services. 104272

(45) Sales of telecommunications service that is used 104273  
directly and primarily to perform the functions of a call center. 104274  
As used in this division, "call center" means any physical 104275  
location where telephone calls are placed or received in high 104276  
volume for the purpose of making sales, marketing, customer 104277  
service, technical support, or other specialized business 104278  
activity, and that employs at least fifty individuals that engage 104279  
in call center activities on a full-time basis, or sufficient 104280  
individuals to fill fifty full-time equivalent positions. 104281

(46) Sales by a telecommunications service vendor of 900 104282  
service to a subscriber. This division does not apply to 104283  
information services, as defined in division (FF) of section 104284  
5739.01 of the Revised Code. 104285

(47) Sales of value-added non-voice data service. This 104286  
division does not apply to any similar service that is not 104287  
otherwise a telecommunications service. 104288

(48)(a) Sales of machinery, equipment, and software to a 104289  
qualified direct selling entity for use in a warehouse or 104290  
distribution center primarily for storing, transporting, or 104291  
otherwise handling inventory that is held for sale to independent 104292  
salespersons who operate as direct sellers and that is held 104293  
primarily for distribution outside this state; 104294

(b) As used in division (B)(48)(a) of this section: 104295

(i) "Direct seller" means a person selling consumer products 104296  
to individuals for personal or household use and not from a fixed 104297  
retail location, including selling such product at in-home product 104298  
demonstrations, parties, and other one-on-one selling. 104299

(ii) "Qualified direct selling entity" means an entity 104300  
selling to direct sellers at the time the entity enters into a tax 104301  
credit agreement with the tax credit authority pursuant to section 104302  
122.17 of the Revised Code, provided that the agreement was 104303  
entered into on or after January 1, 2007. Neither contingencies 104304  
relevant to the granting of, nor later developments with respect 104305  
to, the tax credit shall impair the status of the qualified direct 104306  
selling entity under division (B)(48) of this section after 104307  
execution of the tax credit agreement by the tax credit authority. 104308

(c) Division (B)(48) of this section is limited to machinery, 104309  
equipment, and software first stored, used, or consumed in this 104310  
state within the period commencing June 24, 2008, and ending on 104311  
the date that is five years after that date. 104312

(49) Sales of materials, parts, equipment, or engines used in 104313  
the repair or maintenance of aircraft or avionics systems of such 104314  
aircraft, and sales of repair, remodeling, replacement, or 104315  
maintenance services in this state performed on aircraft or on an 104316

aircraft's avionics, engine, or component materials or parts. As 104317  
used in division (B)(49) of this section, "aircraft" means 104318  
aircraft of more than six thousand pounds maximum certified 104319  
takeoff weight or used exclusively in general aviation. 104320

(50) Sales of full flight simulators that are used for pilot 104321  
or flight-crew training, sales of repair or replacement parts or 104322  
components, and sales of repair or maintenance services for such 104323  
full flight simulators. "Full flight simulator" means a replica of 104324  
a specific type, or make, model, and series of aircraft cockpit. 104325  
It includes the assemblage of equipment and computer programs 104326  
necessary to represent aircraft operations in ground and flight 104327  
conditions, a visual system providing an out-of-the-cockpit view, 104328  
and a system that provides cues at least equivalent to those of a 104329  
three-degree-of-freedom motion system, and has the full range of 104330  
capabilities of the systems installed in the device as described 104331  
in appendices A and B of part 60 of chapter 1 of title 14 of the 104332  
Code of Federal Regulations. 104333

104334

(C) For the purpose of the proper administration of this 104335  
chapter, and to prevent the evasion of the tax, it is presumed 104336  
that all sales made in this state are subject to the tax until the 104337  
contrary is established. 104338

(D) The levy of this tax on retail sales of recreation and 104339  
sports club service shall not prevent a municipal corporation from 104340  
levying any tax on recreation and sports club dues or on any 104341  
income generated by recreation and sports club dues. 104342

(E) The tax collected by the vendor from the consumer under 104343  
this chapter is not part of the price, but is a tax collection for 104344  
the benefit of the state, and of counties levying an additional 104345  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 104346  
Code and of transit authorities levying an additional sales tax 104347  
pursuant to section 5739.023 of the Revised Code. Except for the 104348

discount authorized under section 5739.12 of the Revised Code and 104349  
the effects of any rounding pursuant to section 5703.055 of the 104350  
Revised Code, no person other than the state or such a county or 104351  
transit authority shall derive any benefit from the collection or 104352  
payment of the tax levied by this section or section 5739.021, 104353  
5739.023, or 5739.026 of the Revised Code. 104354

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or 104355  
section 5739.051 of the Revised Code, the tax imposed by or 104356  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 104357  
the Revised Code shall be paid by the consumer to the vendor, and 104358  
each vendor shall collect from the consumer, as a trustee for the 104359  
state of Ohio, the full and exact amount of the tax payable on 104360  
each taxable sale, in the manner and at the times provided as 104361  
follows: 104362

(1) If the price is, at or prior to the provision of the 104363  
service or the delivery of possession of the thing sold to the 104364  
consumer, paid in currency passed from hand to hand by the 104365  
consumer or the consumer's agent to the vendor or the vendor's 104366  
agent, the vendor or the vendor's agent shall collect the tax with 104367  
and at the same time as the price; 104368

(2) If the price is otherwise paid or to be paid, the vendor 104369  
or the vendor's agent shall, at or prior to the provision of the 104370  
service or the delivery of possession of the thing sold to the 104371  
consumer, charge the tax imposed by or pursuant to section 104372  
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 104373  
the account of the consumer, which amount shall be collected by 104374  
the vendor from the consumer in addition to the price. Such sale 104375  
shall be reported on and the amount of the tax applicable thereto 104376  
shall be remitted with the return for the period in which the sale 104377  
is made, and the amount of the tax shall become a legal charge in 104378  
favor of the vendor and against the consumer. 104379

(B)(1)(a) If any sale is claimed to be exempt under division 104380  
(E) of section 5739.01 of the Revised Code or under section 104381  
5739.02 of the Revised Code, with the exception of divisions 104382  
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 104383  
consumer must provide to the vendor, and the vendor must obtain 104384  
from the consumer, a certificate specifying the reason that the 104385  
sale is not legally subject to the tax. The certificate shall be 104386  
in such form, and shall be provided either in a hard copy form or 104387  
electronic form, as the tax commissioner prescribes. 104388

(b) A vendor that obtains a fully completed exemption 104389  
certificate from a consumer is relieved of liability for 104390  
collecting and remitting tax on any sale covered by that 104391  
certificate. If it is determined the exemption was improperly 104392  
claimed, the consumer shall be liable for any tax due on that sale 104393  
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 104394  
5741. of the Revised Code. Relief under this division from 104395  
liability does not apply to any of the following: 104396

(i) A vendor that fraudulently fails to collect tax; 104397

(ii) A vendor that solicits consumers to participate in the 104398  
unlawful claim of an exemption; 104399

(iii) A vendor that accepts an exemption certificate from a 104400  
consumer that claims an exemption based on who purchases or who 104401  
sells property or a service, when the subject of the transaction 104402  
sought to be covered by the exemption certificate is actually 104403  
received by the consumer at a location operated by the vendor in 104404  
this state, and this state has posted to its web site an exemption 104405  
certificate form that clearly and affirmatively indicates that the 104406  
claimed exemption is not available in this state; 104407

(iv) A vendor that accepts an exemption certificate from a 104408  
consumer who claims a multiple points of use exemption under 104409  
division (D) of section 5739.033 of the Revised Code, if the item 104410

purchased is tangible personal property, other than prewritten 104411  
computer software. 104412

(2) The vendor shall maintain records, including exemption 104413  
certificates, of all sales on which a consumer has claimed an 104414  
exemption, and provide them to the tax commissioner on request. 104415

(3) The tax commissioner may establish an identification 104416  
system whereby the commissioner issues an identification number to 104417  
a consumer that is exempt from payment of the tax. The consumer 104418  
must present the number to the vendor, if any sale is claimed to 104419  
be exempt as provided in this section. 104420

(4) If no certificate is provided or obtained within ninety 104421  
days after the date on which such sale is consummated, it shall be 104422  
presumed that the tax applies. Failure to have so provided or 104423  
obtained a certificate shall not preclude a vendor, within one 104424  
hundred twenty days after the tax commissioner gives written 104425  
notice of intent to levy an assessment, from either establishing 104426  
that the sale is not subject to the tax, or obtaining, in good 104427  
faith, a fully completed exemption certificate. 104428

(5) Certificates need not be obtained nor provided where the 104429  
identity of the consumer is such that the transaction is never 104430  
subject to the tax imposed or where the item of tangible personal 104431  
property sold or the service provided is never subject to the tax 104432  
imposed, regardless of use, or when the sale is in interstate 104433  
commerce. 104434

(6) If a transaction is claimed to be exempt under division 104435  
(B)(13) of section 5739.02 of the Revised Code, the contractor 104436  
shall obtain certification of the claimed exemption from the 104437  
contractee. This certification shall be in addition to an 104438  
exemption certificate provided by the contractor to the vendor. A 104439  
contractee that provides a certification under this division shall 104440  
be deemed to be the consumer of all items purchased by the 104441



contractor under the claim of exemption, if it is subsequently 104442  
determined that the exemption is not properly claimed. The 104443  
certification shall be in such form as the tax commissioner 104444  
prescribes. 104445

(C) As used in this division, "contractee" means a person who 104446  
seeks to enter or enters into a contract or agreement with a 104447  
contractor or vendor for the construction of real property or for 104448  
the sale and installation onto real property of tangible personal 104449  
property. 104450

Any contractor or vendor may request from any contractee a 104451  
certification of what portion of the property to be transferred 104452  
under such contract or agreement is to be incorporated into the 104453  
realty and what portion will retain its status as tangible 104454  
personal property after installation is completed. The contractor 104455  
or vendor shall request the certification by certified mail 104456  
delivered to the contractee, return receipt requested. Upon 104457  
receipt of such request and prior to entering into the contract or 104458  
agreement, the contractee shall provide to the contractor or 104459  
vendor a certification sufficiently detailed to enable the 104460  
contractor or vendor to ascertain the resulting classification of 104461  
all materials purchased or fabricated by the contractor or vendor 104462  
and transferred to the contractee. This requirement applies to a 104463  
contractee regardless of whether the contractee holds a direct 104464  
payment permit under section 5739.031 of the Revised Code or 104465  
provides to the contractor or vendor an exemption certificate as 104466  
provided under this section. 104467

For the purposes of the taxes levied by this chapter and 104468  
Chapter 5741. of the Revised Code, the contractor or vendor may in 104469  
good faith rely on the contractee's certification. Notwithstanding 104470  
division (B) of section 5739.01 of the Revised Code, if the tax 104471  
commissioner determines that certain property certified by the 104472  
contractee as tangible personal property pursuant to this division 104473

is, in fact, real property, the contractee shall be considered to 104474  
be the consumer of all materials so incorporated into that real 104475  
property and shall be liable for the applicable tax, and the 104476  
contractor or vendor shall be excused from any liability on those 104477  
materials. 104478

If a contractee fails to provide such certification upon the 104479  
request of the contractor or vendor, the contractor or vendor 104480  
shall comply with the provisions of this chapter and Chapter 5741. 104481  
of the Revised Code without the certification. If the tax 104482  
commissioner determines that such compliance has been performed in 104483  
good faith and that certain property treated as tangible personal 104484  
property by the contractor or vendor is, in fact, real property, 104485  
the contractee shall be considered to be the consumer of all 104486  
materials so incorporated into that real property and shall be 104487  
liable for the applicable tax, and the construction contractor or 104488  
vendor shall be excused from any liability on those materials. 104489

This division does not apply to any contract or agreement 104490  
where the tax commissioner determines as a fact that a 104491  
certification under this division was made solely on the decision 104492  
or advice of the contractor or vendor. 104493

(D) Notwithstanding division (B) of section 5739.01 of the 104494  
Revised Code, whenever the total rate of tax imposed under this 104495  
chapter is increased after the date after a construction contract 104496  
is entered into, the contractee shall reimburse the construction 104497  
contractor for any additional tax paid on tangible property 104498  
consumed or services received pursuant to the contract. 104499

(E) A vendor who files a petition for reassessment contesting 104500  
the assessment of tax on sales for which the vendor obtained no 104501  
valid exemption certificates and for which the vendor failed to 104502  
establish that the sales were properly not subject to the tax 104503  
during the one-hundred-twenty-day period allowed under division 104504  
(B) of this section, may present to the tax commissioner 104505

additional evidence to prove that the sales were properly subject 104506  
to a claim of exception or exemption. The vendor shall file such 104507  
evidence within ninety days of the receipt by the vendor of the 104508  
notice of assessment, except that, upon application and for 104509  
reasonable cause, the period for submitting such evidence shall be 104510  
extended thirty days. 104511

The commissioner shall consider such additional evidence in 104512  
reaching the final determination on the assessment and petition 104513  
for reassessment. 104514

(F) Whenever a vendor refunds the price, minus any separately 104515  
stated delivery charge, of an item of tangible personal property 104516  
on which the tax imposed under this chapter has been paid, the 104517  
vendor shall also refund the amount of tax paid, minus the amount 104518  
of tax attributable to the delivery charge. 104519

**Sec. 5739.033.** (A) Except as provided in division (B) of this 104520  
section, divisions (C) to (I) of this section apply to sales made 104521  
on and after January 1, 2008. Any vendor previously required to 104522  
comply with divisions (C) to (I) of this section and any vendor 104523  
that irrevocably elects to comply with divisions (C) to (I) of 104524  
this section for all of the vendor's sales and places of business 104525  
in this state shall continue to source its sales under those 104526  
divisions. 104527

The amount of tax due pursuant to sections 5739.02, 5739.021, 104528  
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 104529  
imposed pursuant to those sections at the sourcing location of the 104530  
sale as determined under this section or, if applicable, under 104531  
division (C) of section 5739.031 or section 5739.034 of the 104532  
Revised Code, or at the situs of the sale as determined under 104533  
section 5739.035 of the Revised Code. This section applies only to 104534  
a vendor's or seller's obligation to collect and remit sales taxes 104535  
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 104536

Revised Code or use taxes under section 5741.02, 5741.021, 104537  
5741.022, or 5741.023 of the Revised Code. Division (A) of this 104538  
section does not apply in determining the jurisdiction for which 104539  
sellers are required to collect the use tax under section 5741.05 104540  
of the Revised Code. This section does not affect the obligation 104541  
of a consumer to remit use taxes on the storage, use, or other 104542  
consumption of tangible personal property or on the benefit 104543  
realized of any service provided, to the jurisdiction of that 104544  
storage, use, or consumption, or benefit realized. 104545

(B)(1) As used in this division: 104546

(a) "Delivery sale" means the taxable sale of tangible 104547  
personal property or a service that is received by a consumer, or 104548  
a donee designated by the consumer, in a taxing jurisdiction that 104549  
is not the taxing jurisdiction in which the vendor has a fixed 104550  
place of business. 104551

(b) "Agreement" has the same meaning as in section 5740.01 of 104552  
the Revised Code. 104553

(c) "Governing board" has the same meaning as in section 104554  
5740.02 of the Revised Code. 104555

(2) If the tax commissioner does not make the certification 104556  
under section 5740.10 of the Revised Code, a vendor that is not 104557  
required by division (A) of this section to situs sales under 104558  
divisions (C) to (I) of this section on the date of the 104559  
commissioner's certification may continue after that date to situs 104560  
its sales under section 5739.035 of the Revised Code unless it is 104561  
required, under division (B)(5) of this section, to situs its 104562  
sales under divisions (C) to (I) of this section. 104563

(3) Except as otherwise provided in divisions (B)(4) and (5) 104564  
of this section, a vendor with total delivery sales within this 104565  
state in prior calendar years, beginning with calendar year 2007, 104566  
of less than five hundred thousand dollars may situs its sales 104567

under section 5739.035 of the Revised Code. 104568

(4) Once a vendor has total delivery sales in this state of 104569  
five hundred thousand dollars or more for a prior calendar year, 104570  
the vendor shall source its sales under divisions (C) to (I) of 104571  
this section and shall continue to source its sales under those 104572  
divisions regardless of the amount of the vendor's total delivery 104573  
sales in future years. 104574

(5) A vendor permitted under division (B)(3) of this section 104575  
to situs its sales under section 5739.035 of the Revised Code that 104576  
fails to provide, absent a clerical error, the notices required 104577  
under division (I)(1) of section 5739.035 of the Revised Code 104578  
shall situs all subsequent sales as required under divisions (C) 104579  
to (I) of this section. 104580

(C) Except for sales, other than leases, of titled motor 104581  
vehicles, titled watercraft, or titled outboard motors as provided 104582  
in section 5741.05 of the Revised Code, or as otherwise provided 104583  
in this section and section 5739.034 of the Revised Code, all 104584  
sales shall be sourced as follows: 104585

(1) If the consumer or a donee designated by the consumer 104586  
receives tangible personal property or a service at a vendor's 104587  
place of business, the sale shall be sourced to that place of 104588  
business. 104589

(2) When the tangible personal property or service is not 104590  
received at a vendor's place of business, the sale shall be 104591  
sourced to the location known to the vendor where the consumer or 104592  
the donee designated by the consumer receives the tangible 104593  
personal property or service, including the location indicated by 104594  
instructions for delivery to the consumer or the consumer's donee. 104595

(3) If divisions (C)(1) and (2) of this section do not apply, 104596  
the sale shall be sourced to the location indicated by an address 104597  
for the consumer that is available from the vendor's business 104598

records that are maintained in the ordinary course of the vendor's 104599  
business, when use of that address does not constitute bad faith. 104600

104601

(4) If divisions (C)(1), (2), and (3) of this section do not 104602  
apply, the sale shall be sourced to the location indicated by an 104603  
address for the consumer obtained during the consummation of the 104604  
sale, including the address associated with the consumer's payment 104605  
instrument, if no other address is available, when use of that 104606  
address does not constitute bad faith. 104607

(5) If divisions (C)(1), (2), (3), and (4) of this section do 104608  
not apply, including in the circumstance where the vendor is 104609  
without sufficient information to apply any of those divisions, 104610  
the sale shall be sourced to the address from which tangible 104611  
personal property was shipped, or from which the service was 104612  
provided, disregarding any location that merely provided the 104613  
electronic transfer of the property sold or service provided. 104614

(6) As used in division (C) of this section, "receive" means 104615  
taking possession of tangible personal property or making first 104616  
use of a service. "Receive" does not include possession by a 104617  
shipping company on behalf of a consumer. 104618

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 104619  
section, a business consumer that is not a holder of a direct 104620  
payment permit granted under section 5739.031 of the Revised Code, 104621  
that purchases a digital good, computer software, except computer 104622  
software received in person by a business consumer at a vendor's 104623  
place of business, or a service, and that knows at the time of 104624  
purchase that such digital good, software, or service will be 104625  
concurrently available for use in more than one taxing 104626  
jurisdiction shall deliver to the vendor in conjunction with its 104627  
purchase an exemption certificate claiming multiple points of use, 104628  
or shall meet the requirements of division (D)(2) of this section. 104629  
On receipt of the exemption certificate claiming multiple points 104630

of use, the vendor is relieved of its obligation to collect, pay, 104631  
or remit the tax due, and the business consumer must pay the tax 104632  
directly to the state. 104633

(b) A business consumer that delivers the exemption 104634  
certificate claiming multiple points of use to a vendor may use 104635  
any reasonable, consistent, and uniform method of apportioning the 104636  
tax due on the digital good, computer software, or service that is 104637  
supported by the consumer's business records as they existed at 104638  
the time of the sale. The business consumer shall report and pay 104639  
the appropriate tax to each jurisdiction where concurrent use 104640  
occurs. The tax due shall be calculated as if the apportioned 104641  
amount of the digital good, computer software, or service had been 104642  
delivered to each jurisdiction to which the sale is apportioned 104643  
under this division. 104644

(c) The exemption certificate claiming multiple points of use 104645  
shall remain in effect for all future sales by the vendor to the 104646  
business consumer until it is revoked in writing by the business 104647  
consumer, except as to the business consumer's specific 104648  
apportionment of a subsequent sale under division (D)(1)(b) of 104649  
this section and the facts existing at the time of the sale. 104650

(2) When the vendor knows that a digital good, computer 104651  
software, or service sold will be concurrently available for use 104652  
by the business consumer in more than one jurisdiction, but the 104653  
business consumer does not provide an exemption certificate 104654  
claiming multiple points of use as required by division (D)(1) of 104655  
this section, the vendor may work with the business consumer to 104656  
produce the correct apportionment. Governed by the principles of 104657  
division (D)(1)(b) of this section, the vendor and business 104658  
consumer may use any reasonable, but consistent and uniform, 104659  
method of apportionment that is supported by the vendor's and 104660  
business consumer's books and records as they exist at the time 104661  
the sale is reported for purposes of the taxes levied under this 104662

chapter. If the business consumer certifies to the accuracy of the 104663  
apportionment and the vendor accepts the certification, the vendor 104664  
shall collect and remit the tax accordingly. In the absence of bad 104665  
faith, the vendor is relieved of any further obligation to collect 104666  
tax on any transaction where the vendor has collected tax pursuant 104667  
to the information certified by the business consumer. 104668

(3) When the vendor knows that the digital good, computer 104669  
software, or service will be concurrently available for use in 104670  
more than one jurisdiction, and the business consumer does not 104671  
have a direct pay permit and does not provide to the vendor an 104672  
exemption certificate claiming multiple points of use as required 104673  
in division (D)(1) of this section, or certification pursuant to 104674  
division (D)(2) of this section, the vendor shall collect and 104675  
remit the tax based on division (C) of this section. 104676

(4) Nothing in this section shall limit a person's obligation 104677  
for sales or use tax to any state in which a digital good, 104678  
computer software, or service is concurrently available for use, 104679  
nor limit a person's ability under local, state, or federal law, 104680  
to claim a credit for sales or use taxes legally due and paid to 104681  
other jurisdictions. 104682

(E) A person who holds a direct payment permit issued under 104683  
section 5739.031 of the Revised Code is not required to deliver an 104684  
exemption certificate claiming multiple points of use to a vendor. 104685  
But such permit holder shall comply with division (D)(2) of this 104686  
section in apportioning the tax due on a digital good, computer 104687  
software, or a service for use in business that will be 104688  
concurrently available for use in more than one taxing 104689  
jurisdiction. 104690

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 104691  
section, the consumer of direct mail that is not a holder of a 104692  
direct payment permit shall provide to the vendor in conjunction 104693  
with the sale either an exemption certificate claiming direct mail 104694



prescribed by the tax commissioner, or information to show the 104695  
jurisdictions to which the direct mail is delivered to recipients. 104696

(2) Upon receipt of such exemption certificate, the vendor is 104697  
relieved of all obligations to collect, pay, or remit the 104698  
applicable tax and the consumer is obligated to pay that tax on a 104699  
direct pay basis. An exemption certificate claiming direct mail 104700  
shall remain in effect for all future sales of direct mail by the 104701  
vendor to the consumer until it is revoked in writing. 104702

(3) Upon receipt of information from the consumer showing the 104703  
jurisdictions to which the direct mail is delivered to recipients, 104704  
the vendor shall collect the tax according to the delivery 104705  
information provided by the consumer. In the absence of bad faith, 104706  
the vendor is relieved of any further obligation to collect tax on 104707  
any transaction where the vendor has collected tax pursuant to the 104708  
delivery information provided by the consumer. 104709

(4) If the consumer of direct mail does not have a direct 104710  
payment permit and does not provide the vendor with either an 104711  
exemption certificate claiming direct mail or delivery information 104712  
as required by division (F)(1) of this section, the vendor shall 104713  
collect the tax according to division (C)(5) of this section. 104714  
Nothing in division (F)(4) of this section shall limit a 104715  
consumer's obligation to pay sales or use tax to any state to 104716  
which the direct mail is delivered. 104717

(5) If a consumer of direct mail provides the vendor with 104718  
documentation of direct payment authority, the consumer shall not 104719  
be required to provide an exemption certificate claiming direct 104720  
mail or delivery information to the vendor. 104721

(G) If the vendor provides lodging to transient guests as 104722  
specified in division (B)(2) of section 5739.01 of the Revised 104723  
Code, the sale shall be sourced to the location where the lodging 104724  
is located. 104725

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.

(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.

(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.

(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:

(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, each lease or rental installment shall be sourced to the primary property location for the period covered by the installment.

(b) In the case of a lease or rental of all other tangible personal property, other than transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental that is taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced pursuant to division (C) of this section at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental that is taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (C) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (I) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

(J) Sales described in division (B)(11) of section 5739.01 of the Revised Code shall be sourced to the location of the enrollee for whom a medicaid health insuring corporation receives managed care premiums. Such sales shall be sourced to the locations of the enrollees in the same proportion as the managed care premiums received by the medicaid health insuring corporation on behalf of enrollees located in a particular taxing jurisdiction in Ohio as compared to all managed care premiums received by the medicaid health insuring corporation.

**Sec. 5739.051.** (A) The tax commissioner shall issue a direct payment permit to a medicaid health insuring corporation that authorizes the medicaid health insuring corporation to pay all taxes due on sales described in division (B)(11) of section 5739.01 of the Revised Code directly to the state. Each medicaid health insuring corporation shall pay pursuant to such direct payment authority all sales tax levied on such sales by sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code and all use tax levied on such sales pursuant to sections 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, unless division (B)(11)(b) of section 5739.01 of the Revised Code applies.

(B) Each medicaid health insuring corporation shall, on or before the twenty-third day of each month, file a return for the preceding month on a form prescribed by the tax commissioner and shall pay the tax shown on the return to be due, unless division (B)(11)(b) of section 5739.01 of the Revised Code applies. The return shall show the amount of tax due from the medicaid health care insuring corporation for the period covered by the return and other such information as the commissioner deems necessary. Upon written request, the commissioner may extend the time for filing the return and paying the tax. The commissioner may require each medicaid health insuring corporation to file returns and remit

payment by electronic means as provided in section 5739.032 of the 104819  
Revised Code. 104820

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 104821  
resolution adopted by a majority of the members of the board, levy 104822  
an excise tax not to exceed three per cent on transactions by 104823  
which lodging by a hotel is or is to be furnished to transient 104824  
guests. The board shall establish all regulations necessary to 104825  
provide for the administration and allocation of the tax. The 104826  
regulations may prescribe the time for payment of the tax, and may 104827  
provide for the imposition of a penalty or interest, or both, for 104828  
late payments, provided that the penalty does not exceed ten per 104829  
cent of the amount of tax due, and the rate at which interest 104830  
accrues does not exceed the rate per annum prescribed pursuant to 104831  
section 5703.47 of the Revised Code. Except as provided in 104832  
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 104833  
regulations shall provide, after deducting the real and actual 104834  
costs of administering the tax, for the return to each municipal 104835  
corporation or township that does not levy an excise tax on the 104836  
transactions, a uniform percentage of the tax collected in the 104837  
municipal corporation or in the unincorporated portion of the 104838  
township from each transaction, not to exceed thirty-three and 104839  
one-third per cent. The remainder of the revenue arising from the 104840  
tax shall be deposited in a separate fund and shall be spent 104841  
solely to make contributions to the convention and visitors' 104842  
bureau operating within the county, including a pledge and 104843  
contribution of any portion of the remainder pursuant to an 104844  
agreement authorized by section 307.695 of the Revised Code, 104845  
provided that if the board of county commissioners of an eligible 104846  
county as defined in section 307.695 of the Revised Code adopts a 104847  
resolution amending a resolution levying a tax under this division 104848  
to provide that the revenue from the tax shall be used by the 104849  
board as described in division (H) of section 307.695 of the 104850

Revised Code, the remainder of the revenue shall be used as 104851  
described in the resolution making that amendment. Except as 104852  
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 104853  
this section, on and after May 10, 1994, a board of county 104854  
commissioners may not levy an excise tax pursuant to this division 104855  
in any municipal corporation or township located wholly or partly 104856  
within the county that has in effect an ordinance or resolution 104857  
levying an excise tax pursuant to division (B) of this section. 104858  
The board of a county that has levied a tax under division (C) of 104859  
this section may, by resolution adopted within ninety days after 104860  
July 15, 1985, by a majority of the members of the board, amend 104861  
the resolution levying a tax under this division to provide for a 104862  
portion of that tax to be pledged and contributed in accordance 104863  
with an agreement entered into under section 307.695 of the 104864  
Revised Code. A tax, any revenue from which is pledged pursuant to 104865  
such an agreement, shall remain in effect at the rate at which it 104866  
is imposed for the duration of the period for which the revenue 104867  
from the tax has been so pledged. 104868

The board of county commissioners of an eligible county as 104869  
defined in section 307.695 of the Revised Code may, by resolution 104870  
adopted by a majority of the members of the board, amend a 104871  
resolution levying a tax under this division to provide that the 104872  
revenue from the tax shall be used by the board as described in 104873  
division (H) of section 307.695 of the Revised Code, in which case 104874  
the tax shall remain in effect at the rate at which it was imposed 104875  
for the duration of any agreement entered into by the board under 104876  
section 307.695 of the Revised Code, the duration during which any 104877  
securities issued by the board under that section are outstanding, 104878  
or the duration of the period during which the board owns a 104879  
project as defined in section 307.695 of the Revised Code, 104880  
whichever duration is longest. 104881

(2) A board of county commissioners that levies an excise tax 104882

under division (A)(1) of this section on June 30, 1997, at a rate 104883  
of three per cent, and that has pledged revenue from the tax to an 104884  
agreement entered into under section 307.695 of the Revised Code 104885  
or, in the case of the board of county commissioners of an 104886  
eligible county as defined in section 307.695 of the Revised Code, 104887  
has amended a resolution levying a tax under division (C) of this 104888  
section to provide that proceeds from the tax shall be used by the 104889  
board as described in division (H) of section 307.695 of the 104890  
Revised Code, may, at any time by a resolution adopted by a 104891  
majority of the members of the board, amend the resolution levying 104892  
a tax under division (A)(1) of this section to provide for an 104893  
increase in the rate of that tax up to seven per cent on each 104894  
transaction; to provide that revenue from the increase in the rate 104895  
shall be used as described in division (H) of section 307.695 of 104896  
the Revised Code or be spent solely to make contributions to the 104897  
convention and visitors' bureau operating within the county to be 104898  
used specifically for promotion, advertising, and marketing of the 104899  
region in which the county is located; and to provide that the 104900  
rate in excess of the three per cent levied under division (A)(1) 104901  
of this section shall remain in effect at the rate at which it is 104902  
imposed for the duration of the period during which any agreement 104903  
is in effect that was entered into under section 307.695 of the 104904  
Revised Code by the board of county commissioners levying a tax 104905  
under division (A)(1) of this section, the duration of the period 104906  
during which any securities issued by the board under division (I) 104907  
of section 307.695 of the Revised Code are outstanding, or the 104908  
duration of the period during which the board owns a project as 104909  
defined in section 307.695 of the Revised Code, whichever duration 104910  
is longest. The amendment also shall provide that no portion of 104911  
that revenue need be returned to townships or municipal 104912  
corporations as would otherwise be required under division (A)(1) 104913  
of this section. 104914

(3) A board of county commissioners that levies a tax under 104915

division (A)(1) of this section on March 18, 1999, at a rate of 104916  
three per cent may, by resolution adopted not later than 104917  
forty-five days after March 18, 1999, amend the resolution levying 104918  
the tax to provide for all of the following: 104919

(a) That the rate of the tax shall be increased by not more 104920  
than an additional four per cent on each transaction; 104921

(b) That all of the revenue from the increase in the rate 104922  
shall be pledged and contributed to a convention facilities 104923  
authority established by the board of county commissioners under 104924  
Chapter 351. of the Revised Code on or before November 15, 1998, 104925  
and used to pay costs of constructing, maintaining, operating, and 104926  
promoting a facility in the county, including paying bonds, or 104927  
notes issued in anticipation of bonds, as provided by that 104928  
chapter; 104929

(c) That no portion of the revenue arising from the increase 104930  
in rate need be returned to municipal corporations or townships as 104931  
otherwise required under division (A)(1) of this section; 104932

(d) That the increase in rate shall not be subject to 104933  
diminution by initiative or referendum or by law while any bonds, 104934  
or notes in anticipation of bonds, issued by the authority under 104935  
Chapter 351. of the Revised Code to which the revenue is pledged, 104936  
remain outstanding in accordance with their terms, unless 104937  
provision is made by law or by the board of county commissioners 104938  
for an adequate substitute therefor that is satisfactory to the 104939  
trustee if a trust agreement secures the bonds. 104940

Division (A)(3) of this section does not apply to the board 104941  
of county commissioners of any county in which a convention center 104942  
or facility exists or is being constructed on November 15, 1998, 104943  
or of any county in which a convention facilities authority levies 104944  
a tax pursuant to section 351.021 of the Revised Code on that 104945  
date. 104946



As used in division (A)(3) of this section, "cost" and 104947  
"facility" have the same meanings as in section 351.01 of the 104948  
Revised Code, and "convention center" has the same meaning as in 104949  
section 307.695 of the Revised Code. 104950

(4)(a) A board of county commissioners that levies a tax 104951  
under division (A)(1) of this section on June 30, 2002, at a rate 104952  
of three per cent may, by resolution adopted not later than 104953  
September 30, 2002, amend the resolution levying the tax to 104954  
provide for all of the following: 104955

(i) That the rate of the tax shall be increased by not more 104956  
than an additional three and one-half per cent on each 104957  
transaction; 104958

(ii) That all of the revenue from the increase in rate shall 104959  
be pledged and contributed to a convention facilities authority 104960  
established by the board of county commissioners under Chapter 104961  
351. of the Revised Code on or before May 15, 2002, and be used to 104962  
pay costs of constructing, expanding, maintaining, operating, or 104963  
promoting a convention center in the county, including paying 104964  
bonds, or notes issued in anticipation of bonds, as provided by 104965  
that chapter; 104966

(iii) That no portion of the revenue arising from the 104967  
increase in rate need be returned to municipal corporations or 104968  
townships as otherwise required under division (A)(1) of this 104969  
section; 104970

(iv) That the increase in rate shall not be subject to 104971  
diminution by initiative or referendum or by law while any bonds, 104972  
or notes in anticipation of bonds, issued by the authority under 104973  
Chapter 351. of the Revised Code to which the revenue is pledged, 104974  
remain outstanding in accordance with their terms, unless 104975  
provision is made by law or by the board of county commissioners 104976  
for an adequate substitute therefor that is satisfactory to the 104977

trustee if a trust agreement secures the bonds. 104978

(b) Any board of county commissioners that, pursuant to 104979  
division (A)(4)(a) of this section, has amended a resolution 104980  
levying the tax authorized by division (A)(1) of this section may 104981  
further amend the resolution to provide that the revenue referred 104982  
to in division (A)(4)(a)(ii) of this section shall be pledged and 104983  
contributed both to a convention facilities authority to pay the 104984  
costs of constructing, expanding, maintaining, or operating one or 104985  
more convention centers in the county, including paying bonds, or 104986  
notes issued in anticipation of bonds, as provided in Chapter 351. 104987  
of the Revised Code, and to a convention and visitors' bureau to 104988  
pay the costs of promoting one or more convention centers in the 104989  
county. 104990

As used in division (A)(4) of this section, "cost" has the 104991  
same meaning as in section 351.01 of the Revised Code, and 104992  
"convention center" has the same meaning as in section 307.695 of 104993  
the Revised Code. 104994

(5)(a) As used in division (A)(5) of this section: 104995

(i) "Port authority" means a port authority created under 104996  
Chapter 4582. of the Revised Code. 104997

(ii) "Port authority military-use facility" means port 104998  
authority facilities on which or adjacent to which is located an 104999  
installation of the armed forces of the United States, a reserve 105000  
component thereof, or the national guard and at least part of 105001  
which is made available for use, for consideration, by the armed 105002  
forces of the United States, a reserve component thereof, or the 105003  
national guard. 105004

(b) For the purpose of contributing revenue to pay operating 105005  
expenses of a port authority that operates a port authority 105006  
military-use facility, the board of county commissioners of a 105007  
county that created, participated in the creation of, or has 105008

joined such a port authority may do one or both of the following: 105009

(i) Amend a resolution previously adopted under division 105010  
(A)(1) of this section to designate some or all of the revenue 105011  
from the tax levied under the resolution to be used for that 105012  
purpose, notwithstanding that division; 105013

(ii) Amend a resolution previously adopted under division 105014  
(A)(1) of this section to increase the rate of the tax by not more 105015  
than an additional two per cent and use the revenue from the 105016  
increase exclusively for that purpose. 105017

(c) If a board of county commissioners amends a resolution to 105018  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 105019  
of this section, the board also may amend the resolution to 105020  
specify that the increase in rate of the tax does not apply to 105021  
"hotels," as otherwise defined in section 5739.01 of the Revised 105022  
Code, having fewer rooms used for the accommodation of guests than 105023  
a number of rooms specified by the board. 105024

(6) A board of county commissioners of a county organized 105025  
under a county charter adopted pursuant to Article X, Section 3, 105026  
Ohio Constitution, and that levies an excise tax under division 105027  
(A)(1) of this section at a rate of three per cent and levies an 105028  
additional excise tax under division (E) of this section at a rate 105029  
of one and one-half per cent may, by resolution adopted not later 105030  
than January 1, 2008, by a majority of the members of the board, 105031  
amend the resolution levying a tax under division (A)(1) of this 105032  
section to provide for an increase in the rate of that tax by not 105033  
more than an additional one per cent on transactions by which 105034  
lodging by a hotel is or is to be furnished to transient guests. 105035  
Notwithstanding divisions (A)(1) and (E) of this section, the 105036  
resolution shall provide that all of the revenue from the increase 105037  
in rate, after deducting the real and actual costs of 105038  
administering the tax, shall be used to pay the costs of 105039  
improving, expanding, equipping, financing, or operating a 105040

convention center by a convention and visitors' bureau in the 105041  
county. The increase in rate shall remain in effect for the period 105042  
specified in the resolution, not to exceed ten years. The increase 105043  
in rate shall be subject to the regulations adopted under division 105044  
(A)(1) of this section, except that the resolution may provide 105045  
that no portion of the revenue from the increase in the rate shall 105046  
be returned to townships or municipal corporations as would 105047  
otherwise be required under that division. 105048

(7) Division (A)(7) of this section applies only to a county 105049  
with a population greater than sixty-five thousand and less than 105050  
seventy thousand according to the most recent federal decennial 105051  
census and in which, on December 31, 2006, an excise tax is levied 105052  
under division (A)(1) of this section at a rate not less than and 105053  
not greater than three per cent, and in which the most recent 105054  
increase in the rate of that tax was enacted or took effect in 105055  
November 1984. 105056

The board of county commissioners of a county to which this 105057  
division applies, by resolution adopted by a majority of the 105058  
members of the board, may increase the rate of the tax by not more 105059  
than one per cent on transactions by which lodging by a hotel is 105060  
or is to be furnished to transient guests. The increase in rate 105061  
shall be for the purpose of paying expenses deemed necessary by 105062  
the convention and visitors' bureau operating in the county to 105063  
promote travel and tourism. The increase in rate shall remain in 105064  
effect for the period specified in the resolution, not to exceed 105065  
twenty years, provided that the increase in rate may not continue 105066  
beyond the time when the purpose for which the increase is levied 105067  
ceases to exist. If revenue from the increase in rate is pledged 105068  
to the payment of debt charges on securities, the increase in rate 105069  
is not subject to diminution by initiative or referendum or by law 105070  
for so long as the securities are outstanding, unless provision is 105071  
made by law or by the board of county commissioners for an 105072

adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section. A resolution adopted under division (A)(7) of this section is subject to referendum under sections 305.31 to 305.99 of the Revised Code.

(B)(1) The legislative authority of a municipal corporation or the board of trustees of a township that is not wholly or partly located in a county that has in effect a resolution levying an excise tax pursuant to division (A)(1) of this section may, by ordinance or resolution, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The legislative authority of the municipal corporation or the board of trustees of the township shall deposit at least fifty per cent of the revenue from the tax levied pursuant to this division into a separate fund, which shall be spent solely to make contributions to convention and visitors' bureaus operating within the county in which the municipal corporation or township is wholly or partly located, and the balance of that revenue shall be deposited in the general fund. The municipal corporation or township shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The levy of a tax under this division is in addition to any tax

imposed on the same transaction by a municipal corporation or a township as authorized by division (A) of section 5739.08 of the Revised Code.

(2)(a) The legislative authority of the most populous municipal corporation located wholly or partly in a county in which the board of county commissioners has levied a tax under division (A)(4) of this section may amend, on or before September 30, 2002, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for all of the following:

(i) That the rate of the tax shall be increased by not more than an additional one per cent on each transaction;

(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(iii) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) The legislative authority of a municipal corporation

that, pursuant to division (B)(2)(a) of this section, has amended 105137  
its ordinance or resolution to increase the rate of the tax 105138  
authorized by division (B)(1) of this section may further amend 105139  
the ordinance or resolution to provide that the revenue referred 105140  
to in division (B)(2)(a)(ii) of this section shall be pledged and 105141  
contributed both to a convention facilities authority to pay the 105142  
costs of constructing, expanding, maintaining, or operating one or 105143  
more convention centers in the county, including paying bonds, or 105144  
notes issued in anticipation of bonds, as provided in Chapter 351. 105145  
of the Revised Code, and to a convention and visitors' bureau to 105146  
pay the costs of promoting one or more convention centers in the 105147  
county. 105148

As used in division (B)(2) of this section, "cost" has the 105149  
same meaning as in section 351.01 of the Revised Code, and 105150  
"convention center" has the same meaning as in section 307.695 of 105151  
the Revised Code. 105152

(C) For the purposes described in section 307.695 of the 105153  
Revised Code and to cover the costs of administering the tax, a 105154  
board of county commissioners of a county where a tax imposed 105155  
under division (A)(1) of this section is in effect may, by 105156  
resolution adopted within ninety days after July 15, 1985, by a 105157  
majority of the members of the board, levy an additional excise 105158  
tax not to exceed three per cent on transactions by which lodging 105159  
by a hotel is or is to be furnished to transient guests. The tax 105160  
authorized by this division shall be in addition to any tax that 105161  
is levied pursuant to division (A) of this section, but it shall 105162  
not apply to transactions subject to a tax levied by a municipal 105163  
corporation or township pursuant to the authorization granted by 105164  
division (A) of section 5739.08 of the Revised Code. The board 105165  
shall establish all regulations necessary to provide for the 105166  
administration and allocation of the tax. The regulations may 105167  
prescribe the time for payment of the tax, and may provide for the 105168

imposition of a penalty or interest, or both, for late payments, 105169  
provided that the penalty does not exceed ten per cent of the 105170  
amount of tax due, and the rate at which interest accrues does not 105171  
exceed the rate per annum prescribed pursuant to section 5703.47 105172  
of the Revised Code. All revenues arising from the tax shall be 105173  
expended in accordance with section 307.695 of the Revised Code. 105174  
The board of county commissioners of an eligible county as defined 105175  
in section 307.695 of the Revised Code may, by resolution adopted 105176  
by a majority of the members of the board, amend the resolution 105177  
levying a tax under this division to provide that the revenue from 105178  
the tax shall be used by the board as described in division (H) of 105179  
section 307.695 of the Revised Code. A tax imposed under this 105180  
division shall remain in effect at the rate at which it is imposed 105181  
for the duration of the period during which any agreement entered 105182  
into by the board under section 307.695 of the Revised Code is in 105183  
effect, the duration of the period during which any securities 105184  
issued by the board under division (I) of section 307.695 of the 105185  
Revised Code are outstanding, or the duration of the period during 105186  
which the board owns a project as defined in section 307.695 of 105187  
the Revised Code, whichever duration is longest. 105188

(D) For the purpose of providing contributions under division 105189  
(B)(1) of section 307.671 of the Revised Code to enable the 105190  
acquisition, construction, and equipping of a port authority 105191  
educational and cultural facility in the county and, to the extent 105192  
provided for in the cooperative agreement authorized by that 105193  
section, for the purpose of paying debt service charges on bonds, 105194  
or notes in anticipation of bonds, described in division (B)(1)(b) 105195  
of that section, a board of county commissioners, by resolution 105196  
adopted within ninety days after December 22, 1992, by a majority 105197  
of the members of the board, may levy an additional excise tax not 105198  
to exceed one and one-half per cent on transactions by which 105199  
lodging by a hotel is or is to be furnished to transient guests. 105200  
The excise tax authorized by this division shall be in addition to 105201



any tax that is levied pursuant to divisions (A), (B), and (C) of 105202  
this section, to any excise tax levied pursuant to section 5739.08 105203  
of the Revised Code, and to any excise tax levied pursuant to 105204  
section 351.021 of the Revised Code. The board of county 105205  
commissioners shall establish all regulations necessary to provide 105206  
for the administration and allocation of the tax that are not 105207  
inconsistent with this section or section 307.671 of the Revised 105208  
Code. The regulations may prescribe the time for payment of the 105209  
tax, and may provide for the imposition of a penalty or interest, 105210  
or both, for late payments, provided that the penalty does not 105211  
exceed ten per cent of the amount of tax due, and the rate at 105212  
which interest accrues does not exceed the rate per annum 105213  
prescribed pursuant to section 5703.47 of the Revised Code. All 105214  
revenues arising from the tax shall be expended in accordance with 105215  
section 307.671 of the Revised Code and division (D) of this 105216  
section. The levy of a tax imposed under this division may not 105217  
commence prior to the first day of the month next following the 105218  
execution of the cooperative agreement authorized by section 105219  
307.671 of the Revised Code by all parties to that agreement. The 105220  
tax shall remain in effect at the rate at which it is imposed for 105221  
the period of time described in division (C) of section 307.671 of 105222  
the Revised Code for which the revenue from the tax has been 105223  
pledged by the county to the corporation pursuant to that section, 105224  
but, to any extent provided for in the cooperative agreement, for 105225  
no lesser period than the period of time required for payment of 105226  
the debt service charges on bonds, or notes in anticipation of 105227  
bonds, described in division (B)(1)(b) of that section. 105228

(E) For the purpose of paying the costs of acquiring, 105229  
constructing, equipping, and improving a municipal educational and 105230  
cultural facility, including debt service charges on bonds 105231  
provided for in division (B) of section 307.672 of the Revised 105232  
Code, and for any additional purposes determined by the county in 105233  
the resolution levying the tax or amendments to the resolution, 105234

including subsequent amendments providing for paying costs of 105235  
acquiring, constructing, renovating, rehabilitating, equipping, 105236  
and improving a port authority educational and cultural performing 105237  
arts facility, as defined in section 307.674 of the Revised Code, 105238  
and including debt service charges on bonds provided for in 105239  
division (B) of section 307.674 of the Revised Code, the 105240  
legislative authority of a county, by resolution adopted within 105241  
ninety days after June 30, 1993, by a majority of the members of 105242  
the legislative authority, may levy an additional excise tax not 105243  
to exceed one and one-half per cent on transactions by which 105244  
lodging by a hotel is or is to be furnished to transient guests. 105245  
The excise tax authorized by this division shall be in addition to 105246  
any tax that is levied pursuant to divisions (A), (B), (C), and 105247  
(D) of this section, to any excise tax levied pursuant to section 105248  
5739.08 of the Revised Code, and to any excise tax levied pursuant 105249  
to section 351.021 of the Revised Code. The legislative authority 105250  
of the county shall establish all regulations necessary to provide 105251  
for the administration and allocation of the tax. The regulations 105252  
may prescribe the time for payment of the tax, and may provide for 105253  
the imposition of a penalty or interest, or both, for late 105254  
payments, provided that the penalty does not exceed ten per cent 105255  
of the amount of tax due, and the rate at which interest accrues 105256  
does not exceed the rate per annum prescribed pursuant to section 105257  
5703.47 of the Revised Code. All revenues arising from the tax 105258  
shall be expended in accordance with section 307.672 of the 105259  
Revised Code and this division. The levy of a tax imposed under 105260  
this division shall not commence prior to the first day of the 105261  
month next following the execution of the cooperative agreement 105262  
authorized by section 307.672 of the Revised Code by all parties 105263  
to that agreement. The tax shall remain in effect at the rate at 105264  
which it is imposed for the period of time determined by the 105265  
legislative authority of the county. That period of time shall not 105266  
exceed fifteen years, except that the legislative authority of a 105267

county with a population of less than two hundred fifty thousand 105268  
according to the most recent federal decennial census, by 105269  
resolution adopted by a majority of its members before the 105270  
original tax expires, may extend the duration of the tax for an 105271  
additional period of time. The additional period of time by which 105272  
a legislative authority extends a tax levied under this division 105273  
shall not exceed fifteen years. 105274

(F) The legislative authority of a county that has levied a 105275  
tax under division (E) of this section may, by resolution adopted 105276  
within one hundred eighty days after January 4, 2001, by a 105277  
majority of the members of the legislative authority, amend the 105278  
resolution levying a tax under that division to provide for the 105279  
use of the proceeds of that tax, to the extent that it is no 105280  
longer needed for its original purpose as determined by the 105281  
parties to a cooperative agreement amendment pursuant to division 105282  
(D) of section 307.672 of the Revised Code, to pay costs of 105283  
acquiring, constructing, renovating, rehabilitating, equipping, 105284  
and improving a port authority educational and cultural performing 105285  
arts facility, including debt service charges on bonds provided 105286  
for in division (B) of section 307.674 of the Revised Code, and to 105287  
pay all obligations under any guaranty agreements, reimbursement 105288  
agreements, or other credit enhancement agreements described in 105289  
division (C) of section 307.674 of the Revised Code. The 105290  
resolution may also provide for the extension of the tax at the 105291  
same rate for the longer of the period of time determined by the 105292  
legislative authority of the county, but not to exceed an 105293  
additional twenty-five years, or the period of time required to 105294  
pay all debt service charges on bonds provided for in division (B) 105295  
of section 307.672 of the Revised Code and on port authority 105296  
revenue bonds provided for in division (B) of section 307.674 of 105297  
the Revised Code. All revenues arising from the amendment and 105298  
extension of the tax shall be expended in accordance with section 105299  
307.674 of the Revised Code, this division, and division (E) of 105300

this section. 105301

(G) For purposes of a tax levied by a county, township, or 105302  
municipal corporation under this section or section 5739.08 of the 105303  
Revised Code, a board of county commissioners, board of township 105304  
trustees, or the legislative authority of a municipal corporation 105305  
may adopt a resolution or ordinance at any time specifying that 105306  
"hotel," as otherwise defined in section 5739.01 of the Revised 105307  
Code, includes ~~establishments~~ the following: 105308

(1) Establishments in which fewer than five rooms are used 105309  
for the accommodation of guests. ~~The~~ 105310

(2) Establishments at which rooms are used for the 105311  
accommodation of guests regardless of whether each room is 105312  
accessible through its own keyed entry or several rooms are 105313  
accessible through the same keyed entry; and, in determining the 105314  
number of rooms, all rooms are included regardless of the number 105315  
of structures in which the rooms are situated or the number of 105316  
parcels of land on which the structures are located if the 105317  
structures are under the same ownership and the structures are not 105318  
identified in advertisements of the accommodations as distinct 105319  
establishments. For the purposes of division (G)(2) of this 105320  
section, two or more structures are under the same ownership if 105321  
they are owned by the same person, or if they are owned by two or 105322  
more persons the majority of the ownership interests of which are 105323  
owned by the same person. 105324

The resolution or ordinance may apply to a tax imposed 105325  
pursuant to this section prior to the adoption of the resolution 105326  
or ordinance if the resolution or ordinance so states, but the tax 105327  
shall not apply to transactions by which lodging by such an 105328  
establishment is provided to transient guests prior to the 105329  
adoption of the resolution or ordinance. 105330

(H)(1) As used in this division: 105331

(a) "Convention facilities authority" has the same meaning as 105332  
in section 351.01 of the Revised Code. 105333

(b) "Convention center" has the same meaning as in section 105334  
307.695 of the Revised Code. 105335

(2) Notwithstanding any contrary provision of division (D) of 105336  
this section, the legislative authority of a county with a 105337  
population of one million or more according to the most recent 105338  
federal decennial census that has levied a tax under division (D) 105339  
of this section may, by resolution adopted by a majority of the 105340  
members of the legislative authority, provide for the extension of 105341  
such levy and may provide that the proceeds of that tax, to the 105342  
extent that they are no longer needed for their original purpose 105343  
as defined by a cooperative agreement entered into under section 105344  
307.671 of the Revised Code, shall be deposited into the county 105345  
general revenue fund. The resolution shall provide for the 105346  
extension of the tax at a rate not to exceed the rate specified in 105347  
division (D) of this section for a period of time determined by 105348  
the legislative authority of the county, but not to exceed an 105349  
additional forty years. 105350

(3) The legislative authority of a county with a population 105351  
of one million or more that has levied a tax under division (A)(1) 105352  
of this section may, by resolution adopted by a majority of the 105353  
members of the legislative authority, increase the rate of the tax 105354  
levied by such county under division (A)(1) of this section to a 105355  
rate not to exceed five per cent on transactions by which lodging 105356  
by a hotel is or is to be furnished to transient guests. 105357  
Notwithstanding any contrary provision of division (A)(1) of this 105358  
section, the resolution may provide that all collections resulting 105359  
from the rate levied in excess of three per cent, after deducting 105360  
the real and actual costs of administering the tax, shall be 105361  
deposited in the county general fund. 105362

(4) The legislative authority of a county with a population 105363

of one million or more that has levied a tax under division (A)(1) 105364  
of this section may, by resolution adopted on or before August 30, 105365  
2004, by a majority of the members of the legislative authority, 105366  
provide that all or a portion of the proceeds of the tax levied 105367  
under division (A)(1) of this section, after deducting the real 105368  
and actual costs of administering the tax and the amounts required 105369  
to be returned to townships and municipal corporations with 105370  
respect to the first three per cent levied under division (A)(1) 105371  
of this section, shall be deposited in the county general fund, 105372  
provided that such proceeds shall be used to satisfy any pledges 105373  
made in connection with an agreement entered into under section 105374  
307.695 of the Revised Code. 105375

(5) No amount collected from a tax levied, extended, or 105376  
required to be deposited in the county general fund under division 105377  
(H) of this section shall be contributed to a convention 105378  
facilities authority, corporation, or other entity created after 105379  
July 1, 2003, for the principal purpose of constructing, 105380  
improving, expanding, equipping, financing, or operating a 105381  
convention center unless the mayor of the municipal corporation in 105382  
which the convention center is to be operated by that convention 105383  
facilities authority, corporation, or other entity has consented 105384  
to the creation of that convention facilities authority, 105385  
corporation, or entity. Notwithstanding any contrary provision of 105386  
section 351.04 of the Revised Code, if a tax is levied by a county 105387  
under division (H) of this section, the board of county 105388  
commissioners of that county may determine the manner of 105389  
selection, the qualifications, the number, and terms of office of 105390  
the members of the board of directors of any convention facilities 105391  
authority, corporation, or other entity described in division 105392  
(H)(5) of this section. 105393

(6)(a) No amount collected from a tax levied, extended, or 105394  
required to be deposited in the county general fund under division 105395

(H) of this section may be used for any purpose other than paying 105396  
the direct and indirect costs of constructing, improving, 105397  
expanding, equipping, financing, or operating a convention center 105398  
and for the real and actual costs of administering the tax, 105399  
unless, prior to the adoption of the resolution of the legislative 105400  
authority of the county authorizing the levy, extension, increase, 105401  
or deposit, the county and the mayor of the most populous 105402  
municipal corporation in that county have entered into an 105403  
agreement as to the use of such amounts, provided that such 105404  
agreement has been approved by a majority of the mayors of the 105405  
other municipal corporations in that county. The agreement shall 105406  
provide that the amounts to be used for purposes other than paying 105407  
the convention center or administrative costs described in 105408  
division (H)(6)(a) of this section be used only for the direct and 105409  
indirect costs of capital improvements, including the financing of 105410  
capital improvements. 105411

(b) If the county in which the tax is levied has an 105412  
association of mayors and city managers, the approval of that 105413  
association of an agreement described in division (H)(6)(a) of 105414  
this section shall be considered to be the approval of the 105415  
majority of the mayors of the other municipal corporations for 105416  
purposes of that division. 105417

(7) Each year, the auditor of state shall conduct an audit of 105418  
the uses of any amounts collected from taxes levied, extended, or 105419  
deposited under division (H) of this section and shall prepare a 105420  
report of the auditor of state's findings. The auditor of state 105421  
shall submit the report to the legislative authority of the county 105422  
that has levied, extended, or deposited the tax, the speaker of 105423  
the house of representatives, the president of the senate, and the 105424  
leaders of the minority parties of the house of representatives 105425  
and the senate. 105426

(I)(1) As used in this division: 105427

(a) "Convention facilities authority" has the same meaning as 105428  
in section 351.01 of the Revised Code. 105429

(b) "Convention center" has the same meaning as in section 105430  
307.695 of the Revised Code. 105431

(2) Notwithstanding any contrary provision of division (D) of 105432  
this section, the legislative authority of a county with a 105433  
population of one million two hundred thousand or more according 105434  
to the most recent federal decennial census or the most recent 105435  
annual population estimate published or released by the United 105436  
States census bureau at the time the resolution is adopted placing 105437  
the levy on the ballot, that has levied a tax under division (D) 105438  
of this section may, by resolution adopted by a majority of the 105439  
members of the legislative authority, provide for the extension of 105440  
such levy and may provide that the proceeds of that tax, to the 105441  
extent that the proceeds are no longer needed for their original 105442  
purpose as defined by a cooperative agreement entered into under 105443  
section 307.671 of the Revised Code and after deducting the real 105444  
and actual costs of administering the tax, shall be used for 105445  
paying the direct and indirect costs of constructing, improving, 105446  
expanding, equipping, financing, or operating a convention center. 105447  
The resolution shall provide for the extension of the tax at a 105448  
rate not to exceed the rate specified in division (D) of this 105449  
section for a period of time determined by the legislative 105450  
authority of the county, but not to exceed an additional forty 105451  
years. 105452

(3) The legislative authority of a county with a population 105453  
of one million two hundred thousand or more that has levied a tax 105454  
under division (A)(1) of this section may, by resolution adopted 105455  
by a majority of the members of the legislative authority, 105456  
increase the rate of the tax levied by such county under division 105457  
(A)(1) of this section to a rate not to exceed five per cent on 105458  
transactions by which lodging by a hotel is or is to be furnished 105459



to transient guests. Notwithstanding any contrary provision of 105460  
division (A)(1) of this section, the resolution shall provide that 105461  
all collections resulting from the rate levied in excess of three 105462  
per cent, after deducting the real and actual costs of 105463  
administering the tax, shall be used for paying the direct and 105464  
indirect costs of constructing, improving, expanding, equipping, 105465  
financing, or operating a convention center. 105466

(4) The legislative authority of a county with a population 105467  
of one million two hundred thousand or more that has levied a tax 105468  
under division (A)(1) of this section may, by resolution adopted 105469  
on or before July 1, 2008, by a majority of the members of the 105470  
legislative authority, provide that all or a portion of the 105471  
proceeds of the tax levied under division (A)(1) of this section, 105472  
after deducting the real and actual costs of administering the tax 105473  
and the amounts required to be returned to townships and municipal 105474  
corporations with respect to the first three per cent levied under 105475  
division (A)(1) of this section, shall be used to satisfy any 105476  
pledges made in connection with an agreement entered into under 105477  
section 307.695 of the Revised Code or shall otherwise be used for 105478  
paying the direct and indirect costs of constructing, improving, 105479  
expanding, equipping, financing, or operating a convention center. 105480

(5) Any amount collected from a tax levied or extended under 105481  
division (I) of this section may be contributed to a convention 105482  
facilities authority created before July 1, 2005, but no amount 105483  
collected from a tax levied or extended under division (I) of this 105484  
section may be contributed to a convention facilities authority, 105485  
corporation, or other entity created after July 1, 2005, unless 105486  
the mayor of the municipal corporation in which the convention 105487  
center is to be operated by that convention facilities authority, 105488  
corporation, or other entity has consented to the creation of that 105489  
convention facilities authority, corporation, or entity. 105490

**Sec. 5739.131.** Any nonresident of this state who accepts the 105491  
privilege extended by the laws of this state to nonresidents of 105492  
engaging in the business of selling in this state, as defined in 105493  
section 5741.01 of the Revised Code, and any resident of this 105494  
state who is required by sections 5739.17 and 5739.31 of the 105495  
Revised Code to have a vendor's license and subsequently becomes a 105496  
nonresident or conceals ~~his~~ the person's whereabouts, makes the 105497  
secretary of state ~~his~~ the person's agent for the service of 105498  
process or notice in any assessment, action, or proceedings 105499  
instituted in this state against such person under sections 105500  
5739.01 to 5739.31 and 5741.01 to 5741.22 of the Revised Code. 105501

Such process or notice shall be served, ~~by the officer to~~ 105502  
~~whom the same is directed or by the tax commissioner, or by the~~ 105503  
~~sheriff of Franklin county, who may be deputized for such purpose~~ 105504  
~~by the officer to whom the service is directed, upon the secretary~~ 105505  
~~of state by leaving at the office of the secretary of state, at~~ 105506  
~~least fifteen days before the return day of such process or~~ 105507  
~~notice, a true and attested copy thereof, and by sending to the~~ 105508  
~~defendant by certified mail, postage prepaid, a like and true~~ 105509  
~~attested copy, with an endorsement thereon of the service upon the~~ 105510  
~~secretary of state, addressed to such defendant at his last known~~ 105511  
~~address as provided under section 5703.37 of the Revised Code.~~ 105512

**Sec. 5743.15.** (A) ~~No~~ Except as otherwise provided in this 105513  
division, no person shall engage in this state in the wholesale or 105514  
retail business of trafficking in cigarettes or in the business of 105515  
a manufacturer or importer of cigarettes without having a license 105516  
to conduct each such activity issued by a county auditor under 105517  
division (B) of this section or the tax commissioner under 105518  
~~division (E)~~ divisions (C) and (F) of this section, ~~except that~~ 105519  
~~en.~~ On dissolution of a partnership by death, the surviving 105520  
partner may operate under the license of the partnership until 105521

expiration of the license, and the heirs or legal representatives 105522  
of deceased persons, and receivers and trustees in bankruptcy 105523  
appointed by any competent authority, may operate under the 105524  
license of the person succeeded in possession by such heir, 105525  
representative, receiver, or trustee in bankruptcy if the partner 105526  
or successor notifies the auditor or commissioner of the 105527  
dissolution or succession within thirty days after the dissolution 105528  
or succession. 105529

(B)(1) Each applicant for a license to engage in the 105530  
~~wholesale or~~ retail business of trafficking in cigarettes under 105531  
this section, annually, on or before the fourth Monday of May, 105532  
shall make and deliver to the county auditor of the county in 105533  
which the applicant desires to engage in the ~~wholesale or~~ retail 105534  
business of trafficking in cigarettes, upon a blank form furnished 105535  
by such auditor for that purpose, a statement showing the name of 105536  
the applicant, each physical place in the county where the 105537  
applicant's business is conducted, the nature of the business, and 105538  
any other information the tax commissioner requires in the form of 105539  
statement prescribed by the commissioner. If the applicant is a 105540  
firm, partnership, or association other than a corporation, the 105541  
application shall state the name and address of each of its 105542  
members. If the applicant is a corporation, the application shall 105543  
state the name and address of each of its officers. At the time of 105544  
making the application required by this section, every person 105545  
~~desiring to engage in the wholesale business of trafficking in~~ 105546  
~~cigarettes shall pay into the county treasury a license tax in the~~ 105547  
~~sum of two hundred dollars, or if desiring to engage in the retail~~ 105548  
~~business of trafficking in cigarettes, a license tax shall pay an~~ 105549  
application fee in the sum of thirty one hundred twenty-five 105550  
dollars for each ~~of the first five places~~ physical place where the 105551  
person proposes to carry on such business ~~and twenty five dollars~~ 105552  
~~for each additional place.~~ Each place of business shall be deemed 105553  
such space, under lease or license to, or under the control of, or 105554

under the supervision of the applicant, as is contained in one or 105555  
more contiguous, adjacent, or adjoining buildings constituting an 105556  
industrial plant or a place of business operated by, or under the 105557  
control of, one person, or under one roof and connected by doors, 105558  
halls, stairways, or elevators, which space may contain any number 105559  
of points at which cigarettes are offered for sale, provided that 105560  
each additional point at which cigarettes are offered for sale 105561  
shall be listed in the application. 105562

105563

(2) Upon receipt of the application and exhibition of the 105564  
county treasurer's receipt showing the payment of the ~~tax~~ 105565  
application fee, the county auditor shall issue to the applicant a 105566  
license for each place of business designated in the application, 105567  
authorizing the applicant to engage in such business at such place 105568  
for one year commencing on the fourth Monday of May. ~~Companies~~ 105569  
~~operating club or dining cars or other cars upon which cigarettes~~ 105570  
~~are sold shall obtain licenses at railroad terminals within the~~ 105571  
~~state, under such rules as are prescribed by the commissioner.~~ The 105572  
form of the license shall be prescribed by the commissioner. A 105573  
duplicate license may be obtained from the county auditor upon 105574  
payment of a ~~fifty-cent~~ five-dollar fee if the original license is 105575  
lost, destroyed, or defaced. When an application is filed after 105576  
the fourth Monday of May, the ~~license tax~~ application fee required 105577  
to be paid shall be proportioned in amount to the remainder of the 105578  
license year, except that it shall not be less than ~~one-fifth of~~ 105579  
~~the whole amount~~ twenty-five dollars in any one year. 105580

105581

(3) The holder of a ~~wholesale or~~ retail dealer's cigarette 105582  
license may transfer the license to a place of business within the 105583  
same county other than that designated on the license ~~or may~~ 105584  
~~assign the license to another person for use in the same county on~~ 105585  
condition that the ~~licensee or assignee, whichever is applicable,~~ 105586

make application licensee's ownership interest and business 105587  
structure remain unchanged, and that the license applies to the 105588  
county auditor therefor, upon forms approved by the commissioner 105589  
and the payment of a fee of ~~one dollar~~ five dollars into the 105590  
county treasury. 105591

(C)(1) Each applicant for a license to engage in the 105592  
wholesale business of trafficking in cigarettes under this 105593  
section, annually, on or before the fourth Monday in May, shall 105594  
make and deliver to the tax commissioner, upon a blank form 105595  
furnished by the commissioner for that purpose, a statement 105596  
showing the name of the applicant, physical street address where 105597  
the applicant's business is conducted, the nature of the business, 105598  
and any other information required by the commissioner. If the 105599  
applicant is a firm, partnership, or association other than a 105600  
corporation, the applicant shall state the name and address of 105601  
each of its members. If the applicant is a corporation, the 105602  
applicant shall state the name and address of each of its 105603  
officers. At the time of making the application required by this 105604  
section, every person desiring to engage in the wholesale business 105605  
of trafficking in cigarettes shall pay an application fee of one 105606  
thousand dollars for each physical place where the person proposes 105607  
to carry on such business. Each place of business shall be deemed 105608  
such space, under lease or license to, or under the control of, or 105609  
under the supervision of the applicant, as is contained in one or 105610  
more contiguous, adjacent, or adjoining buildings constituting an 105611  
industrial plant or a place of business operated by, or under the 105612  
control of, one person, or under one roof and connected by doors, 105613  
halls, stairways, or elevators. A duplicate license may be 105614  
obtained from the commissioner upon payment of a 105615  
twenty-five-dollar fee if the original license is lost, destroyed, 105616  
or defaced. 105617

(2) Upon receipt of the application and payment of any 105618

application fee required by this section, the commissioner shall 105619  
verify that the applicant is in good standing under Chapter 1346, 105620  
and Title LVII of the Revised Code. Upon approval, the 105621  
commissioner shall issue to the applicant a license for each 105622  
physical place of business designated in the application 105623  
authorizing the applicant to engage in business at that location 105624  
for one year commencing on the fourth Monday in May. For licenses 105625  
issued after the fourth Monday in May, the application fee shall 105626  
be reduced proportionately by the remainder of the twelve-month 105627  
period for which the license is issued, except that the 105628  
application fee required to be paid under this section shall be 105629  
not less than two hundred dollars in any one year. 105630

(3) The holder of a wholesale dealer cigarette license may 105631  
transfer the license to a place of business other than that 105632  
designated on the license on condition that the licensee's 105633  
ownership or business structure remains unchanged, and that the 105634  
licensee applies to the commissioner for such a transfer upon a 105635  
form promulgated by the commissioner and pays a fee of twenty-five 105636  
dollars, which shall be deposited into the cigarette tax 105637  
enforcement fund created in division (E) of this section. 105638

(D)(1) The wholesale cigarette license ~~tax revenue~~ 105639  
application fees collected under this section shall be ~~distributed~~ 105640  
as follows: 105641

~~(a) Thirty seven and one half per cent shall be paid upon the~~ 105642  
~~warrant of the county auditor into the treasury of the municipal~~ 105643  
~~corporation or township in which the place of business for which~~ 105644  
~~the tax revenue was received is located;~~ 105645

~~(b) Fifteen per cent shall be credited to the general fund of~~ 105646  
~~the county;~~ 105647

~~(c) Forty seven and one half per cent shall be paid into the~~ 105648  
~~cigarette tax enforcement fund created by division (C) of this~~ 105649

section. 105650

(2) The ~~revenue~~ retail cigarette license application fees 105651  
collected ~~from the thirty dollar tax imposed upon the first five~~ 105652  
~~places of business of a person engaged in the retail business of~~ 105653  
~~trafficking in cigarettes~~ under this section shall be distributed 105654  
as follows: 105655

(a) ~~Sixty two and one half~~ Thirty per cent shall be paid upon 105656  
the warrant of the county auditor into the treasury of the 105657  
municipal corporation or township in which the places of business 105658  
for which the tax revenue was received are located; 105659

(b) ~~Twenty two and one half~~ Ten per cent shall be credited to 105660  
the general fund of the county; 105661

(c) ~~Fifteen~~ Sixty per cent shall be paid into the cigarette 105662  
tax enforcement fund ~~created by division (C) of this section.~~ 105663

(3) The remainder of the revenues and fines collected under 105664  
this section and the penal laws relating to cigarettes shall be 105665  
distributed as follows: 105666

(a) Three-fourths shall be paid upon the warrant of the 105667  
county auditor into the treasury of the municipal corporation or 105668  
township in which the place of business, on account of which the 105669  
revenues and fines were received, is located; 105670

(b) One-fourth shall be credited to the general fund of the 105671  
county. 105672

~~(D)~~(E) There is hereby created within the state treasury the 105673  
cigarette tax enforcement fund for the purpose of providing funds 105674  
to assist in paying the costs of enforcing sections 1333.11 to 105675  
1333.21 and Chapter 5743. of the Revised Code. 105676

The portion of cigarette license ~~tax revenues~~ application 105677  
fees received by a county auditor during the annual application 105678  
period that ends ~~before~~ on the fourth Monday in May ~~which~~ and that 105679

is required to be deposited in the cigarette tax enforcement fund 105680  
shall be sent to the treasurer of state by the thirtieth day of 105681  
June each year accompanied by the form prescribed by the tax 105682  
commissioner. The portion of cigarette license tax money 105683  
application fees received by each county auditor after the fourth 105684  
Monday in May ~~which~~ and that is required to be deposited in the 105685  
cigarette tax enforcement fund shall be sent to the treasurer of 105686  
state by the ~~thirty first day of December~~ last day of the month 105687  
following the month in which such fees were collected. 105688

~~(E)~~(F)(1) Every person who desires to engage in the business 105689  
of a manufacturer or importer of cigarettes shall, annually, on or 105690  
before the fourth Monday of May, make and deliver to the tax 105691  
commissioner, upon a blank form furnished by the commissioner for 105692  
that purpose, a statement showing the name of the applicant, the 105693  
nature of the applicant's business, and any other information 105694  
required by the commissioner. If the applicant is a firm, 105695  
partnership, or association other than a corporation, the 105696  
applicant shall state the name and address of each of its members. 105697  
If the applicant is a corporation, the applicant shall state the 105698  
name and address of each of its officers. 105699

(2) Upon receipt of the application and payment of the fee 105700  
required under this section, the commissioner shall verify that 105701  
the applicant is in good standing under Chapter 1346. and Title 105702  
LVII of the Revised Code. Upon approval, the commissioner shall 105703  
issue to the applicant a license authorizing the applicant to 105704  
engage in the business of manufacturer or importer, whichever the 105705  
case may be, for one year commencing on the fourth Monday of May. 105706

~~(2)~~(3) The issuing of a license under division ~~(E)~~(F)(1) of 105707  
this section to a manufacturer does not excuse a manufacturer from 105708  
the certification process required under section 1346.05 of the 105709  
Revised Code. A manufacturer who is issued a license under 105710  
division ~~(E)~~(F)(1) of this section and who is not listed on the 105711



directory required under section 1346.05 of the Revised Code shall 105712  
not be permitted to sell cigarettes in this state other than to a 105713  
licensed cigarette wholesaler for sale outside this state. Such a 105714  
manufacturer shall provide documentation to the commissioner 105715  
evidencing that the cigarettes are legal for sale in another 105716  
state. 105717

~~(3)(G)~~ The tax commissioner may adopt rules necessary to 105718  
administer ~~division (E)~~ of this section. 105719

**Sec. 5743.61.** (A) ~~No~~ Except as otherwise provided in this 105720  
division, no distributor shall engage in the business of 105721  
distributing tobacco products within this state without having a 105722  
license issued by the department of taxation to engage in that 105723  
business, ~~except that on~~. On the dissolution of a partnership by 105724  
death, the surviving partner may operate under the license of the 105725  
partnership until the expiration of the license, and the heirs or 105726  
legal representatives of deceased persons, and receivers and 105727  
trustees in bankruptcy appointed by any competent authority, may 105728  
operate under the license of the person succeeded in possession by 105729  
the heir, representative, receiver, or trustee in bankruptcy if 105730  
the partner or successor notifies the department of taxation of 105731  
the dissolution or succession within thirty days after the 105732  
dissolution or succession. 105733

(B)(1) Each applicant for a license to engage in the business 105734  
of distributing tobacco products, annually, on or before the first 105735  
day of February, shall make and deliver to the tax commissioner, 105736  
upon a form furnished by the commissioner for that purpose, a 105737  
statement showing the name of the applicant, each physical place 105738  
from which the applicant distributes to distributors, retail 105739  
dealers, or wholesale dealers, and any other information the 105740  
commissioner considers necessary for the administration of 105741  
sections 5743.51 to 5743.66 of the Revised Code. 105742

(2) At the time of making the license application, the applicant shall pay ~~a license~~ an application fee of one ~~hundred thousand~~ dollars for each place listed ~~in~~ on the application where ~~he the applicant~~ proposes to carry on that business. The fee charged for the ~~license~~ application shall accompany the application and shall be made payable to the treasurer of state for deposit into the cigarette tax enforcement fund.

(3) Upon receipt of the application and payment of any licensing fee required by this section, the commissioner shall issue to the applicant a license for each place of distribution designated in the application authorizing the applicant to engage in business at that location for one year commencing on the first day of February. For licenses issued after the first day of February, the license application fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that the application fee required to be paid under this section shall be not less than two hundred dollars. If the original license is lost, destroyed, or defaced, a duplicate license may be obtained from the commissioner upon payment of a license replacement fee of twenty-five dollars.

(C) The holder of a tobacco products license may transfer the license to a place of business ~~or may assign the license to another person for use,~~ on condition that the licensee's ownership and business structure remains unchanged and the licensee or assignee applies to the commissioner for the transfer, ~~upon forms on a form~~ issued by the commissioner, and pays a transfer fee of twenty-five dollars.

(D) If a distributor fails to file ~~the returns~~ forms as required under Chapter 1346. or section 5743.52 of the Revised Code, ~~or pay the tax due thereon,~~ on for two consecutive ~~months~~ periods or three ~~months~~ periods during any twelve-month period,

the commissioner may suspend the license issued to the distributor 105775  
under this section. The suspension is effective ten days after the 105776  
commissioner notifies the distributor of the suspension in writing 105777  
personally or by certified mail. The commissioner shall lift the 105778  
suspension when the distributor files the delinquent ~~returns~~ forms 105779  
and pays the tax due, including any penalties, interest, and 105780  
additional charges. The commissioner may refuse to issue the 105781  
annual renewal of the license required by this section and may 105782  
refuse to issue a new license for the same location until all 105783  
delinquent ~~returns~~ forms are filed and outstanding taxes are paid. 105784  
This division does not apply to any unpaid or underpaid tax 105785  
liability that is the subject of a ~~petition~~ petition or appeal 105786  
filed pursuant to section 5743.56, 5717.02, or 5717.04 of the 105787  
Revised Code. 105788

**Sec. 5747.01.** Except as otherwise expressly provided or 105789  
clearly appearing from the context, any term used in this chapter 105790  
that is not otherwise defined in this section has the same meaning 105791  
as when used in a comparable context in the laws of the United 105792  
States relating to federal income taxes or if not used in a 105793  
comparable context in those laws, has the same meaning as in 105794  
section 5733.40 of the Revised Code. Any reference in this chapter 105795  
to the Internal Revenue Code includes other laws of the United 105796  
States relating to federal income taxes. 105797

As used in this chapter: 105798

(A) "Adjusted gross income" or "Ohio adjusted gross income" 105799  
means federal adjusted gross income, as defined and used in the 105800  
Internal Revenue Code, adjusted as provided in this section: 105801

(1) Add interest or dividends on obligations or securities of 105802  
any state or of any political subdivision or authority of any 105803  
state, other than this state and its subdivisions and authorities. 105804

(2) Add interest or dividends on obligations of any 105805

authority, commission, instrumentality, territory, or possession 105806  
of the United States to the extent that the interest or dividends 105807  
are exempt from federal income taxes but not from state income 105808  
taxes. 105809

(3) Deduct interest or dividends on obligations of the United 105810  
States and its territories and possessions or of any authority, 105811  
commission, or instrumentality of the United States to the extent 105812  
that the interest or dividends are included in federal adjusted 105813  
gross income but exempt from state income taxes under the laws of 105814  
the United States. 105815

(4) Deduct disability and survivor's benefits to the extent 105816  
included in federal adjusted gross income. 105817

(5) Deduct benefits under Title II of the Social Security Act 105818  
and tier 1 railroad retirement benefits to the extent included in 105819  
federal adjusted gross income under section 86 of the Internal 105820  
Revenue Code. 105821

(6) In the case of a taxpayer who is a beneficiary of a trust 105822  
that makes an accumulation distribution as defined in section 665 105823  
of the Internal Revenue Code, add, for the beneficiary's taxable 105824  
years beginning before 2002, the portion, if any, of such 105825  
distribution that does not exceed the undistributed net income of 105826  
the trust for the three taxable years preceding the taxable year 105827  
in which the distribution is made to the extent that the portion 105828  
was not included in the trust's taxable income for any of the 105829  
trust's taxable years beginning in 2002 or thereafter. 105830

"Undistributed net income of a trust" means the taxable income of 105831  
the trust increased by (a)(i) the additions to adjusted gross 105832  
income required under division (A) of this section and (ii) the 105833  
personal exemptions allowed to the trust pursuant to section 105834  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 105835  
deductions to adjusted gross income required under division (A) of 105836  
this section, (ii) the amount of federal income taxes attributable 105837

to such income, and (iii) the amount of taxable income that has 105838  
been included in the adjusted gross income of a beneficiary by 105839  
reason of a prior accumulation distribution. Any undistributed net 105840  
income included in the adjusted gross income of a beneficiary 105841  
shall reduce the undistributed net income of the trust commencing 105842  
with the earliest years of the accumulation period. 105843

(7) Deduct the amount of wages and salaries, if any, not 105844  
otherwise allowable as a deduction but that would have been 105845  
allowable as a deduction in computing federal adjusted gross 105846  
income for the taxable year, had the targeted jobs credit allowed 105847  
and determined under sections 38, 51, and 52 of the Internal 105848  
Revenue Code not been in effect. 105849

(8) Deduct any interest or interest equivalent on public 105850  
obligations and purchase obligations to the extent that the 105851  
interest or interest equivalent is included in federal adjusted 105852  
gross income. 105853

(9) Add any loss or deduct any gain resulting from the sale, 105854  
exchange, or other disposition of public obligations to the extent 105855  
that the loss has been deducted or the gain has been included in 105856  
computing federal adjusted gross income. 105857

(10) Deduct or add amounts, as provided under section 5747.70 105858  
of the Revised Code, related to contributions to variable college 105859  
savings program accounts made or tuition units purchased pursuant 105860  
to Chapter 3334. of the Revised Code. 105861

(11)(a) Deduct, to the extent not otherwise allowable as a 105862  
deduction or exclusion in computing federal or Ohio adjusted gross 105863  
income for the taxable year, the amount the taxpayer paid during 105864  
the taxable year for medical care insurance and qualified 105865  
long-term care insurance for the taxpayer, the taxpayer's spouse, 105866  
and dependents. No deduction for medical care insurance under 105867  
division (A)(11) of this section shall be allowed either to any 105868

taxpayer who is eligible to participate in any subsidized health 105869  
plan maintained by any employer of the taxpayer or of the 105870  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 105871  
application would be entitled to, benefits under part A of Title 105872  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 105873  
301, as amended. For the purposes of division (A)(11)(a) of this 105874  
section, "subsidized health plan" means a health plan for which 105875  
the employer pays any portion of the plan's cost. The deduction 105876  
allowed under division (A)(11)(a) of this section shall be the net 105877  
of any related premium refunds, related premium reimbursements, or 105878  
related insurance premium dividends received during the taxable 105879  
year. 105880

(b) Deduct, to the extent not otherwise deducted or excluded 105881  
in computing federal or Ohio adjusted gross income during the 105882  
taxable year, the amount the taxpayer paid during the taxable 105883  
year, not compensated for by any insurance or otherwise, for 105884  
medical care of the taxpayer, the taxpayer's spouse, and 105885  
dependents, to the extent the expenses exceed seven and one-half 105886  
per cent of the taxpayer's federal adjusted gross income. 105887

(c) Deduct, to the extent not otherwise deducted or excluded 105888  
in computing federal or Ohio adjusted gross income, any amount 105889  
included in federal adjusted gross income under section 105 or not 105890  
excluded under section 106 of the Internal Revenue Code solely 105891  
because it relates to an accident and health plan for a person who 105892  
otherwise would be a "qualifying relative" and thus a "dependent" 105893  
under section 152 of the Internal Revenue Code but for the fact 105894  
that the person fails to meet the income and support limitations 105895  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 105896

(d) For purposes of division (A)(11) of this section, 105897  
"medical care" has the meaning given in section 213 of the 105898  
Internal Revenue Code, subject to the special rules, limitations, 105899  
and exclusions set forth therein, and "qualified long-term care" 105900

has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(12)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(12)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(13) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.

(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax



commissioner, the taxpayer shall provide any information that, in 105963  
the tax commissioner's opinion, is necessary to establish the 105964  
amount deducted under division (A)(17) of this section. 105965

(18) Beginning in taxable year 2001 but not for any taxable 105966  
year beginning after December 31, 2005, if the taxpayer is married 105967  
and files a joint return and the combined federal adjusted gross 105968  
income of the taxpayer and the taxpayer's spouse for the taxable 105969  
year does not exceed one hundred thousand dollars, or if the 105970  
taxpayer is single and has a federal adjusted gross income for the 105971  
taxable year not exceeding fifty thousand dollars, deduct amounts 105972  
paid during the taxable year for qualified tuition and fees paid 105973  
to an eligible institution for the taxpayer, the taxpayer's 105974  
spouse, or any dependent of the taxpayer, who is a resident of 105975  
this state and is enrolled in or attending a program that 105976  
culminates in a degree or diploma at an eligible institution. The 105977  
deduction may be claimed only to the extent that qualified tuition 105978  
and fees are not otherwise deducted or excluded for any taxable 105979  
year from federal or Ohio adjusted gross income. The deduction may 105980  
not be claimed for educational expenses for which the taxpayer 105981  
claims a credit under section 5747.27 of the Revised Code. 105982

(19) Add any reimbursement received during the taxable year 105983  
of any amount the taxpayer deducted under division (A)(18) of this 105984  
section in any previous taxable year to the extent the amount is 105985  
not otherwise included in Ohio adjusted gross income. 105986

(20)(a)(i) Add five-sixths of the amount of depreciation 105987  
expense allowed by subsection (k) of section 168 of the Internal 105988  
Revenue Code, including the taxpayer's proportionate or 105989  
distributive share of the amount of depreciation expense allowed 105990  
by that subsection to a pass-through entity in which the taxpayer 105991  
has a direct or indirect ownership interest. 105992

(ii) Add five-sixths of the amount of qualifying section 179 105993  
depreciation expense, including a person's proportionate or 105994

distributive share of the amount of qualifying section 179 105995  
depreciation expense allowed to any pass-through entity in which 105996  
the person has a direct or indirect ownership. For the purposes of 105997  
this division, "qualifying section 179 depreciation expense" means 105998  
the difference between (I) the amount of depreciation expense 105999  
directly or indirectly allowed to the taxpayer under section 179 106000  
of the Internal Revenue Code, and (II) the amount of depreciation 106001  
expense directly or indirectly allowed to the taxpayer under 106002  
section 179 of the Internal Revenue Code as that section existed 106003  
on December 31, 2002. 106004

The tax commissioner, under procedures established by the 106005  
commissioner, may waive the add-backs related to a pass-through 106006  
entity if the taxpayer owns, directly or indirectly, less than 106007  
five per cent of the pass-through entity. 106008

(b) Nothing in division (A)(20) of this section shall be 106009  
construed to adjust or modify the adjusted basis of any asset. 106010

(c) To the extent the add-back required under division 106011  
(A)(20)(a) of this section is attributable to property generating 106012  
nonbusiness income or loss allocated under section 5747.20 of the 106013  
Revised Code, the add-back shall be situated to the same location 106014  
as the nonbusiness income or loss generated by the property for 106015  
the purpose of determining the credit under division (A) of 106016  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 106017  
be apportioned, subject to one or more of the four alternative 106018  
methods of apportionment enumerated in section 5747.21 of the 106019  
Revised Code. 106020

(d) For the purposes of division (A) of this section, net 106021  
operating loss carryback and carryforward shall not include 106022  
five-sixths of the allowance of any net operating loss deduction 106023  
carryback or carryforward to the taxable year to the extent such 106024  
loss resulted from depreciation allowed by section 168(k) of the 106025  
Internal Revenue Code and by the qualifying section 179 106026

depreciation expense amount. 106027

(21)(a) If the taxpayer was required to add an amount under 106028  
division (A)(20)(a) of this section for a taxable year, deduct 106029  
one-fifth of the amount so added for each of the five succeeding 106030  
taxable years. 106031

(b) If the amount deducted under division (A)(21)(a) of this 106032  
section is attributable to an add-back allocated under division 106033  
(A)(20)(c) of this section, the amount deducted shall be sitused 106034  
to the same location. Otherwise, the add-back shall be apportioned 106035  
using the apportionment factors for the taxable year in which the 106036  
deduction is taken, subject to one or more of the four alternative 106037  
methods of apportionment enumerated in section 5747.21 of the 106038  
Revised Code. 106039

(c) No deduction is available under division (A)(21)(a) of 106040  
this section with regard to any depreciation allowed by section 106041  
168(k) of the Internal Revenue Code and by the qualifying section 106042  
179 depreciation expense amount to the extent that such 106043  
depreciation resulted in or increased a federal net operating loss 106044  
carryback or carryforward to a taxable year to which division 106045  
(A)(20)(d) of this section does not apply. 106046

(22) Deduct, to the extent not otherwise deducted or excluded 106047  
in computing federal or Ohio adjusted gross income for the taxable 106048  
year, the amount the taxpayer received during the taxable year as 106049  
reimbursement for life insurance premiums under section 5919.31 of 106050  
the Revised Code. 106051

(23) Deduct, to the extent not otherwise deducted or excluded 106052  
in computing federal or Ohio adjusted gross income for the taxable 106053  
year, the amount the taxpayer received during the taxable year as 106054  
a death benefit paid by the adjutant general under section 5919.33 106055  
of the Revised Code. 106056

(24) Deduct, to the extent included in federal adjusted gross 106057

income and not otherwise allowable as a deduction or exclusion in 106058  
computing federal or Ohio adjusted gross income for the taxable 106059  
year, military pay and allowances received by the taxpayer during 106060  
the taxable year for active duty service in the United States 106061  
army, air force, navy, marine corps, or coast guard or reserve 106062  
components thereof or the national guard. The deduction may not be 106063  
claimed for military pay and allowances received by the taxpayer 106064  
while the taxpayer is stationed in this state. 106065

(25) Deduct, to the extent not otherwise allowable as a 106066  
deduction or exclusion in computing federal or Ohio adjusted gross 106067  
income for the taxable year and not otherwise compensated for by 106068  
any other source, the amount of qualified organ donation expenses 106069  
incurred by the taxpayer during the taxable year, not to exceed 106070  
ten thousand dollars. A taxpayer may deduct qualified organ 106071  
donation expenses only once for all taxable years beginning with 106072  
taxable years beginning in 2007. 106073

For the purposes of division (A)(25) of this section: 106074

(a) "Human organ" means all or any portion of a human liver, 106075  
pancreas, kidney, intestine, or lung, and any portion of human 106076  
bone marrow. 106077

(b) "Qualified organ donation expenses" means travel 106078  
expenses, lodging expenses, and wages and salary forgone by a 106079  
taxpayer in connection with the taxpayer's donation, while living, 106080  
of one or more of the taxpayer's human organs to another human 106081  
being. 106082

(26) Deduct, to the extent not otherwise deducted or excluded 106083  
in computing federal or Ohio adjusted gross income for the taxable 106084  
year, amounts received by the taxpayer as retired military 106085  
personnel pay for service in the United States army, navy, air 106086  
force, coast guard, or marine corps or reserve components thereof, 106087  
or the national guard, or received by the surviving spouse or 106088

former spouse of such a taxpayer under the survivor benefit plan 106089  
on account of such a taxpayer's death. If the taxpayer receives 106090  
income on account of retirement paid under the federal civil 106091  
service retirement system or federal employees retirement system, 106092  
or under any successor retirement program enacted by the congress 106093  
of the United States that is established and maintained for 106094  
retired employees of the United States government, and such 106095  
retirement income is based, in whole or in part, on credit for the 106096  
taxpayer's military service, the deduction allowed under this 106097  
division shall include only that portion of such retirement income 106098  
that is attributable to the taxpayer's military service, to the 106099  
extent that portion of such retirement income is otherwise 106100  
included in federal adjusted gross income and is not otherwise 106101  
deducted under this section. Any amount deducted under division 106102  
(A)(26) of this section is not included in a taxpayer's adjusted 106103  
gross income for the purposes of section 5747.055 of the Revised 106104  
Code. No amount may be deducted under division (A)(26) of this 106105  
section on the basis of which a credit was claimed under section 106106  
5747.055 of the Revised Code. 106107

(27) Deduct, to the extent not otherwise deducted or excluded 106108  
in computing federal or Ohio adjusted gross income for the taxable 106109  
year, the amount the taxpayer received during the taxable year 106110  
from the military injury relief fund created in section 5101.98 of 106111  
the Revised Code. 106112

(B) "Business income" means income, including gain or loss, 106113  
arising from transactions, activities, and sources in the regular 106114  
course of a trade or business and includes income, gain, or loss 106115  
from real property, tangible property, and intangible property if 106116  
the acquisition, rental, management, and disposition of the 106117  
property constitute integral parts of the regular course of a 106118  
trade or business operation. "Business income" includes income, 106119  
including gain or loss, from a partial or complete liquidation of 106120

a business, including, but not limited to, gain or loss from the 106121  
sale or other disposition of goodwill. 106122

(C) "Nonbusiness income" means all income other than business 106123  
income and may include, but is not limited to, compensation, rents 106124  
and royalties from real or tangible personal property, capital 106125  
gains, interest, dividends and distributions, patent or copyright 106126  
royalties, or lottery winnings, prizes, and awards. 106127

(D) "Compensation" means any form of remuneration paid to an 106128  
employee for personal services. 106129

(E) "Fiduciary" means a guardian, trustee, executor, 106130  
administrator, receiver, conservator, or any other person acting 106131  
in any fiduciary capacity for any individual, trust, or estate. 106132

(F) "Fiscal year" means an accounting period of twelve months 106133  
ending on the last day of any month other than December. 106134

(G) "Individual" means any natural person. 106135

(H) "Internal Revenue Code" means the "Internal Revenue Code 106136  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 106137

(I) "Resident" means any of the following, provided that 106138  
division (I)(3) of this section applies only to taxable years of a 106139  
trust beginning in 2002 or thereafter: 106140

(1) An individual who is domiciled in this state, subject to 106141  
section 5747.24 of the Revised Code; 106142

(2) The estate of a decedent who at the time of death was 106143  
domiciled in this state. The domicile tests of section 5747.24 of 106144  
the Revised Code are not controlling for purposes of division 106145  
(I)(2) of this section. 106146

(3) A trust that, in whole or part, resides in this state. If 106147  
only part of a trust resides in this state, the trust is a 106148  
resident only with respect to that part. 106149

For the purposes of division (I)(3) of this section: 106150

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential

current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the



fair market value of all the trust's assets immediately after the 106214  
subsequent transfer, net of any related liabilities. 106215

(iii) Whether a transfer to the trust is by or from any of 106216  
the sources enumerated in division (I)(3)(a) of this section shall 106217  
be ascertained without regard to the domicile of the trust's 106218  
beneficiaries. 106219

(e) For the purposes of division (I)(3)(a)(i) of this 106220  
section: 106221

(i) A trust is described in division (I)(3)(e)(i) of this 106222  
section if the trust is a testamentary trust and the testator of 106223  
that testamentary trust was domiciled in this state at the time of 106224  
the testator's death for purposes of the taxes levied under 106225  
Chapter 5731. of the Revised Code. 106226

(ii) A trust is described in division (I)(3)(e)(ii) of this 106227  
section if the transfer is a qualifying transfer described in any 106228  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 106229  
irrevocable inter vivos trust, and at least one of the trust's 106230  
qualifying beneficiaries is domiciled in this state for purposes 106231  
of this chapter during all or some portion of the trust's current 106232  
taxable year. 106233

(f) For the purposes of division (I)(3)(e)(ii) of this 106234  
section, a "qualifying transfer" is a transfer of assets, net of 106235  
any related liabilities, directly or indirectly to a trust, if the 106236  
transfer is described in any of the following: 106237

(i) The transfer is made to a trust, created by the decedent 106238  
before the decedent's death and while the decedent was domiciled 106239  
in this state for the purposes of this chapter, and, prior to the 106240  
death of the decedent, the trust became irrevocable while the 106241  
decedent was domiciled in this state for the purposes of this 106242  
chapter. 106243

(ii) The transfer is made to a trust to which the decedent, 106244

prior to the decedent's death, had directly or indirectly 106245  
transferred assets, net of any related liabilities, while the 106246  
decedent was domiciled in this state for the purposes of this 106247  
chapter, and prior to the death of the decedent the trust became 106248  
irrevocable while the decedent was domiciled in this state for the 106249  
purposes of this chapter. 106250

(iii) The transfer is made on account of a contractual 106251  
relationship existing directly or indirectly between the 106252  
transferor and either the decedent or the estate of the decedent 106253  
at any time prior to the date of the decedent's death, and the 106254  
decedent was domiciled in this state at the time of death for 106255  
purposes of the taxes levied under Chapter 5731. of the Revised 106256  
Code. 106257

(iv) The transfer is made to a trust on account of a 106258  
contractual relationship existing directly or indirectly between 106259  
the transferor and another person who at the time of the 106260  
decedent's death was domiciled in this state for purposes of this 106261  
chapter. 106262

(v) The transfer is made to a trust on account of the will of 106263  
a testator. 106264

(vi) The transfer is made to a trust created by or caused to 106265  
be created by a court, and the trust was directly or indirectly 106266  
created in connection with or as a result of the death of an 106267  
individual who, for purposes of the taxes levied under Chapter 106268  
5731. of the Revised Code, was domiciled in this state at the time 106269  
of the individual's death. 106270

(g) The tax commissioner may adopt rules to ascertain the 106271  
part of a trust residing in this state. 106272

(J) "Nonresident" means an individual or estate that is not a 106273  
resident. An individual who is a resident for only part of a 106274  
taxable year is a nonresident for the remainder of that taxable 106275

year.	106276
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	106277 106278
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	106279 106280 106281 106282
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	106283 106284 106285 106286
(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	106287 106288 106289 106290
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.	106291 106292 106293 106294 106295
(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.	106296 106297 106298 106299 106300
(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:	106301 106302
(1) "Subdivision" means any county, municipal corporation, park district, or township.	106303 106304
(2) "Essential local government purposes" includes all	106305

functions that any subdivision is required by general law to 106306  
exercise, including like functions that are exercised under a 106307  
charter adopted pursuant to the Ohio Constitution. 106308

(R) "Overpayment" means any amount already paid that exceeds 106309  
the figure determined to be the correct amount of the tax. 106310

(S) "Taxable income" or "Ohio taxable income" applies only to 106311  
estates and trusts, and means federal taxable income, as defined 106312  
and used in the Internal Revenue Code, adjusted as follows: 106313

(1) Add interest or dividends, net of ordinary, necessary, 106314  
and reasonable expenses not deducted in computing federal taxable 106315  
income, on obligations or securities of any state or of any 106316  
political subdivision or authority of any state, other than this 106317  
state and its subdivisions and authorities, but only to the extent 106318  
that such net amount is not otherwise includible in Ohio taxable 106319  
income and is described in either division (S)(1)(a) or (b) of 106320  
this section: 106321

(a) The net amount is not attributable to the S portion of an 106322  
electing small business trust and has not been distributed to 106323  
beneficiaries for the taxable year; 106324

(b) The net amount is attributable to the S portion of an 106325  
electing small business trust for the taxable year. 106326

(2) Add interest or dividends, net of ordinary, necessary, 106327  
and reasonable expenses not deducted in computing federal taxable 106328  
income, on obligations of any authority, commission, 106329  
instrumentality, territory, or possession of the United States to 106330  
the extent that the interest or dividends are exempt from federal 106331  
income taxes but not from state income taxes, but only to the 106332  
extent that such net amount is not otherwise includible in Ohio 106333  
taxable income and is described in either division (S)(1)(a) or 106334  
(b) of this section; 106335

(3) Add the amount of personal exemption allowed to the 106336

estate pursuant to section 642(b) of the Internal Revenue Code; 106337

(4) Deduct interest or dividends, net of related expenses 106338  
deducted in computing federal taxable income, on obligations of 106339  
the United States and its territories and possessions or of any 106340  
authority, commission, or instrumentality of the United States to 106341  
the extent that the interest or dividends are exempt from state 106342  
taxes under the laws of the United States, but only to the extent 106343  
that such amount is included in federal taxable income and is 106344  
described in either division (S)(1)(a) or (b) of this section; 106345

(5) Deduct the amount of wages and salaries, if any, not 106346  
otherwise allowable as a deduction but that would have been 106347  
allowable as a deduction in computing federal taxable income for 106348  
the taxable year, had the targeted jobs credit allowed under 106349  
sections 38, 51, and 52 of the Internal Revenue Code not been in 106350  
effect, but only to the extent such amount relates either to 106351  
income included in federal taxable income for the taxable year or 106352  
to income of the S portion of an electing small business trust for 106353  
the taxable year; 106354

(6) Deduct any interest or interest equivalent, net of 106355  
related expenses deducted in computing federal taxable income, on 106356  
public obligations and purchase obligations, but only to the 106357  
extent that such net amount relates either to income included in 106358  
federal taxable income for the taxable year or to income of the S 106359  
portion of an electing small business trust for the taxable year; 106360

(7) Add any loss or deduct any gain resulting from sale, 106361  
exchange, or other disposition of public obligations to the extent 106362  
that such loss has been deducted or such gain has been included in 106363  
computing either federal taxable income or income of the S portion 106364  
of an electing small business trust for the taxable year; 106365

(8) Except in the case of the final return of an estate, add 106366  
any amount deducted by the taxpayer on both its Ohio estate tax 106367

return pursuant to section 5731.14 of the Revised Code, and on its 106368  
federal income tax return in determining federal taxable income; 106369

(9)(a) Deduct any amount included in federal taxable income 106370  
solely because the amount represents a reimbursement or refund of 106371  
expenses that in a previous year the decedent had deducted as an 106372  
itemized deduction pursuant to section 63 of the Internal Revenue 106373  
Code and applicable treasury regulations. The deduction otherwise 106374  
allowed under division (S)(9)(a) of this section shall be reduced 106375  
to the extent the reimbursement is attributable to an amount the 106376  
taxpayer or decedent deducted under this section in any taxable 106377  
year. 106378

(b) Add any amount not otherwise included in Ohio taxable 106379  
income for any taxable year to the extent that the amount is 106380  
attributable to the recovery during the taxable year of any amount 106381  
deducted or excluded in computing federal or Ohio taxable income 106382  
in any taxable year, but only to the extent such amount has not 106383  
been distributed to beneficiaries for the taxable year. 106384

(10) Deduct any portion of the deduction described in section 106385  
1341(a)(2) of the Internal Revenue Code, for repaying previously 106386  
reported income received under a claim of right, that meets both 106387  
of the following requirements: 106388

(a) It is allowable for repayment of an item that was 106389  
included in the taxpayer's taxable income or the decedent's 106390  
adjusted gross income for a prior taxable year and did not qualify 106391  
for a credit under division (A) or (B) of section 5747.05 of the 106392  
Revised Code for that year. 106393

(b) It does not otherwise reduce the taxpayer's taxable 106394  
income or the decedent's adjusted gross income for the current or 106395  
any other taxable year. 106396

(11) Add any amount claimed as a credit under section 106397  
5747.059 of the Revised Code to the extent that the amount 106398

satisfies either of the following: 106399

(a) The amount was deducted or excluded from the computation 106400  
of the taxpayer's federal taxable income as required to be 106401  
reported for the taxpayer's taxable year under the Internal 106402  
Revenue Code; 106403

(b) The amount resulted in a reduction in the taxpayer's 106404  
federal taxable income as required to be reported for any of the 106405  
taxpayer's taxable years under the Internal Revenue Code. 106406

(12) Deduct any amount, net of related expenses deducted in 106407  
computing federal taxable income, that a trust is required to 106408  
report as farm income on its federal income tax return, but only 106409  
if the assets of the trust include at least ten acres of land 106410  
satisfying the definition of "land devoted exclusively to 106411  
agricultural use" under section 5713.30 of the Revised Code, 106412  
regardless of whether the land is valued for tax purposes as such 106413  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 106414  
trust is a pass-through entity investor, section 5747.231 of the 106415  
Revised Code applies in ascertaining if the trust is eligible to 106416  
claim the deduction provided by division (S)(12) of this section 106417  
in connection with the pass-through entity's farm income. 106418

Except for farm income attributable to the S portion of an 106419  
electing small business trust, the deduction provided by division 106420  
(S)(12) of this section is allowed only to the extent that the 106421  
trust has not distributed such farm income. Division (S)(12) of 106422  
this section applies only to taxable years of a trust beginning in 106423  
2002 or thereafter. 106424

(13) Add the net amount of income described in section 641(c) 106425  
of the Internal Revenue Code to the extent that amount is not 106426  
included in federal taxable income. 106427

(14) Add or deduct the amount the taxpayer would be required 106428  
to add or deduct under division (A)(20) or (21) of this section if 106429

the taxpayer's Ohio taxable income were computed in the same 106430  
manner as an individual's Ohio adjusted gross income is computed 106431  
under this section. In the case of a trust, division (S)(14) of 106432  
this section applies only to any of the trust's taxable years 106433  
beginning in 2002 or thereafter. 106434

(T) "School district income" and "school district income tax" 106435  
have the same meanings as in section 5748.01 of the Revised Code. 106436

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 106437  
of this section, "public obligations," "purchase obligations," and 106438  
"interest or interest equivalent" have the same meanings as in 106439  
section 5709.76 of the Revised Code. 106440

(V) "Limited liability company" means any limited liability 106441  
company formed under Chapter 1705. of the Revised Code or under 106442  
the laws of any other state. 106443

(W) "Pass-through entity investor" means any person who, 106444  
during any portion of a taxable year of a pass-through entity, is 106445  
a partner, member, shareholder, or equity investor in that 106446  
pass-through entity. 106447

(X) "Banking day" has the same meaning as in section 1304.01 106448  
of the Revised Code. 106449

(Y) "Month" means a calendar month. 106450

(Z) "Quarter" means the first three months, the second three 106451  
months, the third three months, or the last three months of the 106452  
taxpayer's taxable year. 106453

(AA)(1) "Eligible institution" means a state university or 106454  
state institution of higher education as defined in section 106455  
3345.011 of the Revised Code, or a private, nonprofit college, 106456  
university, or other post-secondary institution located in this 106457  
state that possesses a certificate of authorization issued by the 106458  
Ohio board of regents pursuant to Chapter 1713. of the Revised 106459



Code or a certificate of registration issued by the state board of 106460  
career colleges and schools under Chapter 3332. of the Revised 106461  
Code. 106462

(2) "Qualified tuition and fees" means tuition and fees 106463  
imposed by an eligible institution as a condition of enrollment or 106464  
attendance, not exceeding two thousand five hundred dollars in 106465  
each of the individual's first two years of post-secondary 106466  
education. If the individual is a part-time student, "qualified 106467  
tuition and fees" includes tuition and fees paid for the academic 106468  
equivalent of the first two years of post-secondary education 106469  
during a maximum of five taxable years, not exceeding a total of 106470  
five thousand dollars. "Qualified tuition and fees" does not 106471  
include: 106472

(a) Expenses for any course or activity involving sports, 106473  
games, or hobbies unless the course or activity is part of the 106474  
individual's degree or diploma program; 106475

(b) The cost of books, room and board, student activity fees, 106476  
athletic fees, insurance expenses, or other expenses unrelated to 106477  
the individual's academic course of instruction; 106478

(c) Tuition, fees, or other expenses paid or reimbursed 106479  
through an employer, scholarship, grant in aid, or other 106480  
educational benefit program. 106481

(BB)(1) "Modified business income" means the business income 106482  
included in a trust's Ohio taxable income after such taxable 106483  
income is first reduced by the qualifying trust amount, if any. 106484

(2) "Qualifying trust amount" of a trust means capital gains 106485  
and losses from the sale, exchange, or other disposition of equity 106486  
or ownership interests in, or debt obligations of, a qualifying 106487  
investee to the extent included in the trust's Ohio taxable 106488  
income, but only if the following requirements are satisfied: 106489

(a) The book value of the qualifying investee's physical 106490

assets in this state and everywhere, as of the last day of the 106491  
qualifying investee's fiscal or calendar year ending immediately 106492  
prior to the date on which the trust recognizes the gain or loss, 106493  
is available to the trust. 106494

(b) The requirements of section 5747.011 of the Revised Code 106495  
are satisfied for the trust's taxable year in which the trust 106496  
recognizes the gain or loss. 106497

Any gain or loss that is not a qualifying trust amount is 106498  
modified business income, qualifying investment income, or 106499  
modified nonbusiness income, as the case may be. 106500

(3) "Modified nonbusiness income" means a trust's Ohio 106501  
taxable income other than modified business income, other than the 106502  
qualifying trust amount, and other than qualifying investment 106503  
income, as defined in section 5747.012 of the Revised Code, to the 106504  
extent such qualifying investment income is not otherwise part of 106505  
modified business income. 106506

(4) "Modified Ohio taxable income" applies only to trusts, 106507  
and means the sum of the amounts described in divisions (BB)(4)(a) 106508  
to (c) of this section: 106509

(a) The fraction, calculated under section 5747.013, and 106510  
applying section 5747.231 of the Revised Code, multiplied by the 106511  
sum of the following amounts: 106512

(i) The trust's modified business income; 106513

(ii) The trust's qualifying investment income, as defined in 106514  
section 5747.012 of the Revised Code, but only to the extent the 106515  
qualifying investment income does not otherwise constitute 106516  
modified business income and does not otherwise constitute a 106517  
qualifying trust amount. 106518

(b) The qualifying trust amount multiplied by a fraction, the 106519  
numerator of which is the sum of the book value of the qualifying 106520

investee's physical assets in this state on the last day of the 106521  
qualifying investee's fiscal or calendar year ending immediately 106522  
prior to the day on which the trust recognizes the qualifying 106523  
trust amount, and the denominator of which is the sum of the book 106524  
value of the qualifying investee's total physical assets 106525  
everywhere on the last day of the qualifying investee's fiscal or 106526  
calendar year ending immediately prior to the day on which the 106527  
trust recognizes the qualifying trust amount. If, for a taxable 106528  
year, the trust recognizes a qualifying trust amount with respect 106529  
to more than one qualifying investee, the amount described in 106530  
division (BB)(4)(b) of this section shall equal the sum of the 106531  
products so computed for each such qualifying investee. 106532

(c)(i) With respect to a trust or portion of a trust that is 106533  
a resident as ascertained in accordance with division (I)(3)(d) of 106534  
this section, its modified nonbusiness income. 106535

(ii) With respect to a trust or portion of a trust that is 106536  
not a resident as ascertained in accordance with division 106537  
(I)(3)(d) of this section, the amount of its modified nonbusiness 106538  
income satisfying the descriptions in divisions (B)(2) to (5) of 106539  
section 5747.20 of the Revised Code, except as otherwise provided 106540  
in division (BB)(4)(c)(ii) of this section. With respect to a 106541  
trust or portion of a trust that is not a resident as ascertained 106542  
in accordance with division (I)(3)(d) of this section, the trust's 106543  
portion of modified nonbusiness income recognized from the sale, 106544  
exchange, or other disposition of a debt interest in or equity 106545  
interest in a section 5747.212 entity, as defined in section 106546  
5747.212 of the Revised Code, without regard to division (A) of 106547  
that section, shall not be allocated to this state in accordance 106548  
with section 5747.20 of the Revised Code but shall be apportioned 106549  
to this state in accordance with division (B) of section 5747.212 106550  
of the Revised Code without regard to division (A) of that 106551  
section. 106552

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the

pass-through entity's calendar or fiscal year ending within or 106585  
with the last day of the qualifying investee's fiscal or calendar 106586  
year ending immediately prior to the date on which the trust 106587  
recognizes the qualifying trust amount. 106588

(iii) For the purposes of division (BB)(5)(a)(iii) of this 106589  
section, "upper level pass-through entity" means a pass-through 106590  
entity directly or indirectly owning any equity of another 106591  
pass-through entity, and "lower level pass-through entity" means 106592  
that other pass-through entity. 106593

An upper level pass-through entity, whether or not it is also 106594  
a qualifying investee, is deemed to own, on the last day of the 106595  
upper level pass-through entity's calendar or fiscal year, the 106596  
proportionate share of the lower level pass-through entity's 106597  
physical assets that the lower level pass-through entity directly 106598  
or indirectly owns on the last day of the lower level pass-through 106599  
entity's calendar or fiscal year ending within or with the last 106600  
day of the upper level pass-through entity's fiscal or calendar 106601  
year. If the upper level pass-through entity directly and 106602  
indirectly owns less than fifty per cent of the equity of the 106603  
lower level pass-through entity on each day of the upper level 106604  
pass-through entity's calendar or fiscal year in which or with 106605  
which ends the calendar or fiscal year of the lower level 106606  
pass-through entity and if, based upon clear and convincing 106607  
evidence, complete information about the location and cost of the 106608  
physical assets of the lower pass-through entity is not available 106609  
to the upper level pass-through entity, then solely for purposes 106610  
of ascertaining if a gain or loss constitutes a qualifying trust 106611  
amount, the upper level pass-through entity shall be deemed as 106612  
owning no equity of the lower level pass-through entity for each 106613  
day during the upper level pass-through entity's calendar or 106614  
fiscal year in which or with which ends the lower level 106615  
pass-through entity's calendar or fiscal year. Nothing in division 106616

(BB)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income. 106617  
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(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply: 106620  
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(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation. 106625  
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(ii) Such gain or loss constitutes nonbusiness income. 106629

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss. 106630  
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(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code. 106634  
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(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 106636  
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(EE)(1) For the purposes of division (EE) of this section: 106638

(a) "Qualifying person" means any person other than a qualifying corporation. 106639  
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(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following: 106641  
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(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's 106644  
106645  
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taxable year; 106647

(ii) A subsidiary that is wholly owned by any corporation 106648  
that has made an election under subchapter S, chapter one, 106649  
subtitle A of the Internal Revenue Code for its taxable year 106650  
ending within, or on the last day of, the investor's taxable year. 106651

(2) For the purposes of this chapter, unless expressly stated 106652  
otherwise, no qualifying person indirectly owns any asset directly 106653  
or indirectly owned by any qualifying corporation. 106654

(FF) For purposes of this chapter and Chapter 5751. of the 106655  
Revised Code: 106656

(1) "Trust" does not include a qualified pre-income tax 106657  
trust. 106658

(2) A "qualified pre-income tax trust" is any pre-income tax 106659  
trust that makes a qualifying pre-income tax trust election as 106660  
described in division (FF)(3) of this section. 106661

(3) A "qualifying pre-income tax trust election" is an 106662  
election by a pre-income tax trust to subject to the tax imposed 106663  
by section 5751.02 of the Revised Code the pre-income tax trust 106664  
and all pass-through entities of which the trust owns or controls, 106665  
directly, indirectly, or constructively through related interests, 106666  
five per cent or more of the ownership or equity interests. The 106667  
trustee shall notify the tax commissioner in writing of the 106668  
election on or before April 15, 2006. The election, if timely 106669  
made, shall be effective on and after January 1, 2006, and shall 106670  
apply for all tax periods and tax years until revoked by the 106671  
trustee of the trust. 106672

(4) A "pre-income tax trust" is a trust that satisfies all of 106673  
the following requirements: 106674

(a) The document or instrument creating the trust was 106675  
executed by the grantor before January 1, 1972; 106676

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code ~~for taxable years ending on or after October 14, 1983,~~ who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5101.98 of the Revised Code, the Ohio historical society income tax contribution fund created in section 149.308 of the Revised Code, or all of those funds, may designate on the taxpayer's income tax return the amount that the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found due the taxpayer upon the initial processing of the taxpayer's return, after any deductions including those required by section 5747.12 of the Revised Code, is greater than or equal to the designated contribution. If the refund due as initially determined is less than the designated contribution, the contribution shall be made in the full amount of the refund. The tax commissioner shall subtract the amount of the contribution from the amount of the refund initially found due the taxpayer and shall certify the difference to the director of budget and management and treasurer of state for payment to the taxpayer in accordance with section 5747.11 of the Revised Code. For the purpose of any subsequent determination of the taxpayer's net tax payment, the contribution shall be considered a part of the refund paid to the taxpayer.



(B) The tax commissioner shall provide a space on the income tax return form in which a taxpayer may indicate that the taxpayer wishes to make a donation in accordance with this section. The tax commissioner shall also print in the instructions accompanying the income tax return form a description of the purposes for which the natural areas and preserves fund, the nongame and endangered wildlife fund, ~~and~~ the military injury relief fund, and the Ohio historical society income tax contribution fund were created and the use of moneys from the income tax refund contribution system established in this section. No person shall designate on the person's income tax return any part of a refund claimed under section 5747.11 of the Revised Code as a contribution to any fund other than the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, or all of those funds the Ohio historical society income tax contribution fund.

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund, the nongame and endangered wildlife fund, ~~and~~ the military injury relief fund, and the Ohio historical society income tax contribution fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months, any adjustments to prior months, and the cost to the department of taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make an additional determination no later than the thirty-first day of January of each year of the total amount contributed to each fund under this section during the preceding four calendar months, any adjustments to prior years made during that four-month period, and

the cost to the department of taxation of administering the income 106740  
tax contribution system during that period. The cost of 106741  
administering the income tax contribution system shall be 106742  
certified by the tax commissioner to the director of budget and 106743  
management, who shall transfer an amount equal to ~~one-third~~ 106744  
one-fourth of such administrative costs from the natural areas and 106745  
preserves fund, ~~one-third~~ one-fourth of such costs from the 106746  
nongame and endangered wildlife fund, ~~and one-third~~ one-fourth of 106747  
such costs from the military injury relief fund, and one-fourth of 106748  
such costs from the Ohio historical society income tax 106749  
contribution fund to the ~~litter control and natural resource~~ 106750  
income tax contribution administration fund, which is hereby 106751  
created, provided that the moneys that the department receives to 106752  
pay the cost of administering the income tax refund contribution 106753  
system in any year shall not exceed two and one-half per cent of 106754  
the total amount contributed under that system during that year. 106755

(E)(1) The director of natural resources, in January of every 106756  
odd-numbered year, shall report to the general assembly on the 106757  
effectiveness of the income tax refund contribution system as it 106758  
pertains to the natural areas and preserves fund and the nongame 106759  
and endangered wildlife fund. The report shall include the amount 106760  
of money contributed to each fund in each of the previous five 106761  
years, the amount of money contributed directly to each fund in 106762  
addition to or independently of the income tax refund contribution 106763  
system in each of the previous five years, and the purposes for 106764  
which the money was expended. 106765

(2) The director of job and family services and the director 106766  
of the Ohio historical society, in January of every odd-numbered 106767  
year, each shall report to the general assembly on the 106768  
effectiveness of the income tax refund contribution system as it 106769  
pertains to the military injury relief fund and the Ohio 106770  
historical society income tax contribution fund, respectively. The 106771

report shall include the amount of money contributed to the fund 106772  
in each of the previous five years, the amount of money 106773  
contributed directly to the fund in addition to or independently 106774  
of the income tax refund contribution system in each of the 106775  
previous five years, and the purposes for which the money was 106776  
expended. 106777

**Sec. 5747.13.** (A) If any employer collects the tax imposed by 106778  
section 5747.02 or under Chapter 5748. of the Revised Code and 106779  
fails to remit the tax as required by law, or fails to collect the 106780  
tax, the employer is personally liable for any amount collected 106781  
that the employer fails to remit, or any amount that the employer 106782  
fails to collect. If any taxpayer fails to file a return or fails 106783  
to pay the tax imposed by section 5747.02 or under Chapter 5748. 106784  
of the Revised Code, the taxpayer is personally liable for the 106785  
amount of the tax. 106786

If any employer, taxpayer, or qualifying entity required to 106787  
file a return under this chapter fails to file the return within 106788  
the time prescribed, files an incorrect return, fails to remit the 106789  
full amount of the taxes due for the period covered by the return, 106790  
or fails to remit any additional tax due as a result of a 106791  
reduction in the amount of the credit allowed under division (B) 106792  
of section 5747.05 of the Revised Code together with interest on 106793  
the additional tax within the time prescribed by that division, 106794  
the tax commissioner may make an assessment against any person 106795  
liable for any deficiency for the period for which the return is 106796  
or taxes are due, based upon any information in the commissioner's 106797  
possession. 106798

An assessment issued against either the employer or the 106799  
taxpayer pursuant to this section shall not be considered an 106800  
election of remedies or a bar to an assessment against the other 106801  
for failure to report or pay the same tax. No assessment shall be 106802

issued against any person if the tax actually has been paid by 106803  
another. 106804

No assessment shall be made or issued against an employer, 106805  
taxpayer, or qualifying entity more than four years after the 106806  
final date the return subject to assessment was required to be 106807  
filed or the date the return was filed, whichever is later. 106808  
However, the commissioner may assess any balance due as the result 106809  
of a reduction in the credit allowed under division (B) of section 106810  
5747.05 of the Revised Code, including applicable penalty and 106811  
interest, within four years of the date on which the taxpayer 106812  
reports a change in either the portion of the taxpayer's adjusted 106813  
gross income subjected to an income tax or tax measured by income 106814  
in another state or the District of Columbia, or the amount of 106815  
liability for an income tax or tax measured by income to another 106816  
state or the District of Columbia, as required by division (B)(3) 106817  
of section 5747.05 of the Revised Code. Such time limits may be 106818  
extended if both the employer, taxpayer, or qualifying entity and 106819  
the commissioner consent in writing to the extension or if an 106820  
agreement waiving or extending the time limits has been entered 106821  
into pursuant to section 122.171 of the Revised Code. Any such 106822  
extension shall extend the four-year time limit in division (B) of 106823  
section 5747.11 of the Revised Code for the same period of time. 106824  
There shall be no bar or limit to an assessment against an 106825  
employer for taxes withheld from employees and not remitted to the 106826  
state, against an employer, taxpayer, or qualifying entity that 106827  
fails to file a return subject to assessment as required by this 106828  
chapter, or against an employer, taxpayer, or qualifying entity 106829  
that files a fraudulent return. 106830

The commissioner shall give the party assessed written notice 106831  
of the assessment in the manner provided in section 5703.37 of the 106832  
Revised Code. With the notice, the commissioner shall provide 106833  
instructions on how to petition for reassessment and request a 106834

hearing on the petition. 106835

(B) Unless the party assessed files with the tax commissioner 106836  
within sixty days after service of the notice of assessment, 106837  
either personally or by certified mail, a written petition for 106838  
reassessment, signed by the party assessed or that party's 106839  
authorized agent having knowledge of the facts, the assessment 106840  
becomes final, and the amount of the assessment is due and payable 106841  
from the party assessed to the commissioner with remittance made 106842  
payable to the treasurer of state. The petition shall indicate the 106843  
objections of the party assessed, but additional objections may be 106844  
raised in writing if received by the commissioner prior to the 106845  
date shown on the final determination. If the petition has been 106846  
properly filed, the commissioner shall proceed under section 106847  
5703.60 of the Revised Code. 106848

(C) After an assessment becomes final, if any portion of the 106849  
assessment remains unpaid, including accrued interest, a certified 106850  
copy of the tax commissioner's entry making the assessment final 106851  
may be filed in the office of the clerk of the court of common 106852  
pleas in the county in which the employer's, taxpayer's, or 106853  
qualifying entity's place of business is located or the county in 106854  
which the party assessed resides. If the party assessed is not a 106855  
resident of this state, the certified copy of the entry may be 106856  
filed in the office of the clerk of the court of common pleas of 106857  
Franklin county. 106858

Immediately upon the filing of the entry, the clerk shall 106859  
enter a judgment against the party assessed in the amount shown on 106860  
the entry. The judgment shall be filed by the clerk in one of two 106861  
loose-leaf books, one entitled "special judgments for state and 106862  
school district income taxes," and the other entitled "special 106863  
judgments for qualifying entity taxes." The judgment shall have 106864  
the same effect as other judgments. Execution shall issue upon the 106865  
judgment upon the request of the tax commissioner, and all laws 106866

applicable to sales on execution shall apply to sales made under the judgment. 106867  
106868

The portion of the assessment not paid within sixty days after the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section. 106869  
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(D) All money collected under this section shall be considered as revenue arising from the taxes imposed by this chapter or Chapter 5733. or 5748. of the Revised Code, as appropriate. 106875  
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~~(E) The portion of an assessment that must be paid upon the filing of a petition for reassessment shall be as follows:~~ 106879  
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~~(1) If the sole item objected to is the assessed penalty or interest, payment of the assessment, including interest but not penalty, is required;~~ 106881  
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~~(2) If the taxpayer or qualifying entity that is assessed failed to file, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, any amended return or amended report required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, or any report required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, payment of the assessment, including interest but not penalty, is required, except as otherwise provided under division (E)(6) or (7) of this section;~~ 106884  
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~~(3) If the employer assessed had not filed, prior to the date of issuance of the assessment, the annual return required by division (E)(2) of section 5747.07 of the Revised Code covering~~ 106895  
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~~the period at issue, payment of the assessment, including interest but not penalty, is required;~~ 106898  
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~~(4) If the taxpayer or qualifying entity that is assessed filed, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, all amended returns or reports required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, and all reports required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, and a balance of the taxes shown due on the returns or reports as computed on the returns or reports remains unpaid, payment of only that portion of the assessment representing the unpaid balance of tax and interest is required;~~ 106900  
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~~(5) If the employer assessed filed, prior to the date of issuance of the assessment, the annual return required by division (E)(2) of section 5747.07 of the Revised Code covering the period at issue, and a balance of the taxes shown due on the return as computed on the return remains unpaid, payment of only that portion of the assessment representing the unpaid balance of tax and interest is required;~~ 106912  
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~~(6) In the case of a party assessed as a qualifying entity subject to the tax levied under section 5733.41 or 5747.41 of the Revised Code, if the party does not dispute that it is a qualifying entity subject to that tax but claims the protections of section 101 of Public Law 86-272, 73 Stat. 555, 15 U.S.C.A. 381, as amended, no payment is required;~~ 106919  
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~~(7) In the case of a party assessed as a qualifying entity subject to the tax levied under section 5733.41 or 5747.41 of the Revised Code, if the party does dispute that it is a qualifying entity subject to that tax, no payment is required;~~ 106925  
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~~(8) If none of the conditions specified in divisions (E)(1) to (7) of this section apply, no payment is required. If the party assessed files a petition for reassessment under division (B) of this section, the person, on or before the last day the petition may be filed, shall pay the assessed amount, including assessed interest and assessed penalties, if any of the following conditions exists:~~ 106929  
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(1) The person files a tax return reporting Ohio adjusted gross income, less the exemptions allowed by section 5747.025 of the Revised Code, in an amount less than one cent, and the reported amount is not based on the computations required under division (A) of section 5747.01 or section 5747.025 of the Revised Code. 106936  
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(2) The person files a tax return that the tax commissioner determines to be incomplete, false, fraudulent, or frivolous. 106942  
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(3) The person fails to file a tax return, and the basis for this failure is not either of the following: 106944  
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(a) An assertion that the person has no nexus with this state; 106946  
106947

(b) The computations required under division (A) of section 5747.01 of the Revised Code or the application of credits allowed under this chapter has the result that the person's tax liability is less than one dollar and one cent. 106948  
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(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition. 106952  
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If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any 106957  
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court to which the determination or decision has been appealed, so 106960  
that the amount due from the party assessed under the corrected 106961  
assessment is less than the portion paid, there shall be issued to 106962  
the petitioner or to the petitioner's assigns or legal 106963  
representative a refund in the amount of the overpayment as 106964  
provided by section 5747.11 of the Revised Code, with interest on 106965  
that amount as provided by such section, subject to section 106966  
5747.12 of the Revised Code. 106967

**Sec. 5747.16.** Any nonresident who accepts the privileges 106968  
extended by the laws of this state to nonresidents earning or 106969  
receiving income in this state, and any resident who becomes a 106970  
nonresident or conceals ~~his~~ the person's whereabouts thereby makes 106971  
the secretary of state ~~his~~ the person's agent for the service of 106972  
process or notice in any assessment, action, or proceedings 106973  
instituted in this state against such person under this chapter, 106974  
such process or notice shall be served ~~by the officer to whom the~~ 106975  
~~same is directed by the tax commissioner, or by the sheriff of~~ 106976  
~~Franklin county, who may be deputized for such purpose by the~~ 106977  
~~officer to whom the service is directed, upon the secretary of~~ 106978  
~~state by leaving at the secretary's office at least fifteen days~~ 106979  
~~before the return day of such process or notice, a true and~~ 106980  
~~attested copy thereof, and by sending to the defendant by~~ 106981  
~~certified mail, postage prepaid, a like and true attested copy,~~ 106982  
~~with an endorsement thereon of the service upon the secretary of~~ 106983  
~~state, addressed to such defendant at his last known address as~~ 106984  
provided under section 5703.37 of the Revised Code. 106985

**Sec. 5747.66.** (A) Any term used in this section has the same 106986  
meaning as in section 122.85 of the Revised Code. 106987

(B) There is allowed a credit against the tax imposed by 106988  
section 5747.02 of the Revised Code for any individual who, on the 106989  
last day of the individual's taxable year, is the certificate 106990

owner of a tax credit certificate issued under section 122.85 of 106991  
the Revised Code. The credit shall be claimed for the taxable year 106992  
that includes the date the certificate was issued by the director 106993  
of development. The credit amount equals the amount stated in the 106994  
certificate. The credit shall be claimed in the order required 106995  
under section 5747.98 of the Revised Code. If the credit amount 106996  
exceeds the tax otherwise due under section 5747.02 of the Revised 106997  
Code after deducting all other credits in that order, the excess 106998  
shall be refunded. 106999

Nothing in this section limits or disallows pass-through 107000  
treatment of the credit. 107001

**Sec. 5747.98.** (A) To provide a uniform procedure for 107002  
calculating the amount of tax due under section 5747.02 of the 107003  
Revised Code, a taxpayer shall claim any credits to which the 107004  
taxpayer is entitled in the following order: 107005

(1) The retirement income credit under division (B) of 107006  
section 5747.055 of the Revised Code; 107007

(2) The senior citizen credit under division (C) of section 107008  
5747.05 of the Revised Code; 107009

(3) The lump sum distribution credit under division (D) of 107010  
section 5747.05 of the Revised Code; 107011

(4) The dependent care credit under section 5747.054 of the 107012  
Revised Code; 107013

(5) The lump sum retirement income credit under division (C) 107014  
of section 5747.055 of the Revised Code; 107015

(6) The lump sum retirement income credit under division (D) 107016  
of section 5747.055 of the Revised Code; 107017

(7) The lump sum retirement income credit under division (E) 107018  
of section 5747.055 of the Revised Code; 107019

(8) The low-income credit under section 5747.056 of the Revised Code;	107020 107021
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	107022 107023
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	107024 107025
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	107026 107027
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	107028 107029
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	107030 107031
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	107032 107033
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	107034 107035
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	107036 107037
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	107038 107039
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	107040 107041
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	107042 107043
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	107044 107045
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	107046 107047 107048

(22) The job training credit under section 5747.39 of the Revised Code;	107049 107050
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	107051 107052
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	107053 107054
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	107055 107056
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	107057 107058
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	107059 107060
(28) The export sales credit under section 5747.057 of the Revised Code;	107061 107062
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	107063 107064
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	107065 107066
(31) The research and development credit under section 5747.331 of the Revised Code;	107067 107068
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	107069 107070
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	107071 107072
(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	107073 107074
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	107075 107076
(36) The refundable credits for taxes paid by a qualifying	107077

pass-through entity granted under division (J) of section 5747.08 107078  
of the Revised Code; 107079

(37) The refundable credit for tax withheld under division 107080  
(B)(1) of section 5747.062 of the Revised Code; 107081

(38) The refundable credit under section 5747.80 of the 107082  
Revised Code for losses on loans made to the Ohio venture capital 107083  
program under sections 150.01 to 150.10 of the Revised Code; 107084

(39) The refundable motion picture production credit under 107085  
section 5747.66 of the Revised Code. 107086

(B) For any credit, except the refundable credits enumerated 107087  
in ~~divisions (A)(33) to (38)~~ of this section and the credit 107088  
granted under division (I) of section 5747.08 of the Revised Code, 107089  
the amount of the credit for a taxable year shall not exceed the 107090  
tax due after allowing for any other credit that precedes it in 107091  
the order required under this section. Any excess amount of a 107092  
particular credit may be carried forward if authorized under the 107093  
section creating that credit. Nothing in this chapter shall be 107094  
construed to allow a taxpayer to claim, directly or indirectly, a 107095  
credit more than once for a taxable year. 107096  
107097

**Sec. 5748.02.** (A) The board of education of any school 107098  
district, except a joint vocational school district, may declare, 107099  
by resolution, the necessity of raising annually a specified 107100  
amount of money for school district purposes. The resolution shall 107101  
specify whether the income that is to be subject to the tax is 107102  
taxable income of individuals and estates as defined in divisions 107103  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 107104  
taxable income of individuals as defined in division (E)(1)(b) of 107105  
that section. A copy of the resolution shall be certified to the 107106  
tax commissioner no later than eighty-five days prior to the date 107107  
of the election at which the board intends to propose a levy under 107108

this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner prescribed in this division.

(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on school district income. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed, the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, the number of years the tax will be levied or that it will be levied for a continuing period of time, the date on which the tax shall take effect, which shall be the first day of

January of any year following the year in which the question is 107141  
submitted, and the date of the election at which the proposal 107142  
shall be submitted to the electors of the district, which shall be 107143  
on the date of a primary, general, or special election the date of 107144  
which is consistent with section 3501.01 of the Revised Code. The 107145  
resolution shall specify whether the income that is to be subject 107146  
to the tax is taxable income of individuals and estates as defined 107147  
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 107148  
Code or taxable income of individuals as defined in division 107149  
(E)(1)(b) of that section. The specification shall be the same as 107150  
the specification in the resolution adopted and certified under 107151  
division (A) of this section. 107152

If the tax is to be levied for current expenses and permanent 107153  
improvements, the resolution shall apportion the annual rate of 107154  
the tax. The apportionment may be the same or different for each 107155  
year the tax is levied, but the respective portions of the rate 107156  
actually levied each year for current expenses and for permanent 107157  
improvements shall be limited by the apportionment. 107158

If the board of education currently imposes an income tax 107159  
pursuant to this chapter that is due to expire and a question is 107160  
submitted under this section for a proposed income tax to take 107161  
effect upon the expiration of the existing tax, the board may 107162  
specify in the resolution that the proposed tax renews the 107163  
expiring tax ~~and is not an additional income tax, provided that,~~ 107164  
Two or more expiring income taxes may be renewed under this 107165  
paragraph if the taxes are due to expire on the same date. If the 107166  
tax rate being proposed is no higher than the total tax rate that 107167  
is currently imposed by the expiring tax or taxes, the resolution 107168  
may state that the proposed tax is not an additional income tax. 107169

(2) A board of education adopting a resolution under division 107170  
(B)(1) of this section proposing a school district income tax for 107171  
a continuing period of time and limited to the purpose of current 107172

expenses may propose in that resolution to reduce the rate or 107173  
rates of one or more of the school district's property taxes 107174  
levied for a continuing period of time in excess of the ten-mill 107175  
limitation for the purpose of current expenses. The reduction in 107176  
the rate of a property tax may be any amount, expressed in mills 107177  
per one dollar in valuation, not exceeding the rate at which the 107178  
tax is authorized to be levied. The reduction in the rate of a tax 107179  
shall first take effect for the tax year that includes the day on 107180  
which the school district income tax first takes effect, and shall 107181  
continue for each tax year that both the school district income 107182  
tax and the property tax levy are in effect. 107183

In addition to the matters required to be set forth in the 107184  
resolution under division (B)(1) of this section, a resolution 107185  
containing a proposal to reduce the rate of one or more property 107186  
taxes shall state for each such tax the maximum rate at which it 107187  
currently may be levied and the maximum rate at which the tax 107188  
could be levied after the proposed reduction, expressed in mills 107189  
per one dollar in valuation, and that the tax is levied for a 107190  
continuing period of time. 107191

If a board of education proposes to reduce the rate of one or 107192  
more property taxes under division (B)(2) of this section, the 107193  
board, when it makes the certification required under division (A) 107194  
of this section, shall designate the specific levy or levies to be 107195  
reduced, the maximum rate at which each levy currently is 107196  
authorized to be levied, and the rate by which each levy is 107197  
proposed to be reduced. The tax commissioner, when making the 107198  
certification to the board under division (A) of this section, 107199  
also shall certify the reduction in the total effective tax rate 107200  
for current expenses for each class of property that would have 107201  
resulted if the proposed reduction in the rate or rates had been 107202  
in effect the previous tax year. As used in this paragraph, 107203  
"effective tax rate" has the same meaning as in section 323.08 of 107204



the Revised Code. 107205

(C) A resolution adopted under division (B) of this section 107206  
shall go into immediate effect upon its passage, and no 107207  
publication of the resolution shall be necessary other than that 107208  
provided for in the notice of election. Immediately after its 107209  
adoption and at least seventy-five days prior to the election at 107210  
which the question will appear on the ballot, a copy of the 107211  
resolution shall be certified to the board of elections of the 107212  
proper county, which shall submit the proposal to the electors on 107213  
the date specified in the resolution. The form of the ballot shall 107214  
be as provided in section 5748.03 of the Revised Code. Publication 107215  
of notice of the election shall be made in one or more newspapers 107216  
of general circulation in the county once a week for two 107217  
consecutive weeks prior to the election, and, if the board of 107218  
elections operates and maintains a web site, the board of 107219  
elections shall post notice of the election on its web site for 107220  
thirty days prior to the election. The notice shall contain the 107221  
time and place of the election and the question to be submitted to 107222  
the electors. The question covered by the resolution shall be 107223  
submitted as a separate proposition, but may be printed on the 107224  
same ballot with any other proposition submitted at the same 107225  
election, other than the election of officers. 107226

(D) No board of education shall submit the question of a tax 107227  
on school district income to the electors of the district more 107228  
than twice in any calendar year. If a board submits the question 107229  
twice in any calendar year, one of the elections on the question 107230  
shall be held on the date of the general election. 107231

(E)(1) No board of education may submit to the electors of 107232  
the district the question of a tax on school district income on 107233  
the taxable income of individuals as defined in division (E)(1)(b) 107234  
of section 5748.01 of the Revised Code if that tax would be in 107235  
addition to an existing tax on the taxable income of individuals 107236

and estates as defined in divisions (E)(1)(a) and (2) of that section. 107237  
107238

(2) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals as defined in division (E)(1)(b) of that section. 107239  
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**Sec. 5748.03.** (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows: 107245  
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"Shall an annual income tax of ..... (state the proposed rate of tax) on the school district income of individuals and of estates be imposed by ..... (state the name of the school district), for ..... (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ..... (state the date the tax would first take effect), for the purpose of ..... (state the purpose of the tax)? 107248  
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107250  
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107254

	FOR THE TAX
	AGAINST THE TAX

"

(B)(1) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates." 107255  
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(2) If the question submitted to electors proposes to renew 107266

~~an~~ one or more expiring income tax levies, the ballot shall be 107267  
modified by adding the following language immediately after the 107268  
name of the school district that would impose the tax: "to renew 107269  
an income tax (or income taxes) expiring at the end of ..... 107270  
(state the last year the existing income tax or taxes may be 107271  
levied)." 107272

(3) If the question includes a proposal under division (B)(2) 107273  
of section 5748.02 of the Revised Code to reduce the rate of one 107274  
or more school district property taxes, the ballot shall state 107275  
that the purpose of the school district income tax is for current 107276  
expenses, and the form of the ballot shall be modified by adding 107277  
the following language immediately after the statement of the 107278  
purpose of the proposed income tax: ", and shall the rate of an 107279  
existing tax on property, currently levied for the purpose of 107280  
current expenses at the rate of ..... mills, be REDUCED to 107281  
..... mills until any such time as the income tax is repealed." 107282  
In lieu of "for the tax" and "against the tax," the phrases "for 107283  
the issue" and "against the issue," respectively, shall be used. 107284  
If a board of education proposes a reduction in the rates of more 107285  
than one tax, the ballot language shall be modified accordingly to 107286  
express the rates at which those taxes currently are levied and 107287  
the rates to which the taxes will be reduced. 107288

(C) The board of elections shall certify the results of the 107289  
election to the board of education and to the tax commissioner. If 107290  
a majority of the electors voting on the question vote in favor of 107291  
it, the income tax, the applicable provisions of Chapter 5747. of 107292  
the Revised Code, and the reduction in the rate or rates of 107293  
existing property taxes if the question included such a reduction 107294  
shall take effect on the date specified in the resolution. If the 107295  
question approved by the voters includes a reduction in the rate 107296  
of a school district property tax, the board of education shall 107297  
not levy the tax at a rate greater than the rate to which the tax 107298

is reduced, unless the school district income tax is repealed in 107299  
an election under section 5748.04 of the Revised Code. 107300

(D) If the rate at which a property tax is levied and 107301  
collected is reduced pursuant to a question approved under this 107302  
section, the tax commissioner shall compute the percentage 107303  
required to be computed for that tax under division (D) of section 107304  
319.301 of the Revised Code each year the rate is reduced as if 107305  
the tax had been levied in the preceding year at the rate at which 107306  
it has been reduced. If the rate of a property tax increases due 107307  
to the repeal of the school district income tax pursuant to 107308  
section 5748.04 of the Revised Code, the tax commissioner, for the 107309  
first year for which the rate increases, shall compute the 107310  
percentage as if the tax in the preceding year had been levied at 107311  
the rate at which the tax was authorized to be levied prior to any 107312  
rate reduction. 107313

**Sec. 5749.02.** (A) For the purpose of providing revenue to 107314  
administer the state's coal mining and reclamation regulatory 107315  
program, to meet the environmental and resource management needs 107316  
of this state, and to reclaim land affected by mining, an excise 107317  
tax is hereby levied on the privilege of engaging in the severance 107318  
of natural resources from the soil or water of this state. The tax 107319  
shall be imposed upon the severer and shall be: 107320

(1) Ten cents per ton of coal; 107321

(2) Four cents per ton of salt; 107322

(3) Two cents per ton of limestone or dolomite; 107323

(4) Two cents per ton of sand and gravel; 107324

(5) Ten cents per barrel of oil; 107325

(6) Two and one-half cents per thousand cubic feet of natural 107326  
gas; 107327

(7) One cent per ton of clay, sandstone or conglomerate, 107328

shale, gypsum, or quartzite; 107329

(8) Except as otherwise provided in this division or in rules 107330  
adopted by the reclamation forfeiture fund advisory board under 107331  
section 1513.182 of the Revised Code, an additional fourteen cents 107332  
per ton of coal produced from an area under a coal mining and 107333  
reclamation permit issued under Chapter 1513. of the Revised Code 107334  
for which the performance security is provided under division 107335  
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 107336  
2007, if at the end of a fiscal biennium the balance of the 107337  
reclamation forfeiture fund created in section 1513.18 of the 107338  
Revised Code is equal to or greater than ten million dollars, the 107339  
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 107340  
if at the end of a fiscal biennium the balance of the fund is at 107341  
least five million dollars, but less than ten million dollars, the 107342  
rate levied shall be fourteen cents per ton. Beginning July 1, 107343  
2007, if at the end of a fiscal biennium the balance of the fund 107344  
is less than five million dollars, the rate levied shall be 107345  
sixteen cents per ton. Beginning July 1, 2009, not later than 107346  
thirty days after the close of a fiscal biennium, the chief of the 107347  
division of mineral resources management shall certify to the tax 107348  
commissioner the amount of the balance of the reclamation 107349  
forfeiture fund as of the close of the fiscal biennium. Any 107350  
necessary adjustment of the rate levied shall take effect on the 107351  
first day of the following January and shall remain in effect 107352  
during the calendar biennium that begins on that date. 107353

(9) An additional one and two-tenths cents per ton of coal 107354  
mined by surface mining methods. 107355

(B) Of the moneys received by the treasurer of state from the 107356  
tax levied in division (A)(1) of this section, four and 107357  
seventy-six-hundredths per cent shall be credited to the 107358  
geological mapping fund created in section 1505.09 of the Revised 107359  
Code, eighty and ninety-five-hundredths per cent shall be credited 107360

to the coal mining administration and reclamation reserve fund 107361  
created in section 1513.181 of the Revised Code, and fourteen and 107362  
twenty-nine-hundredths per cent shall be credited to the 107363  
unreclaimed lands fund created in section 1513.30 of the Revised 107364  
Code. 107365

~~Fifteen per cent of the moneys~~ The money received by the 107366  
treasurer of state from the tax levied in division (A)(2) of this 107367  
section shall be credited to the geological mapping fund ~~and the~~ 107368  
~~remainder shall be credited to the unreclaimed lands fund.~~ 107369

Of the moneys received by the treasurer of state from the tax 107370  
levied in divisions (A)(3) and (4) of this section, seven and 107371  
five-tenths per cent shall be credited to the geological mapping 107372  
fund, forty-two and five-tenths per cent shall be credited to the 107373  
unreclaimed lands fund, and the remainder shall be credited to the 107374  
surface mining fund created in section 1514.06 of the Revised 107375  
Code. 107376

Of the moneys received by the treasurer of state from the tax 107377  
levied in divisions (A)(5) and (6) of this section, ninety per 107378  
cent shall be credited to the oil and gas well fund created in 107379  
section 1509.02 of the Revised Code and ten per cent shall be 107380  
credited to the geological mapping fund. All of the moneys 107381  
received by the treasurer of state from the tax levied in division 107382  
(A)(7) of this section shall be credited to the surface mining 107383  
fund. 107384

All of the moneys received by the treasurer of state from the 107385  
tax levied in division (A)(8) of this section shall be credited to 107386  
the reclamation forfeiture fund. 107387

All of the moneys received by the treasurer of state from the 107388  
tax levied in division (A)(9) of this section shall be credited to 107389  
the unreclaimed lands fund. 107390

(C) When, at the close of any fiscal year, the chief finds 107391

that the balance of the reclamation forfeiture fund, plus 107392  
estimated transfers to it from the coal mining administration and 107393  
reclamation reserve fund under section 1513.181 of the Revised 107394  
Code, plus the estimated revenues from the tax levied by division 107395  
(A)(8) of this section for the remainder of the calendar year that 107396  
includes the close of the fiscal year, are sufficient to complete 107397  
the reclamation of lands for which the performance security has 107398  
been provided under division (C)(2) of section 1513.08 of the 107399  
Revised Code, the purposes for which the tax under division (A)(8) 107400  
of this section is levied shall be deemed accomplished at the end 107401  
of that calendar year. The chief, within thirty days after the 107402  
close of the fiscal year, shall certify those findings to the tax 107403  
commissioner, and the tax levied under division (A)(8) of this 107404  
section shall cease to be imposed after the last day of that 107405  
calendar year on coal produced under a coal mining and reclamation 107406  
permit issued under Chapter 1513. of the Revised Code if the 107407  
permittee has made tax payments under division (A)(8) of this 107408  
section during each of the preceding five full calendar years. Not 107409  
later than thirty days after the close of a fiscal year, the chief 107410  
shall certify to the tax commissioner the identity of any 107411  
permittees who accordingly no longer are required to pay the tax 107412  
levied under division (A)(8) of this section. 107413

**Sec. 5749.12.** Any nonresident of this state who accepts the 107414  
privilege extended by the laws of this state to nonresidents 107415  
severing natural resources in this state, and any resident of this 107416  
state who subsequently becomes a nonresident or conceals ~~his~~ the 107417  
resident's whereabouts, makes the secretary of state of Ohio ~~his~~ 107418  
the person's agent for the service of process or notice in any 107419  
assessment, action or proceedings instituted in this state against 107420  
such person under this chapter. 107421

Such process or notice shall be served, ~~by the officer to~~ 107422  
~~whom the same is directed by the tax commissioner or by the~~ 107423

~~sheriff of Franklin county, who may be deputized for such purpose 107424  
by the officer to whom the service is directed, upon the secretary 107425  
of state by leaving at the office of the secretary of state, at 107426  
least fifteen days before the return day of such process or 107427  
notice, a true and attested copy thereof, and by sending to the 107428  
defendant by certified mail, a like and true attested copy, with 107429  
an endorsement thereon of the service upon said secretary of 107430  
state, addressed to such defendant at his last known address as 107431  
provided under section 5703.37 of the Revised Code. 107432~~

**Sec. 5751.01.** As used in this chapter: 107433

(A) "Person" means, but is not limited to, individuals, 107434  
combinations of individuals of any form, receivers, assignees, 107435  
trustees in bankruptcy, firms, companies, joint-stock companies, 107436  
business trusts, estates, partnerships, limited liability 107437  
partnerships, limited liability companies, associations, joint 107438  
ventures, clubs, societies, for-profit corporations, S 107439  
corporations, qualified subchapter S subsidiaries, qualified 107440  
subchapter S trusts, trusts, entities that are disregarded for 107441  
federal income tax purposes, and any other entities. "~~Person~~" ~~does~~ 107442  
~~not include nonprofit organizations or the state, its agencies,~~ 107443  
~~its instrumentalities, and its political subdivisions.~~ 107444

(B) "Consolidated elected taxpayer" means a group of two or 107445  
more persons treated as a single taxpayer for purposes of this 107446  
chapter as the result of an election made under section 5751.011 107447  
of the Revised Code. 107448

(C) "Combined taxpayer" means a group of two or more persons 107449  
treated as a single taxpayer for purposes of this chapter under 107450  
section 5751.012 of the Revised Code. 107451

(D) "Taxpayer" means any person, or any group of persons in 107452  
the case of a consolidated elected taxpayer or combined taxpayer 107453  
treated as one taxpayer, required to register or pay tax under 107454



this chapter. "Taxpayer" does not include excluded persons. 107455

(E) "Excluded person" means any of the following: 107456

(1) Any person with not more than one hundred fifty thousand 107457  
dollars of taxable gross receipts during the calendar year. 107458  
Division (E)(1) of this section does not apply to a person that is 107459  
a member of a ~~group that is a~~ consolidated elected taxpayer ~~or a~~ 107460  
~~combined taxpayer;~~ 107461

(2) A public utility that paid the excise tax imposed by 107462  
section 5727.24 or 5727.30 of the Revised Code based on one or 107463  
more measurement periods that include the entire tax period under 107464  
this chapter, except that a public utility that is a combined 107465  
company is a taxpayer with regard to the following gross receipts: 107466

(a) Taxable gross receipts directly attributed to a public 107467  
utility activity, but not directly attributed to an activity that 107468  
is subject to the excise tax imposed by section 5727.24 or 5727.30 107469  
of the Revised Code; 107470

(b) Taxable gross receipts that cannot be directly attributed 107471  
to any activity, multiplied by a fraction whose numerator is the 107472  
taxable gross receipts described in division (E)(2)(a) of this 107473  
section and whose denominator is the total taxable gross receipts 107474  
that can be directly attributed to any activity; 107475

(c) Except for any differences resulting from the use of an 107476  
accrual basis method of accounting for purposes of determining 107477  
gross receipts under this chapter and the use of the cash basis 107478  
method of accounting for purposes of determining gross receipts 107479  
under section 5727.24 of the Revised Code, the gross receipts 107480  
directly attributed to the activity of a natural gas company shall 107481  
be determined in a manner consistent with division (D) of section 107482  
5727.03 of the Revised Code. 107483

As used in division (E)(2) of this section, "combined 107484  
company" and "public utility" have the same meanings as in section 107485

5727.01 of the Revised Code. 107486

(3) A financial institution, as defined in section 5725.01 of 107487  
the Revised Code, that paid the corporation franchise tax charged 107488  
by division (D) of section 5733.06 of the Revised Code based on 107489  
one or more taxable years that include the entire tax period under 107490  
this chapter; 107491

(4) A dealer in intangibles, as defined in section 5725.01 of 107492  
the Revised Code, that paid the dealer in intangibles tax levied 107493  
by division (D) of section 5707.03 of the Revised Code based on 107494  
one or more measurement periods that include the entire tax period 107495  
under this chapter; 107496

(5) A financial holding company as defined in the "Bank 107497  
Holding Company Act," 12 U.S.C. 1841(p); 107498

(6) A bank holding company as defined in the "Bank Holding 107499  
Company Act," 12 U.S.C. 1841(a); 107500

(7) A savings and loan holding company as defined in the 107501  
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 107502  
only in activities or investments permissible for a financial 107503  
holding company under 12 U.S.C. 1843(k); 107504

(8) A person directly or indirectly owned by one or more 107505  
financial institutions, financial holding companies, bank holding 107506  
companies, or savings and loan holding companies described in 107507  
division (E)(3), (5), (6), or (7) of this section that is engaged 107508  
in activities permissible for a financial holding company under 12 107509  
U.S.C. 1843(k), except that any such person held pursuant to 107510  
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 107511  
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 107512  
directly or indirectly owned by one or more insurance companies 107513  
described in division (E)(9) of this section that is authorized to 107514  
do the business of insurance in this state. 107515

For the purposes of division (E)(8) of this section, a person 107516

owns another person under the following circumstances: 107517

(a) In the case of corporations issuing capital stock, one 107518  
corporation owns another corporation if it owns fifty per cent or 107519  
more of the other corporation's capital stock with current voting 107520  
rights; 107521

(b) In the case of a limited liability company, one person 107522  
owns the company if that person's membership interest, as defined 107523  
in section 1705.01 of the Revised Code, is fifty per cent or more 107524  
of the combined membership interests of all persons owning such 107525  
interests in the company; 107526

(c) In the case of a partnership, trust, or other 107527  
unincorporated business organization other than a limited 107528  
liability company, one person owns the organization if, under the 107529  
articles of organization or other instrument governing the affairs 107530  
of the organization, that person has a beneficial interest in the 107531  
organization's profits, surpluses, losses, or distributions of 107532  
fifty per cent or more of the combined beneficial interests of all 107533  
persons having such an interest in the organization; 107534

(d) In the case of multiple ownership, the ownership 107535  
interests of more than one person may be aggregated to meet the 107536  
fifty per cent ownership tests in this division only when each 107537  
such owner is described in division (E)(3), (5), (6), or (7) of 107538  
this section and is engaged in activities permissible for a 107539  
financial holding company under 12 U.S.C. 1843(k) or is a person 107540  
directly or indirectly owned by one or more insurance companies 107541  
described in division (E)(9) of this section that is authorized to 107542  
do the business of insurance in this state. 107543

(9) A domestic insurance company or foreign insurance 107544  
company, as defined in section 5725.01 of the Revised Code, that 107545  
paid the insurance company premiums tax imposed by section 5725.18 107546  
or Chapter 5729. of the Revised Code based on one or more 107547

measurement periods that include the entire tax period under this 107548  
chapter; 107549

(10) A person that solely facilitates or services one or more 107550  
securitizations or similar transactions for any person described 107551  
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 107552  
For purposes of this division, "securitization" means transferring 107553  
one or more assets to one or more persons and then issuing 107554  
securities backed by the right to receive payment from the asset 107555  
or assets so transferred. 107556

(11) Except as otherwise provided in this division, a 107557  
pre-income tax trust as defined in division (FF)(4) of section 107558  
5747.01 of the Revised Code and any pass-through entity of which 107559  
such pre-income tax trust owns or controls, directly, indirectly, 107560  
or constructively through related interests, more than five per 107561  
cent of the ownership or equity interests. If the pre-income tax 107562  
trust has made a qualifying pre-income tax trust election under 107563  
division (FF)(3) of section 5747.01 of the Revised Code, then the 107564  
trust and the pass-through entities of which it owns or controls, 107565  
directly, indirectly, or constructively through related interests, 107566  
more than five per cent of the ownership or equity interests, 107567  
shall not be excluded persons for purposes of the tax imposed 107568  
under section 5751.02 of the Revised Code. 107569

(12) Nonprofit organizations or the state and its agencies, 107570  
instrumentalities, or political subdivisions. 107571

(F) Except as otherwise provided in divisions (F)(2), (3), 107572  
and (4) of this section, "gross receipts" means the total amount 107573  
realized by a person, without deduction for the cost of goods sold 107574  
or other expenses incurred, that contributes to the production of 107575  
gross income of the person, including the fair market value of any 107576  
property and any services received, and any debt transferred or 107577  
forgiven as consideration. 107578

(1) The following are examples of gross receipts:	107579
(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;	107580 107581
(b) Amounts realized from the taxpayer's performance of services for another;	107582 107583
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	107584 107585
(d) Any combination of the foregoing amounts.	107586
(2) "Gross receipts" excludes the following amounts:	107587
(a) Interest income except interest on credit sales;	107588
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	107589 107590 107591 107592
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual	107593 107594 107595 107596 107597 107598 107599 107600 107601 107602 107603 107604 107605 107606 107607 107608

transfer of title of real or tangible personal property to another 107609  
entity is not a hedging transaction. 107610

(d) Proceeds received attributable to the repayment, 107611  
maturity, or redemption of the principal of a loan, bond, mutual 107612  
fund, certificate of deposit, or marketable instrument; 107613

(e) The principal amount received under a repurchase 107614  
agreement or on account of any transaction properly characterized 107615  
as a loan to the person; 107616

(f) Contributions received by a trust, plan, or other 107617  
arrangement, any of which is described in section 501(a) of the 107618  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 107619  
1, Subchapter (D) of the Internal Revenue Code applies; 107620

(g) Compensation, whether current or deferred, and whether in 107621  
cash or in kind, received or to be received by an employee, former 107622  
employee, or the employee's legal successor for services rendered 107623  
to or for an employer, including reimbursements received by or for 107624  
an individual for medical or education expenses, health insurance 107625  
premiums, or employee expenses, or on account of a dependent care 107626  
spending account, legal services plan, any cafeteria plan 107627  
described in section 125 of the Internal Revenue Code, or any 107628  
similar employee reimbursement; 107629

(h) Proceeds received from the issuance of the taxpayer's own 107630  
stock, options, warrants, puts, or calls, or from the sale of the 107631  
taxpayer's treasury stock; 107632

(i) Proceeds received on the account of payments from life 107633  
insurance policies, except those proceeds received for the loss of 107634  
business revenue; 107635

(j) Gifts or charitable contributions received, membership 107636  
dues received, by trade, professional, homeowners', or condominium 107637  
associations; and payments received for educational courses, 107638  
meetings, meals, or similar payments to a trade, professional, or 107639

other similar association; and fundraising receipts received by 107640  
any person when any excess receipts are donated or used 107641  
exclusively for charitable purposes; ~~and proceeds received by a~~ 107642  
~~nonprofit organization including proceeds realized with regard to~~ 107643  
~~its unrelated business taxable income;~~ 107644

(k) Damages received as the result of litigation in excess of 107645  
amounts that, if received without litigation, would be gross 107646  
receipts; 107647

(l) Property, money, and other amounts received or acquired 107648  
by an agent on behalf of another in excess of the agent's 107649  
commission, fee, or other remuneration; 107650

(m) Tax refunds, other tax benefit recoveries, and 107651  
reimbursements for the tax imposed under this chapter made by 107652  
entities that are part of the same combined taxpayer or 107653  
consolidated elected taxpayer group, and reimbursements made by 107654  
entities that are not members of a combined taxpayer or 107655  
consolidated elected taxpayer group that are required to be made 107656  
for economic parity among multiple owners of an entity whose tax 107657  
obligation under this chapter is required to be reported and paid 107658  
entirely by one owner, pursuant to the requirements of sections 107659  
5751.011 and 5751.012 of the Revised Code; 107660

(n) Pension reversions; 107661

(o) Contributions to capital; 107662

(p) Sales or use taxes collected as a vendor or an 107663  
out-of-state seller on behalf of the taxing jurisdiction from a 107664  
consumer or other taxes the taxpayer is required by law to collect 107665  
directly from a purchaser and remit to a local, state, or federal 107666  
tax authority; 107667

(q) In the case of receipts from the sale of cigarettes or 107668  
tobacco products by a wholesale dealer, retail dealer, 107669  
distributor, manufacturer, or seller, all as defined in section 107670

5743.01 of the Revised Code, an amount equal to the federal and 107671  
state excise taxes paid by any person on or for such cigarettes or 107672  
tobacco products under subtitle E of the Internal Revenue Code or 107673  
Chapter 5743. of the Revised Code; 107674

(r) In the case of receipts from the sale of motor fuel by a 107675  
licensed motor fuel dealer, licensed retail dealer, or licensed 107676  
permissive motor fuel dealer, all as defined in section 5735.01 of 107677  
the Revised Code, an amount equal to federal and state excise 107678  
taxes paid by any person on such motor fuel under section 4081 of 107679  
the Internal Revenue Code or Chapter 5735. of the Revised Code; 107680

(s) In the case of receipts from the sale of beer or 107681  
intoxicating liquor, as defined in section 4301.01 of the Revised 107682  
Code, by a person holding a permit issued under Chapter 4301. or 107683  
4303. of the Revised Code, an amount equal to federal and state 107684  
excise taxes paid by any person on or for such beer or 107685  
intoxicating liquor under subtitle E of the Internal Revenue Code 107686  
or Chapter 4301. or 4305. of the Revised Code; 107687

(t) Receipts realized by a new motor vehicle dealer or used 107688  
motor vehicle dealer, as defined in section 4517.01 of the Revised 107689  
Code, from the sale or other transfer of a motor vehicle, as 107690  
defined in that section, to another motor vehicle dealer for the 107691  
purpose of resale by the transferee motor vehicle dealer, but only 107692  
if the sale or other transfer was based upon the transferee's need 107693  
to meet a specific customer's preference for a motor vehicle; 107694

(u) Receipts from a financial institution described in 107695  
division (E)(3) of this section for services provided to the 107696  
financial institution in connection with the issuance, processing, 107697  
servicing, and management of loans or credit accounts, if such 107698  
financial institution and the recipient of such receipts have at 107699  
least fifty per cent of their ownership interests owned or 107700  
controlled, directly or constructively through related interests, 107701  
by common owners; 107702



(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer; 107703  
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(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans. 107707  
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(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer; 107717  
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(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money; 107722  
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(z) Qualifying distribution center receipts. 107727

(i) For purposes of division (F)(2)(z) of this section: 107728

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. 107729  
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(II) "Qualified property" means tangible personal property 107733

delivered to a qualified distribution center that is shipped to 107734  
that qualified distribution center solely for further shipping by 107735  
the qualified distribution center to another location in this 107736  
state or elsewhere. "Further shipping" includes storing and 107737  
repackaging such property into smaller or larger bundles, so long 107738  
as such property is not subject to further manufacturing or 107739  
processing. 107740

(III) "Qualified distribution center" means a warehouse or 107741  
other similar facility in this state that, for the qualifying 107742  
year, is operated by a person that is not part of a combined 107743  
taxpayer group and that has a qualifying certificate. However, all 107744  
warehouses or other similar facilities that are operated by 107745  
persons in the same taxpayer group and that are located within one 107746  
mile of each other shall be treated as one qualified distribution 107747  
center. 107748

(IV) "Qualifying year" means the calendar year to which the 107749  
qualifying certificate applies. 107750

(V) "Qualifying period" means the period of the first day of 107751  
July of the second year preceding the qualifying year through the 107752  
thirtieth day of June of the year preceding the qualifying year. 107753

(VI) "Qualifying certificate" means the certificate issued by 107754  
the tax commissioner after the operator of a distribution center 107755  
files an annual application approved by the tax commissioner from 107756  
an operator of a distribution center that has filed an application 107757  
as prescribed by the commissioner and paid the annual fee for the 107758  
qualifying certificate on or before the first day of September 107759  
prior to the qualifying year or forty five days after the opening 107760  
of the distribution center, whichever is later with the 107761  
commissioner. The application and annual fee shall be filed and 107762  
paid for each qualified distribution center on or before the first 107763  
day of September before the qualifying year or within forty-five 107764  
days after the distribution center opens, whichever is later. 107765

The applicant must substantiate to the commissioner's 107766  
satisfaction that, for the qualifying period, all persons 107767  
operating the distribution center have more than fifty per cent of 107768  
the cost of the qualified property shipped to a location such that 107769  
it would be situated outside this state under the provisions of 107770  
division (E) of section 5751.033 of the Revised Code. The 107771  
applicant must also substantiate that the distribution center 107772  
cumulatively had costs from its suppliers equal to or exceeding 107773  
five hundred million dollars during the qualifying period. (For 107774  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 107775  
excludes any person that is part of the consolidated elected 107776  
taxpayer group, if applicable, of the operator of the qualified 107777  
distribution center.) The commissioner may require the applicant 107778  
to have an independent certified public accountant certify that 107779  
the calculation of the minimum thresholds required for a qualified 107780  
distribution center by the operator of a distribution center has 107781  
been made in accordance with generally accepted accounting 107782  
principles. The commissioner shall issue or deny the issuance of a 107783  
certificate within sixty days after the receipt of the 107784  
application. A denial is subject to appeal under section 5717.02 107785  
of the Revised Code. If the operator files a timely appeal under 107786  
section 5717.02 of the Revised Code, the operator shall be granted 107787  
a qualifying certificate, provided that the operator is liable for 107788  
any tax, interest, or penalty upon amounts claimed as qualifying 107789  
distribution center receipts, other than those receipts exempt 107790  
under division (C)(1) of section 5751.011 of the Revised Code, 107791  
that would have otherwise not been owed by its suppliers if the 107792  
qualifying certificate was valid. 107793

(VII) "Ohio delivery percentage" means the proportion of the 107794  
total property delivered to a destination inside Ohio from the 107795  
qualified distribution center during the qualifying period 107796  
compared with total deliveries from such distribution center 107797  
everywhere during the qualifying period. 107798

(ii) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall be liable for any tax, interest, or penalty upon amounts claimed as qualifying distribution center receipts, other than those receipts exempt under division (C)(1) of section 5751.011 of the Revised Code, that would have not otherwise been owed by its suppliers during the qualifying year if the qualifying certificate was valid. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

(iii) When filing an application for a qualifying certificate under division (F)(2)(z)(i)(VI) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may appeal the commissioner's certification of the Ohio delivery percentage in the same manner as an appeal is taken from the denial of a qualifying certificate under division (F)(2)(z)(i)(VI) of this section.

Within thirty days after all appeals have been exhausted, the

operator of the qualified distribution center shall notify the 107831  
affected suppliers of qualified property that such suppliers are 107832  
required to file, within sixty days after receiving notice from 107833  
the operator of the qualified distribution center, amended reports 107834  
for the impacted calendar quarter or quarters or calendar year, 107835  
whichever the case may be. Any additional tax liability or tax 107836  
overpayment shall be subject to interest but shall not be subject 107837  
to the imposition of any penalty so long as the amended returns 107838  
are timely filed. The supplier of tangible personal property 107839  
delivered to the qualified distribution center shall include in 107840  
its report of taxable gross receipts the receipts from the total 107841  
sales of property delivered to the qualified distribution center 107842  
for the calendar quarter or calendar year, whichever the case may 107843  
be, multiplied by the Ohio delivery percentage for the qualifying 107844  
year. Nothing in division (F)(2)(z)(iii) of this section shall be 107845  
construed as imposing liability on the operator of a qualified 107846  
distribution center for the tax imposed by this chapter arising 107847  
from any change to the Ohio delivery percentage. 107848

(iv) In the case where the distribution center is new and not 107849  
open for the entire qualifying period, the operator shall make a 107850  
good faith estimate of an Ohio delivery percentage for use by 107851  
suppliers in their reports of taxable gross receipts for the 107852  
remainder of the qualifying period. The operator of the facility 107853  
shall disclose to the suppliers that such Ohio delivery percentage 107854  
is an estimate and is subject to recalculation. By the due date of 107855  
the next application for a qualifying certificate, the operator 107856  
shall determine the actual Ohio delivery percentage for the 107857  
estimated qualifying period and proceed as provided in division 107858  
(F)(2)(z)(iii) of this section with respect to the calculation and 107859  
recalculation of the Ohio delivery percentage. The supplier is 107860  
required to file, within sixty days after receiving notice from 107861  
the operator of the qualified distribution center, amended reports 107862  
for the impacted calendar quarter or quarters or calendar year, 107863

whichever the case may be. Any additional tax liability or tax 107864  
overpayment shall be subject to interest but shall not be subject 107865  
to the imposition of any penalty so long as the amended returns 107866  
are timely filed. 107867

(v) Qualifying certificates and Ohio delivery percentages 107868  
issued by the commissioner shall be open to public inspection and 107869  
shall be timely published by the commissioner. A supplier relying 107870  
in good faith on a certificate issued under this division shall 107871  
not be subject to tax on the qualifying distribution center 107872  
receipts under division (F)(2)(z) of this section. A person 107873  
receiving a qualifying certificate is responsible for paying the 107874  
tax, interest, and penalty upon amounts claimed as qualifying 107875  
distribution center receipts that would not otherwise have been 107876  
owed by the supplier if the qualifying certificate were available 107877  
when it is later determined that the qualifying certificate should 107878  
not have been issued because the statutory requirements were in 107879  
fact not met. 107880

(vi) The annual fee for a qualifying certificate shall be one 107881  
hundred thousand dollars for each qualified distribution center. 107882  
If a qualifying certificate is not issued, the annual fee is 107883  
subject to refund after the exhaustion of all appeals provided for 107884  
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 107885  
under this division may be assessed in the same manner as the tax 107886  
imposed under this chapter. The first one hundred thousand dollars 107887  
of the annual application fees collected each calendar year shall 107888  
be credited to the commercial activity tax administrative fund. 107889  
The remainder of the annual application fees collected shall be 107890  
distributed in the same manner required under section 5751.20 of 107891  
the Revised Code. 107892

(vii) The tax commissioner may require that adequate security 107893  
be posted by the operator of the distribution center on appeal 107894  
when the commissioner disagrees that the applicant has met the 107895

minimum thresholds for a qualified distribution center as set forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this section.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts for which the tax imposed by this chapter is prohibited by the Constitution or laws of the United States or the Constitution of Ohio.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for

the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

~~In calculating gross receipts, the following shall be deducted to the extent included as a gross receipt in the current tax period or reported as taxable gross receipts in a prior tax period:~~

~~(a) Cash discounts allowed and taken;~~

~~(b) Returns and allowances;~~

~~(c) Bad debts. For the purposes of this division, "bad debts" mean any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted pursuant thereto, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, expenses in attempting to collect any account receivable or for any portion of the debt recovered, and repossessed property;~~



~~(d) Any amount realized from the sale of an account receivable but only to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer.~~

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work

done in this state; and 107988

(c) Any amount the person pays for services performed in this 107989  
state on its behalf by another. 107990

(3) Has during the calendar year taxable gross receipts of at 107991  
least five hundred thousand dollars. 107992

(4) Has at any time during the calendar year within this 107993  
state at least twenty-five per cent of the person's total 107994  
property, total payroll, or total gross receipts. 107995

(5) Is domiciled in this state as an individual or for 107996  
corporate, commercial, or other business purposes. 107997

(J) "Tangible personal property" has the same meaning as in 107998  
section 5739.01 of the Revised Code. 107999

(K) "Internal Revenue Code" means the Internal Revenue Code 108000  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 108001  
this chapter that is not otherwise defined has the same meaning as 108002  
when used in a comparable context in the laws of the United States 108003  
relating to federal income taxes unless a different meaning is 108004  
clearly required. Any reference in this chapter to the Internal 108005  
Revenue Code includes other laws of the United States relating to 108006  
federal income taxes. 108007

(L) "Calendar quarter" means a three-month period ending on 108008  
the thirty-first day of March, the thirtieth day of June, the 108009  
thirtieth day of September, or the thirty-first day of December. 108010

(M) "Tax period" means the calendar quarter or calendar year 108011  
on the basis of which a taxpayer is required to pay the tax 108012  
imposed under this chapter. 108013

(N) "Calendar year taxpayer" means a taxpayer for which the 108014  
tax period is a calendar year. 108015

(O) "Calendar quarter taxpayer" means a taxpayer for which 108016  
the tax period is a calendar quarter. 108017

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.

**Sec. 5751.011.** (A) A group of two or more persons may elect to be a consolidated elected taxpayer for the purposes of this chapter if the group satisfies all of the following requirements:

(1) The group elects to include all persons, including persons enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, having at least eighty per cent, or having at least fifty per cent, of the value of their ownership interests owned or controlled, directly or constructively through related

interests, by common owners during all or any portion of the tax 108048  
period, together with the common owners. ~~At~~ 108049

A group making its initial election on the basis of the 108050  
eighty per cent ownership test may change its election so that its 108051  
consolidated elected taxpayer group is formed on the basis of the 108052  
fifty per cent ownership test if all of the following are 108053  
satisfied: 108054

(a) When the initial election was made, the group did not 108055  
have any persons satisfying the fifty per cent ownership test; 108056

(b) One or more of the persons in the initial group 108057  
subsequently acquires ownership interests in a person such that 108058  
the fifty per cent ownership test is satisfied, the eighty per 108059  
cent ownership test is not satisfied, and the acquired person 108060  
would be required to be included in a combined taxpayer group 108061  
under section 5751.012 of the Revised Code; 108062

(c) The group requests the change in a written request to the 108063  
tax commissioner on or before the due date for filing the first 108064  
return due under section 5751.051 of the Revised Code after the 108065  
date of the acquisition; 108066

(d) The group has not previously changed its election. 108067

At the election of the group, all entities that are not 108068  
incorporated or formed under the laws of a state or of the United 108069  
States and that meet the consolidated elected ownership test shall 108070  
either be included in the group or all shall be excluded from the 108071  
group. ~~The~~ If, at the time of registration, the group does not 108072  
include any such entities that meet the consolidated elected 108073  
ownership test, the group shall elect to either include or exclude 108074  
the newly acquired entities before the due date of the first 108075  
return due after the date of the acquisition. 108076

Each group shall notify the tax commissioner of the foregoing 108077  
elections before the due date of the return ~~in which the election~~ 108078

~~is to become effective~~ for the period in which the election 108079  
becomes binding. If fifty per cent of the value of a person's 108080  
ownership interests is owned or controlled by each of two 108081  
consolidated elected taxpayer groups formed under the fifty per 108082  
cent ownership or control test, that person is a member of each 108083  
group for the purposes of this section, and each group shall 108084  
include in the group's taxable gross receipts fifty per cent of 108085  
that person's taxable gross receipts. Otherwise, all of that 108086  
person's taxable gross receipts shall be included in the taxable 108087  
gross receipts of the consolidated elected taxpayer group of which 108088  
the person is a member. In no event shall the ownership or control 108089  
of fifty per cent of the value of a person's ownership interests 108090  
by two otherwise unrelated groups form the basis for consolidating 108091  
the groups into a single consolidated elected taxpayer group or 108092  
permit any exclusion under division (C) of this section of taxable 108093  
gross receipts between members of the two groups. Division (A)(3) 108094  
of this section applies with respect to the elections described in 108095  
this division. 108096

(2) The group makes the election to be treated as a 108097  
consolidated elected taxpayer in the manner prescribed under 108098  
division (D) of this section. 108099

(3) Subject to review and audit by the tax commissioner, the 108100  
group agrees that all of the following apply: 108101

(a) The group shall file reports as a single taxpayer for at 108102  
least the next eight calendar quarters following the election so 108103  
long as at least two or more of the members of the group meet the 108104  
requirements of division (A)(1) of this section. 108105

(b) Before the expiration of the eighth such calendar 108106  
quarter, the group shall notify the commissioner if it elects to 108107  
cancel its designation as a consolidated elected taxpayer. If the 108108  
group does not so notify the tax commissioner, the election 108109  
remains in effect for another eight calendar quarters. 108110

(c) If, at any time during any of those eight calendar 108111  
quarters following the election, a former member of the group no 108112  
longer meets the requirements under division (A)(1) of this 108113  
section, that member shall report and pay the tax imposed under 108114  
this chapter separately, as a member of a combined taxpayer, or, 108115  
if the former member satisfies such requirements with respect to 108116  
another consolidated elected group, as a member of that 108117  
consolidated elected group. 108118

(d) The group agrees to the application of division (B) of 108119  
this section. 108120

(B) A group of persons making the election under this section 108121  
shall report and pay tax on all of the group's taxable gross 108122  
receipts even if substantial nexus with this state does not exist 108123  
for one or more persons in the group. 108124

(C)(1)(a) Members of a consolidated elected taxpayer group 108125  
shall exclude gross receipts among persons included in the 108126  
consolidated elected taxpayer group. 108127

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 108128  
section, nothing in this section shall have the effect of 108129  
requiring a consolidated elected taxpayer group to include gross 108130  
receipts received by a person enumerated in divisions (E)(2) to 108131  
(10) of section 5751.01 of the Revised Code if that person is a 108132  
member of the group pursuant to the elections made by the group 108133  
under division (A)(1) of this section. 108134

(c)(i) As used in division (C)(1)(c) of this section, "dealer 108135  
transfer" means a transfer of property that satisfies both of the 108136  
following: (I) the property is directly transferred by any means 108137  
from one member of the group to another member of the group that 108138  
is a dealer in intangibles but is not a qualifying dealer as 108139  
defined in section 5725.24 of the Revised Code; and (II) the 108140  
property is subsequently delivered by the dealer in intangibles to 108141

a person that is not a member of the group. 108142

(ii) In the event of a dealer transfer, a consolidated 108143  
elected taxpayer group shall not exclude, under division (C) of 108144  
this section, gross receipts from the transfer described in 108145  
division (C)(1)(c)(i)(I) of this section. 108146

(2) Gross receipts related to the sale or transmission of 108147  
electricity through the use of an intermediary regional 108148  
transmission organization approved by the federal energy 108149  
regulatory commission shall be excluded from taxable gross 108150  
receipts under division (C)(1) of this section if all other 108151  
requirements of that division are met, even if the receipts are 108152  
from and to the same member of the group. 108153

(D) To make the election to be a consolidated elected 108154  
taxpayer, a group of persons shall notify the tax commissioner of 108155  
the election in the manner prescribed by the commissioner and pay 108156  
the commissioner a registration fee equal to the lesser of two 108157  
hundred dollars or twenty dollars for each person in the group. No 108158  
additional fee shall be imposed for the addition of new members to 108159  
the group once the group has remitted a fee in the amount of two 108160  
hundred dollars. The election shall be made and the fee paid 108161  
before ~~the later of~~ the beginning of the first calendar quarter to 108162  
which the election applies ~~or November 15, 2005~~. The fee shall be 108163  
collected and used in the same manner as provided in section 108164  
5751.04 of the Revised Code. 108165

The election shall be made on a form prescribed by the tax 108166  
commissioner for that purpose and shall be signed by one or more 108167  
individuals with authority, separately or together, to make a 108168  
binding election on behalf of all persons in the group. 108169

Any person acquired or formed after the filing of the 108170  
registration shall be included in the group if the person meets 108171  
the requirements of division (A)(1) of this section, and the group 108172

shall notify the tax commissioner of any additions to the group 108173  
with the next tax return it files with the commissioner. 108174

~~(E) Each member of a consolidated elected taxpayer is jointly 108175  
and severally liable for the tax imposed by this chapter and any 108176  
penalties or interest thereon. The tax commissioner may require 108177  
one person in the group to be the taxpayer for purposes of 108178  
registration and remittance of the tax, but all members of the 108179  
group are subject to assessment under section 5751.09 of the 108180  
Revised Code. 108181~~

**Sec. 5751.012.** (A) All persons, other than persons enumerated 108182  
in divisions (E)(2) to (10) of section 5751.01 of the Revised 108183  
Code, having more than fifty per cent of the value of their 108184  
ownership interest owned or controlled, directly or constructively 108185  
through related interests, by common owners during all or any 108186  
portion of the tax period, together with the common owners, shall 108187  
be members of a combined taxpayer if those persons are not members 108188  
of a consolidated elected taxpayer pursuant to an election under 108189  
section 5751.011 of the Revised Code. 108190

(B) A combined taxpayer shall register, file returns, and pay 108191  
taxes under this chapter as a single taxpayer. 108192

(C) A combined taxpayer shall neither exclude taxable gross 108193  
receipts between its members nor from others that are not members. 108194

(D) A combined taxpayer shall pay to the tax commissioner a 108195  
registration fee equal to the lesser of two hundred dollars or 108196  
twenty dollars for each person in the group. No additional fee 108197  
shall be imposed for the addition of new members to the group once 108198  
the group has remitted a fee in the amount of two hundred dollars. 108199  
The fee shall be timely paid before the later of the beginning of 108200  
the first calendar quarter or November 15, 2005. The fee shall be 108201  
collected and used in the same manner as provided in section 108202  
5751.04 of the Revised Code. 108203



Any person acquired or formed after the filing of the 108204  
registration shall be included in the group if the person meets 108205  
the requirements of division (A) of this section, and the group 108206  
must notify the tax commissioner of any additions with the next 108207  
quarterly tax return it files with the commissioner. 108208

~~(E) Each member of a combined taxpayer is jointly and 108209  
severally liable for the tax imposed by this chapter and any 108210  
penalties or interest thereon. The tax commissioner may require 108211  
one person in the group to be the taxpayer for purposes of 108212  
registration and remittance of the tax, but all members of the 108213  
group are subject to assessment under section 5751.09 of the 108214  
Revised Code. 108215~~

**Sec. 5751.013.** (A) Except as provided in division (B) of this 108216  
section: 108217

(1) A person shall include as taxable gross receipts the 108218  
value of property the person transfers into this state for the 108219  
person's own use within one year after the person receives the 108220  
property outside this state; and 108221

(2) In the case of ~~an elected~~ a consolidated elected taxpayer 108222  
group or a combined taxpayer group, the taxpayer shall include as 108223  
taxable gross receipts the value of property that any of the 108224  
taxpayer's members transferred into this state for the use of any 108225  
of the taxpayer's members within one year after the taxpayer 108226  
receives the property outside this state. 108227

(B) Property brought into this state within one year after it 108228  
is received outside this state by a person or group described in 108229  
division (A)(1) or (2) of this section shall not be included as 108230  
taxable gross receipts as required under those divisions if the 108231  
tax commissioner ascertains that the property's receipt outside 108232  
this state by the person or group followed by its transfer into 108233  
this state within one year was not intended in whole or in part to 108234

avoid in whole or in part the tax imposed under this chapter. 108235

(C) The tax commissioner may adopt rules necessary to 108236  
administer this section. 108237

Sec. 5751.014. All members of a consolidated elected taxpayer 108238  
or combined taxpayer group during the tax period or periods for 108239  
which additional tax, penalty, or interest is owed are jointly and 108240  
severally liable for the tax imposed by this chapter. Although the 108241  
reporting person will be assessed for the liability, such amounts 108242  
due may be pursued against any member when a liability is 108243  
certified to the attorney general under section 131.02 of the 108244  
Revised Code. 108245

**Sec. 5751.03.** (A) Except as provided in divisions (B) and (D) 108246  
of this section and in sections 5751.031 and 5751.032 of the 108247  
Revised Code, the tax levied under this section for each tax 108248  
period shall be the product of two and six-tenths mills per dollar 108249  
times the remainder of the taxpayer's taxable gross receipts for 108250  
the tax period after subtracting the exclusion amount provided for 108251  
in division (C) of this section. 108252

(B) Notwithstanding division (C) of this section, the tax on 108253  
the first one million dollars in taxable gross receipts each 108254  
calendar year shall be one hundred fifty dollars. For calendar 108255  
year 2006, the tax imposed under this division shall be paid not 108256  
later than May 10, 2006, by both calendar year taxpayers and 108257  
calendar quarter taxpayers. For calendar ~~year~~ years 2007 ~~and~~ 108258  
~~thereafter, 2008, and 2009~~, the tax imposed under this division 108259  
shall be paid with the fourth-quarter tax return or annual tax 108260  
return for the prior calendar year by both calendar year taxpayers 108261  
and calendar quarter taxpayers. For calendar years 2010 and 108262  
thereafter, the tax imposed under this division shall be paid not 108263  
later than the tenth day of May of each year along with the first 108264

quarter or annual tax return, as applicable. 108265

(C)(1) Each calendar quarter taxpayer may exclude the first 108266  
two hundred fifty thousand dollars of taxable gross receipts for a 108267  
calendar quarter and may carry forward and apply any unused 108268  
exclusion amount to the three subsequent calendar quarters. Each 108269  
calendar year taxpayer may exclude the first one million dollars 108270  
of taxable gross receipts for a calendar year. 108271

(2) A taxpayer switching from a calendar year tax period to a 108272  
calendar quarter tax period may, for the first quarter of the 108273  
change, apply the prior calendar quarter exclusion amounts to the 108274  
first calendar quarter return the taxpayer files that calendar 108275  
year. The tax rate shall be based on the rate imposed that 108276  
calendar quarter when the taxpayer switches from a calendar year 108277  
to a calendar quarter tax period. 108278

(D) There is hereby allowed a credit against the tax imposed 108279  
under this chapter for each of the following calendar years if a 108280  
transfer was made in the preceding calendar year from the general 108281  
revenue fund to the commercial activity tax refund fund under 108282  
division (D) of section 5751.032 of the Revised Code: calendar 108283  
years 2008, 2010, and 2012. The credit is allowed for taxpayers 108284  
that paid in full the tax imposed under this chapter for the 108285  
calendar year in which the transfer was made. The amount of a 108286  
taxpayer's credit equals the amount computed under division (D) of 108287  
section 5751.032 of the Revised Code. 108288

**Sec. 5751.04.** (A) As used in this section, "person" includes 108289  
a reporting person. 108290

(B) ~~Not later than the later of November 15, 2005, or thirty~~ 108291  
days after a person first has more than one hundred fifty thousand 108292  
dollars in taxable gross receipts in a calendar year, each person 108293  
subject to this chapter shall register with the tax commissioner 108294  
on the form prescribed by the commissioner. The form shall include 108295

the following:	108296
(1) The person's name;	108297
(2) If applicable, the name of the state or country under the laws of which the person is incorporated;	108298 108299
(3) If applicable, the location of a person's principal office and the name and address of the officer or agent of the corporation in charge of the business;	108300 108301 108302
(4) If applicable, the names of the person's president, secretary, treasurer, and statutory agent designated pursuant to section 1703.041 of the Revised Code, with the post office address of each;	108303 108304 108305 108306
(5) The kind of business in which the person is engaged, including applicable business or industry codes;	108307 108308
(6) If required by the tax commissioner, the date of the beginning of the person's annual accounting period that includes the first day of January of the taxable calendar year;	108309 108310 108311
(7) If the person is not a corporation or a sole proprietor, the names of the person's owners and officers, if required by the tax commissioner;	108312 108313 108314
(8) The person's federal employer identification number or numbers or, if those are not applicable, the person's social security number or equivalent;	108315 108316 108317
(9) All other information that the commissioner requires to administer and enforce this chapter.	108318 108319
<del>(B)</del> (C) Except as otherwise provided in this division, each person registering with the tax commissioner as required by division <del>(A)</del> (B) of this section shall pay a registration fee. The fee shall be in the amount of fifteen dollars if a person registers electronically and twenty dollars if a person does not register electronically. The registration fee shall be paid in the	108320 108321 108322 108323 108324 108325

manner prescribed by the tax commissioner at the same time the 108326  
registration is due if a person is subject to the tax imposed 108327  
under this chapter before January 1, 2006. If a person first 108328  
becomes subject to the tax after that date, the registration fee 108329  
is payable with the first tax period return the person is required 108330  
to file as prescribed by section 5751.051 of the Revised Code. If 108331  
~~a registration fee is not paid when due~~ person does not register 108332  
within the time prescribed by this section, an additional fee is 108333  
imposed in the amount of one hundred dollars per month or part 108334  
thereof that the fee is outstanding, not to exceed one thousand 108335  
dollars. The tax commissioner may abate the additional fee. The 108336  
fee imposed under this division may be assessed in the same manner 108337  
as the tax imposed under this chapter. Proceeds from the fee shall 108338  
be credited to the commercial activity tax administrative fund, 108339  
which is hereby created in the state treasury for the commissioner 108340  
to use in implementing and administering the tax imposed under 108341  
this chapter. 108342

~~No registration fee is payable by a person for a calendar 108343  
year if the person first begins business operations in this state 108344  
after the thirtieth day of November of that calendar year or if 108345  
the person's taxable gross receipts for the calendar year exceed 108346  
one hundred fifty thousand dollars but do not exceed one hundred 108347  
fifty thousand dollars as of the first day of December of the 108348  
calendar year.~~ 108349

Registration fees paid under this section, excluding any 108350  
additional fee imposed for ~~late payment of the registration fee~~ a 108351  
person's failure to timely register, shall be credited against the 108352  
first payment of tax payable under section 5751.03 of the Revised 108353  
Code ~~after the registration fee is paid.~~ 108354

~~(C)~~(D) If a person that has registered under this section is 108355  
no longer a taxpayer subject to this chapter, including no longer 108356  
being a taxpayer because of the application of division (E)(1) of 108357

section 5751.01 of the Revised Code, the person shall notify the commissioner that the person's registration should be cancelled.

(E) With respect to registrations received by the commissioner before the effective date of the amendment of this section by the main operating appropriations act of the 128th general assembly, the taxpayer listed as the primary taxpayer on the registration shall be the reporting person until the taxpayer notifies the commissioner otherwise.

**Sec. 5751.05.** (A) If a person subject to this chapter anticipates that the person's taxable gross receipts will be more than one million dollars ~~or less~~ in a calendar year ~~2006~~, the person ~~may elect to be a calendar year taxpayer. If a person is not required to be registered under this section for calendar year 2006 and anticipates that the person's taxable gross receipts will be one million dollars or less in the first calendar year the person is required to register under this section, the person may elect to be a calendar year taxpayer~~ shall notify the tax commissioner on the person's initial registration form and file on a quarterly basis as a calendar quarter taxpayer. Any taxpayer with taxable gross receipts of less than one million dollars shall register as a calendar year taxpayer and shall file annually.

(B) Any person that is a calendar year taxpayer ~~pursuant to an election~~ under division (A) of this section shall become a calendar quarter taxpayer in the subsequent calendar year if the person's taxable gross receipts for the prior calendar year are more than one million dollars, and shall remain a calendar quarter taxpayer until the person notifies the tax commissioner, and receives approval in writing from the tax commissioner, to switch back to being a calendar year taxpayer. Nothing in this division prohibits a person that has elected to be a calendar year taxpayer

from notifying the tax commissioner, using the procedures 108389  
prescribed by the commissioner, that it is switching back to being 108390  
a calendar quarter taxpayer. 108391

(C) Any taxpayer that is not a calendar ~~year~~ quarter taxpayer 108392  
pursuant to this section is a calendar ~~quarter~~ year taxpayer. The 108393  
~~tax~~ commissioner may grant written approval for a calendar quarter 108394  
taxpayer to use an alternative reporting schedule or estimate the 108395  
amount of tax due for a calendar quarter if the taxpayer 108396  
demonstrates to the commissioner the need for such a deviation. 108397  
The commissioner may adopt a rule to apply division (C) of this 108398  
section to a group of taxpayers without the taxpayers having to 108399  
receive written approval from the commissioner. 108400

**Sec. 5751.051.** (A)(1) Not later than ~~forty days~~ the tenth day 108401  
of the second month after the end of each calendar quarter, every 108402  
taxpayer other than a calendar year taxpayer shall file with the 108403  
tax commissioner a tax return in such form as the commissioner 108404  
prescribes. The return shall include, but is not limited to, the 108405  
amount of the taxpayer's taxable gross receipts for the calendar 108406  
quarter and shall indicate the amount of tax due under section 108407  
5751.03 of the Revised Code for the calendar quarter. 108408

(2)(a) Subject to division (C) of section 5751.05 of the 108409  
Revised Code, a calendar quarter taxpayer shall report the taxable 108410  
gross receipts for that calendar quarter. 108411

(b) With respect to taxable gross receipts incorrectly 108412  
reported in a calendar quarter that has a lower tax rate, the tax 108413  
shall be computed at the tax rate in effect for the quarterly 108414  
return in which such receipts should have been reported. Nothing 108415  
in division (A)(2)(b) of this section prohibits a taxpayer from 108416  
filing an application for refund under section 5751.08 of the 108417  
Revised Code with regard to the incorrect reporting of taxable 108418  
gross receipts discovered after filing the annual return described 108419

in division (A)(3) of this section. 108420

A tax return shall not be deemed to be an incorrect reporting 108421  
of taxable gross receipts for the purposes of division (A)(2)(b) 108422  
of this section if the return reflects between ninety-five and one 108423  
hundred five per cent of the actual taxable gross receipts for the 108424  
calendar quarter. 108425

(3) ~~The~~ For the purposes of division (A)(2)(b) of this 108426  
section, the tax return filed for the fourth calendar quarter of a 108427  
calendar year is the annual return for the privilege tax imposed 108428  
by this chapter. Such return shall report any additional taxable 108429  
gross receipts not previously reported in the calendar year and 108430  
shall adjust for any over-reported taxable gross receipts in the 108431  
calendar year. If the taxpayer ceases to be a taxpayer before the 108432  
end of the calendar year, the last return the taxpayer is required 108433  
to file shall be the annual return for the taxpayer and the 108434  
taxpayer shall report any additional taxable gross receipts not 108435  
previously reported in the calendar year and shall adjust for any 108436  
over-reported taxable gross receipts in the calendar year. 108437

(4) Because the tax imposed by this chapter is a privilege 108438  
tax, the tax rate with respect to taxable gross receipts for a 108439  
calendar quarter is not fixed until the end of the measurement 108440  
period for each calendar quarter. Subject to division (A)(2)(b) of 108441  
this section, the total amount of taxable gross receipts reported 108442  
for a given calendar quarter shall be subject to the tax rate in 108443  
effect in that quarter. 108444

(5) Not later than ~~forty days after~~ the tenth day of May 108445  
following the end of each calendar year, every calendar year 108446  
taxpayer shall file with the tax commissioner a tax return in such 108447  
form as the commissioner prescribes. The return shall include, but 108448  
is not limited to, the amount of the taxpayer's taxable gross 108449  
receipts for the calendar year and shall indicate the amount of 108450  
tax due under section 5751.03 of the Revised Code for the calendar 108451



year. 108452

(B)(1) A person that first becomes subject to the tax imposed 108453  
under this chapter shall pay the minimum tax imposed under 108454  
division (B) of section 5751.03 of the Revised Code along with the 108455  
registration fee imposed under this section, if applicable, on or 108456  
before the day the return is required to be filed for that quarter 108457  
under division (A)(1) of this section, regardless of whether the 108458  
person elects to be a calendar year taxpayer under section 5751.05 108459  
of the Revised Code. 108460

(2) The amount of the minimum tax for a person subject to 108461  
division (B)(1) of this section shall be reduced to seventy-five 108462  
dollars if the registration is timely filed after the first day of 108463  
May and before the first day of January of the following calendar 108464  
year. 108465

**Sec. 5751.06.** (A) Any taxpayer that fails to file a return or 108466  
pay the full amount of the tax due within the period prescribed 108467  
therefor under this chapter shall pay a penalty in an amount not 108468  
exceeding the greater of fifty dollars or ten per cent of the tax 108469  
required to be paid for the tax period. 108470

(B)(1) If any additional tax is found to be due, the tax 108471  
commissioner may impose an additional penalty of up to fifteen per 108472  
cent on the additional tax found to be due. 108473

(2) Any delinquent payments of the tax made after a taxpayer 108474  
is notified of an audit or a tax discrepancy by the commissioner 108475  
is subject to the penalty imposed by division (B) of this section. 108476  
If an assessment is issued under section ~~5751.10~~ 5751.09 of the 108477  
Revised Code in connection with such delinquent payments, the 108478  
payments shall be credited to the assessment. 108479

(C) After calendar year 2008, the tax commissioner may impose 108480  
an additional penalty against a taxpayer that fails to switch to 108481

being a calendar quarter taxpayer at the time it had over two 108482  
million in taxable gross receipts in the calendar year, as 108483  
required under section 5751.04 of the Revised Code. The penalty 108484  
may be imposed in an amount not to exceed ten per cent of the tax 108485  
due above two million dollars in taxable gross receipts for the 108486  
calendar year. Any penalty imposed under this division is in 108487  
addition to any other penalties imposed under this section. 108488

(D) If the tax commissioner notifies a person required to 108489  
register under section 5751.05 of the Revised Code of such 108490  
requirement and of the requirement to remit the tax due under this 108491  
chapter, and the person fails to so register and remit the tax 108492  
within sixty days after such notice, the tax commissioner may 108493  
impose an additional penalty of up to thirty-five per cent of the 108494  
tax due. The penalty imposed under this division is in addition to 108495  
any other penalties imposed under this section. 108496

(E) The tax commissioner may collect any penalty or interest 108497  
imposed by this section in the same manner as the tax imposed 108498  
under this chapter. Penalties and interest so collected shall be 108499  
considered as revenue arising from the tax imposed under this 108500  
chapter. 108501

(F) The tax commissioner may abate all or a portion of any 108502  
penalties imposed under this section and may adopt rules governing 108503  
such abatements. 108504

(G) If any tax due is not timely paid in accordance with this 108505  
chapter, the taxpayer shall pay interest, calculated at the rate 108506  
per annum prescribed by section 5703.47 of the Revised Code, from 108507  
the date the tax payment was due to the date of payment or to the 108508  
date an assessment was issued, whichever occurs first. 108509

(H) The tax commissioner may impose a penalty of up to ten 108510  
per cent for any additional tax that is due under division 108511  
(A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer 108512

incorrectly reporting its taxable gross receipts. 108513

**Sec. 5751.08.** (A) An application for refund to the taxpayer 108514  
of the amount of taxes imposed under this chapter that are 108515  
overpaid, paid illegally or erroneously, or paid on any illegal or 108516  
erroneous assessment shall be filed by the reporting person with 108517  
the tax commissioner, on the form prescribed by the commissioner, 108518  
within four years after the date of the illegal or erroneous 108519  
payment of the tax. The applicant shall provide the amount of the 108520  
requested refund along with the claimed reasons for, and 108521  
documentation to support, the issuance of a refund. 108522

(B) On the filing of the refund application, the tax 108523  
commissioner shall determine the amount of refund to which the 108524  
applicant is entitled. If the amount is not less than that 108525  
claimed, the commissioner shall certify the amount to the director 108526  
of budget and management and treasurer of state for payment from 108527  
the tax refund fund created under section 5703.052 of the Revised 108528  
Code. If the amount is less than that claimed, the commissioner 108529  
shall proceed in accordance with section 5703.70 of the Revised 108530  
Code. 108531

(C) Interest on a refund applied for under this section, 108532  
computed at the rate provided for in section 5703.47 of the 108533  
Revised Code, shall be allowed from the later of the date the tax 108534  
was paid or when the tax payment was due. 108535

(D) A calendar quarter taxpayer with more than one million 108536  
dollars in taxable gross receipts in a calendar year other than 108537  
calendar year 2005 and that is not able to exclude one million 108538  
dollars in taxable gross receipts because of the operation of the 108539  
taxpayer's business in that calendar year may file for a refund 108540  
under this section to obtain the full exclusion of one million 108541  
dollars in taxable gross receipts for that calendar year. 108542

(E) No person with an active registration as a taxpayer under 108543

this chapter may claim a refund under this section for the tax 108544  
imposed under division (B) of section 5751.03 of the Revised Code 108545  
unless the person cancelled the registration before the tenth day 108546  
of ~~February~~ May of the current calendar year pursuant to division 108547  
~~(C)~~(D) of section 5751.04 of the Revised Code. 108548

(F) Except as provided in section 5751.091 of the Revised 108549  
Code, the tax commissioner may, with the consent of the taxpayer, 108550  
provide for the crediting against tax due for a tax year the 108551  
amount of any refund due the taxpayer under this chapter for a 108552  
preceding tax year. 108553

**Sec. 5751.09.** (A) The tax commissioner may make an 108554  
assessment, based on any information in the commissioner's 108555  
possession, against any person that fails to file a return or pay 108556  
any tax as required by this chapter. The commissioner shall give 108557  
the person assessed written notice of the assessment as provided 108558  
in section 5703.37 of the Revised Code. With the notice, the 108559  
commissioner shall provide instructions on the manner in which to 108560  
petition for reassessment and request a hearing with respect to 108561  
the petition. The commissioner shall send any assessments against 108562  
consolidated elected taxpayer and combined taxpayer groups under 108563  
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 108564  
"reporting person" as defined under division (R) of section 108565  
5751.01 of the Revised Code. The reporting person shall notify all 108566  
members of the group of the assessment and all outstanding taxes, 108567  
interest, and penalties for which the assessment is issued. 108568

(B) Unless the person assessed, within sixty days after 108569  
service of the notice of assessment, files with the tax 108570  
commissioner, either personally or by certified mail, a written 108571  
petition signed by the person or the person's authorized agent 108572  
having knowledge of the facts, the assessment becomes final, and 108573  
the amount of the assessment is due and payable from the person 108574

assessed to the treasurer of state. The petition shall indicate 108575  
the objections of the person assessed, but additional objections 108576  
may be raised in writing if received by the commissioner prior to 108577  
the date shown on the final determination. 108578

If a petition for reassessment has been properly filed, the 108579  
commissioner shall proceed under section 5703.60 of the Revised 108580  
Code. 108581

(C)(1) After an assessment becomes final, if any portion of 108582  
the assessment, including accrued interest, remains unpaid, a 108583  
certified copy of the tax commissioner's entry making the 108584  
assessment final may be filed in the office of the clerk of the 108585  
court of common pleas in the county in which the person resides or 108586  
has its principal place of business in this state, or in the 108587  
office of the clerk of court of common pleas of Franklin county. 108588

(2) Immediately upon the filing of the entry, the clerk shall 108589  
enter judgment for the state against the person assessed in the 108590  
amount shown on the entry. The judgment may be filed by the clerk 108591  
in a loose-leaf book entitled, "special judgments for the 108592  
commercial activity tax" and shall have the same effect as other 108593  
judgments. Execution shall issue upon the judgment at the request 108594  
of the tax commissioner, and all laws applicable to sales on 108595  
execution shall apply to sales made under the judgment. 108596

(3) The portion of the assessment not paid within sixty days 108597  
after the day the assessment was issued shall bear interest at the 108598  
rate per annum prescribed by section 5703.47 of the Revised Code 108599  
from the day the tax commissioner issues the assessment until it 108600  
is paid. Interest shall be paid in the same manner as the tax and 108601  
may be collected by the issuance of an assessment under this 108602  
section. 108603

(D) If the tax commissioner believes that collection of the 108604  
tax will be jeopardized unless proceedings to collect or secure 108605

collection of the tax are instituted without delay, the 108606  
commissioner may issue a jeopardy assessment against the person 108607  
liable for the tax. Immediately upon the issuance of the jeopardy 108608  
assessment, the commissioner shall file an entry with the clerk of 108609  
the court of common pleas in the manner prescribed by division (C) 108610  
of this section. Notice of the jeopardy assessment shall be served 108611  
on the person assessed or the person's authorized agent in the 108612  
manner provided in section 5703.37 of the Revised Code within five 108613  
days of the filing of the entry with the clerk. The total amount 108614  
assessed is immediately due and payable, unless the person 108615  
assessed files a petition for reassessment in accordance with 108616  
division (B) of this section and provides security in a form 108617  
satisfactory to the commissioner and in an amount sufficient to 108618  
satisfy the unpaid balance of the assessment. Full or partial 108619  
payment of the assessment does not prejudice the commissioner's 108620  
consideration of the petition for reassessment. 108621

(E) The tax commissioner shall immediately forward to the 108622  
treasurer of state all amounts the commissioner receives under 108623  
this section, and such amounts shall be considered as revenue 108624  
arising from the tax imposed under this chapter. 108625

(F) Except as otherwise provided in this division, no 108626  
assessment shall be made or issued against a taxpayer for the tax 108627  
imposed under this chapter more than four years after the due date 108628  
for the filing of the return for the tax period for which the tax 108629  
was reported, or more than four years after the return for the tax 108630  
period was filed, whichever is later. Nothing in this division 108631  
bars an assessment against a taxpayer that fails to file a return 108632  
required by this chapter or that files a fraudulent return. 108633

(G) If the tax commissioner possesses information that 108634  
indicates that the amount of tax a taxpayer is required to pay 108635  
under this chapter exceeds the amount the taxpayer paid, the tax 108636  
commissioner may audit a sample of the taxpayer's gross receipts 108637

over a representative period of time to ascertain the amount of 108638  
tax due, and may issue an assessment based on the audit. The tax 108639  
commissioner shall make a good faith effort to reach agreement 108640  
with the taxpayer in selecting a representative sample. The tax 108641  
commissioner may apply a sampling method only if the commissioner 108642  
has prescribed the method by rule. 108643

(H) If the whereabouts of a person subject to this chapter is 108644  
not known to the tax commissioner, ~~the secretary of state is~~ 108645  
~~hereby deemed to be that person's agent for purposes of service of~~ 108646  
~~process of notice of any assessment, action, or proceedings~~ 108647  
~~instituted in this state against the person under this chapter.~~ 108648  
~~Such process or notice shall be served on such person by the~~ 108649  
~~commissioner or by one of the commissioner's agents by leaving at~~ 108650  
~~the office of the secretary of state, at least fifteen days before~~ 108651  
~~the return day of such process or notice, a true and attested copy~~ 108652  
~~of the notice, and by sending to such person by ordinary mail,~~ 108653  
~~with an endorsement thereon of the service upon the secretary of~~ 108654  
~~state, addressed to such person at the person's last known address~~ 108655  
commissioner shall follow the procedures under section 5703.37 of 108656  
the Revised Code. 108657

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 108658  
the Revised Code: 108659

(1) "School district," "joint vocational school district," 108660  
"local taxing unit," "recognized valuation," "fixed-rate levy," 108661  
and "fixed-sum levy" have the same meanings as used in section 108662  
5727.84 of the Revised Code. 108663

(2) "State education aid" for a school district means the 108664  
following: 108665

(a) For fiscal years prior to fiscal year 2010, the sum of 108666  
state aid amounts computed for the district under division (A) of 108667  
section 3317.022 of the Revised Code, including the amounts 108668

calculated under sections 3317.029 and 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (L) and (N) of section 3317.024; section 3317.0216; and any unit payments for gifted student services paid under sections 3317.05, 3317.052, and 3317.053 of the Revised Code; except that, for fiscal years 2008 and 2009, the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be substituted for the amount computed under division (D) of section 3317.022 of the Revised Code, and the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.

(b) For fiscal year 2010 and for each fiscal year thereafter, the sum of the amounts computed under sections 3306.052, 3306.12, 3306.13, 3306.19, and 3306.192 of the Revised Code.

(3) "State education aid" for a joint vocational school district means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.

(b) For fiscal years 2010 and 2011, the amount paid in accordance with the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.

(5) "Machinery and equipment property tax value loss" means



the amount determined under division (C)(1) of this section. 108700

(6) "Inventory property tax value loss" means the amount 108701  
determined under division (C)(2) of this section. 108702

(7) "Furniture and fixtures property tax value loss" means 108703  
the amount determined under division (C)(3) of this section. 108704

(8) "Machinery and equipment fixed-rate levy loss" means the 108705  
amount determined under division (D)(1) of this section. 108706

(9) "Inventory fixed-rate levy loss" means the amount 108707  
determined under division (D)(2) of this section. 108708

(10) "Furniture and fixtures fixed-rate levy loss" means the 108709  
amount determined under division (D)(3) of this section. 108710

(11) "Total fixed-rate levy loss" means the sum of the 108711  
machinery and equipment fixed-rate levy loss, the inventory 108712  
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 108713  
loss, and the telephone company fixed-rate levy loss. 108714

(12) "Fixed-sum levy loss" means the amount determined under 108715  
division (E) of this section. 108716

(13) "Machinery and equipment" means personal property 108717  
subject to the assessment rate specified in division (F) of 108718  
section 5711.22 of the Revised Code. 108719

(14) "Inventory" means personal property subject to the 108720  
assessment rate specified in division (E) of section 5711.22 of 108721  
the Revised Code. 108722

(15) "Furniture and fixtures" means personal property subject 108723  
to the assessment rate specified in division (G) of section 108724  
5711.22 of the Revised Code. 108725

(16) "Qualifying levies" are levies in effect for tax year 108726  
2004 or applicable to tax year 2005 or approved at an election 108727  
conducted before September 1, 2005. For the purpose of determining 108728  
the rate of a qualifying levy authorized by section 5705.212 or 108729

5705.213 of the Revised Code, the rate shall be the rate that 108730  
would be in effect for tax year 2010. 108731

(17) "Telephone property" means tangible personal property of 108732  
a telephone, telegraph, or interexchange telecommunications 108733  
company subject to an assessment rate specified in section 108734  
5727.111 of the Revised Code in tax year 2004. 108735

(18) "Telephone property tax value loss" means the amount 108736  
determined under division (C)(4) of this section. 108737

(19) "Telephone property fixed-rate levy loss" means the 108738  
amount determined under division (D)(4) of this section. 108739

(B) The commercial activities tax receipts fund is hereby 108740  
created in the state treasury and shall consist of money arising 108741  
from the tax imposed under this chapter. ~~All money in that~~ 108742  
Eighty-five one-hundredths of one per cent of the money credited 108743  
to that fund shall be credited to the tax reform system 108744  
implementation fund, which is hereby created in the state 108745  
treasury, and shall be used to defray the costs incurred by the 108746  
department of taxation in administering the tax imposed by this 108747  
chapter and in implementing tax reform measures. The remainder in 108748  
the commercial activities tax receipts fund shall be credited for 108749  
each fiscal year in the following percentages to the general 108750  
revenue fund, to the school district tangible property tax 108751  
replacement fund, which is hereby created in the state treasury 108752  
for the purpose of making the payments described in section 108753  
5751.21 of the Revised Code, and to the local government tangible 108754  
property tax replacement fund, which is hereby created in the 108755  
state treasury for the purpose of making the payments described in 108756  
section 5751.22 of the Revised Code, in the following percentages: 108757

108758

Fiscal year	General Revenue	School District	Local Government	108759
	Fund	Tangible	Tangible	

		Property Tax Replacement Fund	Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	108760
2007	0%	70.0%	30.0%	108761
2008	0%	70.0%	30.0%	108762
2009	0%	70.0%	30.0%	108763
2010	0%	70.0%	30.0%	108764
2011	0%	70.0%	30.0%	108765
2012	5.3%	70.0%	24.7%	108766
2013	10.6%	70.0%	19.4%	108767
2014	14.1%	70.0%	15.9%	108768
2015	17.6%	70.0%	12.4%	108769
2016	21.1%	70.0%	8.9%	108770
2017	24.6%	70.0%	5.4%	108771
2018	28.1%	70.0%	1.9%	108772
2019 and thereafter	30%	70%	0%	108773

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.	108788
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	108789 108790 108791
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	108792 108793 108794
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	108795 108796
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	108797 108798 108799
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	108800 108801 108802
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	108803 108804 108805
(a) For tax year 2006, twenty-five per cent;	108806
(b) For tax year 2007, fifty per cent;	108807
(c) For tax year 2008, seventy-five per cent;	108808
(d) For tax year 2009 and thereafter, one hundred per cent.	108809
The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.	108810 108811 108812 108813 108814 108815
(4) Telephone property tax value loss is the taxable value of	108816

telephone property as taxpayers would have reported that property 108817  
for tax year 2004 if the assessment rate for all telephone 108818  
property for that year were twenty-five per cent, multiplied by: 108819

(a) For tax year 2006, zero per cent; 108820

(b) For tax year 2007, zero per cent; 108821

(c) For tax year 2008, zero per cent; 108822

(d) For tax year 2009, sixty per cent; 108823

(e) For tax year 2010, eighty per cent; 108824

(f) For tax year 2011 and thereafter, one hundred per cent. 108825

(5) Division (C)(5) of this section applies to any school 108826  
district, joint vocational school district, or local taxing unit 108827  
in a county in which is located a facility currently or formerly 108828  
devoted to the enrichment or commercialization of uranium or 108829  
uranium products, and for which the total taxable value of 108830  
property listed on the general tax list of personal property for 108831  
any tax year from tax year 2001 to tax year 2004 was fifty per 108832  
cent or less of the taxable value of such property listed on the 108833  
general tax list of personal property for the next preceding tax 108834  
year. 108835

In computing the fixed-rate levy losses under divisions 108836  
(D)(1), (2), and (3) of this section for any school district, 108837  
joint vocational school district, or local taxing unit to which 108838  
division (C)(5) of this section applies, the taxable value of such 108839  
property as listed on the general tax list of personal property 108840  
for tax year 2000 shall be substituted for the taxable value of 108841  
such property as reported by taxpayers for tax year 2004, in the 108842  
taxing district containing the uranium facility, if the taxable 108843  
value listed for tax year 2000 is greater than the taxable value 108844  
reported by taxpayers for tax year 2004. For the purpose of making 108845  
the computations under divisions (D)(1), (2), and (3) of this 108846

section, the tax year 2000 valuation is to be allocated to 108847  
machinery and equipment, inventory, and furniture and fixtures 108848  
property in the same proportions as the tax year 2004 values. For 108849  
the purpose of the calculations in division (A) of section 5751.21 108850  
of the Revised Code, the tax year 2004 taxable values shall be 108851  
used. 108852

To facilitate the calculations required under division (C) of 108853  
this section, the county auditor, upon request from the tax 108854  
commissioner, shall provide by August 1, 2005, the values of 108855  
machinery and equipment, inventory, and furniture and fixtures for 108856  
all single-county personal property taxpayers for tax year 2004. 108857

(D) Not later than September 15, 2005, the tax commissioner 108858  
shall determine for each tax year from 2006 through 2009 for each 108859  
school district, joint vocational school district, and local 108860  
taxing unit its machinery and equipment, inventory, and furniture 108861  
and fixtures fixed-rate levy losses, and for each tax year from 108862  
2006 through 2011 its telephone property fixed-rate levy loss, ~~7~~ 108863  
which. Except as provided in division (F) of this section, such 108864  
losses are the applicable amounts described in divisions (D)(1), 108865  
(2), (3), and (4) of this section: 108866

(1) The machinery and equipment fixed-rate levy loss is the 108867  
machinery and equipment property tax value loss multiplied by the 108868  
sum of the tax rates of fixed-rate qualifying levies. 108869

(2) The inventory fixed-rate loss is the inventory property 108870  
tax value loss multiplied by the sum of the tax rates of 108871  
fixed-rate qualifying levies. 108872

(3) The furniture and fixtures fixed-rate levy loss is the 108873  
furniture and fixture property tax value loss multiplied by the 108874  
sum of the tax rates of fixed-rate qualifying levies. 108875

(4) The telephone property fixed-rate levy loss is the 108876  
telephone property tax value loss multiplied by the sum of the tax 108877

rates of fixed-rate qualifying levies. 108878

(E) Not later than September 15, 2005, the tax commissioner 108879  
shall determine for each school district, joint vocational school 108880  
district, and local taxing unit its fixed-sum levy loss. The 108881  
fixed-sum levy loss is the amount obtained by subtracting the 108882  
amount described in division (E)(2) of this section from the 108883  
amount described in division (E)(1) of this section: 108884

(1) The sum of the machinery and equipment property tax value 108885  
loss, the inventory property tax value loss, and the furniture and 108886  
fixtures property tax value loss, and, for 2008 through 2017 the 108887  
telephone property tax value loss of the district or unit 108888  
multiplied by the sum of the fixed-sum tax rates of qualifying 108889  
levies. For 2006 through 2010, this computation shall include all 108890  
qualifying levies remaining in effect for the current tax year and 108891  
any school district levies imposed under section 5705.194 or 108892  
5705.213 of the Revised Code that are qualifying levies not 108893  
remaining in effect for the current year. For 2011 through 2017 in 108894  
the case of qualifying school district levies imposed under 108895  
section 5705.194 or 5705.213 of the Revised Code and for all years 108896  
after 2010 in the case of other fixed-sum levies, this computation 108897  
shall include only qualifying levies remaining in effect for the 108898  
current year. For purposes of this computation, a qualifying 108899  
school district levy imposed under section 5705.194 or 5705.213 of 108900  
the Revised Code remains in effect in a year after 2010 only if, 108901  
for that year, the board of education levies a school district 108902  
levy imposed under section 5705.194 ~~or~~, 5705.199, 5705.213, or 108903  
5705.219 of the Revised Code for an annual sum at least equal to 108904  
the annual sum levied by the board in tax year 2004 less the 108905  
amount of the payment certified under this division for 2006. 108906

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(2) The total taxable value in tax year 2004 less the sum of 108908  
the machinery and equipment, inventory, furniture and fixtures, 108909

and telephone property tax value losses in each school district, 108910  
joint vocational school district, and local taxing unit multiplied 108911  
by one-half of one mill per dollar. 108912

(3) For the calculations in divisions (E)(1) and (2) of this 108913  
section, the tax value losses are those that would be calculated 108914  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 108915  
section and for tax year 2011 under division (C)(4) of this 108916  
section. 108917

(4) To facilitate the calculation under divisions (D) and (E) 108918  
of this section, not later than September 1, 2005, any school 108919  
district, joint vocational school district, or local taxing unit 108920  
that has a qualifying levy that was approved at an election 108921  
conducted during 2005 before September 1, 2005, shall certify to 108922  
the tax commissioner a copy of the county auditor's certificate of 108923  
estimated property tax millage for such levy as required under 108924  
division (B) of section 5705.03 of the Revised Code, which is the 108925  
rate that shall be used in the calculations under such divisions. 108926

If the amount determined under division (E) of this section 108927  
for any school district, joint vocational school district, or 108928  
local taxing unit is greater than zero, that amount shall equal 108929  
the reimbursement to be paid pursuant to division (E) of section 108930  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 108931  
and the one-half of one mill that is subtracted under division 108932  
(E)(2) of this section shall be apportioned among all contributing 108933  
fixed-sum levies in the proportion that each levy bears to the sum 108934  
of all fixed-sum levies within each school district, joint 108935  
vocational school district, or local taxing unit. 108936

(F) If a school district levies a tax under section 5705.219 108937  
of the Revised Code, the fixed-rate levy loss for qualifying 108938  
levies, to the extent repealed under that section, shall equal the 108939  
sum of the following amounts in lieu of the amounts computed for 108940  
such levies under division (D) of this section: 108941



(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division; 108942  
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(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division. 108946  
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The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code. 108949  
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(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement. 108956  
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~~(G)~~(H) Not later than October 1, 2005, the tax commissioner shall certify the amount of the fixed-sum levy losses to the county auditor of each county in which a school district, joint vocational school district, or local taxing unit with a fixed-sum levy loss reimbursement has territory. 108967  
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(I) Not later than the twenty-eighth day of February each 108972

year beginning in 2011 and ending in 2014, the tax commissioner 108973  
shall certify to the department of education for each school 108974  
district first levying a tax under section 5705.219 of the Revised 108975  
Code in the preceding year the revised fixed-rate levy losses 108976  
determined under divisions (D) and (F) of this section. 108977

**Sec. 5751.21.** (A) Not later than the thirtieth day of July of 108978  
2007 through 2017, the department of education shall consult with 108979  
the director of budget and management and determine the following 108980  
for each school district and each joint vocational school district 108981  
eligible for payment under division (B) of this section: 108982

(1) The state education aid offset, which is the difference 108984  
obtained by subtracting the amount described in division (A)(1)(b) 108985  
of this section from the amount described in division (A)(1)(a) of 108986  
this section: 108987

(a) The state education aid computed for the school district 108988  
or joint vocational school district for the current fiscal year as 108989  
of the thirtieth day of July; 108990

(b) The state education aid that would be computed for the 108991  
school district or joint vocational school district for the 108992  
current fiscal year as of the thirtieth day of July if the 108993  
recognized valuation included the machinery and equipment, 108994  
inventory, furniture and fixtures, and telephone property tax 108995  
value losses for the school district or joint vocational school 108996  
district for the second preceding tax year, and if taxes charged 108997  
and payable associated with the tax value losses are accounted for 108998  
in any state education aid computation dependent on taxes charged 108999  
and payable. 109000

(2) The greater of zero or the difference obtained by 109001  
subtracting the state education aid offset determined under 109002  
division (A)(1) of this section from the sum of the machinery and 109003

equipment fixed-rate levy loss, the inventory fixed-rate levy 109004  
loss, furniture and fixtures fixed-rate levy loss, and telephone 109005  
property fixed-rate levy loss certified under ~~division (F)~~ 109006  
divisions (G) and (I) of section 5751.20 of the Revised Code for 109007  
all taxing districts in each school district and joint vocational 109008  
school district for the second preceding tax year. 109009

By the thirtieth day of July of each such year, the 109010  
department of education and the director of budget and management 109011  
shall agree upon the amount to be determined under division (A)(1) 109012  
of this section. 109013

(B) On or before the thirty-first day of August of each year 109014  
beginning in 2008, the department of education shall recalculate 109015  
the offset described under division (A) of this section for the 109016  
previous fiscal year and recalculate the payments made under 109017  
division (C) of this section in the preceding fiscal year using 109018  
the offset calculated under this division. If the payments 109019  
calculated under this division differ from the payments made under 109020  
division (C) of this section in the preceding fiscal year, the 109021  
difference shall either be paid to a school district or recaptured 109022  
from a school district through an adjustment at the same times 109023  
during the current fiscal year that the payments under division 109024  
(C) of this section are made. In August and October of the current 109025  
fiscal year, the amount of each adjustment shall be three-sevenths 109026  
of the amount calculated under this division. In May of the 109027  
current fiscal year, the adjustment shall be one-seventh of the 109028  
amount calculated under this division. 109029

(C) The department of education shall pay from the school 109030  
district tangible property tax replacement fund to each school 109031  
district and joint vocational school district all of the following 109032  
for fixed-rate levy losses certified under ~~division (F)~~ divisions 109033  
(G) and (I) of section 5751.20 of the Revised Code: 109034

(1) On or before May 31, 2006, one-seventh of the total 109035

fixed-rate levy loss for tax year 2006;	109036
(2) On or before August 31, 2006, and October 31, 2006,	109037
one-half of six-sevenths of the total fixed-rate levy loss for tax	109038
year 2006;	109039
(3) On or before May 31, 2007, one-seventh of the total	109040
fixed-rate levy loss for tax year 2007;	109041
(4) On or before August 31, 2007, and October 31, 2007,	109042
forty-three per cent of the amount determined under division	109043
(A)(2) of this section for fiscal year 2008, but not less than	109044
zero, plus one-half of six-sevenths of the difference between the	109045
total fixed-rate levy loss for tax year 2007 and the total	109046
fixed-rate levy loss for tax year 2006.	109047
(5) On or before May 31, 2008, fourteen per cent of the	109048
amount determined under division (A)(2) of this section for fiscal	109049
year 2008, but not less than zero, plus one-seventh of the	109050
difference between the total fixed-rate levy loss for tax year	109051
2008 and the total fixed-rate levy loss for tax year 2006.	109052
(6) On or before August 31, 2008, and October 31, 2008,	109053
forty-three per cent of the amount determined under division	109054
(A)(2) of this section for fiscal year 2009, but not less than	109055
zero, plus one-half of six-sevenths of the difference between the	109056
total fixed-rate levy loss in tax year 2008 and the total	109057
fixed-rate levy loss in tax year 2007.	109058
(7) On or before May 31, 2009, fourteen per cent of the	109059
amount determined under division (A)(2) of this section for fiscal	109060
year 2009, but not less than zero, plus one-seventh of the	109061
difference between the total fixed-rate levy loss for tax year	109062
2009 and the total fixed-rate levy loss for tax year 2007.	109063
(8) On or before August 31, 2009, and October 31, 2009,	109064
forty-three per cent of the amount determined under division	109065
(A)(2) of this section for fiscal year 2010, but not less than	109066

zero, plus one-half of six-sevenths of the difference between the 109067  
total fixed-rate levy loss in tax year 2009 and the total 109068  
fixed-rate levy loss in tax year 2008. 109069

(9) On or before May 31, 2010, fourteen per cent of the 109070  
amount determined under division (A)(2) of this section for fiscal 109071  
year 2010, but not less than zero, plus one-seventh of the 109072  
difference between the total fixed-rate levy loss in tax year 2010 109073  
and the total fixed-rate levy loss in tax year 2008. 109074

(10) On or before August 31, 2010, and October 31, 2010, 109075  
forty-three per cent of the amount determined under division 109076  
(A)(2) of this section for fiscal year 2011, but not less than 109077  
zero, plus one-half of six-sevenths of the difference between the 109078  
telephone property fixed-rate levy loss for tax year 2010 and the 109079  
telephone property fixed-rate levy loss for tax year 2009. 109080

(11) On or before May 31, 2011, fourteen per cent of the 109081  
amount determined under division (A)(2) of this section for fiscal 109082  
year 2011, but not less than zero, plus one-seventh of the 109083  
difference between the telephone property fixed-rate levy loss for 109084  
tax year 2011 and the telephone property fixed-rate levy loss for 109085  
tax year 2009. 109086

(12) On or before August 31, 2011, and October 31, 2011, the 109087  
amount determined under division (A)(2) of this section multiplied 109088  
by a fraction, the numerator of which is fourteen and the 109089  
denominator of which is seventeen, but not less than zero, 109090  
multiplied by forty-three per cent, plus one-half of six-sevenths 109091  
of the difference between the telephone property fixed-rate levy 109092  
loss for tax year 2011 and the telephone property fixed-rate levy 109093  
loss for tax year 2010. 109094

(13) On or before May 31, 2012, fourteen per cent of the 109095  
amount determined under division (A)(2) of this section for fiscal 109096  
year 2012, multiplied by a fraction, the numerator of which is 109097

fourteen and the denominator of which is seventeen, plus 109098  
one-seventh of the difference between the telephone property 109099  
fixed-rate levy loss for tax year 2011 and the telephone property 109100  
fixed-rate levy loss for tax year 2010. 109101

(14) On or before August 31, 2012, October 31, 2012, and May 109102  
31, 2013, the amount determined under division (A)(2) of this 109103  
section multiplied by a fraction, the numerator of which is eleven 109104  
and the denominator of which is seventeen, but not less than zero, 109105  
multiplied by one-third. 109106

(15) On or before August 31, 2013, October 31, 2013, and May 109107  
31, 2014, the amount determined under division (A)(2) of this 109108  
section multiplied by a fraction, the numerator of which is nine 109109  
and the denominator of which is seventeen, but not less than zero, 109110  
multiplied by one-third. 109111

(16) On or before August 31, 2014, October 31, 2014, and May 109112  
31, 2015, the amount determined under division (A)(2) of this 109113  
section multiplied by a fraction, the numerator of which is seven 109114  
and the denominator of which is seventeen, but not less than zero, 109115  
multiplied by one-third. 109116

(17) On or before August 31, 2015, October 31, 2015, and May 109117  
31, 2016, the amount determined under division (A)(2) of this 109118  
section multiplied by a fraction, the numerator of which is five 109119  
and the denominator of which is seventeen, but not less than zero, 109120  
multiplied by one-third. 109121

(18) On or before August 31, 2016, October 31, 2016, and May 109122  
31, 2017, the amount determined under division (A)(2) of this 109123  
section multiplied by a fraction, the numerator of which is three 109124  
and the denominator of which is seventeen, but not less than zero, 109125  
multiplied by one-third. 109126

(19) On or before August 31, 2017, October 31, 2017, and May 109127  
31, 2018, the amount determined under division (A)(2) of this 109128

section multiplied by a fraction, the numerator of which is one 109129  
and the denominator of which is seventeen, but not less than zero, 109130  
multiplied by one-third. 109131

The department of education shall report to each school 109132  
district and joint vocational school district the apportionment of 109133  
the payments among the school district's or joint vocational 109134  
school district's funds based on the certifications under ~~division~~ 109135  
~~(F)~~ divisions (G) and (I) of section 5751.20 of the Revised Code. 109136

Any qualifying levy that is a fixed-rate levy that is not 109137  
applicable to a tax year after 2010 does not qualify for any 109138  
reimbursement after the tax year to which it is last applicable. 109139

(D) For taxes levied within the ten-mill limitation for debt 109140  
purposes in tax year 2005, payments shall be made equal to one 109141  
hundred per cent of the loss computed as if the tax were a 109142  
fixed-rate levy, but those payments shall extend from fiscal year 109143  
2006 through fiscal year 2018, as long as the qualifying levy 109144  
continues to be used for debt purposes. If the purpose of such a 109145  
qualifying levy is changed, that levy becomes subject to the 109146  
payments determined in division (C) of this section. 109147

(E)(1) Not later than January 1, 2006, for each fixed-sum 109148  
levy of each school district or joint vocational school district 109149  
and for each year for which a determination is made under division 109150  
~~(F)~~(E) of section 5751.20 of the Revised Code that a fixed-sum 109151  
levy loss is to be reimbursed, the tax commissioner shall certify 109152  
to the department of education the fixed-sum levy loss determined 109153  
under that division. The certification shall cover a time period 109154  
sufficient to include all fixed-sum levies for which the 109155  
commissioner made such a determination. The department shall pay 109156  
from the school district property tax replacement fund to the 109157  
school district or joint vocational school district one-third of 109158  
the fixed-sum levy loss so certified for each year, plus one-third 109159  
of the amount certified under division (I) of section 5751.20 of 109160

the Revised Code, on or before the last day of May, August, and 109161  
October of the current year. Payments under this division of the 109162  
amounts certified under division (I) of section 5751.20 of the 109163  
Revised Code shall continue through the earlier of calendar year 109164  
2017 or until the levy adopted under section 5705.219 of the 109165  
Revised Code expires. 109166

(2) Beginning in 2006, by the first day of January of each 109167  
year, the tax commissioner shall review the certification 109168  
originally made under division (E)(1) of this section. If the 109169  
commissioner determines that a debt levy that had been scheduled 109170  
to be reimbursed in the current year has expired, a revised 109171  
certification for that and all subsequent years shall be made to 109172  
the department of education. 109173

(F) Beginning in September 2007 and through June 2018, the 109174  
director of budget and management shall transfer from the school 109175  
district tangible property tax replacement fund to the general 109176  
revenue fund each of the following: 109177

(1) On the first day of September, one-fourth of the amount 109178  
determined for that fiscal year under division (A)(1) of this 109179  
section; 109180

(2) On the first day of December, one-fourth of the amount 109181  
determined for that fiscal year under division (A)(1) of this 109182  
section; 109183

(3) On the first day of March, one-fourth of the amount 109184  
determined for that fiscal year under division (A)(1) of this 109185  
section; 109186

(4) On the first day of June, one-fourth of the amount 109187  
determined for that fiscal year under division (A)(1) of this 109188  
section. 109189

If, when a transfer is required under division (F)(1), (2), 109190  
(3), or (4) of this section, there is not sufficient money in the 109191



school district tangible property tax replacement fund to make the 109192  
transfer in the required amount, the director shall transfer the 109193  
balance in the fund to the general revenue fund and may make 109194  
additional transfers on later dates as determined by the director 109195  
in a total amount that does not exceed one-fourth of the amount 109196  
determined for the fiscal year. 109197

(G) For each of the fiscal years 2006 through 2018, if the 109198  
total amount in the school district tangible property tax 109199  
replacement fund is insufficient to make all payments under 109200  
divisions (C), (D), and (E) of this section at the times the 109201  
payments are to be made, the director of budget and management 109202  
shall transfer from the general revenue fund to the school 109203  
district tangible property tax replacement fund the difference 109204  
between the total amount to be paid and the amount in the school 109205  
district tangible property tax replacement fund. For each fiscal 109206  
year after 2018, at the time payments under division (E) of this 109207  
section are to be made, the director of budget and management 109208  
shall transfer from the general revenue fund to the school 109209  
district property tax replacement fund the amount necessary to 109210  
make such payments. 109211

(H)(1) On the fifteenth day of June of 2006 through 2011, the 109212  
director of budget and management may transfer any balance in the 109213  
school district tangible property tax replacement fund to the 109214  
general revenue fund. At the end of fiscal years 2012 through 109215  
2018, any balance in the school district tangible property tax 109216  
replacement fund shall remain in the fund to be used in future 109217  
fiscal years for school purposes. 109218

(2) In each fiscal year beginning with fiscal year 2019, all 109219  
amounts credited to the school district tangible personal property 109220  
tax replacement fund shall be appropriated for school purposes. 109221

(I) If all of the territory of a school district or joint 109222  
vocational school district is merged with another district, or if 109223

a part of the territory of a school district or joint vocational 109224  
school district is transferred to an existing or newly created 109225  
district, the department of education, in consultation with the 109226  
tax commissioner, shall adjust the payments made under this 109227  
section as follows: 109228

(1) For a merger of two or more districts, the machinery and 109229  
equipment, inventory, furniture and fixtures, and telephone 109230  
property fixed-rate levy losses and the fixed-sum levy losses of 109231  
the successor district shall be equal to the sum of the machinery 109232  
and equipment, inventory, furniture and fixtures, and telephone 109233  
property fixed-rate levy losses and debt levy losses as determined 109234  
in section 5751.20 of the Revised Code, for each of the districts 109235  
involved in the merger. 109236

(2) If property is transferred from one district to a 109237  
previously existing district, the amount of machinery and 109238  
equipment, inventory, furniture and fixtures, and telephone 109239  
property tax value losses and fixed-rate levy losses that shall be 109240  
transferred to the recipient district shall be an amount equal to 109241  
the total machinery and equipment, inventory, furniture and 109242  
fixtures, and telephone property fixed-rate levy losses times a 109243  
fraction, the numerator of which is the value of business tangible 109244  
personal property on the land being transferred in the most recent 109245  
year for which data are available, and the denominator of which is 109246  
the total value of business tangible personal property in the 109247  
district from which the land is being transferred in the most 109248  
recent year for which data are available. For each of the first 109249  
five years after the property is transferred, but not after fiscal 109250  
year 2012, if the tax rate in the recipient district is less than 109251  
the tax rate of the district from which the land was transferred, 109252  
one-half of the payments arising from the amount of fixed-rate 109253  
levy losses so transferred to the recipient district shall be paid 109254  
to the recipient district and one-half of the payments arising 109255

from the fixed-rate levy losses so transferred shall be paid to 109256  
the district from which the land was transferred. Fixed-rate levy 109257  
losses so transferred shall be computed on the basis of the sum of 109258  
the rates of fixed-rate qualifying levies of the district from 109259  
which the land was transferred, notwithstanding division (E) of 109260  
this section. 109261

(3) After December 31, 2004, if property is transferred from 109262  
one or more districts to a district that is newly created out of 109263  
the transferred property, the newly created district shall be 109264  
deemed not to have any machinery and equipment, inventory, 109265  
furniture and fixtures, or telephone property fixed-rate levy 109266  
losses and the districts from which the property was transferred 109267  
shall have no reduction in their machinery and equipment, 109268  
inventory, furniture and fixtures, and telephone property 109269  
fixed-rate levy losses. 109270

(4) If the recipient district under division (I)(2) of this 109271  
section or the newly created district under divisions (I)(3) of 109272  
this section is assuming debt from one or more of the districts 109273  
from which the property was transferred and any of the districts 109274  
losing the property had fixed-sum levy losses, the department of 109275  
education, in consultation with the tax commissioner, shall make 109276  
an equitable division of the fixed-sum levy loss reimbursements. 109277

**Sec. 5911.10.** If any armory erected or purchased by the state 109278  
becomes vacant because of the deactivation of the organizations 109279  
quartered in that armory, the governor and the adjutant general 109280  
may lease that armory for periods not to exceed one year; or, when 109281  
authorized by an act of the general assembly, may sell that armory 109282  
or lease it for a period of years. ~~The~~ 109283

The proceeds from the sale or lease of such an armory, or 109284  
from the sale or lease of other facilities and land owned by the 109285  
adjutant general, shall be credited to the armory improvements 109286

fund, which is hereby created in the state treasury. The moneys in 109287  
the fund shall be used to support Ohio army national guard 109288  
facility and maintenance expenses as the adjutant general directs. 109289  
Any fund expenditure related to the construction, acquisition, 109290  
lease, or financing of a capital asset is subject to approval by 109291  
the controlling board. Investment earnings of the fund shall be 109292  
credited to the general revenue fund. 109293

Sec. 5911.11. There is hereby created in the state treasury 109294  
the community match armories fund. The fund shall consist of all 109295  
amounts received as revenue from contributions from local entities 109296  
for construction and maintenance of Ohio army national guard 109297  
readiness and community centers and facilities. The moneys in the 109298  
fund shall be used to support the acquisition and maintenance 109299  
costs of centers and facilities representing the local entity's 109300  
share of costs, including the local entity's share of utility 109301  
costs. Investment earnings of the fund shall be credited to the 109302  
fund. 109303

Sec. 5913.051. ~~To supplement the military staff of the~~ 109304  
~~governor, the~~ (A) The adjutant general may appoint an assistant to 109305  
~~the state area commander for readiness and training for~~ adjutant 109306  
general - army. This assistant shall be a brigadier general and 109307  
shall aid the adjutant general by performing duties that the 109308  
adjutant general assigns in that include the areas of readiness, 109309  
training, and mobilization, and homeland defense preparedness. 109310  
This assistant shall not be a full-time state employee or a member 109311  
of the governor's military staff, but shall serve in that capacity 109312  
only during federally recognized training, special duty periods, 109313  
~~or~~ mobilization periods, or state active duty, and shall at the 109314  
time of appointment be in the rank of colonel or above but 109315  
otherwise meet the qualifications established in section 5913.021 109316  
~~of the Revised Code by the department of defense/army for general~~ 109317

officer qualification. 109318

(B) The adjutant general may appoint an assistant adjutant general - airforce. This assistant shall be a brigadier general and shall aid the adjutant general by performing duties that the adjutant general assigns that include the areas of readiness, mobilization, and homeland defense preparedness. This assistant shall not be a full-time state employee or a member of the governor's military staff, but shall serve in that capacity only during federally recognized training, special duty periods, mobilization periods, or state active duty, and shall at the time of appointment be in the rank of colonel or above but otherwise meet the qualifications established by the department of defense/air force for general officer qualification. 109319  
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**Sec. 5913.09.** (A) The adjutant general is the custodian of all military and other adjutant general's department property, both real and personal, belonging to the state. 109331  
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(B) The adjutant general may make changes and improvements to military and other adjutant general's department property as the needs of the state and federal government and the exigencies of the service require. All improvements made upon that property belonging to the state, from moneys received either all or in part from the state or federal government, or both, become the property of the state, except as may be provided in an agreement and corresponding regulations by which the United States contributes to the cost of an improvement. 109334  
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(C)(1) In accordance with applicable state and federal law and regulations, the adjutant general, with the approval of the governor, may acquire by purchase lease, license, or otherwise, real and personal property necessary for the purposes of the department. 109343  
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(2) In accordance with applicable state and federal law and 109348

regulations, the adjutant general, with the approval of the attorney general, may enter into contracts for the construction, repair, renovation, maintenance, and operation of military or other adjutant general's department property.

(3) In accordance with applicable state and federal law and regulations, the adjutant general, with the approval of the governor, may lease or exchange all or part of any military or other adjutant general's department property or grant easements or licenses, if the lease, exchange, easement, or license is advantageous to the state.

(4) All real property of the adjutant general's department shall be sold in accordance with section 5911.10 of the Revised Code.

(D)(1) Except as otherwise provided in this section, all income from any military or other adjutant general's department property of the state, not made a portion of the company, troop, battery, detachment, squadron, or other organization funds by regulations, shall be credited to the funds for the operation and maintenance of the Ohio organized militia, as the adjutant general directs, in accordance with applicable state and federal law and regulations and the agreements by which the United States contributes to the cost of operation and maintenance of the Ohio national guard.

(2) There is hereby created in the state treasury the camp Perry/buckeye inn operations fund. The fund shall consist of all amounts received as revenue from the rental of facilities located at the camp Perry training site in Ottawa county and the buckeye inn at Rickenbacker air national guard base in Franklin county, and all amounts received from the use of the camp Perry training site and its facilities, including shooting ranges. The moneys in the fund shall be used to support the facility operations of the camp Perry clubhouse and the buckeye inn. Investment earnings of

the fund shall be credited to the general revenue fund. 109381

Sec. 5919.20. There is hereby created in the state treasury 109382  
the national guard service medal fund. The fund shall consist of 109383  
all amounts received from the purchase of Ohio national guard 109384  
service medals for eligible national guard service members as 109385  
authorized by the general assembly. The moneys in the fund shall 109386  
be used to purchase additional medals. Investment earnings of the 109387  
fund shall be credited to the fund. 109388

Sec. 5919.36. There is hereby created in the state treasury 109389  
the Ohio national guard facility maintenance fund. The fund shall 109390  
consist of all amounts received from revenue from leases of sites, 109391  
including towers and wells, and other revenue received from 109392  
reimbursements for services related to Ohio national guard 109393  
programs. The moneys in the fund shall be used for service, 109394  
maintenance, and repair expenses, and for equipment purchases for 109395  
programs and facilities of the adjutant general. Investment 109396  
earnings of the fund shall be credited to the general revenue 109397  
fund. 109398

**Sec. 6103.01.** As used in this chapter: 109399

(A) "Public water supply facilities," "water supply 109400  
facilities," "water supply improvement," or "improvement" means, 109401  
without limiting the generality of those terms, water wells and 109402  
well fields, springs, lakes, rivers, streams, or other sources of 109403  
water supply, intakes, pumping stations and equipment, treatment, 109404  
filtration, or purification plants, force and distribution lines 109405  
or mains, cisterns, reservoirs, storage facilities, necessary 109406  
equipment for fire protection, other related structures, 109407  
equipment, and furnishings, and real estate and interests in real 109408  
estate, necessary or useful in the proper development of a water 109409  
supply for domestic or other purposes and its proper distribution. 109410

(B) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code.

(C) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of water supply facilities, but does not include repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(D) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore water supply facilities to, or to continue water supply facilities in, good order and working condition, but does not include construction of permanent improvements.

(E) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision.

(F) "County sanitary engineer" means either of the following:

(1) The registered professional engineer employed or appointed by the board of county commissioners to be the county sanitary engineer as provided in section 6117.01 of the Revised Code;

(2) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge the duties of a county sanitary engineer under this chapter.

(G) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code.

(H) "Low- and moderate-income persons" has the same meaning as in section 175.01 of the Revised Code.



Sec. 6103.02. (A) For the purpose of preserving and promoting 109441  
the public health and welfare, a board of county commissioners may 109442  
acquire, construct, maintain, and operate any public water supply 109443  
facilities within its county for one or more sewer districts and 109444  
may provide for their protection and prevent their pollution and 109445  
unnecessary waste. The board may negotiate and enter into a 109446  
contract with any public agency or any person for the management, 109447  
maintenance, operation, and repair of the facilities on behalf of 109448  
the county, upon the terms and conditions as may be agreed upon 109449  
with the agency or person and as may be determined by the board to 109450  
be in the interests of the county. By contract with any public 109451  
agency or any person operating public water supply facilities 109452  
within or without its county, the board also may provide a supply 109453  
of water to a sewer district from the facilities of the public 109454  
agency or person. 109455

(B) The county sanitary engineer or sanitary engineering 109456  
department, in addition to other assigned duties, shall assist the 109457  
board in the performance of its duties under this chapter and 109458  
shall be charged with other duties and services in relation to the 109459  
board's duties as the board prescribes. 109460

(C) The board may adopt, publish, administer, and enforce 109461  
rules for the construction, maintenance, protection, and use of 109462  
county-owned or county-operated public water supply facilities 109463  
outside municipal corporations and of public water supply 109464  
facilities within municipal corporations that are owned or 109465  
operated by the county or that are supplied with water from water 109466  
supply facilities owned or operated by the county, including, but 109467  
not limited to, rules for the establishment and use of any 109468  
connections, the termination in accordance with reasonable 109469  
procedures of water service for nonpayment of county water rates 109470  
and charges, and the establishment and use of security deposits to 109471  
the extent considered necessary to ensure the payment of county 109472

water rates and charges. The rules shall not be inconsistent with 109473  
the laws of the state or any applicable rules of the director of 109474  
environmental protection. 109475

(D) No public water supply facilities shall be constructed in 109476  
any county outside municipal corporations by any person, except 109477  
for the purpose of supplying water to those municipal 109478  
corporations, until the plans and specifications for the 109479  
facilities have been approved by the board. Construction shall be 109480  
done under the supervision of the county sanitary engineer. Any 109481  
person constructing public water supply facilities shall pay to 109482  
the county all expenses incurred by the board in connection with 109483  
the construction. 109484

(E) The county sanitary engineer or the county sanitary 109485  
engineer's authorized assistants or agents, when properly 109486  
identified in writing or otherwise and after written notice is 109487  
delivered to the owner at least five days in advance or mailed at 109488  
least five days in advance by first class or certified mail to the 109489  
owner's tax mailing address, may enter upon any public or private 109490  
property for the purpose of making, and may make, surveys or 109491  
inspections necessary for the design or evaluation of county 109492  
public water supply facilities. This entry is not a trespass and 109493  
is not to be considered an entry in connection with any 109494  
appropriation of property proceedings under sections 163.01 to 109495  
163.22 of the Revised Code that may be pending. No person or 109496  
public agency shall forbid the county sanitary engineer or the 109497  
county sanitary engineer's authorized assistants or agents to 109498  
enter, or interfere with their entry, upon the property for the 109499  
purpose of making the surveys or inspections. If actual damage is 109500  
done to property by the making of the surveys or inspections, the 109501  
board shall pay the reasonable value of the damage to the property 109502  
owner, and the cost shall be included in the cost of the 109503  
facilities and may be included in any special assessments levied 109504

and collected to pay that cost. 109505

(F) The board shall fix reasonable rates, including penalties 109506  
for late payments, for water supplied to public agencies and 109507  
persons when the source of supply or the facilities for its 109508  
distribution are owned or operated by the county and may change 109509  
the rates from time to time as it considers advisable. When the 109510  
source of the water supply to be used by the county is owned by 109511  
another public agency or person, the schedule of rates to be 109512  
charged by the public agency or person shall be approved by the 109513  
board at the time it enters into a contract for the use of water 109514  
from the public agency or person. ~~When~~ 109515

When the distribution facilities are owned by the county, the 109516  
board also may fix reasonable charges to be collected for the 109517  
privilege of connecting to the distribution facilities and may 109518  
require that, prior to the connection, the charges be paid in full 109519  
or, if determined by the board to be equitable in a resolution 109520  
relating to the payment of the charges, may require their payment 109521  
in installments, as considered adequate by the board, at the 109522  
times, in the amounts, and with the security, carrying charges, 109523  
and penalties as may be determined by the board in that resolution 109524  
to be fair and appropriate. No public agency or person shall be 109525  
permitted to connect to those facilities until the charges have 109526  
been paid in full or provision for their payment in installments 109527  
has been made. If the connection charges are to be paid in 109528  
installments, the board shall certify, to the county auditor, 109529  
information sufficient to identify each parcel of property served 109530  
by a connection and, with respect to each parcel, the total of the 109531  
charges to be paid in installments, the amount of each 109532  
installment, and the total number of installments to be paid. The 109533  
county auditor shall record and maintain the information so 109534  
supplied in the waterworks record provided for in section 6103.16 109535  
of the Revised Code until the connection charges are paid in full. 109536

The board may include amounts attributable to connection charges 109537  
being paid in installments in its billings of rates and other 109538  
charges for water supplied. In addition, the board may consider 109539  
payments made to a school district under section 6103.25 of the 109540  
Revised Code when the board establishes rates and other charges 109541  
for water supplied. 109542

A board may establish discounted rates or charges or may 109543  
establish another mechanism for providing a reduction in rates or 109544  
charges for persons who are sixty-five years of age or older. The 109545  
board shall establish eligibility requirements for such discounted 109546  
or reduced rates or charges, including a requirement that a person 109547  
be eligible for the homestead exemption or qualify as a low- and 109548  
moderate-income person. 109549

(G) When any rates or charges are not paid when due, the 109550  
board may do any or all of the following: 109551

(1) Certify the unpaid rates or charges, together with any 109552  
penalties, to the county auditor. The county auditor shall place 109553  
the certified amount upon the real property tax list and duplicate 109554  
against the property served by the connection. The certified 109555  
amount shall be a lien on the property from the date placed on the 109556  
real property tax list and duplicate and shall be collected in the 109557  
same manner as taxes, except that, notwithstanding section 323.15 109558  
of the Revised Code, a county treasurer shall accept a payment in 109559  
that amount when separately tendered as payment for the full 109560  
amount of the unpaid rates or charges and associated penalties. 109561  
The lien shall be released immediately upon payment in full of the 109562  
certified amount. 109563

(2) Collect the unpaid rates or charges, together with any 109564  
penalties, by actions at law in the name of the county from an 109565  
owner, tenant, or other person or public agency that is liable for 109566  
the payment of the rates or charges; 109567

(3) Terminate, in accordance with established rules, the water service to the particular property unless and until the unpaid rates or charges, together with any penalties, are paid in full;

(4) Apply, to the extent required, any security deposit made in accordance with established rules to the payment of the unpaid rates and charges, together with any penalties, for water service to the particular property.

All moneys collected as rates, charges, or penalties fixed or established in accordance with division (F) of this section for water supply purposes in or for any sewer district shall be paid to the county treasurer and kept in a separate and distinct water fund established by the board to the credit of the district.

Each board that fixes water rates or charges may render estimated bills periodically, provided that at least quarterly it shall schedule an actual reading of each customer's meter so as to render a bill for the actual amount shown by the meter reading to be due, with credit for prior payments of any estimated bills submitted for any part of the billing period, except that estimated bills may be rendered if a customer's meter is not accessible for a timely reading or if the circumstances preclude a scheduled reading. Each board also shall establish procedures providing a fair and reasonable opportunity for the resolution of billing disputes.

When property to which water service is provided is about to be sold, any party to the sale or an agent of a party may request the board to have the meter at that property read and to render, within ten days following the date on which the request is made, a final bill for all outstanding rates and charges for water service. The request shall be made at least fourteen days prior to the transfer of the title of the property.

At any time prior to a certification under division (G)(1) of 109599  
this section, the board shall accept any partial payment of unpaid 109600  
water rates or charges in the amount of ten dollars or more. 109601

Except as otherwise provided in any proceedings authorizing 109602  
or providing for the security for and payment of any public 109603  
obligations, or in any indenture or trust or other agreement 109604  
securing public obligations, moneys in the water fund shall be 109605  
applied first to the payment of the cost of the management, 109606  
maintenance, and operation of the water supply facilities of, or 109607  
used or operated for, the sewer district, which cost may include 109608  
the county's share of management, maintenance, and operation costs 109609  
under cooperative contracts for the acquisition, construction, or 109610  
use of water supply facilities and, in accordance with a cost 109611  
allocation plan adopted under division (H) of this section, 109612  
payment of all allowable direct and indirect costs of the 109613  
district, the county sanitary engineer or sanitary engineering 109614  
department, or a federal or state grant program, incurred for the 109615  
purposes of this chapter, and shall be applied second to the 109616  
payment of debt charges payable on any outstanding public 109617  
obligations issued or incurred for the acquisition or construction 109618  
of water supply facilities for or serving the district, or for the 109619  
funding of a bond retirement or other fund established for the 109620  
payment of or security for the obligations. Any surplus remaining 109621  
may be applied to the acquisition or construction of those 109622  
facilities or for the payment of contributions to be made, or 109623  
costs incurred, for the acquisition or construction of those 109624  
facilities under cooperative contracts. Moneys in the water fund 109625  
shall not be expended other than for the use and benefit of the 109626  
district. 109627

(H) A board of county commissioners may adopt a cost 109628  
allocation plan that identifies, accumulates, and distributes 109629  
allowable direct and indirect costs that may be paid from the 109630

water fund of the sewer district created pursuant to division (G) 109631  
of this section, and that prescribes methods for allocating those 109632  
costs. The plan shall authorize payment from the fund of only 109633  
those costs incurred by the district, the county sanitary engineer 109634  
or sanitary engineering department, or a federal or state grant 109635  
program, and those costs incurred by the general and other funds 109636  
of the county for a common or joint purpose, that are necessary 109637  
and reasonable for the proper and efficient administration of the 109638  
district under this chapter. The plan shall not authorize payment 109639  
from the fund of any general government expense required to carry 109640  
out the overall governmental responsibilities of a county. The 109641  
plan shall conform to United States office of management and 109642  
budget Circular A-87, "Cost Principles for State, Local, and 109643  
Indian Tribal Governments," published May 17, 1995. 109644

**Sec. 6109.21.** (A) Except as provided in divisions (D) and (E) 109645  
of this section, on and after January 1, 1994, no person shall 109646  
operate or maintain a public water system in this state without a 109647  
license issued by the director of environmental protection. A 109648  
person who operates or maintains a public water system on January 109649  
1, 1994, shall obtain an initial license under this section in 109650  
accordance with the following schedule: 109651

(1) If the public water system is a community water system, 109652  
not later than January 31, 1994; 109653

(2) If the public water system is not a community water 109654  
system and serves a nontransient population, not later than 109655  
January 31, 1994; 109656

(3) If the public water system is not a community water 109657  
system and serves a transient population, not later than January 109658  
31, 1995. 109659

A person proposing to operate or maintain a new public water 109660  
system after January 1, 1994, in addition to complying with 109661

section 6109.07 of the Revised Code and rules adopted under it, 109662  
shall submit an application for an initial license under this 109663  
section to the director prior to commencing operation of the 109664  
system. 109665

A license or license renewal issued under this section shall 109666  
be renewed annually. Such a license or license renewal shall 109667  
expire on the thirtieth day of January in the year following its 109668  
issuance. A license holder that proposes to continue operating the 109669  
public water system for which the license or license renewal was 109670  
issued shall apply for a license renewal at least thirty days 109671  
prior to that expiration date. 109672

The director shall adopt, and may amend and rescind, rules in 109673  
accordance with Chapter 119. of the Revised Code establishing 109674  
procedures governing and information to be included on 109675  
applications for licenses and license renewals under this section. 109676  
Through June 30, ~~2010~~ 2012, each application shall be accompanied 109677  
by the appropriate fee established under division (M) of section 109678  
3745.11 of the Revised Code, provided that an applicant for an 109679  
initial license who is proposing to operate or maintain a new 109680  
public water system after January 1, 1994, shall submit a fee that 109681  
equals a prorated amount of the appropriate fee established under 109682  
that division for the remainder of the licensing year. 109683

(B) Not later than thirty days after receiving a completed 109684  
application and the appropriate license fee for an initial license 109685  
under division (A) of this section, the director shall issue the 109686  
license for the public water system. Not later than thirty days 109687  
after receiving a completed application and the appropriate 109688  
license fee for a license renewal under division (A) of this 109689  
section, the director shall do one of the following: 109690

- (1) Issue the license renewal for the public water system; 109691
- (2) Issue the license renewal subject to terms and conditions 109692



that the director determines are necessary to ensure compliance 109693  
with this chapter and rules adopted under it; 109694

(3) Deny the license renewal if the director finds that the 109695  
public water system was not operated in substantial compliance 109696  
with this chapter and rules adopted under it. 109697

(C) The director may suspend or revoke a license or license 109698  
renewal issued under this section if the director finds that the 109699  
public water system was not operated in substantial compliance 109700  
with this chapter and rules adopted under it. The director shall 109701  
adopt, and may amend and rescind, rules in accordance with Chapter 109702  
119. of the Revised Code governing such suspensions and 109703  
revocations. 109704

(D)(1) As used in division (D) of this section, "church" 109705  
means a fellowship of believers, congregation, society, 109706  
corporation, convention, or association that is formed primarily 109707  
or exclusively for religious purposes and that is not formed or 109708  
operated for the private profit of any person. 109709

(2) This section does not apply to a church that operates or 109710  
maintains a public water system solely to provide water for that 109711  
church or for a campground that is owned by the church and 109712  
operated primarily or exclusively for members of the church and 109713  
their families. A church that, on or before March 5, 1996, has 109714  
obtained a license under this section for such a public water 109715  
system need not obtain a license renewal under this section. 109716

(E) This section does not apply to any public or nonpublic 109717  
school that meets minimum standards of the state board of 109718  
education that operates or maintains a public water system solely 109719  
to provide water for that school. 109720

(F) The environmental protection agency shall collect well 109721  
log filing fees on behalf of the division of soil and water 109722  
resources in the department of natural resources in accordance 109723

with section 1521.05 of the Revised Code and rules adopted under 109724  
it. The fees shall be submitted to the division quarterly as 109725  
provided in those rules. 109726

**Sec. 6111.044.** Upon receipt of an application for an 109727  
injection well drilling permit, an injection well operating 109728  
permit, a renewal of an injection well operating permit, or a 109729  
modification of an injection well drilling permit, operating 109730  
permit, or renewal of an operating permit, the director of 109731  
environmental protection shall determine whether the application 109732  
is complete and demonstrates that the activities for which the 109733  
permit, renewal permit, or modification is requested will comply 109734  
with the Federal Water Pollution Control Act and regulations 109735  
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 109736  
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 109737  
under it; and this chapter and the rules adopted under it. If the 109738  
application demonstrates that the proposed activities will not 109739  
comply or will pose an unreasonable risk of inducing seismic 109740  
activity, inducing geologic fracturing, or contamination of an 109741  
underground source of drinking water, the director shall deny the 109742  
application. If the application does not make the required 109743  
demonstrations, the director shall return it to the applicant with 109744  
an indication of those matters about which a required 109745  
demonstration was not made. If the director determines that the 109746  
application makes the required demonstrations, the director shall 109747  
transmit copies of the application and all of the accompanying 109748  
maps, data, samples, and information to the chief of the division 109749  
of mineral resources management, the chief of the division of 109750  
geological survey, and the chief of the division of soil and water 109751  
resources in the department of natural resources. 109752

The chief of the division of geological survey shall comment 109753  
upon the application if the chief determines that the proposed 109754  
well or injection will present an unreasonable risk of loss or 109755

damage to valuable mineral resources. If the chief submits 109756  
comments on the application, those comments shall be accompanied 109757  
by an evaluation of the geological factors upon which the comments 109758  
are based, including fractures, faults, earthquake potential, and 109759  
the porosity and permeability of the injection zone and confining 109760  
zone, and by the documentation supporting the evaluation. The 109761  
director shall take into consideration the chief's comments, and 109762  
the accompanying evaluation of geologic factors and supporting 109763  
documentation, when considering the application. The director 109764  
shall provide written notice to the chief of the director's 109765  
decision on the application and, if the chief's comments are not 109766  
included in the permit, renewal permit, or modification, of the 109767  
director's rationale for not including them. 109768

The chief of the division of mineral resources management 109769  
shall comment upon the application if the chief determines that 109770  
the proposed well or injection will present an unreasonable risk 109771  
that waste or contamination of recoverable oil or gas in the earth 109772  
will occur. If the chief submits comments on the application, 109773  
those comments shall be accompanied by an evaluation of the oil or 109774  
gas reserves that, in the best professional judgment of the chief, 109775  
are recoverable and will be adversely affected by the proposed 109776  
well or injection, and by the documentation supporting the 109777  
evaluation. The director shall take into consideration the chief's 109778  
comments, and the accompanying evaluation and supporting 109779  
documentation, when considering the application. The director 109780  
shall provide written notice to the chief of the director's 109781  
decision on the application and, if the chief's comments are not 109782  
included in the permit, renewal permit, or modification, of the 109783  
director's rationale for not including them. 109784

The chief of the division of soil and water resources shall 109785  
assist the director in determining whether all underground sources 109786  
of drinking water in the area of review of the proposed well or 109787

injection have been identified and correctly delineated in the application. If the application fails to identify or correctly delineate an underground source of drinking water, the chief shall provide written notice of that fact to the director.

The chief of the division of mineral resources management also shall review the application as follows:

If the application concerns the drilling or conversion of a well or the injection into a well that is not or is not to be located within five thousand feet of the excavation and workings of a mine, the chief of the division of mineral resources management shall note upon the application that it has been examined by the division of mineral resources management, retain a copy of the application and map, and immediately return a copy of the application to the director.

If the application concerns the drilling or conversion of a well or the injection into a well that is or is to be located within five thousand feet, but more than five hundred feet from the surface excavations and workings of a mine, the chief of the division of mineral resources management immediately shall notify the owner or lessee of the mine that the application has been filed and send to the owner or lessee a copy of the map accompanying the application setting forth the location of the well. The chief of the division of mineral resources management shall note on the application that the notice has been sent to the owner or lessee of the mine, retain a copy of the application and map, and immediately return a copy of the application to the director with the chief's notation on it.

If the application concerns the drilling or conversion of a well or the injection into a well that is or is to be located within five thousand feet of the underground excavations and workings of a mine or within five hundred feet of the surface excavations and workings of a mine, the chief of the division of

mineral resources management immediately shall notify the owner or 109820  
lessee of the mine that the application has been filed and send to 109821  
the owner or lessee a copy of the map accompanying the application 109822  
setting forth the location of the well. If the owner or lessee 109823  
objects to the application, the owner or lessee shall notify the 109824  
chief of the division of mineral resources management of the 109825  
objection, giving the reasons, within six days after the receipt 109826  
of the notice. If the chief of the division of mineral resources 109827  
management receives no objections from the owner or lessee of the 109828  
mine within ten days after the receipt of the notice by the owner 109829  
or lessee, or if in the opinion of the chief of the division of 109830  
mineral resources management the objections offered by the owner 109831  
or lessee are not sufficiently ~~well-founded~~ well founded, the 109832  
chief shall retain a copy of the application and map and return a 109833  
copy of the application to the director with any applicable notes 109834  
concerning it. 109835

If the chief of the division of mineral resources management 109836  
receives an objection from the owner or lessee of the mine as to 109837  
the application, within ten days after receipt of the notice by 109838  
the owner or lessee, and if in the opinion of the chief the 109839  
objection is ~~well-founded~~ well founded, the chief shall disapprove 109840  
the application and immediately return it to the director together 109841  
with the chief's reasons for the disapproval. The director 109842  
promptly shall notify the applicant for the permit, renewal 109843  
permit, or modification of the disapproval. The applicant may 109844  
appeal the disapproval of the application by the chief of the 109845  
division of mineral resources management to the reclamation 109846  
commission created under section 1513.05 of the Revised Code, and 109847  
the commission shall hear the appeal in accordance with section 109848  
1513.13 of the Revised Code. The appeal shall be filed within 109849  
thirty days from the date the applicant receives notice of the 109850  
disapproval. No comments concerning or disapproval of an 109851  
application shall be delayed by the chief of the division of 109852

mineral resources management for more than fifteen days from the 109853  
date of sending of notice to the mine owner or lessee as required 109854  
by this section. 109855

The director shall not approve an application for an 109856  
injection well drilling permit, an injection well operating 109857  
permit, a renewal of an injection well operating permit, or a 109858  
modification of an injection well drilling permit, operating 109859  
permit, or renewal of an operating permit for a well that is or is 109860  
to be located within three hundred feet of any opening of any mine 109861  
used as a means of ingress, egress, or ventilation for persons 109862  
employed in the mine, nor within one hundred feet of any building 109863  
or flammable structure connected with the mine and actually used 109864  
as a part of the operating equipment of the mine, unless the chief 109865  
of the division of mineral resources management determines that 109866  
life or property will not be endangered by drilling and operating 109867  
the well in that location. 109868

Upon review by the chief of the division of mineral resources 109869  
management, the chief of the division of geological survey, and 109870  
the chief of the division of soil and water resources, and if the 109871  
chief of the division of mineral resources management has not 109872  
disapproved the application, the director shall issue a permit, 109873  
renewal permit, or modification with any terms and conditions that 109874  
may be necessary to comply with the Federal Water Pollution 109875  
Control Act and regulations adopted under it; the "Safe Drinking 109876  
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, 109877  
and regulations adopted under it; and this chapter and the rules 109878  
adopted under it. The director shall not issue a permit, renewal 109879  
permit, or modification to an applicant if the applicant or 109880  
persons associated with the applicant have engaged in or are 109881  
engaging in a substantial violation of this chapter that is 109882  
endangering or may endanger human health or the environment or if, 109883  
in the case of an applicant for an injection well drilling permit, 109884

the applicant, at the time of applying for the permit, did not 109885  
hold an injection well operating permit or renewal of an injection 109886  
well drilling permit and failed to demonstrate sufficient 109887  
expertise and competency to operate the well in compliance with 109888  
the applicable provisions of this chapter. 109889

If the director receives a disapproval from the chief of the 109890  
division of mineral resources management regarding an application 109891  
for an injection well drilling or operating permit, renewal 109892  
permit, or modification, if required, the director shall issue an 109893  
order denying the application. 109894

The director need not issue a proposed action under section 109895  
3745.07 of the Revised Code or hold an adjudication hearing under 109896  
that section and Chapter 119. of the Revised Code before issuing 109897  
or denying a permit, renewal permit, or modification of a permit 109898  
or renewal permit. Before issuing or renewing a permit to drill or 109899  
operate a class I injection well or a modification of it, the 109900  
director shall propose the permit, renewal permit, or modification 109901  
in draft form and shall hold a public hearing to receive public 109902  
comment on the draft permit, renewal permit, or modification. At 109903  
least fifteen days before the public hearing on a draft permit, 109904  
renewal permit, or modification, the director shall publish notice 109905  
of the date, time, and location of the public hearing in at least 109906  
one newspaper of general circulation serving the area where the 109907  
well is or is to be located. The proposing of such a draft permit, 109908  
renewal permit, or modification does not constitute the issuance 109909  
of a proposed action under section 3745.07 of the Revised Code, 109910  
and the holding of the public hearing on such a draft permit, 109911  
renewal permit, or modification does not constitute the holding of 109912  
an adjudication hearing under that section and Chapter 119. of the 109913  
Revised Code. Appeals of orders other than orders of the chief of 109914  
the division of mineral resources management shall be taken under 109915  
sections 3745.04 to 3745.08 of the Revised Code. 109916

The director may order that an injection well drilling permit 109917  
or an injection well operating permit or renewal permit be 109918  
suspended and that activities under it cease after determining 109919  
that those activities are occurring in violation of law, rule, 109920  
order, or term or condition of the permit. Upon service of a copy 109921  
of the order upon the permit holder or the permit holder's 109922  
authorized agent or assignee, the permit and activities under it 109923  
shall be suspended immediately without prior hearing and shall 109924  
remain suspended until the violation is corrected and the order of 109925  
suspension is lifted. If a violation is the second within a 109926  
one-year period, the director, after a hearing, may revoke the 109927  
permit. 109928

The director may order that an injection well drilling permit 109929  
or an injection well operating permit or renewal permit be 109930  
suspended and that activities under it cease if the director has 109931  
reasonable cause to believe that the permit would not have been 109932  
issued if the information available at the time of suspension had 109933  
been available at the time a determination was made by one of the 109934  
agencies acting under authority of this section. Upon service of a 109935  
copy of the order upon the permit holder or the permit holder's 109936  
authorized agent or assignee, the permit and activities under it 109937  
shall be suspended immediately without prior hearing, but a permit 109938  
may not be suspended for that reason without prior hearing unless 109939  
immediate suspension is necessary to prevent waste or 109940  
contamination of oil or gas, comply with the Federal Water 109941  
Pollution Control Act and regulations adopted under it; the "Safe 109942  
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 109943  
amended, and regulations adopted under it; and this chapter and 109944  
the rules adopted under it, or prevent damage to valuable mineral 109945  
resources, prevent contamination of an underground source of 109946  
drinking water, or prevent danger to human life or health. If 109947  
after a hearing the director determines that the permit would not 109948  
have been issued if the information available at the time of the 109949



hearing had been available at the time a determination was made by 109950  
one of the agencies acting under authority of this section, the 109951  
director shall revoke the permit. 109952

When a permit has been revoked, the permit holder or other 109953  
person responsible for it immediately shall plug the well in the 109954  
manner required by the director. 109955

The director may issue orders to prevent or require cessation 109956  
of violations of this section, section 6111.043, 6111.045, 109957  
6111.046, or 6111.047 of the Revised Code, rules adopted under any 109958  
of those sections, and terms or conditions of permits issued under 109959  
any of them. The orders may require the elimination of conditions 109960  
caused by the violation. 109961

**Sec. 6117.01.** (A) As used in this chapter: 109962

(1) "Sanitary facilities" means sanitary sewers, force mains, 109963  
lift or pumping stations, and facilities for the treatment, 109964  
disposal, impoundment, or storage of wastes; equipment and 109965  
furnishings; and all required appurtenances and necessary real 109966  
estate and interests in real estate. 109967

(2) "Drainage" or "waters" means flows from rainfall or 109968  
otherwise produced by, or resulting from, the elements, storm 109969  
water discharges and releases or migrations of waters from 109970  
properties, accumulations, flows, and overflows of water, 109971  
including accelerated flows and runoffs, flooding and threats of 109972  
flooding of properties and structures, and other surface and 109973  
subsurface drainage. 109974

(3) "Drainage facilities" means storm sewers, force mains, 109975  
pumping stations, and facilities for the treatment, disposal, 109976  
impoundment, retention, control, or storage of waters; 109977  
improvements of or for any channel, ditch, drain, floodway, or 109978  
watercourse, including location, construction, reconstruction, 109979

reconditioning, widening, deepening, cleaning, removal of 109980  
obstructions, straightening, boxing, culverting, tiling, filling, 109981  
walling, arching, or change in course, location, or terminus; 109982  
improvements of or for a river, creek, or run, including 109983  
reinforcement of banks, enclosing, deepening, widening, 109984  
straightening, removal of obstructions, or change in course, 109985  
location, or terminus; facilities for the protection of lands from 109986  
the overflow of water, including a levee, wall, embankment, jetty, 109987  
dike, dam, sluice, revetment, reservoir, retention or holding 109988  
basin, control gate, or breakwater; facilities for controlled 109989  
drainage, regulation of stream flow, and protection of an outlet; 109990  
the vacation of a ditch or drain; equipment and furnishings; and 109991  
all required appurtenances and necessary real estate and interests 109992  
in real estate. 109993

(4) "County sanitary engineer" means either of the following: 109994

(a) The registered professional engineer employed or 109995  
appointed by the board of county commissioners to be the county 109996  
sanitary engineer as provided in this section; 109997

(b) The county engineer, if, for as long as and to the extent 109998  
that engineer by agreement entered into under section 315.14 of 109999  
the Revised Code is retained to discharge duties of a county 110000  
sanitary engineer under this chapter. 110001

(5) "Current operating expenses," "debt charges," "permanent 110002  
improvement," "public obligations," and "subdivision" have the 110003  
same meanings as in section 133.01 of the Revised Code. 110004

(6) "Construct," "construction," or "constructing" means 110005  
construction, reconstruction, enlargement, extension, improvement, 110006  
renovation, repair, and replacement of sanitary or drainage 110007  
facilities or of prevention or replacement facilities, but does 110008  
not include any repairs, replacements, or similar actions that do 110009  
not constitute and qualify as permanent improvements. 110010

(7) "Maintain," "maintaining," or "maintenance" means 110011  
repairs, replacements, and similar actions that constitute and are 110012  
payable as current operating expenses and that are required to 110013  
restore sanitary or drainage facilities or prevention or 110014  
replacement facilities to, or to continue sanitary or drainage 110015  
facilities or prevention or replacement facilities in, good order 110016  
and working condition, but does not include construction of 110017  
permanent improvements. 110018

(8) "Public agency" means a state and any agency or 110019  
subdivision of a state, including a county, a municipal 110020  
corporation, or other subdivision. 110021

(9) "Combined sewer" means a sewer system that is designed to 110022  
collect and convey sewage, including domestic, commercial, and 110023  
industrial wastewater, and storm water through a single-pipe 110024  
system to a treatment works or combined sewer overflow outfall 110025  
approved by the director of environmental protection. 110026

(10) "Prevention or replacement facilities" means vegetated 110027  
swales or median strips, permeable pavement, trees and tree boxes, 110028  
rain barrels and cisterns, rain gardens and filtration planters, 110029  
vegetated roofs, wetlands, riparian buffers, and practices and 110030  
structures that use or mimic natural processes to filter or reuse 110031  
storm water. 110032

(11) "Homestead exemption" means the reduction of taxes 110033  
allowed under division (A) of section 323.152 of the Revised Code. 110034

(12) "Low- and moderate-income person" has the same meaning 110035  
as in section 175.01 of the Revised Code. 110036

(B)(1) For the purpose of preserving and promoting the public 110037  
health and welfare, a board of county commissioners may lay out, 110038  
establish, consolidate, or otherwise modify the boundaries of, and 110039  
maintain, one or more sewer districts within the county and 110040  
outside municipal corporations and may have a registered 110041

professional engineer make the surveys necessary for the 110042  
determination of the proper boundaries of each district, which 110043  
shall be designated by an appropriate name or number. The board 110044  
may acquire, construct, maintain, and operate within any district 110045  
sanitary or drainage facilities that it determines to be necessary 110046  
or appropriate for the collection of sewage and other wastes 110047  
originating in or entering the district, to comply with the 110048  
provisions of a contract entered into for the purposes described 110049  
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to 110050  
those sections or other applicable provisions of law, or for the 110051  
collection, control, or abatement of waters originating or 110052  
accumulating in, or flowing in, into, or through, the district, 110053  
and other sanitary or drainage facilities, within or outside of 110054  
the district, that it determines to be necessary or appropriate to 110055  
conduct the wastes and waters to a proper outlet and to provide 110056  
for their proper treatment, disposal, and disposition. The board 110057  
may provide for the protection of the sanitary and drainage 110058  
facilities and may negotiate and enter into a contract with any 110059  
public agency or person for the management, maintenance, 110060  
operation, and repair of any of the facilities on behalf of the 110061  
county upon the terms and conditions that may be agreed upon with 110062  
the agency or person and that may be determined by the board to be 110063  
in the best interests of the county. By contract with any public 110064  
agency or person operating sanitary or drainage facilities within 110065  
or outside of the county, the board may provide a proper outlet 110066  
for any of the wastes and waters and for their proper treatment, 110067  
disposal, and disposition. 110068

(2) For purposes of preventing storm water from entering a 110069  
combined sewer and causing an overflow or an inflow to a sanitary 110070  
sewer, the board may acquire, design, construct, operate, repair, 110071  
maintain, and provide for a project or program that separates 110072  
storm water from a combined sewer or for a prevention or 110073  
replacement facility that prevents or minimizes storm water from 110074

entering a combined sewer or a sanitary sewer. 110075

(C) The board of county commissioners may employ a registered 110076  
professional engineer to be the county sanitary engineer for the 110077  
time and on the terms it considers best and may authorize the 110078  
county sanitary engineer to employ necessary assistants upon the 110079  
terms fixed by the board. Prior to the initial assignment of 110080  
drainage facilities duties to the county sanitary engineer, if the 110081  
county sanitary engineer is not the county engineer, the board 110082  
first shall offer to enter into an agreement with the county 110083  
engineer pursuant to section 315.14 of the Revised Code for 110084  
assistance in the performance of those duties of the board 110085  
pertaining to drainage facilities, and the county engineer shall 110086  
accept or reject the offer within thirty days after the date the 110087  
offer is made. 110088

The board may create and maintain a sanitary engineering 110089  
department, which shall be under its supervision and which shall 110090  
be headed by the county sanitary engineer, for the purpose of 110091  
aiding it in the performance of its duties under this chapter and 110092  
Chapter 6103. of the Revised Code or its other duties regarding 110093  
sanitation, drainage, and water supply provided by law. The board 110094  
shall provide suitable facilities for the use of the department 110095  
and shall provide for and pay the compensation of the county 110096  
sanitary engineer and all authorized necessary expenses of the 110097  
county sanitary engineer and the sanitary engineering department. 110098  
The county sanitary engineer, with the approval of the board, may 110099  
appoint necessary assistants and clerks, and the compensation of 110100  
those assistants and clerks shall be provided for and paid by the 110101  
board. 110102

(D) The board of county commissioners may adopt, publish, 110103  
administer, and enforce rules for the construction, maintenance, 110104  
protection, and use of county-owned or county-operated sanitary 110105  
and drainage facilities and prevention or replacement facilities 110106

outside municipal corporations, and of sanitary and drainage 110107  
facilities and prevention or replacement facilities within 110108  
municipal corporations that are owned or operated by the county or 110109  
that discharge into sanitary or drainage facilities or prevention 110110  
or replacement facilities owned or operated by the county, 110111  
including, but not limited to, rules for the establishment and use 110112  
of any connections, the termination in accordance with reasonable 110113  
procedures of sanitary service for the nonpayment of county 110114  
sanitary rates and charges and, if so determined, the concurrent 110115  
termination of any county water service for the nonpayment of 110116  
those rates and charges, the termination in accordance with 110117  
reasonable procedures of drainage service for the nonpayment of 110118  
county drainage rates and charges, and the establishment and use 110119  
of security deposits to the extent considered necessary to ensure 110120  
the payment of county sanitary or drainage rates and charges. The 110121  
rules shall not be inconsistent with the laws of this state or any 110122  
applicable rules of the director of environmental protection. 110123

110124

(E) No sanitary or drainage facilities or prevention or 110125  
replacement facilities shall be constructed in any county outside 110126  
municipal corporations by any person until the plans and 110127  
specifications have been approved by the board of county 110128  
commissioners, and any construction shall be done under the 110129  
supervision of the county sanitary engineer. Not less than thirty 110130  
days before the date drainage plans are submitted to the board for 110131  
its approval, the plans shall be submitted to the county engineer. 110132  
If the county engineer is of the opinion after review that the 110133  
facilities will have a significant adverse effect on roads, 110134  
culverts, bridges, or existing maintenance within the county, the 110135  
county engineer may submit a written opinion to the board not 110136  
later than thirty days after the date the plans are submitted to 110137  
the county engineer. The board may take action relative to the 110138  
drainage plans only after the earliest of receiving the written 110139

opinion of the county engineer, receiving a written waiver of 110140  
submission of an opinion from the county engineer, or passage of 110141  
thirty days from the date the plans are submitted to the county 110142  
engineer. Any person constructing the facilities shall pay to the 110143  
county all expenses incurred by the board in connection with the 110144  
construction. 110145

(F) The county sanitary engineer or the county sanitary 110146  
engineer's authorized assistants or agents, when properly 110147  
identified in writing or otherwise and after written notice is 110148  
delivered to the owner at least five days in advance or is mailed 110149  
at least five days in advance by first class or certified mail to 110150  
the owner's tax mailing address, may enter upon any public or 110151  
private property for the purpose of making, and may make, surveys 110152  
or inspections necessary for the laying out of sewer districts or 110153  
the design or evaluation of county sanitary or drainage facilities 110154  
or prevention or replacement facilities. This entry is not a 110155  
trespass and is not to be considered an entry in connection with 110156  
any appropriation of property proceedings under sections 163.01 to 110157  
163.22 of the Revised Code that may be pending. No person or 110158  
public agency shall forbid the county sanitary engineer or the 110159  
county sanitary engineer's authorized assistants or agents to 110160  
enter, or interfere with their entry, upon the property for that 110161  
purpose or forbid or interfere with their making of surveys or 110162  
inspections. If actual damage is done to property by the making of 110163  
the surveys and inspections, the board shall pay the reasonable 110164  
value of the damage to the property owner, and the cost shall be 110165  
included in the cost of the facilities and may be included in any 110166  
special assessments to be levied and collected to pay that cost. 110167

**Sec. 6117.02.** (A) The board of county commissioners shall fix 110168  
reasonable rates, including penalties for late payments, for the 110169  
use, or the availability for use, of the sanitary facilities of a 110170  
sewer district to be paid by every person and public agency whose 110171

premises are served, or capable of being served, by a connection 110172  
directly or indirectly to those facilities when those facilities 110173  
are owned or operated by the county and may change the rates from 110174  
time to time as it considers advisable. When the sanitary 110175  
facilities to be used by the county are owned by another public 110176  
agency or person, the schedule of rates to be charged by the 110177  
public agency or person for the use of the facilities by the 110178  
county, or the formula or other procedure for their determination, 110179  
shall be approved by the board at the time it enters into a 110180  
contract for that use. 110181

(B) The board also shall establish reasonable charges to be 110182  
collected for the privilege of connecting to the sanitary 110183  
facilities of the district, with the requirement that, prior to 110184  
the connection, the charges shall be paid in full, or, if 110185  
determined by the board to be equitable in a resolution relating 110186  
to the payment of the charges, provision considered adequate by 110187  
the board shall be made for their payment in installments at the 110188  
times, in the amounts, and with the security, carrying charges, 110189  
and penalties as may be found by the board in that resolution to 110190  
be fair and appropriate. No public agency or person shall be 110191  
permitted to connect to those facilities until the charges have 110192  
been paid in full or provision for their payment in installments 110193  
has been made. If the connection charges are to be paid in 110194  
installments, the board shall certify to the county auditor 110195  
information sufficient to identify each parcel of property served 110196  
by a connection and, with respect to each parcel, the total of the 110197  
charges to be paid in installments, the amount of each 110198  
installment, and the total number of installments to be paid. The 110199  
auditor shall record and maintain the information supplied in the 110200  
sewer improvement record provided for in section 6117.33 of the 110201  
Revised Code until the connection charges are paid in full. The 110202  
board may include amounts attributable to connection charges being 110203  
paid in installments in its billings of rates and charges for the 110204



use of sanitary facilities. 110205

(C) When any of the sanitary rates or charges are not paid 110206  
when due, the board may do any or all of the following as it 110207  
considers appropriate: 110208

(1) Certify the unpaid rates or charges, together with any 110209  
penalties, to the county auditor, who shall place them upon the 110210  
real property tax list and duplicate against the property served 110211  
by the connection. The certified amount shall be a lien on the 110212  
property from the date placed on the real property tax list and 110213  
duplicate and shall be collected in the same manner as taxes, 110214  
except that, notwithstanding section 323.15 of the Revised Code, a 110215  
county treasurer shall accept a payment in that amount when 110216  
separately tendered as payment for the full amount of the unpaid 110217  
sanitary rates or charges and associated penalties. The lien shall 110218  
be released immediately upon payment in full of the certified 110219  
amount. 110220

(2) Collect the unpaid rates or charges, together with any 110221  
penalties, by actions at law in the name of the county from an 110222  
owner, tenant, or other person or public agency that is liable for 110223  
the payment of the rates or charges; 110224

(3) Terminate, in accordance with established rules, the 110225  
sanitary service to the particular property and, if so determined, 110226  
any county water service to that property, unless and until the 110227  
unpaid sanitary rates or charges, together with any penalties, are 110228  
paid in full; 110229

(4) Apply, to the extent required, any security deposit made 110230  
in accordance with established rules to the payment of sanitary 110231  
rates and charges for service to the particular property. 110232

All moneys collected as sanitary rates, charges, or penalties 110233  
fixed or established in accordance with divisions (A) and (B) of 110234  
this section for any sewer district shall be paid to the county 110235

treasurer and kept in a separate and distinct sanitary fund 110236  
established by the board to the credit of the district. Except as 110237  
otherwise provided in any proceedings authorizing or providing for 110238  
the security for and payment of any public obligations, or in any 110239  
indenture or trust or other agreement securing public obligations, 110240  
moneys in the sanitary fund shall be applied first to the payment 110241  
of the cost of the management, maintenance, and operation of the 110242  
sanitary facilities of, or used or operated for, the district, 110243  
which cost may include the county's share of management, 110244  
maintenance, and operation costs under cooperative contracts for 110245  
the acquisition, construction, or use of sanitary facilities and, 110246  
in accordance with a cost allocation plan adopted under division 110247  
(E) of this section, payment of all allowable direct and indirect 110248  
costs of the district, the county sanitary engineer or sanitary 110249  
engineering department, or a federal or state grant program, 110250  
incurred for sanitary purposes under this chapter, and shall be 110251  
applied second to the payment of debt charges payable on any 110252  
outstanding public obligations issued or incurred for the 110253  
acquisition or construction of sanitary facilities for or serving 110254  
the district, or for the funding of a bond retirement or other 110255  
fund established for the payment of or security for the 110256  
obligations. Any surplus remaining may be applied to the 110257  
acquisition or construction of those facilities or for the payment 110258  
of contributions to be made, or costs incurred, for the 110259  
acquisition or construction of those facilities under cooperative 110260  
contracts. Moneys in the sanitary fund shall not be expended other 110261  
than for the use and benefit of the district. 110262

(D) The board may fix reasonable rates and charges, including 110263  
connection charges and penalties for late payments, to be paid by 110264  
any person or public agency owning or having possession or control 110265  
of any properties that are connected with, capable of being served 110266  
by, or otherwise served directly or indirectly by, drainage 110267  
facilities owned or operated by or under the jurisdiction of the 110268

county, including, but not limited to, properties requiring, or 110269  
lying within an area of the district requiring, in the judgment of 110270  
the board, the collection, control, or abatement of waters 110271  
originating or accumulating in, or flowing in, into, or through, 110272  
the district, and may change those rates and charges from time to 110273  
time as it considers advisable. In addition, the board may fix the 110274  
rates and charges in order to pay the costs of complying with the 110275  
requirements of phase II of the storm water program of the 110276  
national pollutant discharge elimination system established in 40 110277  
C.F.R. part 122. 110278

The rates and charges shall be payable periodically as 110279  
determined by the board, except that any connection charges shall 110280  
be paid in full in one payment, or, if determined by the board to 110281  
be equitable in a resolution relating to the payment of those 110282  
charges, provision considered adequate by the board shall be made 110283  
for their payment in installments at the times, in the amounts, 110284  
and with the security, carrying charges, and penalties as may be 110285  
found by the board in that resolution to be fair and appropriate. 110286  
The board may include amounts attributable to connection charges 110287  
being paid in installments in its billings of rates and charges 110288  
for the services provided by the drainage facilities. In the case 110289  
of rates and charges that are fixed in order to pay the costs of 110290  
complying with the requirements of phase II of the storm water 110291  
program of the national pollutant discharge elimination system 110292  
established in 40 C.F.R. part 122, the rates and charges may be 110293  
paid annually or semiannually with real property taxes, provided 110294  
that the board certifies to the county auditor information that is 110295  
sufficient for the auditor to identify each parcel of property for 110296  
which a rate or charge is levied and the amount of the rate or 110297  
charge. 110298

When any of the drainage rates or charges are not paid when 110299  
due, the board may do any or all of the following as it considers 110300

appropriate: 110301

(1) Certify the unpaid rates or charges, together with any 110302  
penalties, to the county auditor, who shall place them upon the 110303  
real property tax list and duplicate against the property to which 110304  
the rates or charges apply. The certified amount shall be a lien 110305  
on the property from the date placed on the real property tax list 110306  
and duplicate and shall be collected in the same manner as taxes, 110307  
except that notwithstanding section 323.15 of the Revised Code, a 110308  
county treasurer shall accept a payment in that amount when 110309  
separately tendered as payment for the full amount of the unpaid 110310  
drainage rates or charges and associated penalties. The lien shall 110311  
be released immediately upon payment in full of the certified 110312  
amount. 110313

(2) Collect the unpaid rates or charges, together with any 110314  
penalties, by actions at law in the name of the county from an 110315  
owner, tenant, or other person or public agency that is liable for 110316  
the payment of the rates or charges; 110317

(3) Terminate, in accordance with established rules, the 110318  
drainage service for the particular property until the unpaid 110319  
rates or charges, together with any penalties, are paid in full; 110320

(4) Apply, to the extent required, any security deposit made 110321  
in accordance with established rules to the payment of drainage 110322  
rates and charges applicable to the particular property. 110323

All moneys collected as drainage rates, charges, or penalties 110324  
in or for any sewer district shall be paid to the county treasurer 110325  
and kept in a separate and distinct drainage fund established by 110326  
the board to the credit of the district. Except as otherwise 110327  
provided in any proceedings authorizing or providing for the 110328  
security for and payment of any public obligations, or in any 110329  
indenture or trust or other agreement securing public obligations, 110330  
moneys in the drainage fund shall be applied first to the payment 110331

of the cost of the management, maintenance, and operation of the 110332  
drainage facilities of, or used or operated for, the district, 110333  
which cost may include the county's share of management, 110334  
maintenance, and operation costs under cooperative contracts for 110335  
the acquisition, construction, or use of drainage facilities and, 110336  
in accordance with a cost allocation plan adopted under division 110337  
(E) of this section, payment of all allowable direct and indirect 110338  
costs of the district, the county sanitary engineer or sanitary 110339  
engineering department, or a federal or state grant program, 110340  
incurred for drainage purposes under this chapter, and shall be 110341  
applied second to the payment of debt charges payable on any 110342  
outstanding public obligations issued or incurred for the 110343  
acquisition or construction of drainage facilities for or serving 110344  
the district, or for the funding of a bond retirement or other 110345  
fund established for the payment of or security for the 110346  
obligations. Any surplus remaining may be applied to the 110347  
acquisition or construction of those facilities or for the payment 110348  
of contributions to be made, or costs incurred, for the 110349  
acquisition or construction of those facilities under cooperative 110350  
contracts. Moneys in the drainage fund shall not be expended other 110351  
than for the use and benefit of the district. 110352

(E) A board of county commissioners may adopt a cost 110353  
allocation plan that identifies, accumulates, and distributes 110354  
allowable direct and indirect costs that may be paid from each of 110355  
the funds of the district created pursuant to divisions (C) and 110356  
(D) of this section, and that prescribes methods for allocating 110357  
those costs. The plan shall authorize payment from each of those 110358  
funds of only those costs incurred by the district, the county 110359  
sanitary engineer or sanitary engineering department, or a federal 110360  
or state grant program, and those costs incurred by the general 110361  
and other funds of the county for a common or joint purpose, that 110362  
are necessary and reasonable for the proper and efficient 110363  
administration of the district under this chapter and properly 110364

attributable to the particular fund of the district. The plan 110365  
shall not authorize payment from either of the funds of any 110366  
general government expense required to carry out the overall 110367  
governmental responsibilities of a county. The plan shall conform 110368  
to United States office of management and budget Circular A-87, 110369  
"Cost Principles for State, Local, and Indian Tribal Governments," 110370  
published May 17, 1995. 110371

(F) A board of county commissioners may establish discounted 110372  
rates or charges or may establish another mechanism for providing 110373  
a reduction in rates or charges for persons who are sixty-five 110374  
years of age or older. The board shall establish eligibility 110375  
requirements for such discounted or reduced rates or charges, 110376  
including a requirement that a person be eligible for the 110377  
homestead exemption or qualify as a low- and moderate-income 110378  
person. 110379

**Sec. 6119.011.** As used in ~~Chapter 6119.~~ of the Revised Code 110380  
this chapter: 110381

(A) "Court of common pleas" or "court" means, unless the 110382  
context indicates a different meaning or intent, the court of 110383  
common pleas in which the petition for the organization of a 110384  
regional water and sewer district is filed. 110385

(B) "Political subdivision" includes departments, divisions, 110386  
authorities, or other units of state governments, watershed 110387  
districts, soil and water conservation districts, park districts, 110388  
municipal corporations, counties, townships, and other political 110389  
subdivisions, special water districts, including county and 110390  
regional water and sewer districts, conservancy districts, 110391  
sanitary districts, sewer districts or any other public 110392  
corporation or agency having the authority to acquire, construct, 110393  
or operate waste water or water management facilities, and all 110394  
other governmental agencies now or hereafter granted the power of 110395

levying taxes or special assessments, the United States or any 110396  
agency thereof, and any agency, commission, or authority 110397  
established pursuant to an interstate compact or agreement. 110398

(C) "Person" means any natural person, firm, partnership, 110399  
association, or corporation other than a political subdivision. 110400

(D) "Beneficial use" means a use of water, including the 110401  
method of diversion, storage, transportation, treatment, and 110402  
application, that is reasonable and consistent with the public 110403  
interest in the proper utilization of water resources, including, 110404  
but not limited to, domestic, agricultural, industrial, power, 110405  
municipal, navigational, fish and wildlife, and recreational uses. 110406

(E) "Waters of the state" ~~mean~~ means all streams, lakes, 110407  
ponds, marshes, watercourses, waterways, wells, springs, 110408  
irrigation systems, drainage systems, and all other bodies or 110409  
accumulations of water, surface and underground, natural or 110410  
artificial, ~~which~~ that are situated wholly or partly within, or 110411  
border upon, this state, or are within its jurisdiction, except 110412  
those private waters ~~which~~ that do not combine or effect a 110413  
junction with natural surface or underground waters. 110414

(F) "Water resources" means all waters of the state occurring 110415  
on the surface in natural or artificial channels, lakes, 110416  
reservoirs, or impoundments, and in subsurface aquifers, ~~which~~ 110417  
that are available or may be made available to agricultural, 110418  
commercial, recreational, public, and domestic users. 110419

(G) "Project" or "water resource project" means any waste 110420  
water facility or water management facility acquired, constructed, 110421  
or operated by or leased to a regional water and sewer district or 110422  
to be acquired, constructed, or operated by or leased to a 110423  
regional water and sewer district under ~~Chapter 6119. of the~~ 110424  
~~Revised Code~~ this chapter, or acquired or constructed or to be 110425  
acquired or constructed by a political subdivision with a portion 110426

of the cost thereof being paid from a loan or grant from the 110427  
district under ~~Chapter 6119. of the Revised Code~~ this chapter, 110428  
including all buildings and facilities ~~which~~ that the district 110429  
considers necessary for the operation of the project, together 110430  
with all property, rights, easements, and interest ~~which~~ that may 110431  
be required for the operation of the project. Any water resource 110432  
project shall be determined by the board of trustees of the 110433  
district to be consistent with any applicable comprehensive plan 110434  
of water management approved by the director of natural resources 110435  
~~of the state~~ or in the process of preparation by ~~such~~ the director 110436  
and to be not inconsistent with the standards set for the waters 110437  
of the state affected thereby by the ~~water pollution control board~~ 110438  
~~of the state~~ environmental protection agency. Any resolution of 110439  
the board of trustees of the district providing for acquiring, 110440  
operating, leasing, or constructing such projects or for making a 110441  
loan or grant for such projects shall include a finding by the 110442  
board of trustees of the district that ~~such~~ those determinations 110443  
have been made. 110444

(H) "Pollution" means the placing of any noxious or 110445  
deleterious substances in any waters of the state or affecting the 110446  
properties of any waters of the state in a manner ~~which~~ that 110447  
renders ~~such~~ those waters harmful or inimical to the public 110448  
health, or to animal or aquatic life, or to the use of ~~such~~ the 110449  
waters for domestic water supply, industrial or agricultural 110450  
purposes, or recreation. 110451

(I) "Sewage" means any substance that contains any of the 110452  
waste products or excrementitious or other discharge from the 110453  
bodies of human beings or animals, ~~which~~ that pollutes the waters 110454  
of the state. 110455

(J) "Industrial waste" means any liquid, gaseous, or solid 110456  
waste substance resulting from any process of industry, 110457  
manufacture, trade, or business, or from the development, 110458



processing, or recovery of any natural resource, together with 110459  
such sewage as is present, ~~which~~ that pollutes the waters of the 110460  
state. 110461

(K) "Waste water" means any storm water and any water 110462  
containing sewage or industrial waste or other pollutants or 110463  
contaminants derived from the prior use of ~~such~~ the water. 110464

(L) "Waste water facilities" means facilities for the purpose 110465  
of treating, neutralizing, disposing of, stabilizing, cooling, 110466  
segregating, or holding waste water, including, without limiting 110467  
the generality of the foregoing, facilities for the treatment and 110468  
disposal of sewage or industrial waste and the residue thereof, 110469  
facilities for the temporary or permanent impoundment of waste 110470  
water, both surface and underground, and storm and sanitary sewers 110471  
and other systems, whether on the surface or underground, designed 110472  
to transport waste water, together with the equipment and 110473  
furnishings thereof and their appurtenances and systems, whether 110474  
on the surface or underground, including force mains and pumping 110475  
facilities therefor when necessary. 110476

(M) "Water management facilities" means facilities for the 110477  
purpose of the development, use, and protection of water 110478  
resources, including, without limiting the generality of the 110479  
foregoing, facilities for water supply, facilities for stream flow 110480  
improvement, dams, reservoirs, and other impoundments, water 110481  
transmission lines, water wells and well fields, pumping stations 110482  
and works for underground water recharge, stream monitoring 110483  
systems, facilities for the stabilization of stream and river 110484  
banks, and facilities for the treatment of streams and rivers, 110485  
including, without limiting the generality of the foregoing, 110486  
facilities for the removal of oil, debris, and other solid waste 110487  
from the waters of the state and stream and river aeration 110488  
facilities. 110489

(N) "Cost" as applied to water resource projects means the 110490

cost of acquisition and construction, the cost of acquisition of 110491  
all land, rights-of-way, property rights, easements, franchise 110492  
rights, and interests required by the district for such 110493  
acquisition and construction, the cost of demolishing or removing 110494  
any buildings or structures on land so acquired, including the 110495  
cost of acquiring any lands to which such buildings or structures 110496  
may be moved, the cost of acquiring or constructing and equipping 110497  
a principal office and sub-offices of the district, the cost of 110498  
diverting highways, interchange of highways, and access roads to 110499  
private property, including the cost of land or easements 110500  
therefor, the cost of all machinery, furnishings, and equipment, 110501  
financing charges, interest prior to and during construction and 110502  
for no more than eighteen months after completion of ~~acquisition~~ 110503  
acquisition or construction, engineering, expenses of research and 110504  
development with respect to waste water or water management 110505  
facilities, legal expenses, plans, specifications, surveys, 110506  
estimates of cost and revenues, working capital, other expenses 110507  
necessary or incident to determining the feasibility or 110508  
practicability of acquiring or constructing any such project, 110509  
administrative expense, and such other expense as may be necessary 110510  
or incident to the acquisition or construction of the project, the 110511  
financing of ~~such~~ the acquisition or construction, including the 110512  
amount authorized in the resolution of the district providing for 110513  
the issuance of water resource revenue bonds to be paid into any 110514  
special funds from the proceeds of ~~such~~ those bonds and the 110515  
financing of the placing of any such project in operation. Any 110516  
obligation or expense incurred by any political subdivision, and 110517  
approved by the district, for surveys, borings, preparation of 110518  
plans and specifications, and other engineering services in 110519  
connection with the acquisition or construction of a project shall 110520  
be regarded as a part of the cost of ~~such~~ the project and may be 110521  
reimbursed by the district. 110522

(O) "Owner" includes all individuals, partnerships, 110523

associations, corporations, or political subdivisions having any 110524  
title or interest in any property rights, easements, and interests 110525  
authorized to be acquired by ~~Chapter 6119. of the Revised Code~~ 110526  
this chapter. 110527

(P) "Revenues" means all rentals and other charges received 110528  
by a district for the use or services of any project, all special 110529  
assessments levied by the district pursuant to ~~Chapter 6119. of~~ 110530  
~~the Revised Code~~ this chapter, any gift or grant received with 110531  
respect thereto, and moneys received in repayment of and for 110532  
interest on any loan made by the district to a political 110533  
subdivision, whether from the United States or a department, 110534  
administration, or agency thereof, or otherwise. 110535

(Q) "Public roads" includes all public highways, roads, and 110536  
streets in the state, whether maintained by the state, county, 110537  
city, township, or other political subdivision. 110538

(R) "Public utility facilities" includes tracks, pipes, 110539  
mains, conduits, cables, wires, towers, poles, and other equipment 110540  
and appliances of any public utility. 110541

(S) "Construction," unless the context indicates a different 110542  
meaning or intent, includes reconstruction, enlargement, 110543  
improvement, or providing furnishings or equipment. 110544

(T) "Water resources bonds," unless the context indicates a 110545  
different meaning or intent, includes water resource notes and 110546  
water resource refunding bonds. 110547

(U) "Regional water and sewer district" means a district 110548  
organized or operating for one or both of the purposes described 110549  
in section 6119.01 of the Revised Code and, if organized or 110550  
operating for only one of ~~such~~ those purposes, may be designated 110551  
either a regional water district or a regional sewer district, as 110552  
the case may be. 110553

(V) "Homestead exemption" means the reduction of taxes 110554

allowed under division (A) of section 323.152 of the Revised Code. 110555

(W) "Low- and moderate-income person" has the same meaning as 110556  
in section 175.01 of the Revised Code. 110557

**Sec. 6119.091.** When fixing rentals or other charges under 110558  
section 6119.09 of the Revised Code, a board of trustees of a 110559  
regional water and sewer district may establish discounted rentals 110560  
or charges or may establish another mechanism for providing a 110561  
reduction in rentals or charges for persons who are sixty-five 110562  
years of age or older. The board shall establish eligibility 110563  
requirements for such discounted or reduced rentals or charges, 110564  
including a requirement that a person be eligible for the 110565  
homestead exemption or qualify as a low- and moderate-income 110566  
person. 110567

**Section 101.02.** That existing sections 9.06, 9.314, 107.21, 110568  
109.572, 109.73, 109.742, 109.744, 109.751, 109.761, 109.77, 110569  
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5101.26, 5101.33, 5101.34, 5101.47, 5101.50, 5101.5110, 5101.5212, 110709  
5101.54, 5101.541, 5101.544, 5101.571, 5101.573, 5101.60, 5101.61, 110710  
5101.83, 5101.84, 5104.01, 5104.041, 5104.051, 5104.30, 5104.32, 110711  
5104.341, 5104.35, 5104.38, 5104.39, 5104.42, 5107.05, 5107.16, 110712  
5107.17, 5107.58, 5111.01, 5111.015, 5111.019, 5111.028, 5111.032, 110713



5111.033, 5111.034, 5111.06, 5111.176, 5111.222, 5111.231, 110714  
5111.232, 5111.24, 5111.25, 5111.261, 5111.65, 5111.651, 5111.688, 110715  
5111.705, 5111.85, 5111.851, 5111.874, 5111.875, 5111.89, 110716  
5111.891, 5111.894, 5111.971, 5112.30, 5112.31, 5112.37, 5112.371, 110717  
5115.03, 5119.16, 5119.61, 5120.032, 5120.033, 5120.09, 5120.135, 110718  
5122.31, 5123.049, 5123.0412, 5123.0413, 5126.044, 5126.05, 110719  
5126.054, 5126.055, 5126.0512, 5126.19, 5126.24, 5139.43, 5501.04, 110720  
5502.01, 5502.12, 5502.14, 5502.15, 5505.15, 5701.11, 5703.05, 110721  
5703.37, 5703.80, 5705.214, 5705.29, 5705.341, 5705.37, 5709.62, 110722  
5709.63, 5709.632, 5711.33, 5715.02, 5715.251, 5715.26, 5717.03, 110723  
5717.04, 5725.18, 5725.98, 5727.84, 5728.12, 5729.03, 5729.98, 110724  
5733.01, 5733.04, 5733.98, 5735.142, 5739.01, 5739.02, 5739.03, 110725  
5739.033, 5739.09, 5739.131, 5743.15, 5743.61, 5747.01, 5747.113, 110726  
5747.13, 5747.16, 5747.98, 5748.02, 5748.03, 5749.02, 5749.12, 110727  
5751.01, 5751.011, 5751.012, 5751.013, 5751.03, 5751.04, 5751.05, 110728  
5751.051, 5751.06, 5751.08, 5751.09, 5751.20, 5751.21, 5911.10, 110729  
5913.051, 5913.09, 6103.01, 6103.02, 6109.21, 6111.044, 6117.01, 110730  
6117.02, and 6119.011 of the Revised Code are hereby repealed. 110731

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That existing Section 269.60.60 of Am. Sub. H.B. 119 of the 110740  
127th General Assembly is hereby repealed. 110741

That existing Section 6 of H.B. 364 of the 124th General 110742  
Assembly is hereby repealed. 110743

**Section 105.01.** That sections 173.71, 173.72, 173.721, 110744

173.722, 173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 110745  
173.741, 173.742, 173.75, 173.751, 173.752, 173.753, 173.76, 110746  
173.77, 173.771, 173.772, 173.773, 173.78, 173.79, 173.791, 110747  
173.80, 173.801, 173.802, 173.803, 173.81, 173.811, 173.812, 110748  
173.813, 173.814, 173.815, 173.82, 173.83, 173.831, 173.832, 110749  
173.833, 173.84, 173.85, 173.86, 173.861, 173.87, 173.871, 110750  
173.872, 173.873, 173.874, 173.875, 173.876, 173.88, 173.89, 110751  
173.891, 173.892, 173.90, 173.91, 905.38, 905.381, 905.66, 907.16, 110752  
927.74, 1504.01, 1504.02, 1504.03, 1504.04, 1517.15, 1521.02, 110753  
1711.58, 3301.0712, 3301.0718, 3301.43, 3302.032, 3314.026, 110754  
3314.085, 3314.13, 3317.10, 3319.0810, 3319.222, 3319.23, 110755  
3319.302, 3319.304, 3333.27, 3701.73, 3701.77, 3701.771, 3701.772, 110756  
3702.511, 3702.523, 3702.527, 3702.528, 3702.529, 3702.542, 110757  
3704.143, 3724.01, 3724.02, 3724.021, 3724.03, 3724.04, 3724.05, 110758  
3724.06, 3724.07, 3724.08, 3724.09, 3724.10, 3724.11, 3724.12, 110759  
3724.13, 3724.99, 4517.052, 4517.27, 4735.22, 4735.23, 5101.072, 110760  
5111.083, 5111.178. 5145.32, and 5923.141 of the Revised Code are 110761  
hereby repealed. 110762

**Section 105.10.** Sections 1751.53 and 3923.38 of the Revised 110763  
Code as they result from Section 120.10 of H.B. 2 of the 128th 110764  
General Assembly are hereby repealed. This repeal enables the 110765  
continued existence of those sections as they result from Section 110766  
101.01 of H.B. 2 of the 128th General Assembly. 110767

**Section 110.10.** That the version of section 2949.111 of the 110768  
Revised Code that is scheduled to take effect January 1, 2010, be 110769  
amended to read as follows: 110770

**Sec. 2949.111.** (A) As used in this section: 110771

(1) "Court costs" means any assessment that the court 110772  
requires an offender to pay to defray the costs of operating the 110773

court. 110774

(2) "State fines or costs" means any costs imposed or 110775  
forfeited bail collected by the court under section 2743.70 of the 110776  
Revised Code for deposit into the reparations fund or under 110777  
section 2949.091 of the Revised Code for deposit into the ~~general~~ 110778  
~~revenue~~ indigent defense support fund established under section 110779  
120.08 of the Revised Code and all fines, penalties, and forfeited 110780  
bail collected by the court and paid to a law library association 110781  
under section 307.515 of the Revised Code. 110782

(3) "Reimbursement" means any reimbursement for the costs of 110783  
confinement that the court orders an offender to pay pursuant to 110784  
section 2929.28 of the Revised Code, any supervision fee, any fee 110785  
for the costs of house arrest with electronic monitoring that an 110786  
offender agrees to pay, any reimbursement for the costs of an 110787  
investigation or prosecution that the court orders an offender to 110788  
pay pursuant to section 2929.71 of the Revised Code, or any other 110789  
costs that the court orders an offender to pay. 110790

(4) "Supervision fees" means any fees that a court, pursuant 110791  
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 110792  
requires an offender who is under a community control sanction to 110793  
pay for supervision services. 110794

(5) "Community control sanction" has the same meaning as in 110795  
section 2929.01 of the Revised Code. 110796

(B) Unless the court, in accordance with division (C) of this 110797  
section, enters in the record of the case a different method of 110798  
assigning payments, if a person who is charged with a misdemeanor 110799  
is convicted of or pleads guilty to the offense, if the court 110800  
orders the offender to pay any combination of court costs, state 110801  
fines or costs, restitution, a conventional fine, or any 110802  
reimbursement, and if the offender makes any payment of any of 110803  
them to a clerk of court, the clerk shall assign the offender's 110804

payment in the following manner: 110805

(1) If the court ordered the offender to pay any court costs, 110806  
the offender's payment shall be assigned toward the satisfaction 110807  
of those court costs until they have been entirely paid. 110808

(2) If the court ordered the offender to pay any state fines 110809  
or costs and if all of the court costs that the court ordered the 110810  
offender to pay have been paid, the remainder of the offender's 110811  
payment shall be assigned on a pro rata basis toward the 110812  
satisfaction of the state fines or costs until they have been 110813  
entirely paid. 110814

(3) If the court ordered the offender to pay any restitution 110815  
and if all of the court costs and state fines or costs that the 110816  
court ordered the offender to pay have been paid, the remainder of 110817  
the offender's payment shall be assigned toward the satisfaction 110818  
of the restitution until it has been entirely paid. 110819

(4) If the court ordered the offender to pay any fine and if 110820  
all of the court costs, state fines or costs, and restitution that 110821  
the court ordered the offender to pay have been paid, the 110822  
remainder of the offender's payment shall be assigned toward the 110823  
satisfaction of the fine until it has been entirely paid. 110824

(5) If the court ordered the offender to pay any 110825  
reimbursement and if all of the court costs, state fines or costs, 110826  
restitution, and fines that the court ordered the offender to pay 110827  
have been paid, the remainder of the offender's payment shall be 110828  
assigned toward the satisfaction of the reimbursements until they 110829  
have been entirely paid. 110830

(C) If a person who is charged with a misdemeanor is 110831  
convicted of or pleads guilty to the offense and if the court 110832  
orders the offender to pay any combination of court costs, state 110833  
fines or costs, restitution, fines, or reimbursements, the court, 110834  
at the time it orders the offender to make those payments, may 110835

prescribe an order of payments that differs from the order set 110836  
forth in division (B) of this section by entering in the record of 110837  
the case the order so prescribed. If a different order is entered 110838  
in the record, on receipt of any payment, the clerk of the court 110839  
shall assign the payment in the manner prescribed by the court. 110840

**Section 110.11.** That the existing version of section 2949.111 110841  
of the Revised Code that is scheduled to take effect January 1, 110842  
2010, is hereby repealed. 110843

**Section 110.12.** Sections 110.10 and 110.11 of this act take 110844  
effect January 1, 2010. 110845

**Section 110.20.** That the version of section 5739.033 of the 110846  
Revised Code that is scheduled to take effect January 1, 2010, be 110847  
amended to read as follows: 110848

**Sec. 5739.033.** (A) The amount of tax due pursuant to sections 110849  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 110850  
the sum of the taxes imposed pursuant to those sections at the 110851  
sourcing location of the sale as determined under this section or, 110852  
if applicable, under division (C) of section 5739.031 or section 110853  
5739.034 of the Revised Code. This section applies only to a 110854  
vendor's or seller's obligation to collect and remit sales taxes 110855  
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 110856  
Revised Code or use taxes under section 5741.02, 5741.021, 110857  
5741.022, or 5741.023 of the Revised Code. Division (A) of this 110858  
section does not apply in determining the jurisdiction for which 110859  
sellers are required to collect the use tax under section 5741.05 110860  
of the Revised Code. This section does not affect the obligation 110861  
of a consumer to remit use taxes on the storage, use, or other 110862  
consumption of tangible personal property or on the benefit 110863  
realized of any service provided, to the jurisdiction of that 110864

storage, use, or consumption, or benefit realized. 110865

(B)(1) Beginning January 1, 2010, retail sales, excluding the 110866  
lease or rental, of tangible personal property or digital goods 110867  
shall be sourced to the location where the vendor receives an 110868  
order for the sale of such property or goods if: 110869

(a) The vendor receives the order in this state and the 110870  
consumer receives the property or goods in this state; 110871

(b) The location where the consumer receives the property or 110872  
goods is determined under division (C)(2), (3), or (4) of this 110873  
section; and 110874

(c) The record-keeping system used by the vendor to calculate 110875  
the tax imposed captures the location where the order is received 110876  
at the time the order is received. 110877

(2) A consumer has no additional liability to this state 110878  
under this chapter or Chapter 5741. of the Revised Code for tax, 110879  
penalty, or interest on a sale for which the consumer remits tax 110880  
to the vendor in the amount invoiced by the vendor if the invoice 110881  
amount is calculated at either the rate applicable to the location 110882  
where the consumer receives the property or digital good or at the 110883  
rate applicable to the location where the order is received by the 110884  
vendor. A consumer may rely on a written representation by the 110885  
vendor as to the location where the order for the sale was 110886  
received by the vendor. If the consumer does not have a written 110887  
representation by the vendor as to the location where the order 110888  
was received by the vendor, the consumer may use a location 110889  
indicated by a business address for the vendor that is available 110890  
from records that are maintained in the ordinary course of the 110891  
consumer's business to determine the rate applicable to the 110892  
location where the order was received. 110893

(3) For the purposes of division (B) of this section, the 110894  
location where an order is received by or on behalf of a vendor 110895

means the physical location of the vendor or a third party such as 110896  
an established outlet, office location, or automated order receipt 110897  
system operated by or on behalf of the vendor, where an order is 110898  
initially received by or on behalf of the vendor, and not where 110899  
the order may be subsequently accepted, completed, or fulfilled. 110900  
An order is received when all necessary information to determine 110901  
whether the order can be accepted has been received by or on 110902  
behalf of the vendor. The location from which the property or 110903  
digital good is shipped shall not be used to determine the 110904  
location where the order is received by the vendor. 110905

(4) For the purposes of division (B) of this section, if 110906  
services subject to taxation under this chapter or Chapter 5741. 110907  
of the Revised Code are sold with tangible personal property or 110908  
digital goods pursuant to a single contract or in the same 110909  
transaction, the services are billed on the same billing statement 110910  
or invoice, and, because of the application of division (B) of 110911  
this section, the transaction would be sourced to more than one 110912  
jurisdiction, the situs of the transaction shall be the location 110913  
where the order is received by or on behalf of the vendor. 110914

(C) Except for sales, other than leases, of titled motor 110915  
vehicles, titled watercraft, or titled outboard motors as provided 110916  
in section 5741.05 of the Revised Code, or as otherwise provided 110917  
in this section and section 5739.034 of the Revised Code, all 110918  
sales shall be sourced as follows: 110919

(1) If the consumer or a donee designated by the consumer 110920  
receives tangible personal property or a service at a vendor's 110921  
place of business, the sale shall be sourced to that place of 110922  
business. 110923

(2) When the tangible personal property or service is not 110924  
received at a vendor's place of business, the sale shall be 110925  
sourced to the location known to the vendor where the consumer or 110926  
the donee designated by the consumer receives the tangible 110927

personal property or service, including the location indicated by 110928  
instructions for delivery to the consumer or the consumer's donee. 110929

(3) If divisions (C)(1) and (2) of this section do not apply, 110930  
the sale shall be sourced to the location indicated by an address 110931  
for the consumer that is available from the vendor's business 110932  
records that are maintained in the ordinary course of the vendor's 110933  
business, when use of that address does not constitute bad faith. 110934  
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(4) If divisions (C)(1), (2), and (3) of this section do not 110936  
apply, the sale shall be sourced to the location indicated by an 110937  
address for the consumer obtained during the consummation of the 110938  
sale, including the address associated with the consumer's payment 110939  
instrument, if no other address is available, when use of that 110940  
address does not constitute bad faith. 110941

(5) If divisions (C)(1), (2), (3), and (4) of this section do 110942  
not apply, including in the circumstance where the vendor is 110943  
without sufficient information to apply any of those divisions, 110944  
the sale shall be sourced to the address from which tangible 110945  
personal property was shipped, or from which the service was 110946  
provided, disregarding any location that merely provided the 110947  
electronic transfer of the property sold or service provided. 110948

(6) As used in division (C) of this section, "receive" means 110949  
taking possession of tangible personal property or making first 110950  
use of a service. "Receive" does not include possession by a 110951  
shipping company on behalf of a consumer. 110952

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 110953  
section, a business consumer that is not a holder of a direct 110954  
payment permit granted under section 5739.031 of the Revised Code, 110955  
that purchases a digital good, computer software, except computer 110956  
software received in person by a business consumer at a vendor's 110957  
place of business, or a service, and that knows at the time of 110958



purchase that such digital good, software, or service will be 110959  
concurrently available for use in more than one taxing 110960  
jurisdiction shall deliver to the vendor in conjunction with its 110961  
purchase an exemption certificate claiming multiple points of use, 110962  
or shall meet the requirements of division (D)(2) of this section. 110963  
On receipt of the exemption certificate claiming multiple points 110964  
of use, the vendor is relieved of its obligation to collect, pay, 110965  
or remit the tax due, and the business consumer must pay the tax 110966  
directly to the state. 110967

(b) A business consumer that delivers the exemption 110968  
certificate claiming multiple points of use to a vendor may use 110969  
any reasonable, consistent, and uniform method of apportioning the 110970  
tax due on the digital good, computer software, or service that is 110971  
supported by the consumer's business records as they existed at 110972  
the time of the sale. The business consumer shall report and pay 110973  
the appropriate tax to each jurisdiction where concurrent use 110974  
occurs. The tax due shall be calculated as if the apportioned 110975  
amount of the digital good, computer software, or service had been 110976  
delivered to each jurisdiction to which the sale is apportioned 110977  
under this division. 110978

(c) The exemption certificate claiming multiple points of use 110979  
shall remain in effect for all future sales by the vendor to the 110980  
business consumer until it is revoked in writing by the business 110981  
consumer, except as to the business consumer's specific 110982  
apportionment of a subsequent sale under division (D)(1)(b) of 110983  
this section and the facts existing at the time of the sale. 110984

(2) When the vendor knows that a digital good, computer 110985  
software, or service sold will be concurrently available for use 110986  
by the business consumer in more than one jurisdiction, but the 110987  
business consumer does not provide an exemption certificate 110988  
claiming multiple points of use as required by division (D)(1) of 110989  
this section, the vendor may work with the business consumer to 110990

produce the correct apportionment. Governed by the principles of 110991  
division (D)(1)(b) of this section, the vendor and business 110992  
consumer may use any reasonable, but consistent and uniform, 110993  
method of apportionment that is supported by the vendor's and 110994  
business consumer's books and records as they exist at the time 110995  
the sale is reported for purposes of the taxes levied under this 110996  
chapter. If the business consumer certifies to the accuracy of the 110997  
apportionment and the vendor accepts the certification, the vendor 110998  
shall collect and remit the tax accordingly. In the absence of bad 110999  
faith, the vendor is relieved of any further obligation to collect 111000  
tax on any transaction where the vendor has collected tax pursuant 111001  
to the information certified by the business consumer. 111002

(3) When the vendor knows that the digital good, computer 111003  
software, or service will be concurrently available for use in 111004  
more than one jurisdiction, and the business consumer does not 111005  
have a direct pay permit and does not provide to the vendor an 111006  
exemption certificate claiming multiple points of use as required 111007  
in division (D)(1) of this section, or certification pursuant to 111008  
division (D)(2) of this section, the vendor shall collect and 111009  
remit the tax based on division (C) of this section. 111010

(4) Nothing in this section shall limit a person's obligation 111011  
for sales or use tax to any state in which a digital good, 111012  
computer software, or service is concurrently available for use, 111013  
nor limit a person's ability under local, state, or federal law, 111014  
to claim a credit for sales or use taxes legally due and paid to 111015  
other jurisdictions. 111016

(E) A person who holds a direct payment permit issued under 111017  
section 5739.031 of the Revised Code is not required to deliver an 111018  
exemption certificate claiming multiple points of use to a vendor. 111019  
But such permit holder shall comply with division (D)(2) of this 111020  
section in apportioning the tax due on a digital good, computer 111021  
software, or a service for use in business that will be 111022

concurrently available for use in more than one taxing jurisdiction. 111023  
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(F)(1) Notwithstanding divisions (C)(1) to (5) of this section, the consumer of direct mail that is not a holder of a direct payment permit shall provide to the vendor in conjunction with the sale either an exemption certificate claiming direct mail prescribed by the tax commissioner, or information to show the jurisdictions to which the direct mail is delivered to recipients. 111025  
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(2) Upon receipt of such exemption certificate, the vendor is relieved of all obligations to collect, pay, or remit the applicable tax and the consumer is obligated to pay that tax on a direct pay basis. An exemption certificate claiming direct mail shall remain in effect for all future sales of direct mail by the vendor to the consumer until it is revoked in writing. 111031  
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(3) Upon receipt of information from the consumer showing the jurisdictions to which the direct mail is delivered to recipients, the vendor shall collect the tax according to the delivery information provided by the consumer. In the absence of bad faith, the vendor is relieved of any further obligation to collect tax on any transaction where the vendor has collected tax pursuant to the delivery information provided by the consumer. 111037  
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(4) If the consumer of direct mail does not have a direct payment permit and does not provide the vendor with either an exemption certificate claiming direct mail or delivery information as required by division (F)(1) of this section, the vendor shall collect the tax according to division (C)(5) of this section. Nothing in division (F)(4) of this section shall limit a consumer's obligation to pay sales or use tax to any state to which the direct mail is delivered. 111044  
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(5) If a consumer of direct mail provides the vendor with documentation of direct payment authority, the consumer shall not 111052  
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be required to provide an exemption certificate claiming direct 111054  
mail or delivery information to the vendor. 111055

(G) If the vendor provides lodging to transient guests as 111056  
specified in division (B)(2) of section 5739.01 of the Revised 111057  
Code, the sale shall be sourced to the location where the lodging 111058  
is located. 111059

(H)(1) As used in this division and division (I) of this 111060  
section, "transportation equipment" means any of the following: 111061

(a) Locomotives and railcars that are utilized for the 111062  
carriage of persons or property in interstate commerce. 111063

(b) Trucks and truck-tractors with a gross vehicle weight 111064  
rating of greater than ten thousand pounds, trailers, 111065  
semi-trailers, or passenger buses that are registered through the 111066  
international registration plan and are operated under authority 111067  
of a carrier authorized and certificated by the United States 111068  
department of transportation or another federal authority to 111069  
engage in the carriage of persons or property in interstate 111070  
commerce. 111071

(c) Aircraft that are operated by air carriers authorized and 111072  
certificated by the United States department of transportation or 111073  
another federal authority to engage in the carriage of persons or 111074  
property in interstate or foreign commerce. 111075

(d) Containers designed for use on and component parts 111076  
attached to or secured on the items set forth in division 111077  
(H)(1)(a), (b), or (c) of this section. 111078

(2) A sale, lease, or rental of transportation equipment 111079  
shall be sourced pursuant to division (C) of this section. 111080

(I)(1) A lease or rental of tangible personal property that 111081  
does not require recurring periodic payments shall be sourced 111082  
pursuant to division (C) of this section. 111083

(2) A lease or rental of tangible personal property that 111084  
requires recurring periodic payments shall be sourced as follows: 111085

(a) In the case of a motor vehicle, other than a motor 111086  
vehicle that is transportation equipment, or an aircraft, other 111087  
than an aircraft that is transportation equipment, such lease or 111088  
rental shall be sourced as follows: 111089

(i) An accelerated tax payment on a lease or rental taxed 111090  
pursuant to division (A)(2) of section 5739.02 of the Revised Code 111091  
shall be sourced to the primary property location at the time the 111092  
lease or rental is consummated. Any subsequent taxable charges on 111093  
the lease or rental shall be sourced to the primary property 111094  
location for the period in which the charges are incurred. 111095

(ii) For a lease or rental taxed pursuant to division (A)(3) 111096  
of section 5739.02 of the Revised Code, each lease or rental 111097  
installment shall be sourced to the primary property location for 111098  
the period covered by the installment. 111099

(b) In the case of a lease or rental of all other tangible 111100  
personal property, other than transportation equipment, such lease 111101  
or rental shall be sourced as follows: 111102

(i) An accelerated tax payment on a lease or rental that is 111103  
taxed pursuant to division (A)(2) of section 5739.02 of the 111104  
Revised Code shall be sourced pursuant to division (C) of this 111105  
section at the time the lease or rental is consummated. Any 111106  
subsequent taxable charges on the lease or rental shall be sourced 111107  
to the primary property location for the period in which the 111108  
charges are incurred. 111109

(ii) For a lease or rental that is taxed pursuant to division 111110  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 111111  
or rental installment shall be sourced pursuant to division (C) of 111112  
this section. Each subsequent installment shall be sourced to the 111113  
primary property location for the period covered by the 111114

installment. 111115

(3) As used in division (I) of this section, "primary 111116  
property location" means an address for tangible personal property 111117  
provided by the lessee or renter that is available to the lessor 111118  
or owner from its records maintained in the ordinary course of 111119  
business, when use of that address does not constitute bad faith. 111120

(J) If the vendor provides a service specified in division 111121  
(B)(11) of section 5739.01 of the Revised Code, the situs of the 111122  
sale is the location of the enrollee for whom a medicaid health 111123  
insurance corporation receives managed care premiums. Such sales 111124  
shall be sourced to the locations of the enrollees in the same 111125  
proportion as the managed care premiums received by the medicaid 111126  
health insuring corporation on behalf of enrollees located in a 111127  
particular taxing jurisdiction in Ohio as compared to all managed 111128  
care premiums received by the medicaid health insuring 111129  
corporation. 111130

**Section 110.21.** That the existing version of section 5739.033 111131  
of the Revised Code that is scheduled to take effect January 1, 111132  
2010, is hereby repealed. 111133

**Section 110.22.** Sections 110.20 and 110.21 of this act take 111134  
effect January 1, 2010. 111135

**Section 115.10.** That sections 5104.01 and 5104.38 of the 111136  
Revised Code be amended to read as follows: 111137

**Sec. 5104.01.** As used in this chapter: 111138

(A) "Administrator" means the person responsible for the 111139  
daily operation of a center or type A home. The administrator and 111140  
the owner may be the same person. 111141

(B) "Approved child day camp" means a child day camp approved 111142

pursuant to section 5104.22 of the Revised Code. 111143

(C) "Authorized provider" means a person authorized by a 111144  
county director of job and family services to operate a certified 111145  
type B family day-care home. 111146

(D) "Border state child care provider" means a child care 111147  
provider that is located in a state bordering Ohio and that is 111148  
licensed, certified, or otherwise approved by that state to 111149  
provide child care. 111150

(E) "Caretaker parent" means the father or mother of a child 111151  
whose presence in the home is needed as the caretaker of the 111152  
child, a person who has legal custody of a child and whose 111153  
presence in the home is needed as the caretaker of the child, a 111154  
guardian of a child whose presence in the home is needed as the 111155  
caretaker of the child, and any other person who stands in loco 111156  
parentis with respect to the child and whose presence in the home 111157  
is needed as the caretaker of the child. 111158

(F) "Certified type B family day-care home" and "certified 111159  
type B home" mean a type B family day-care home that is certified 111160  
by the director of the county department of job and family 111161  
services pursuant to section 5104.11 of the Revised Code to 111162  
receive public funds for providing child care pursuant to this 111163  
chapter and any rules adopted under it. 111164

(G) "Chartered nonpublic school" means a school that meets 111165  
standards for nonpublic schools prescribed by the state board of 111166  
education for nonpublic schools pursuant to section 3301.07 of the 111167  
Revised Code. 111168

(H) "Child" includes an infant, toddler, preschool child, or 111169  
school child. 111170

(I) "Child care block grant act" means the "Child Care and 111171  
Development Block Grant Act of 1990," established in section 5082 111172  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 111173

1388-236 (1990), 42 U.S.C. 9858, as amended. 111174

(J) "Child day camp" means a program in which only school 111175  
children attend or participate, that operates for no more than 111176  
seven hours per day, that operates only during one or more public 111177  
school district's regular vacation periods or for no more than 111178  
fifteen weeks during the summer, and that operates outdoor 111179  
activities for each child who attends or participates in the 111180  
program for a minimum of fifty per cent of each day that children 111181  
attend or participate in the program, except for any day when 111182  
hazardous weather conditions prevent the program from operating 111183  
outdoor activities for a minimum of fifty per cent of that day. 111184  
For purposes of this division, the maximum seven hours of 111185  
operation time does not include transportation time from a child's 111186  
home to a child day camp and from a child day camp to a child's 111187  
home. 111188

(K) "Child care" means administering to the needs of infants, 111189  
toddlers, preschool children, and school children outside of 111190  
school hours by persons other than their parents or guardians, 111191  
custodians, or relatives by blood, marriage, or adoption for any 111192  
part of the twenty-four-hour day in a place or residence other 111193  
than a child's own home. 111194

(L) "Child day-care center" and "center" mean any place in 111195  
which child care or publicly funded child care is provided for 111196  
thirteen or more children at one time or any place that is not the 111197  
permanent residence of the licensee or administrator in which 111198  
child care or publicly funded child care is provided for seven to 111199  
twelve children at one time. In counting children for the purposes 111200  
of this division, any children under six years of age who are 111201  
related to a licensee, administrator, or employee and who are on 111202  
the premises of the center shall be counted. "Child day-care 111203  
center" and "center" do not include any of the following: 111204

(1) A place located in and operated by a hospital, as defined 111205



in section 3727.01 of the Revised Code, in which the needs of 111206  
children are administered to, if all the children whose needs are 111207  
being administered to are monitored under the on-site supervision 111208  
of a physician licensed under Chapter 4731. of the Revised Code or 111209  
a registered nurse licensed under Chapter 4723. of the Revised 111210  
Code, and the services are provided only for children who, in the 111211  
opinion of the child's parent, guardian, or custodian, are 111212  
exhibiting symptoms of a communicable disease or other illness or 111213  
are injured; 111214

(2) A child day camp; 111215

(3) A place that provides child care, but not publicly funded 111216  
child care, if all of the following apply: 111217

(a) An organized religious body provides the child care; 111218

(b) A parent, custodian, or guardian of at least one child 111219  
receiving child care is on the premises and readily accessible at 111220  
all times; 111221

(c) The child care is not provided for more than thirty days 111222  
a year; 111223

(d) The child care is provided only for preschool and school 111224  
children. 111225

(M) "Child care resource and referral service organization" 111226  
means a community-based nonprofit organization that provides child 111227  
care resource and referral services but not child care. 111228

(N) "Child care resource and referral services" means all of 111229  
the following services: 111230

(1) Maintenance of a uniform data base of all child care 111231  
providers in the community that are in compliance with this 111232  
chapter, including current occupancy and vacancy data; 111233

(2) Provision of individualized consumer education to 111234  
families seeking child care; 111235

(3) Provision of timely referrals of available child care providers to families seeking child care;	111236 111237
(4) Recruitment of child care providers;	111238
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	111239 111240 111241 111242
(6) Collection and analysis of data on the supply of and demand for child care in the community;	111243 111244
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	111245 111246 111247
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	111248 111249 111250
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	111251 111252
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	111253 111254 111255 111256
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	111257 111258 111259 111260
(O) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	111261 111262 111263 111264 111265

(P) "Drop-in child day-care center," "drop-in center,"	111266
"drop-in type A family day-care home," and "drop-in type A home"	111267
mean a center or type A home that provides child care or publicly	111268
funded child care for children on a temporary, irregular basis.	111269
(Q) "Employee" means a person who either:	111270
(1) Receives compensation for duties performed in a child	111271
day-care center or type A family day-care home;	111272
(2) Is assigned specific working hours or duties in a child	111273
day-care center or type A family day-care home.	111274
(R) "Employer" means a person, firm, institution,	111275
organization, or agency that operates a child day-care center or	111276
type A family day-care home subject to licensure under this	111277
chapter.	111278
(S) "Federal poverty line" means the official poverty	111279
guideline as revised annually in accordance with section 673(2) of	111280
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42	111281
U.S.C. 9902, as amended, for a family size equal to the size of	111282
the family of the person whose income is being determined.	111283
(T) <del>"Full time week" means at least thirty two and one half</del>	111284
<del>hours and not more than sixty hours of care in a week for licensed</del>	111285
<del>child care centers and licensed type A homes and at least</del>	111286
<del>thirty two and one half hours and not more than fifty hours of</del>	111287
<del>care in a week for certified type B providers.</del>	111288
<del>(U)</del> "Head start program" means a comprehensive child	111289
development program that receives funds distributed under the	111290
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as	111291
amended, and is licensed as a child day-care center.	111292
<del>(V)</del> <u>(U)</u> "Income" means gross income, as defined in section	111293
5107.10 of the Revised Code, less any amounts required by federal	111294
statutes or regulations to be disregarded.	111295

~~(W)~~(V) "Indicator checklist" means an inspection tool, used 111296  
in conjunction with an instrument-based program monitoring 111297  
information system, that contains selected licensing requirements 111298  
that are statistically reliable indicators or predictors of a 111299  
child day-care center or type A family day-care home's compliance 111300  
with licensing requirements. 111301

~~(X)~~(W) "Infant" means a child who is less than eighteen 111302  
months of age. 111303

~~(Y)~~(X) "In-home aide" means a person who does not reside with 111304  
the child but provides care in the child's home and is certified 111305  
by a county director of job and family services pursuant to 111306  
section 5104.12 of the Revised Code to provide publicly funded 111307  
child care to a child in a child's own home pursuant to this 111308  
chapter and any rules adopted under it. 111309

~~(Z)~~(Y) "Instrument-based program monitoring information 111310  
system" means a method to assess compliance with licensing 111311  
requirements for child day-care centers and type A family day-care 111312  
homes in which each licensing requirement is assigned a weight 111313  
indicative of the relative importance of the requirement to the 111314  
health, growth, and safety of the children that is used to develop 111315  
an indicator checklist. 111316

~~(AA)~~(Z) "License capacity" means the maximum number in each 111317  
age category of children who may be cared for in a child day-care 111318  
center or type A family day-care home at one time as determined by 111319  
the director of job and family services considering building 111320  
occupancy limits established by the department of commerce, number 111321  
of available child-care staff members, amount of available indoor 111322  
floor space and outdoor play space, and amount of available play 111323  
equipment, materials, and supplies. 111324

~~(BB)~~(AA) "Licensed preschool program" or "licensed school 111325  
child program" means a preschool program or school child program, 111326

as defined in section 3301.52 of the Revised Code, that is 111327  
licensed by the department of education pursuant to sections 111328  
3301.52 to 3301.59 of the Revised Code. 111329

~~(CC)~~(BB) "Licensee" means the owner of a child day-care 111330  
center or type A family day-care home that is licensed pursuant to 111331  
this chapter and who is responsible for ensuring its compliance 111332  
with this chapter and rules adopted pursuant to this chapter. 111333

~~(DD)~~(CC) "Operate a child day camp" means to operate, 111334  
establish, manage, conduct, or maintain a child day camp. 111335

~~(EE)~~(DD) "Owner" includes a person, as defined in section 111336  
1.59 of the Revised Code, or government entity. 111337

~~(FF)~~(EE) "Parent cooperative child day-care center," "parent 111338  
cooperative center," "parent cooperative type A family day-care 111339  
home," and "parent cooperative type A home" mean a corporation or 111340  
association organized for providing educational services to the 111341  
children of members of the corporation or association, without 111342  
gain to the corporation or association as an entity, in which the 111343  
services of the corporation or association are provided only to 111344  
children of the members of the corporation or association, 111345  
ownership and control of the corporation or association rests 111346  
solely with the members of the corporation or association, and at 111347  
least one parent-member of the corporation or association is on 111348  
the premises of the center or type A home during its hours of 111349  
operation. 111350

~~(GG)~~(FF) "Part-time child day-care center," "part-time 111351  
center," "part-time type A family day-care home," and "part-time 111352  
type A home" mean a center or type A home that provides child care 111353  
or publicly funded child care for no more than four hours a day 111354  
for any child. 111355

~~(HH)~~(GG) "Place of worship" means a building where activities 111356  
of an organized religious group are conducted and includes the 111357

grounds and any other buildings on the grounds used for such 111358  
activities. 111359

~~(II)~~(HH) "Preschool child" means a child who is three years 111360  
old or older but is not a school child. 111361

~~(JJ)~~(II) "Protective child care" means publicly funded child 111362  
care for the direct care and protection of a child to whom either 111363  
of the following applies: 111364

(1) A case plan prepared and maintained for the child 111365  
pursuant to section 2151.412 of the Revised Code indicates a need 111366  
for protective care and the child resides with a parent, 111367  
stepparent, guardian, or another person who stands in loco 111368  
parentis as defined in rules adopted under section 5104.38 of the 111369  
Revised Code; 111370

(2) The child and the child's caretaker either temporarily 111371  
reside in a facility providing emergency shelter for homeless 111372  
families or are determined by the county department of job and 111373  
family services to be homeless, and are otherwise ineligible for 111374  
publicly funded child care. 111375

~~(KK)~~(JJ) "Publicly funded child care" means administering to 111376  
the needs of infants, toddlers, preschool children, and school 111377  
children under age thirteen during any part of the 111378  
twenty-four-hour day by persons other than their caretaker parents 111379  
for remuneration wholly or in part with federal or state funds, 111380  
including funds available under the child care block grant act, 111381  
Title IV-A, and Title XX, distributed by the department of job and 111382  
family services. 111383

~~(LL)~~(KK) "Religious activities" means any of the following: 111384  
worship or other religious services; religious instruction; Sunday 111385  
school classes or other religious classes conducted during or 111386  
prior to worship or other religious services; youth or adult 111387  
fellowship activities; choir or other musical group practices or 111388

programs; meals; festivals; or meetings conducted by an organized 111389  
religious group. 111390

~~(MM)~~(LL) "School child" means a child who is enrolled in or 111391  
is eligible to be enrolled in a grade of kindergarten or above but 111392  
is less than fifteen years old. 111393

~~(NN)~~(MM) "School child day-care center," "school child 111394  
center," "school child type A family day-care home," and "school 111395  
child type A family home" mean a center or type A home that 111396  
provides child care for school children only and that does either 111397  
or both of the following: 111398

(1) Operates only during that part of the day that 111399  
immediately precedes or follows the public school day of the 111400  
school district in which the center or type A home is located; 111401

(2) Operates only when the public schools in the school 111402  
district in which the center or type A home is located are not 111403  
open for instruction with pupils in attendance. 111404

~~(OO)~~(NN) "State median income" means the state median income 111405  
calculated by the department of development pursuant to division 111406  
(A)(1)(g) of section 5709.61 of the Revised Code. 111407

~~(PP)~~(OO) "Title IV-A" means Title IV-A of the "Social 111408  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 111409

~~(QQ)~~(PP) "Title XX" means Title XX of the "Social Security 111410  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 111411

~~(RR)~~(OO) "Toddler" means a child who is at least eighteen 111412  
months of age but less than three years of age. 111413

~~(SS)~~(RR) "Type A family day-care home" and "type A home" mean 111414  
a permanent residence of the administrator in which child care or 111415  
publicly funded child care is provided for seven to twelve 111416  
children at one time or a permanent residence of the administrator 111417  
in which child care is provided for four to twelve children at one 111418

time if four or more children at one time are under two years of 111419  
age. In counting children for the purposes of this division, any 111420  
children under six years of age who are related to a licensee, 111421  
administrator, or employee and who are on the premises of the type 111422  
A home shall be counted. "Type A family day-care home" and "type A 111423  
home" do not include any child day camp. 111424

~~(TT)~~(SS) "Type B family day-care home" and "type B home" mean 111425  
a permanent residence of the provider in which child care is 111426  
provided for one to six children at one time and in which no more 111427  
than three children are under two years of age at one time. In 111428  
counting children for the purposes of this division, any children 111429  
under six years of age who are related to the provider and who are 111430  
on the premises of the type B home shall be counted. "Type B 111431  
family day-care home" and "type B home" do not include any child 111432  
day camp. 111433

**Sec. 5104.38.** In addition to any other rules adopted under 111434  
this chapter, the director of job and family services shall adopt 111435  
rules in accordance with Chapter 119. of the Revised Code 111436  
governing financial and administrative requirements for publicly 111437  
funded child care and establishing all of the following: 111438

(A) Procedures and criteria to be used in making 111439  
determinations of eligibility for publicly funded child care that 111440  
give priority to children of families with lower incomes and 111441  
procedures and criteria for eligibility for publicly funded 111442  
protective child care. The rules shall specify the maximum amount 111443  
of income a family may have for initial and continued eligibility. 111444  
The maximum amount shall not exceed two hundred per cent of the 111445  
federal poverty line. 111446

(B) Procedures under which a county department of job and 111447  
family services may, if the department, under division (A) of this 111448  
section, specifies a maximum amount of income a family may have 111449



for eligibility for publicly funded child care that is less than 111450  
the maximum amount specified in that division, specify a maximum 111451  
amount of income a family residing in the county the county 111452  
department serves may have for initial and continued eligibility 111453  
for publicly funded child care that is higher than the amount 111454  
specified by the department but does not exceed the maximum amount 111455  
specified in division (A) of this section; 111456

(C) A schedule of fees requiring all eligible caretaker 111457  
parents to pay a fee for publicly funded child care according to 111458  
income and family size, which shall be uniform for all types of 111459  
publicly funded child care, except as authorized by rule, and, to 111460  
the extent permitted by federal law, shall permit the use of state 111461  
and federal funds to pay the customary deposits and other advance 111462  
payments that a provider charges all children who receive child 111463  
care from that provider. The schedule of fees may not provide for 111464  
a caretaker parent to pay a fee that exceeds ten per cent of the 111465  
parent's family income. 111466

(D) A formula based upon a percentage of the county's total 111467  
expenditures for publicly funded child care for determining the 111468  
maximum amount of state and federal funds appropriated for 111469  
publicly funded child care that a county department may use for 111470  
administrative purposes; 111471

(E) Procedures to be followed by the department and county 111472  
departments in recruiting individuals and groups to become 111473  
providers of child care; 111474

(F) Procedures to be followed in establishing state or local 111475  
programs designed to assist individuals who are eligible for 111476  
publicly funded child care in identifying the resources available 111477  
to them and to refer the individuals to appropriate sources to 111478  
obtain child care; 111479

(G) Procedures to deal with fraud and abuse committed by 111480

either recipients or providers of publicly funded child care; 111481

(H) Procedures for establishing a child care grant or loan 111482  
program in accordance with the child care block grant act; 111483

(I) Standards and procedures for applicants to apply for 111484  
grants and loans, and for the department to make grants and loans; 111485

(J) A definition of "person who stands in loco parentis" for 111486  
the purposes of division ~~(JJ)~~(II)(1) of section 5104.01 of the 111487  
Revised Code; 111488

(K) Procedures for a county department of job and family 111489  
services to follow in making eligibility determinations and 111490  
redeterminations for publicly funded child care available through 111491  
telephone, computer, and other means at locations other than the 111492  
county department; 111493

(L) Any other rules necessary to carry out sections 5104.30 111494  
to 5104.39 of the Revised Code. 111495

**Section 115.11.** That existing sections 5104.01 and 5104.38 of 111496  
the Revised Code are hereby repealed. 111497

**Section 115.12.** Sections 115.10 and 115.11 take effect July 111498  
1, 2011. 111499

**Section 125.10.** Sections 5112.40, 5112.41, 5112.42, 5112.43, 111500  
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the 111501  
Revised Code are hereby repealed, effective October 1, 2011. 111502

**Section 201.01.** Except as otherwise provided in this act, all 111503  
appropriation items in this act are appropriated out of any moneys 111504  
in the state treasury to the credit of the designated fund that 111505  
are not otherwise appropriated. For all appropriations made in 111506  
this act, the amounts in the first column are for fiscal year 2010 111507  
and the amounts in the second column are for fiscal year 2011. 111508

111509

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO

111510

General Services Fund Group

111511

4J80 889601 CPA Education \$ 325,000 \$ 325,000 111512

Assistance

4K90 889609 Operating Expenses \$ 1,117,000 \$ 1,117,000 111513

TOTAL GSF General Services Fund 111514

Group \$ 1,442,000 \$ 1,442,000 111515

TOTAL ALL BUDGET FUND GROUPS \$ 1,442,000 \$ 1,442,000 111516

**Section 205.10.** ADJ ADJUTANT GENERAL

111518

General Revenue Fund

111519

GRF 745401 Ohio Military Reserve \$ 13,675 \$ 13,675 111520

GRF 745404 Air National Guard \$ 2,010,606 \$ 2,010,606 111521

GRF 745407 National Guard \$ 500,000 \$ 500,000 111522

Benefits

GRF 745409 Central \$ 3,105,784 \$ 3,105,784 111523

Administration

GRF 745499 Army National Guard \$ 6,008,551 \$ 6,008,551 111524

TOTAL GRF General Revenue Fund \$ 11,638,616 \$ 11,638,616 111525

General Services Fund Group

111526

5340 745612 Property \$ 1,000,000 \$ 1,000,000 111527

Operations/Management

5360 745605 Marksmanship \$ 128,600 \$ 128,600 111528

Activities

5360 745620 Camp Perry/Buckeye \$ 1,502,970 \$ 1,502,970 111529

Inn Operations

5370 745604 Ohio National Guard \$ 269,826 \$ 269,826 111530

Facility Maintenance

TOTAL GSF General Services Fund \$ 2,901,396 \$ 2,901,396 111531

Group

Federal Special Revenue Fund Group					111532
3410 745615 Air National Guard	\$	2,777,692	\$	2,777,692	111533
Base Security					
3420 745616 Army National Guard	\$	10,970,050	\$	10,970,050	111534
Agreement					
3E80 745628 Air National Guard	\$	16,048,595	\$	16,048,595	111535
Agreement					
3R80 745603 Counter Drug	\$	25,000	\$	25,000	111536
Operations					
TOTAL FED Federal Special Revenue	\$	29,821,337	\$	29,821,337	111537
Fund Group					
State Special Revenue Fund Group					111538
5U80 745613 Community Match	\$	320,000	\$	345,600	111539
Armories					
TOTAL SSR State Special Revenue	\$	320,000	\$	345,600	111540
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	44,681,349	\$	44,706,949	111541
NATIONAL GUARD BENEFITS					111542
The foregoing appropriation item 745407, National Guard					111543
Benefits, shall be used for purposes of sections 5919.31 and					111544
5919.33 of the Revised Code, and for administrative costs of the					111545
associated programs.					111546
For active duty members of the Ohio National Guard who died					111547
after October 7, 2001, while performing active duty, the death					111548
benefit, pursuant to section 5919.33 of the Revised Code, shall be					111549
paid to the beneficiary or beneficiaries designated on the					111550
member's Servicemembers' Group Life Insurance Policy.					111551
STATE ACTIVE DUTY COSTS					111552
Of the foregoing appropriation item 745409, Central					111553
Administration, \$50,000 in each fiscal year shall be used for the					111554
purpose of paying expenses related to state active duty of members					111555

of the Ohio organized militia, in accordance with a proclamation 111556  
of the Governor. Expenses include, but are not limited to, the 111557  
cost of equipment, supplies, and services, as determined by the 111558  
Adjutant General's Department. 111559

**Section 205.20.** FUND ABOLITION 111560

On July 1, 2009, or as soon as possible thereafter, the 111561  
Director of Budget and Management, upon request by the Adjutant 111562  
General, shall transfer the cash balance in the Marksmanship 111563  
Activities Fund (Fund 5280) to the Camp Perry/Buckeye Inn 111564  
Operations Fund (Fund 5360). The Director shall cancel any 111565  
existing encumbrances against appropriation item 745645, 111566  
Marksmanship Activities, and re-establish them against 111567  
appropriation item 745620, Camp Perry/Buckeye Inn Operations. The 111568  
re-established encumbrance amounts are hereby appropriated. Upon 111569  
completion of the transfer, Fund 5280 is abolished. 111570

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 111571

General Revenue Fund 111572

GRF	100403	School Employees	\$	1,128,600	\$	1,128,600	111573
		Health Care Board					
GRF	100405	Agency Audit Expenses	\$	312,075	\$	312,075	111574
GRF	100415	OAKS Rental Payments	\$	18,607,000	\$	21,728,000	111575
GRF	100416	STARS Lease Rental	\$	4,977,600	\$	7,638,500	111576
		Payments					
GRF	100417	EEO Project Tracking	\$	0	\$	100,000	111577
		Software-Federal					
GRF	100418	Web Sites and Business	\$	3,843,074	\$	3,143,076	111578
		Gateway					
GRF	100419	IT Security	\$	1,211,250	\$	1,211,250	111579
		Infrastructure					
GRF	100421	OAKS Project	\$	202,500	\$	202,500	111580

		Implementation				
GRF	100422	Croscon Disparity Study	\$	500,000	\$	500,000 111581
GRF	100433	State of Ohio Computer Center	\$	6,736,752	\$	6,736,752 111582
GRF	100439	Equal Opportunity Certification Programs	\$	712,724	\$	712,724 111583
GRF	100447	OBA - Building Rent Payments	\$	102,635,400	\$	97,712,600 111584
GRF	100448	OBA - Building Operating Payments	\$	25,603,000	\$	25,603,000 111585
GRF	100449	DAS - Building Operating Payments	\$	3,271,384	\$	3,271,384 111586
GRF	100451	Minority Affairs	\$	50,016	\$	50,016 111587
GRF	100734	Major Maintenance - State Buildings	\$	37,800	\$	37,800 111588
GRF	102321	Construction Compliance	\$	1,108,744	\$	1,108,744 111589
GRF	130321	State Agency Support Services	\$	4,039,578	\$	4,039,578 111590
TOTAL GRF		General Revenue Fund	\$	174,977,497	\$	175,236,599 111591
		General Services Fund Group				111592
1120	100616	DAS Administration	\$	5,299,427	\$	5,299,427 111593
1150	100632	Central Service Agency	\$	928,403	\$	928,403 111594
1170	100644	General Services Division - Operating	\$	14,384,751	\$	14,574,622 111595
1220	100637	Fleet Management	\$	2,032,968	\$	2,032,968 111596
1250	100622	Human Resources Division - Operating	\$	27,162,320	\$	27,998,410 111597
1280	100620	Collective Bargaining	\$	3,662,534	\$	3,662,534 111598
1300	100606	Risk Management Reserve	\$	5,568,548	\$	5,568,548 111599
1310	100639	State Architect's Office	\$	8,292,759	\$	8,331,498 111600

1320	100631	DAS Building Management	\$	10,166,228	\$	10,166,228	111601
1330	100607	IT Services Delivery	\$	78,582,948	\$	77,067,948	111602
1880	100649	Equal Opportunity Division - Operating	\$	1,384,650	\$	1,384,650	111603
2100	100612	State Printing	\$	17,224,494	\$	17,263,080	111604
2290	100630	IT Governance	\$	15,431,411	\$	15,743,306	111605
2290	100640	Leveraged Enterprise Purchases	\$	10,000,000	\$	10,000,000	111606
4270	100602	Investment Recovery	\$	5,683,564	\$	5,683,564	111607
4N60	100617	Major IT Purchases	\$	8,460,134	\$	1,950,000	111608
4P30	100603	DAS Information Services	\$	4,958,218	\$	4,958,218	111609
5C20	100605	MARCS Administration	\$	15,852,314	\$	16,363,179	111610
5C30	100608	Skilled Trades	\$	934,982	\$	934,982	111611
5DQ0	100638	Administrative Hearings	\$	200,000	\$	200,000	111612
5EB0	100635	OAKS Support Organization	\$	16,726,421	\$	18,384,412	111613
5L70	100610	Professional Development	\$	3,900,000	\$	3,900,000	111614
5V60	100619	Employee Educational Development	\$	936,129	\$	936,129	111615
5X30	100634	Centralized Gateway Enhancement	\$	3,676,956	\$	2,052,308	111616
TOTAL	GSF	General Services Fund					111617
Group			\$	261,450,159	\$	255,384,414	111618
TOTAL	ALL	BUDGET FUND GROUPS	\$	436,427,656	\$	430,621,013	111619

**Section 207.10.05. SCHOOL EMPLOYEES HEALTH CARE BOARD** 111621

The foregoing appropriation item 100403, School Employees 111622  
Health Care Board, shall be used by the School Employees Health 111623  
Care Board to hire staff to provide administrative support to the 111624

Board as the Board carries out its duties under section 9.901 of 111625  
the Revised Code. 111626

**Section 207.10.10. AGENCY AUDIT EXPENSES** 111627

The foregoing appropriation item 100405, Agency Audit 111628  
Expenses, shall be used for auditing expenses designated in 111629  
division (A)(1) of section 117.13 of the Revised Code for those 111630  
state agencies audited on a biennial basis. 111631

**Section 207.10.20. OAKS RENTAL PAYMENTS** 111632

The foregoing appropriation item 100415, OAKS Rental 111633  
Payments, shall be used for payments for the period from July 1, 111634  
2009, through June 30, 2011, pursuant to leases and agreements 111635  
entered into under Chapter 125. of the Revised Code, as 111636  
supplemented by Section 503.10 of Am. Sub. H.B. 496 and Section 111637  
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly with 111638  
respect to financing the costs associated with the acquisition, 111639  
development, installation, and implementation of the Ohio 111640  
Administrative Knowledge System. If it is determined that 111641  
additional appropriations are necessary for this purpose, the 111642  
amounts are hereby appropriated. 111643

**Section 207.10.30. STATE TAXATION ACCOUNTING AND REVENUE** 111644  
**SYSTEM** 111645

The Office of Information Technology, in conjunction with the 111646  
Department of Taxation, may acquire the State Taxation Accounting 111647  
and Revenue System (STARS) pursuant to Chapter 125. of the Revised 111648  
Code, including, but not limited to, the application software and 111649  
installation and implementation thereof, for the use of the 111650  
Department of Taxation. STARS is an integrated tax collection and 111651  
audit system that will replace all of the state's existing 111652  
separate tax software and administration systems for the various 111653



taxes collected by the state. Any lease-purchase arrangement used 111654  
under Chapter 125. of the Revised Code to acquire STARS, including 111655  
any fractionalized interests therein as defined in division (N) of 111656  
section 133.01 of the Revised Code, shall provide that at the end 111657  
of the lease period, STARS becomes the property of the state. 111658  
111659

**Section 207.10.40. STARS LEASE RENTAL PAYMENTS** 111660

The foregoing appropriation item 100416, STARS Lease Rental 111661  
Payments, shall be used for payments for the period from July 1, 111662  
2009, through June 30, 2011, pursuant to leases and agreements 111663  
entered into under Chapter 125. of the Revised Code, as 111664  
supplemented by Section 757.10 of Am. Sub. H.B. 119 of the 127th 111665  
General Assembly, with respect to financing the cost associated 111666  
with the acquisition, development, installation, and 111667  
implementation of the State Taxation Accounting and Revenue System 111668  
(STARS). If it is determined that additional appropriations are 111669  
necessary for this purpose, the amounts are appropriated. 111670

**Section 207.10.45. WEB SITES AND BUSINESS GATEWAY** 111671

Of the foregoing appropriation item 100418, Web Sites and 111672  
Business Gateway, \$900,000 in fiscal year 2010 and \$200,000 in 111673  
fiscal year 2011 shall be used by the Department of Administrative 111674  
Services to develop and maintain the web site required under 111675  
section 125.20 of the Revised Code. 111676

**Section 207.10.50. BUILDING RENT PAYMENTS** 111677

The foregoing appropriation item 100447, OBA - Building Rent 111678  
Payments, shall be used to meet all payments at the times they are 111679  
required to be made during the period from July 1, 2009, to June 111680  
30, 2011, by the Department of Administrative Services to the Ohio 111681  
Building Authority pursuant to leases and agreements under Chapter 111682

152. of the Revised Code. These appropriations are the source of 111683  
funds pledged for bond service charges on obligations issued 111684  
pursuant to Chapter 152. of the Revised Code. 111685

The foregoing appropriation item 100448, OBA - Building 111686  
Operating Payments, shall be used to meet all payments at the 111687  
times that they are required to be made during the period from 111688  
July 1, 2009, to June 30, 2011, by the Department of 111689  
Administrative Services to the Ohio Building Authority pursuant to 111690  
leases and agreements under Chapter 152. of the Revised Code, but 111691  
limited to the aggregate amount of \$51,206,000. 111692

The payments to the Ohio Building Authority are for paying 111693  
the expenses of agencies that occupy space in various state 111694  
facilities. The Department of Administrative Services may enter 111695  
into leases and agreements with the Ohio Building Authority 111696  
providing for the payment of these expenses. The Ohio Building 111697  
Authority shall report to the Department of Administrative 111698  
Services and the Office of Budget and Management not later than 111699  
five months after the start of each fiscal year the actual 111700  
expenses incurred by the Ohio Building Authority in operating the 111701  
facilities and any balances remaining from payments and rentals 111702  
received in the prior fiscal year. The Department of 111703  
Administrative Services shall reduce subsequent payments by the 111704  
amount of the balance reported to it by the Ohio Building 111705  
Authority. 111706

**Section 207.10.60. DAS - BUILDING OPERATING PAYMENTS** 111707

The foregoing appropriation item 100449, DAS - Building 111708  
Operating Payments, shall be used to pay the rent expenses of 111709  
veterans organizations pursuant to section 123.024 of the Revised 111710  
Code in fiscal years 2010 and 2011. 111711

The foregoing appropriation item, 100449, DAS - Building 111712  
Operating Payments, also may be used to provide funding for the 111713

cost of property appraisals or building studies that the 111714  
Department of Administrative Services may be required to obtain 111715  
for property that is being sold by the state or property under 111716  
consideration to be renovated or purchased by the state. 111717

Notwithstanding section 125.28 of the Revised Code, the 111718  
remaining portion of the appropriation may be used to pay the 111719  
operating expenses of state facilities maintained by the 111720  
Department of Administrative Services that are not billed to 111721  
building tenants. These expenses may include, but are not limited 111722  
to, the costs for vacant space and space undergoing renovation, 111723  
and the rent expenses of tenants that are relocated because of 111724  
building renovations. These payments shall be processed by the 111725  
Department of Administrative Services through intrastate transfer 111726  
vouchers and placed in the Building Management Fund (Fund 1320). 111727

Notwithstanding division (A)(1) of section 125.28 of the 111728  
Revised Code, the Department of Administrative Services may use 111729  
the Building Management Fund (Fund 1320) to support utility costs 111730  
at the State of Ohio Computer Center that exceed the available 111731  
appropriation in appropriation item 100433, State of Ohio Computer 111732  
Center. 111733

**Section 207.10.70. CENTRAL SERVICE AGENCY FUND** 111734

The appropriation item 100632, Central Service Agency, shall 111735  
be used to purchase the equipment, products, and services that are 111736  
needed to maintain automated applications for the professional 111737  
licensing boards and to support board licensing functions in 111738  
fiscal years 2010 and 2011. The Department of Administrative 111739  
Services shall establish charges for recovering the costs of 111740  
carrying out these functions. The charges shall be billed to the 111741  
professional licensing boards and deposited via intrastate 111742  
transfer vouchers to the credit of the Central Service Agency Fund 111743  
(Fund 1150). Total Department of Administrative Services charges 111744

for the maintenance and support of the licensing system shall not 111745  
exceed \$363,678 in each fiscal year of the biennium. 111746

**Section 207.10.80. CENTRAL SERVICE AGENCY CONSOLIDATION 111747**  
INITIATIVE 111748

Of the foregoing appropriation item 130321, State Agency 111749  
Support Services, \$308,230 in fiscal year 2010 and \$235,230 in 111750  
fiscal year 2011 shall be used by the Department of Administrative 111751  
Services for the Central Service Agency Consolidation initiative. 111752

**Section 207.10.90. EXPANDED FUNCTIONS OF THE CENTRAL SERVICE 111753**  
AGENCY 111754

Notwithstanding any contrary provision of law, on July 1, 111755  
2009, or as soon as possible thereafter, the Central Service 111756  
Agency shall review the services the Agency performs on behalf of 111757  
the boards and commissions named in division (A) of section 125.22 111758  
of the Revised Code and the fiscal condition of those boards and 111759  
commissions with those boards and commissions. The Agency, in 111760  
consultation with the boards and commissions, shall thereafter 111761  
provide recommendations to the Director of Budget and Management 111762  
regarding consolidation of human resources, fiscal, and 111763  
information technology functions to achieve administrative cost 111764  
savings and efficiency. The Agency shall develop and enter into 111765  
service level agreements and agency specific addendums thereto 111766  
with the boards and commissions named in division (A) of section 111767  
125.22 of the Revised Code. The Agency and the boards and 111768  
commissions shall develop a resolution process for settling any 111769  
disagreements. The resolution process shall be included in the 111770  
service level agreements. The service level agreements, and any 111771  
board and commission specific addendums thereto, shall be signed 111772  
by a representative of the board or commission and the Agency. An 111773  
agreement or addendum may require the transfer of the board's or 111774

commission's employees and assets and may require the boards and 111775  
commissions to enter into agreements to share office equipment, 111776  
office space, or other assets to the extent such an agreement 111777  
would create efficiencies or savings in human resources, fiscal, 111778  
or information technology expenses. 111779

This section shall not be interpreted as a grant of authority 111780  
to the Agency to supersede or replace the boards or commissions in 111781  
the performance of their respective statutory duties, but shall be 111782  
interpreted to focus on functions that are not evident to the 111783  
licensees of the boards and commissions, registrants, or customers 111784  
and so as not to interfere with the protection of the public. 111785  
111786

The Director of Budget and Management shall take budget 111787  
actions necessary to implement the service level agreements and 111788  
addendums thereto signed by the respective boards and commissions 111789  
and the Agency. The Director of Administrative Services shall 111790  
ensure that the service level agreements and addendums thereto are 111791  
properly implemented. 111792

**Section 207.20.10. GENERAL SERVICE CHARGES** 111793

The Department of Administrative Services, with the approval 111794  
of the Director of Budget and Management, shall establish charges 111795  
for recovering the costs of administering the programs funded by 111796  
the General Services Fund (Fund 1170) and the State Printing Fund 111797  
(Fund 2100). Such charges within Fund 1170 may be used to recover 111798  
the cost of paying a vendor to establish reduced pricing for 111799  
contracted supplies or services. 111800

If the Director of Administrative Services determines that 111801  
additional amounts are necessary to pay for consulting and 111802  
administrative costs related to securing lower pricing, the 111803  
Director of Administrative Services may request that the Director 111804  
of Budget and Management approve additional expenditures. Such 111805

approved additional amounts are appropriated to appropriation item 111806  
100644, General Services Division-Operating. 111807

**Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 111808  
111809

With approval of the Director of Budget and Management, the 111810  
Department of Administrative Services may seek reimbursement from 111811  
state agencies for the actual costs and expenses the Department 111812  
incurs in the collective bargaining arbitration process. The 111813  
reimbursements shall be processed through intrastate transfer 111814  
vouchers and credited to the Collective Bargaining Fund (Fund 111815  
1280). 111816

**Section 207.20.30. BROADBAND OHIO** 111817

Any unencumbered, unexpended amounts of the foregoing 111818  
appropriation item 100607, IT Services Delivery, that were 111819  
allocated for implementation of the NextGen Network in fiscal 111820  
years 2008 and 2009 are hereby reappropriated for the same purpose 111821  
in fiscal years 2010 and 2011. 111822

**Section 207.20.40. EQUAL OPPORTUNITY PROGRAM** 111823

The Department of Administrative Services, with the approval 111824  
of the Director of Budget and Management, shall establish charges 111825  
for recovering the costs of administering the activities supported 111826  
by the State EEO Fund (Fund 1880). These charges shall be 111827  
deposited to the credit of the State EEO Fund (Fund 1880) upon 111828  
payment made by state agencies, state-supported or state-assisted 111829  
institutions of higher education, and tax-supported agencies, 111830  
municipal corporations, and other political subdivisions of the 111831  
state, for services rendered. 111832

**Section 207.20.50. MERCHANDISE RESALE FUND ABOLISHMENT** 111833

On July 1, 2009, or as soon as possible thereafter, the 111834  
Director of Budget and Management shall transfer the cash balance, 111835  
functions, assets, and liabilities of the Merchandise Resale Fund 111836  
(Fund 2010) to the State Printing Fund (Fund 2100). The Director 111837  
of Budget and Management shall cancel any existing encumbrances 111838  
against appropriation item 100653, General Services Resale 111839  
Merchandise, and re-establish them against appropriation item 111840  
100612, State Printing. The re-established encumbrances are 111841  
appropriated. Upon completion of the transfer, Fund 2010 is 111842  
abolished. 111843

The State Printing Fund is thereupon and thereafter successor 111844  
to, assumes the obligations of, and otherwise constitutes the 111845  
continuation of the Merchandise Resale Fund. Any business 111846  
commenced but not completed pertaining to the Merchandise for 111847  
Resale Fund by July 1, 2009, shall be completed within the State 111848  
Printing Fund in the same manner and with the same effect as if it 111849  
were completed within the Merchandise for Resale Fund. All of the 111850  
rules, orders, and determinations associated with the Merchandise 111851  
for Resale Fund continue in effect as rules, orders, and 111852  
determinations associated with the State Printing Fund until 111853  
modified or rescinded by the Director of Administrative Services. 111854  
If necessary to ensure the integrity of the Administrative Code, 111855  
the Director of the Legislative Service Commission shall renumber 111856  
the rules relating to the Merchandise for Resale Fund to reflect 111857  
its transfer to the State Printing Fund. 111858

On and after July 1, 2009, when the Merchandise for Resale 111859  
Fund is referred to in any statute, rule, contract, grant or other 111860  
document, the reference is hereby deemed to refer to the State 111861  
Printing Fund. 111862

**Section 207.20.60. LEVERAGED ENTERPRISE PURCHASE PROGRAM** 111863  
FUNDING 111864

The foregoing appropriation item 100640, Leveraged Enterprise Purchases, may be used by the Director of Administrative Services to operate a Leveraged Enterprise Purchases Program to make enterprise-wide information technology purchases. The Director of Administrative Services may recover the cost of operating such a program from all participating government entities through intrastate transfer voucher billings for each applicable procurement, or the Director may use any pass-through billing method agreed to by the Director of Administrative Services, the Director of Budget and Management, and the participating government entities that will receive the applicable procurement. If the Director of Administrative Services chooses to recover the costs through intrastate transfer voucher billings, the participating government entities shall process the intrastate transfer vouchers to pay for the cost.

Amounts received under this section for the Leveraged Enterprise Purchases Program shall be deposited to the credit of the IT Governance Fund (Fund 2290).

**Section 207.20.70. INFORMATION TECHNOLOGY ASSESSMENT**

The Director of Administrative Services, with the approval of the Director of Budget and Management, may establish an information technology assessment for the purpose of recovering the cost of selected infrastructure and statewide programs. The information technology assessment shall be charged to all organized bodies, offices, or agencies established by the laws of the state for the exercise of any function of state government except for the General Assembly, any legislative agency, the Supreme Court, the other courts of record in Ohio, or any judicial agency, the Adjutant General, the Bureau of Workers' Compensation, and institutions administered by a board of trustees. Any state-entity exempted by this section may use the infrastructure



or statewide program by participating in the information 111896  
technology assessment. All charges for the information technology 111897  
assessment shall be deposited to the credit of the IT Governance 111898  
Fund (Fund 2290). 111899

**Section 207.20.80. INVESTMENT RECOVERY FUND** 111900

Notwithstanding division (B) of section 125.14 of the Revised 111901  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 111902  
may be used to support the operating expenses of the Federal 111903  
Surplus Operating Program created in sections 125.84 to 125.90 of 111904  
the Revised Code. 111905

Notwithstanding division (B) of section 125.14 of the Revised 111906  
Code, cash balances in the Investment Recovery Fund may be used to 111907  
support the operating expenses of the Asset Management Services 111908  
Program, including, but not limited to, the cost of establishing 111909  
and maintaining procedures for inventory records for state 111910  
property as described in section 125.16 of the Revised Code. 111911

Of the foregoing appropriation item 100602, Investment 111912  
Recovery, up to \$2,093,564 in fiscal year 2010 and up to 111913  
\$2,107,388 in fiscal year 2011 shall be used to pay the operating 111914  
expenses of the State Surplus Property Program, the Surplus 111915  
Federal Property Program, and the Asset Management Services 111916  
Program under Chapter 125. of the Revised Code and this section. 111917  
If additional appropriations are necessary for the operations of 111918  
these programs, the Director of Administrative Services shall seek 111919  
increased appropriations from the Controlling Board under section 111920  
131.35 of the Revised Code. 111921

Of the foregoing appropriation item 100602, Investment 111922  
Recovery, \$3,590,000 in fiscal year 2010 and \$3,576,176 in fiscal 111923  
year 2011 shall be used to transfer proceeds from the sale of 111924  
surplus property from the Investment Recovery Fund to non-General 111925  
Revenue Funds under division (A)(2) of section 125.14 of the 111926

Revised Code. If it is determined by the Director of 111927  
Administrative Services that additional amounts are necessary for 111928  
the transfer of such sale proceeds, the Director of Administrative 111929  
Services may request the Director of Budget and Management to 111930  
authorize additional amounts. Such authorized additional amounts 111931  
are hereby appropriated. 111932

**Section 207.20.90. DAS INFORMATION SERVICES** 111933

There is hereby established in the State Treasury the DAS 111934  
Information Services Fund. The foregoing appropriation item 111935  
100603, DAS Information Services, shall be used to pay the costs 111936  
of providing information systems and services in the Department of 111937  
Administrative Services. Any state agency, board, or commission 111938  
may use DAS Information Services by paying for the services 111939  
rendered. 111940

The Department of Administrative Services shall establish 111941  
user charges for all information systems and services that are 111942  
allowable in the statewide indirect cost allocation plan submitted 111943  
annually to the United States Department of Health and Human 111944  
Services. These charges shall comply with federal regulations and 111945  
shall be deposited to the credit of the DAS Information Services 111946  
Fund (Fund 4P30). 111947

**Section 207.30.10. ADMINISTRATIVE HEARINGS** 111948

There is hereby created in the State Treasury the 111949  
Administrative Hearings Fund (Fund 5DQ0). The fund shall be under 111950  
the supervision of the Department of Administrative Services and 111951  
shall be used to pay the costs of operating shared, centralized 111952  
administrative-adjudicatory services in the Department of 111953  
Administrative Services. Money collected from charges to state 111954  
agencies for adjudicatory services provided by the Department of 111955  
Administrative Services shall be credited to the fund. The 111956

foregoing appropriation item 100638, Administrative Hearings, 111957  
shall be used to make payments from the fund. 111958

With the approval of the Director of Budget and Management, 111959  
the Department of Administrative Services shall establish user 111960  
charges to recover the costs of providing adjudicatory services in 111961  
fiscal years 2010 and 2011. The charges shall be established at 111962  
amounts sufficient to pay the costs of providing services and an 111963  
amount to provide operating cash flow for the fund. The charges 111964  
shall be billed to state agencies that receive 111965  
administrative-adjudicatory services and deposited via intrastate 111966  
transfer vouchers to the credit of the Administrative Hearings 111967  
Fund (Fund 5DQ0). 111968

The Director of Administrative Services shall submit a 111969  
spending plan to the Director of Budget and Management to justify 111970  
operating transfers to Fund 5DQ0 from the operating funds of state 111971  
agencies that receive administrative-adjudicatory services. The 111972  
spending plan shall identify the state agencies participating in 111973  
the initial receipt of administrative-adjudicatory services, the 111974  
proportion of services to be received by each agency, and the 111975  
funding source from which the operating transfer shall be made. 111976  
Upon approval of the plan, the Director of Budget and Management 111977  
may transfer an amount in cash, not to exceed a total of \$200,000, 111978  
from the funds identified in the plan to Fund 5DQ0. The amounts 111979  
shall support the establishment of an Office of Administrative 111980  
Hearings. 111981

The Director of Administrative Services shall prepare a plan 111982  
for the return of cash balances transferred from the operating 111983  
funds of state agencies that receive administrative-adjudicatory 111984  
services under this section. This plan shall be submitted to the 111985  
Director of Budget and Management when the Department of 111986  
Administrative Services files with the Director of Budget and 111987  
Management its estimate of proposed expenditures for the biennium 111988

beginning July 1, 2011. Upon approval of the plan, the Director of 111989  
Budget and Management shall make the cash transfers specified in 111990  
the plan. 111991

**Section 207.30.30. CASH TRANSFER TO OAKS SUPPORT ORGANIZATION 111992**  
FUND 111993

The Director of Budget and Management may transfer 111994  
\$1,317,922.16 in cash from the IT Services Delivery Fund (Fund 111995  
1330) to the OAKS Support Organization Fund (5EB0) to correct an 111996  
intrastate transfer voucher from the Department of Administrative 111997  
Services that was deposited in the IT Services Delivery Fund. 111998

**Section 207.30.40. PROFESSIONAL DEVELOPMENT FUND 111999**

The foregoing appropriation item 100610, Professional 112000  
Development, shall be used to make payments from the Professional 112001  
Development Fund (Fund 5L70) under section 124.182 of the Revised 112002  
Code. 112003

**Section 207.30.50. EMPLOYEE EDUCATIONAL DEVELOPMENT 112004**

The foregoing appropriation item 100619, Employee Educational 112005  
Development, shall be used to make payments from the Employee 112006  
Educational Development Fund (Fund 5V60) under section 124.86 of 112007  
the Revised Code. The fund shall be used to pay the costs of 112008  
administering educational programs under existing collective 112009  
bargaining agreements with District 1199, the Health Care and 112010  
Social Service Union; State Council of Professional Educators; 112011  
Ohio Education Association and National Education Association; the 112012  
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 112013  
State Troopers Association, Units 1 and 15. 112014

If it is determined by the Director of Administrative 112015  
Services that additional amounts are necessary, the Director of 112016  
Administrative Services may request that the Director of Budget 112017

and Management approve additional amounts. Such approved 112018  
additional amounts are hereby appropriated. 112019

**Section 207.30.60. CENTRALIZED GATEWAY ENHANCEMENT FUND** 112020

(A) As used in this section, "Ohio Business Gateway" refers 112021  
to the internet-based system operated by the Department of 112022  
Administrative Services with the advice of the Ohio Business 112023  
Gateway Steering Committee established under section 5703.57 of 112024  
the Revised Code. The Ohio Business Gateway is established to 112025  
provide businesses a central web site where various filings and 112026  
payments are submitted on-line to government. The information is 112027  
then distributed to the various government entities that interact 112028  
with the business community. 112029

(B) As used in this section: 112030

(1) "State Portal" refers to the official web site of the 112031  
state, operated by the Department of Administrative Services. 112032

(2) "Shared Hosting Environment" refers to the computerized 112033  
system operated by the Department of Administrative Services for 112034  
the purpose of providing capability for state agencies to host web 112035  
sites. 112036

(C) There is hereby created in the state treasury the 112037  
Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing 112038  
appropriation item 100634, Centralized Gateway Enhancement, shall 112039  
be used by the Department of Administrative Services to pay the 112040  
costs of enhancing, expanding, and operating the infrastructure of 112041  
the Ohio Business Gateway, State Portal, and Shared Hosting 112042  
Environment. The Director of Administrative Services shall submit 112043  
spending plans to the Director of Budget and Management to justify 112044  
operating transfers to the fund from the General Revenue Fund. 112045  
Upon approval, the Director of Budget and Management shall 112046  
transfer approved amounts to the fund, not to exceed the amount of 112047

the annual appropriation in each fiscal year. The spending plans 112048  
may be based on the recommendations of the Ohio Business Gateway 112049  
Steering Committee or its successor. 112050

**Section 207.30.70. MAJOR IT PURCHASES AND CONTRACTS** 112051

The Director of Administrative Services shall compute the 112052  
amount of revenue attributable to the amortization of all 112053  
equipment purchases and capitalized systems from appropriation 112054  
item 100607, IT Services Delivery; appropriation item 100617, 112055  
Major IT Purchases; and appropriation item C10014, Major Computer 112056  
Purchases, which is recovered by the Department of Administrative 112057  
Services as part of the rates charged by the IT Service Delivery 112058  
Fund (Fund 1330) created in section 125.15 of the Revised Code. 112059  
The Director of Budget and Management may transfer cash in an 112060  
amount not to exceed the amount of amortization computed from the 112061  
IT Service Delivery Fund (Fund 1330) to the Major IT Purchases 112062  
Fund (Fund 4N60). 112063

**Section 207.30.80. CASH TRANSFERS FROM THE MAJOR IT PURCHASES** 112064  
**FUND** 112065

Upon request of the Director of Administrative Services, the 112066  
Director of Budget and Management may make the following transfers 112067  
from the Major IT Purchases Fund (Fund 4N60): 112068

(1) Up to \$2,800,000 in each fiscal year of the biennium to 112069  
the State Architect's Fund (Fund 1310) to support the OAKS Capital 112070  
Improvements Module and other costs of the State Architect's 112071  
Office that are not directly related to capital projects managed 112072  
by the State Architect; 112073

(2) Up to \$457,467 in fiscal year 2010 and up to \$471,630 in 112074  
fiscal year 2011 to the Director's Office Fund (Fund 1120) to 112075  
support operating expenses of the Accountability and Results 112076  
Initiative; 112077

(3) Up to \$4,000,000 in fiscal year 2010 and up to \$1,000,000 112078  
in fiscal year 2011 to the OAKS Support Organization Fund (Fund 112079  
5EB0) to support OAKS operating costs not billed to the Office of 112080  
Budget and Management's Accounting and Budgeting Fund (Fund 1050), 112081  
to the Department of Administrative Services' Human Resources 112082  
Services Fund (Fund 1250), or paid from other funds of the 112083  
Department of Administrative Services; and 112084

(4) Up to \$639,945 in each fiscal year of the biennium to the 112085  
General Revenue Fund. 112086

Upon approval of the Director of Budget and Management, the 112087  
transferred amounts to non-GRF funds are appropriated in the 112088  
designated fiscal years to the following appropriation items: 112089  
100639, State Architect's Office (Fund 1310) in each fiscal year 112090  
2010 and fiscal year 2011; 100616, DAS Administration (Fund 1120) 112091  
in both fiscal year 2010 and fiscal year 2011; and 100635, OAKS 112092  
Support Organization (Fund 5EB0) in fiscal year 2010 only. 112093

**Section 207.30.90. CORRECTIVE CASH TRANSFER TO INFORMATION 112094**  
TECHNOLOGY FUND 112095

On July 1, 2009, or as soon as possible thereafter, the 112096  
Director of Budget and Management shall transfer \$7,768.37 in cash 112097  
from the Unemployment Compensation Fund (Fund 1130) to the 112098  
Information Technology Fund (Fund 1330). This transfer corrects a 112099  
deposit of revenue that was made to Fund 1130. Upon completion of 112100  
the transfer, Fund 1130 is abolished. 112101

**Section 207.40.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 112102**  
DEBT SERVICE PAYMENTS 112103

The Director of Administrative Services, in consultation with 112104  
the Multi-Agency Radio Communication System (MARCS) Steering 112105  
Committee and the Director of Budget and Management, shall 112106  
determine the share of debt service payments attributable to 112107

spending for MARCS components that are not specific to any one 112108  
agency and that shall be charged to agencies supported by the 112109  
motor fuel tax. Such share of debt service payments shall be 112110  
calculated for MARCS capital disbursements made beginning July 1, 112111  
1997. Within thirty days of any payment made from appropriation 112112  
item 100447, OBA - Building Rent Payments, the Director of 112113  
Administrative Services shall certify to the Director of Budget 112114  
and Management the amount of this share. The Director of Budget 112115  
and Management shall transfer such amounts to the General Revenue 112116  
Fund from the State Highway Safety Fund (Fund 7036) established in 112117  
section 4501.06 of the Revised Code. 112118

The Director of Administrative Services shall consider 112119  
renting or leasing existing tower sites at reasonable or current 112120  
market rates, so long as these existing sites are equipped with 112121  
the technical capabilities to support the MARCS project. 112122

**Section 207.40.20. ACCOUNTABILITY AND RESULTS FUND** 112123

There is hereby created in the state treasury the 112124  
Accountability and Results Fund (Fund 5GD0) for use by the 112125  
Department of Administrative Services. The Accountability and 112126  
Results Fund shall consist of gifts, grants, devises, bequests, 112127  
and other financial contributions made to the Department of 112128  
Administrative Services for the purchase of services, supplies, or 112129  
equipment for the Accountability and Results Initiative. All 112130  
investment earnings of the fund shall be credited to the fund. 112131

**Section 207.40.30. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY** 112132

Whenever the Director of Administrative Services declares a 112133  
"public exigency," as provided in division (C) of section 123.15 112134  
of the Revised Code, the Director shall also notify the members of 112135  
the Controlling Board. 112136



<b>Section 207.40.40.</b>				GRF TRANSFER TO STATE EQUAL EMPLOYMENT	112137
OPPORTUNITY FUND					112138
On July 1 of each fiscal year, or as soon as possible					112139
thereafter, the Director of Budget and Management shall transfer					112140
\$500,000 cash from the General Revenue Fund to the State Equal					112141
Employment Opportunity Fund (Fund 1880) used by the Department of					112142
Administrative Services.					112143
 <b>Section 209.10.</b>				AGE DEPARTMENT OF AGING	112144
General Revenue Fund					112145
GRF	490321	Operating Expenses	\$ 2,109,817	\$ 2,109,817	112146
GRF	490409	AmeriCorps Operations	\$ 147,034	\$ 147,034	112147
GRF	490410	Long-Term Care	\$ 535,857	\$ 535,857	112148
Ombudsman					
GRF	490411	Senior Community	\$ 8,434,134	\$ 8,434,134	112149
Services					
GRF	490412	Residential State	\$ 7,325,417	\$ 7,325,417	112150
Supplement					
GRF	490414	Alzheimer's Respite	\$ 3,644,277	\$ 3,685,593	112151
GRF	490416	JCFS Community	\$ 240,000	\$ 240,000	112152
Options					
GRF	490423	Long Term Care Budget	\$ 113,116,967	\$ 149,517,603	112153
- State					
GRF	490506	National Senior	\$ 268,237	\$ 268,237	112154
Service Corps					
GRF	490625	Alzheimer's Respite -	\$ 512,318	\$ 471,002	112155
Federal Stimulus					
TOTAL GRF	General Revenue Fund		\$ 136,334,058	\$ 172,734,694	112156
General Services Fund Group					112157
4800	490606	Senior Community	\$ 372,677	\$ 372,677	112158
Outreach and					

Education				
TOTAL GSF General Services Fund				112159
Group	\$	372,677	\$ 372,677	112160
Federal Special Revenue Fund Group				112161
3220 490618 Federal Aging Grants	\$	10,200,000	\$ 10,200,000	112162
3C40 490623 Long Term Care Budget	\$	350,162,957	\$ 340,193,418	112163
3M40 490612 Federal Independence	\$	63,655,080	\$ 63,655,080	112164
Services				
3R70 490617 AmeriCorps Programs	\$	8,870,000	\$ 8,870,000	112165
TOTAL FED Federal Special Revenue				112166
Fund Group	\$	432,888,037	\$ 422,918,498	112167
State Special Revenue Fund Group				112168
4C40 490609 Regional Long-Term	\$	935,000	\$ 935,000	112169
Care Ombudsman Program				
4J40 490610 PASSPORT/Residential	\$	33,263,984	\$ 33,263,984	112170
State Supplement				
4U90 490602 PASSPORT Fund	\$	4,424,969	\$ 4,424,969	112171
5AA0 490673 Ohio's Best Rx	\$	910,801	\$ 0	112172
Administration				
5BA0 490620 Ombudsman Support	\$	600,000	\$ 600,000	112173
5K90 490613 Long Term Care	\$	820,400	\$ 820,400	112174
Consumers Guide				
5W10 490616 Resident Services	\$	330,000	\$ 330,000	112175
Coordinator Program				
6240 490604 OCSC Community	\$	470,000	\$ 470,000	112176
Support				
TOTAL SSR State Special Revenue				112177
Fund Group	\$	41,755,154	\$ 40,844,353	112178
TOTAL ALL BUDGET FUND GROUPS	\$	611,349,926	\$ 636,870,222	112179
<b>Section 209.20. LONG-TERM CARE</b>				112181

Pursuant to an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under section 5111.204 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to provide the preadmission screening and resident review (PASRR), which includes screening, assessments, and determinations made under sections 5111.02, 5111.204, 5119.061, and 5123.021 of the Revised Code.

The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to assess and provide long-term care consultations to clients regardless of Medicaid eligibility.

The Director of Aging shall adopt rules under section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility. The foregoing appropriation item 490423, Long Term Care Budget - State, may be used by the Department of Aging to provide nonwaiver funded PASSPORT services to persons the Department has determined to be eligible to participate in the nonwaiver funded PASSPORT Program, including those persons not yet determined to be financially eligible to participate in the Medicaid waiver component of the PASSPORT Program by a county department of job and family services.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 490423, Long Term Care Budget - State, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver-funded

PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may also be used to support the Department of Aging's administrative costs associated with operating the PASSPORT, Choices, Assisted Living, and PACE programs.

The foregoing appropriation item 490623, Long Term Care Budget, shall be used to provide the federal matching share for all program costs determined by the Department of Job and Family Services to be eligible for Medicaid reimbursement.

Of the foregoing appropriation item 490423, Long Term Care Budget - State, \$200,000 in each fiscal year shall be allocated to the Visiting Nurse Association Health Care Partners of Ohio for the Chronic Disease Management Home Health Aide Workforce Training Program.

HOME FIRST PROGRAM

(A) As used in this section, "Long Term Care Budget Services" includes the following existing programs: PASSPORT, Assisted Living, Residential State Supplement, and PACE.

(B) On a quarterly basis, on receipt of the certified expenditures related to sections 173.401, 173.351, and 5111.894 of the Revised Code, the Director of Budget and Management may do all of the following for fiscal years 2010 and 2011:

(1) Transfer cash from the Nursing Facility Stabilization Fund (Fund 5R20), used by the Department of Job and Family Services, to the PASSPORT/Residential State Supplement Fund (Fund 4J40), used by the Department of Aging.

The transferred cash is hereby appropriated to appropriation item 490610, PASSPORT/Residential State Supplement.

(2) If receipts credited to the PASSPORT Fund (Fund 3C40)

exceed the amounts appropriated from the fund, the Director of Aging may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

(3) If receipts credited to the Interagency Reimbursement Fund (Fund 3G50) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

(C) The individuals placed in Long Term Care Budget Services pursuant to this section shall be in addition to the individuals placed in Long Term Care Budget Services during fiscal years 2010 and 2011 before any transfers to appropriation item 490423, Long Term Care Budget-State, are made under this section.

ALLOCATION OF PACE SLOTS

In order to effectively administer and manage growth within the PACE Program, the Director of Aging may, as the director deems appropriate and to the extent funding is available, expand the PACE Program to regions of Ohio beyond those currently served by the PACE Program between the PACE sites in Cleveland and Cincinnati. In implementing the expansion, the Director may not decrease to less than eight hundred eighty the number of PACE Program slots that are made available to eligible residents of Cuyahoga and Hamilton counties and the parts of Butler, Clermont, and Warren counties in which the PACE Program is being operated on the effective date of this section.

Section 209.30. OHIO COMMUNITY SERVICE COUNCIL

The foregoing appropriation items 490409, AmeriCorps Operations, and 490617, AmeriCorps Programs, shall be used in accordance with section 121.40 of the Revised Code.

LONG-TERM CARE OMBUDSMAN

The foregoing appropriation item 490410, Long-Term Care Ombudsman, shall be used for a program to fund ombudsman program activities as authorized in sections 173.14 to 173.27 and section 173.99 of the Revised Code.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients.

RESIDENTIAL STATE SUPPLEMENT

Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment and for determining the amount per month the eligible resident will receive shall be as follows:

(A) \$927 for a residential care facility, as defined in section 3721.01 of the Revised Code;

(B) \$927 for an adult group home, as defined in Chapter 3722. of the Revised Code;

(C) \$824 for an adult foster home, as defined in Chapter 173. 112304  
of the Revised Code; 112305

(D) \$824 for an adult family home, as defined in Chapter 112306  
3722. of the Revised Code; 112307

(E) \$824 for an adult residential facility, as defined in 112308  
Chapter 5119. of the Revised Code; 112309

(F) \$618 for adult community mental health housing services, 112310  
as defined in division (B)(5) of section 173.35 of the Revised 112311  
Code. 112312

The Departments of Aging and Job and Family Services shall 112313  
reflect these amounts in any applicable rules the departments 112314  
adopt under section 173.35 of the Revised Code. 112315

TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS 112316

The foregoing appropriation items 490412, Residential State 112317  
Supplement, and 490610, PASSPORT/Residential State Supplement, may 112318  
be used by the Director of Aging to transfer cash to the Home and 112319  
Community Based Services for the Aged Fund (Fund 4J50), which is 112320  
used by the Department of Job and Family Services and the 112321  
Residential State Supplement Fund (Fund 5CH0), used by the 112322  
Department of Mental Health. The transferred cash shall be used to 112323  
make benefit payments to residential state supplement recipients. 112324  
The transfer shall be made using an intrastate transfer voucher. 112325  
112326

ALZHEIMER'S RESPITE 112327

The foregoing appropriation item 490414, Alzheimer's Respite, 112328  
shall be used to fund only Alzheimer's disease services under 112329  
section 173.04 of the Revised Code. 112330

JCFS COMMUNITY OPTIONS 112331

Of the foregoing appropriation item 490416, JCFS Community 112332  
Options, \$80,000 in each fiscal year shall be allocated to the 112333

Cleveland Jewish Community Center, \$70,000 in each fiscal year 112334  
shall be allocated to the Cincinnati Jewish Vocational Services, 112335  
\$70,000 in each fiscal year shall be allocated to the Wexner 112336  
Heritage Village, and \$20,000 in each fiscal year shall be 112337  
allocated to the Columbus Jewish Community Center. 112338

ALZHEIMER'S RESPITE - FEDERAL STIMULUS 112339

The foregoing appropriation item 490625, Alzheimer's Respite 112340  
- Federal Stimulus, shall be used to fund only Alzheimer's disease 112341  
services under section 173.04 of the Revised Code. 112342

EDUCATION AND TRAINING 112343

The foregoing appropriation item 490606, Senior Community 112344  
Outreach and Education, may be used to provide training to workers 112345  
in the field of aging pursuant to division (G) of section 173.02 112346  
of the Revised Code. 112347

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 112348

The foregoing appropriation item 490609, Regional Long-Term 112349  
Care Ombudsman, shall be used to pay the costs of operating the 112350  
regional long-term care ombudsman programs designated by the 112351  
Long-Term Care Ombudsman. 112352

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 112353

The foregoing appropriation item 490610, PASSPORT/Residential 112354  
State Supplement, may be used to fund the Residential State 112355  
Supplement Program. The remaining available funds shall be used to 112356  
fund the PASSPORT program. 112357

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 112358  
AND FEDERAL AGING GRANTS 112359

At the request of the Director of Aging, the Director of 112360  
Budget and Management may transfer appropriation between 112361  
appropriation items 490612, Federal Independence Services, and 112362  
490618, Federal Aging Grants. The amounts transferred shall not 112363



exceed 30 per cent of the appropriation from which the transfer is 112364  
made. Any transfers shall be reported by the Department of Aging 112365  
to the Controlling Board at the next scheduled meeting of the 112366  
board. 112367

TRANSFER OF RESIDENT PROTECTION FUNDS 112368

In each fiscal year, the Director of Budget and Management 112369  
may transfer \$600,000 cash from the Resident Protection Fund (Fund 112370  
4E30), which is used by the Department of Job and Family Services, 112371  
to the Ombudsman Support Fund (Fund 5BA0), which is used by the 112372  
Department of Aging. 112373

**Section 209.40.** UNIFIED LONG-TERM CARE BUDGET WORKGROUP 112374

(A) There is hereby created the Unified Long-Term Care Budget 112375  
Workgroup. The Workgroup shall consist of the following members: 112376

(1) The Director of Aging; 112377

(2) Consumer advocates, representatives of the provider 112378  
community, and state policy makers, appointed by the Governor; 112379

(3) Two members of the House of Representatives, one member 112380  
from the majority party and one member from the minority party, 112381  
appointed by the Speaker of the House of Representatives; 112382

(4) Two members of the Senate, one member from the majority 112383  
party and one member from the minority party, appointed by the 112384  
President of the Senate. 112385

The Director of Aging shall serve as the chairperson of the 112386  
Workgroup. 112387

The Workgroup shall be staffed by the departments of Aging 112388  
and Job and Family Services. 112389

(B) The Workgroup shall develop a unified long-term care 112390  
budget that facilitates the following: 112391

(1) Providing a consumer a choice of services that meet the 112392

consumer's health care needs and improve the consumer's quality of life;	112393 112394
(2) Providing a continuum of services that meet the needs of a consumer throughout life;	112395 112396
(3) Consolidating policymaking authority and the associated budgets in a single entity to simplify the consumer's decision making and maximize the state's flexibility in meeting the consumer's needs;	112397 112398 112399 112400
(4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions.	112401 112402
(C) On an annual basis, the Directors of Aging, Job and Family Services, and Budget and Management shall submit a written report to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the members of the Joint Legislative Committee on Medicaid Technology and Reform describing the progress towards establishing, or if already established, the effectiveness of the unified long-term care budget.	112403 112404 112405 112406 112407 112408 112409 112410 112411
(D) In support of the Workgroup's proposal, the Director of Budget and Management may seek Controlling Board approval to transfer cash from the Nursing Facility Stabilization Fund (Fund 5R20), used by the Department of Job and Family Services, to the PASSPORT/Residential State Supplement Fund (Fund 4J40), used by the Department of Aging.	112412 112413 112414 112415 112416 112417
Any transfers of cash approved by the Controlling Board under this section are hereby appropriated to appropriation item 490610, PASSPORT/Residential State Supplement.	112418 112419 112420
<b>Section 209.50. OHIO'S BEST RX PROGRAM</b>	112421
OHIO'S BEST RX ADMINISTRATION	112422

On and after July 1, 2009, the Director of Aging may take any 112423  
actions necessary to conclude the operation of the Ohio's Best Rx 112424  
Program and settle all accounts with drug manufacturers and 112425  
terminal distributors of dangerous drugs that had program 112426  
agreements in effect on June 30, 2009. As appropriate, the 112427  
Director's actions shall be taken in accordance with the 112428  
provisions of former sections 173.71 to 173.91 of the Revised 112429  
Code, as those sections existed on June 30, 2009. The Director 112430  
shall make every effort to conclude the program by July 31, 2009, 112431  
but any program accounts with drug manufacturers and terminal 112432  
distributors that remain open after that date may be settled until 112433  
October 1, 2009. 112434

On August 1, 2009, or as soon as possible thereafter, the 112435  
Director of Budget and Management shall transfer the cash balance 112436  
in the Ohio's Best Rx Administration Fund (Fund 5AA0) to the 112437  
General Revenue Fund. Fund 5AA0 shall remain open after the 112438  
transfer to allow program accounts to be settled with drug 112439  
manufacturers and terminal distributors pursuant to this section. 112440  
On October 1, 2009, or as soon as possible thereafter, the 112441  
Director of Budget and Management shall complete the final 112442  
transfer of any cash balance in Fund 5AA0 to the General Revenue 112443  
Fund. Upon completion of the transfer, Fund 5AA0 is abolished. The 112444  
Director shall cancel any existing encumbrances against 112445  
appropriation item 490673, Ohio's Best Rx Administration. 112446

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 112447

General Revenue Fund 112448

GRF 700401	Animal Disease Control	\$	3,617,777	\$	3,617,777	112449
GRF 700403	Dairy Division	\$	1,110,277	\$	1,110,277	112450
GRF 700404	Ohio Proud	\$	246,895	\$	246,895	112451
GRF 700406	Consumer Analytical	\$	1,256,469	\$	1,274,854	112452

Lab

GRF 700407	Food Safety	\$	875,043	\$	875,043	112453
GRF 700409	Farmland Preservation	\$	200,000	\$	200,000	112454
GRF 700411	International Trade and Market Development	\$	531,440	\$	531,440	112455
GRF 700412	Weights and Measures	\$	200,000	\$	200,000	112456
GRF 700415	Poultry Inspection	\$	375,401	\$	375,401	112457
GRF 700418	Livestock Regulation Program	\$	1,322,784	\$	1,353,676	112458
GRF 700424	Livestock Testing and Inspections	\$	120,906	\$	120,906	112459
GRF 700499	Meat Inspection Program - State Share	\$	4,920,926	\$	4,960,926	112460
GRF 700501	County Agricultural Societies	\$	334,903	\$	334,903	112461
GRF 700503	Livestock Exhibition Fund	\$	62,500	\$	62,500	112462
GRF 700654	Agriculture Operating - Federal Stimulus	\$	1,107,035	\$	1,017,758	112463
TOTAL GRF	General Revenue Fund	\$	16,282,356	\$	16,282,356	112464
	General Services Fund Group					112465
5DA0 700644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	112466
5GH0 700655	Central Support Indirect Cost	\$	5,713,404	\$	5,713,404	112467
TOTAL GSF	General Services Fund Group	\$	6,813,404	\$	6,813,404	112468
	Federal Special Revenue Fund Group					112469
3260 700618	Meat Inspection Program - Federal Share	\$	4,950,000	\$	4,950,000	112470
3360 700617	Ohio Farm Loan	\$	1,000,000	\$	1,000,000	112471

		Revolving Fund				
3820	700601	Cooperative Contracts	\$	2,000,000	\$	2,000,000 112472
3AB0	700641	Agricultural Easement	\$	1,000,000	\$	1,000,000 112473
3J40	700607	Indirect Cost	\$	600,000	\$	600,000 112474
3R20	700614	Federal Plant	\$	1,000,000	\$	1,000,000 112475
		Industry				
TOTAL FED		Federal Special Revenue				112476
Fund Group			\$	10,550,000	\$	10,550,000 112477
State Special Revenue Fund Group						112478
4900	700651	License Plates - Sustainable Agriculture	\$	20,000	\$	20,000 112479
4940	700612	Agricultural Commodity Marketing Program	\$	250,000	\$	250,000 112480
4960	700626	Ohio Grape Industries	\$	849,999	\$	849,999 112481
4970	700627	Commodity Handlers Regulatory Program	\$	496,000	\$	496,000 112482
4C90	700605	Commercial Feed and Seed	\$	2,200,000	\$	2,200,000 112483
4D20	700609	Auction Education	\$	41,000	\$	41,000 112484
4E40	700606	Utility Radiological Safety	\$	134,631	\$	134,631 112485
4P70	700610	Food Safety Inspection	\$	1,099,396	\$	1,099,396 112486
4R00	700636	Ohio Proud Marketing	\$	10,500	\$	10,500 112487
4R20	700637	Dairy Industry Inspection	\$	1,800,000	\$	1,800,000 112488
4T60	700611	Poultry and Meat Inspection	\$	153,339	\$	153,339 112489
4T70	700613	Ohio Proud International and Domestic Market	\$	15,000	\$	15,000 112490

		Development				
5780	700620	Ride Inspection Fees	\$	1,000,001	\$	1,000,001 112491
5B80	700629	Auctioneers	\$	365,390	\$	365,390 112492
5CP0	700652	License Plate	\$	20,000	\$	20,000 112493
		Scholarships				
5FB0	700647	Fuel Quality Testing	\$	25,000	\$	25,000 112494
5FC0	700648	Plant Pest Program	\$	1,000,000	\$	1,000,000 112495
5H20	700608	Metrology Lab and	\$	1,454,006	\$	1,454,006 112496
		Scale Certification				
5L80	700604	Livestock Management	\$	256,286	\$	256,286 112497
		Program				
6520	700634	Animal and Consumer	\$	4,400,000	\$	4,400,000 112498
		Analytical Laboratory				
6690	700635	Pesticide,	\$	3,470,000	\$	3,470,000 112499
		Fertilizer, and Lime				
		Inspection Program				
TOTAL SSR		State Special Revenue				112500
Fund Group			\$	19,060,548	\$	19,060,548 112501
Clean Ohio Conservation Fund Group						112502
7057	700632	Clean Ohio	\$	149,000	\$	149,000 112503
		Agricultural Easement				
TOTAL CLF		Clean Ohio Conservation	\$	149,000	\$	149,000 112504
Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	52,855,308	\$	52,855,308 112505
TOLEDO GROWS						112506
Of the foregoing appropriation item 700404, Operating						112507
Expenses, \$50,000 in each fiscal year shall be used for the Toledo						112508
Botanical Garden to fund the urban agriculture initiative known as						112509
Toledo Grows.						112510
OHIO - ISRAEL AGRICULTURAL INITIATIVE						112511
Of the foregoing appropriation item 700411, International						112512
Trade and Market Development, \$100,000 in each fiscal year shall						112513

be used for the Ohio - Israel Agricultural Initiative. 112514

**Section 211.20.** COUNTY AGRICULTURAL SOCIETIES 112515

The foregoing appropriation item 700501, County Agricultural 112516  
Societies, shall be used to reimburse county and independent 112517  
agricultural societies for expenses related to Junior Fair 112518  
activities. 112519

FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS 112520

The foregoing appropriation item 700654, Agriculture 112521  
Operating - Federal Stimulus, shall be used to support government 112522  
services consistent with funds received from the federal 112523  
government for fiscal stabilization and recovery purposes. 112524

**Section 211.30.** COMMERCIAL FEED AND SEED FUND TRANSFER 112525

On July 1, 2009, or as soon as possible thereafter, the 112526  
Director of Budget and Management shall transfer thirty-two per 112527  
cent of the cash balance in the Commercial Feed and Seed Fund 112528  
(Fund 4C90) as of June 30, 2009, to the Pesticide, Fertilizer, and 112529  
Lime Inspection Program Fund (Fund 6690). The Director shall 112530  
cancel existing encumbrances against appropriation item 700605, 112531  
Commercial Feed and Seed, and re-establish them against 112532  
appropriation item 700635, Pesticide, Fertilizer, and Lime 112533  
Inspection Program. The re-established encumbrance amounts are 112534  
hereby appropriated. 112535

PESTICIDE, FERTILIZER, AND LIME INSPECTION FUND TRANSFER 112536

On July, 1, 2009, or as soon as possible thereafter, the 112537  
Director of Budget and Management shall transfer \$600,000 in cash 112538  
from the Pesticide, Fertilizer, and Lime Inspection Fund (Fund 112539  
6690) to the Plant Pest Program Fund (Fund 5FC0). 112540

CLEAN OHIO AGRICULTURAL EASEMENT 112541

The foregoing appropriation item 700632, Clean Ohio 112542

Agricultural Easement, shall be used by the Department of 112543  
Agriculture in administering sections 901.21, 901.22, and 5301.67 112544  
to 5301.70 of the Revised Code. 112545

**Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY** 112546

General Revenue Fund 112547

GRF 898402 Coal Development \$ 424,146 \$ 424,146 112548  
Office

GRF 898901 Coal Research and \$ 9,968,400 \$ 10,947,000 112549  
Development General  
Obligation Debt  
Service

TOTAL GRF General Revenue Fund \$ 10,392,546 \$ 11,371,146 112550

General Services Fund Group 112551

5EG0 898608 Energy Strategy \$ 307,000 \$ 307,000 112552  
Development

TOTAL GSF General Services Fund \$ 307,000 \$ 307,000 112553

Agency Fund Group 112554

4Z90 898602 Small Business \$ 294,290 \$ 294,290 112555  
Ombudsman

5700 898601 Operating Expenses \$ 264,000 \$ 264,000 112556

5A00 898603 Small Business \$ 71,087 \$ 71,087 112557  
Assistance

TOTAL AGY Agency Fund Group \$ 629,377 \$ 629,377 112558

Coal Research/Development Fund 112559

7046 898604 Coal Research and \$ 66,000,000 \$ 10,000,000 112560  
Development Fund

TOTAL 046 Coal Research and \$ 66,000,000 \$ 10,000,000 112561  
Development Fund

TOTAL ALL BUDGET FUND GROUPS \$ 77,328,923 \$ 22,307,523 112562

COAL DEVELOPMENT OFFICE 112563



The foregoing appropriation item 898402, Coal Development Office, shall be used for the administrative costs of the Coal Development Office. 112564  
112565  
112566

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 112567

The foregoing appropriation item GRF 898901, Coal Research and Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made during the period from July 1, 2009, to June 30, 2011, for obligations issued under sections 151.01 and 151.07 of the Revised Code. 112568  
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**Section 213.20.** TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND 112574

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, in the amount specified below, to the Energy Strategy Development Fund (Fund 5EG0), which is used by the Air Quality Development Authority. Fund 5EG0 may accept contributions and transfers made to the fund. The moneys in Fund 5EG0 shall be used to develop energy initiatives, projects, and policy. 112575  
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<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
Office Services Fund (Fund 1170)	Department of Administrative Services	\$ 35,000	\$ 35,000	112583 112584
Central Support Indirect Cost Fund (Fund 5GH0)	Department of Agriculture	\$ 35,000	\$ 35,000	112585
Support Services Fund (Fund 1350)	Department of Development	\$ 35,000	\$ 35,000	112586
Central Support Indirect Cost Fund (Fund 2190)	Environmental Protection Agency	\$ 35,000	\$ 35,000	112587

Central Support	Department of	\$	35,000	\$	35,000	112588
Indirect Chargeback	Natural Resources					
Fund (Fund 1570)						
Highway Operating Fund	Department of	\$	50,000	\$	50,000	112589
(Fund 7002)	Transportation					

**Section 213.30.** REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 112590  
AUTHORITY TRUST ACCOUNT 112591

Notwithstanding any other provision of law to the contrary, 112592  
the Air Quality Development Authority may reimburse the Air 112593  
Quality Development Authority trust account established under 112594  
section 3706.10 of the Revised Code from all operating funds of 112595  
the agency for expenses pertaining to the administration and 112596  
shared costs incurred by the Air Quality Development Authority in 112597  
the execution of responsibilities as prescribed in Chapter 3706. 112598  
of the Revised Code. Reimbursement shall be made by voucher and 112599  
completed in accordance with the administrative indirect costs 112600  
allocation plan approved by the Office of Budget and Management. 112601

**Section 215.10.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 112602  
SERVICES 112603

General Revenue Fund						112604
GRF 038401	Treatment Services	\$	37,241,513	\$	35,588,058	112605
GRF 038404	Prevention Services	\$	1,241,702	\$	1,241,702	112606
GRF 038626	Local Alcohol and	\$	0	\$	2,954,598	112607
	Other Drug Subsidy -					
	Federal Stimulus					
TOTAL GRF	General Revenue Fund	\$	38,483,215	\$	39,784,358	112608
General Services Fund						112609
5T90 038616	Problem Gambling	\$	335,000	\$	335,000	112610
	Services					
TOTAL GSF	General Services Fund	\$	335,000	\$	335,000	112611

Group

Federal Special Revenue Fund Group					112612
3G30 038603 Drug Free Schools	\$	2,260,000	\$	2,260,000	112613
3G40 038614 Substance Abuse Block Grant	\$	71,500,000	\$	71,500,000	112614
3H80 038609 Demonstration Grants	\$	7,093,075	\$	7,093,075	112615
3J80 038610 Medicaid	\$	62,772,342	\$	60,817,910	112616
3N80 038611 Administrative Reimbursement	\$	500,000	\$	500,000	112617
TOTAL FED Federal Special Revenue Fund Group	\$	144,125,417	\$	142,170,985	112618
State Special Revenue Fund Group					112620
4750 038621 Statewide Treatment and Prevention	\$	18,000,000	\$	18,000,000	112621
5DH0 038620 Fetal Alcohol Spectrum Disorder	\$	327,500	\$	327,500	112622
6890 038604 Education and Conferences	\$	350,000	\$	350,000	112623
TOTAL SSR State Special Revenue Fund Group	\$	18,677,500	\$	18,677,500	112624
TOTAL ALL BUDGET FUND GROUPS	\$	201,621,132	\$	200,967,843	112626

**Section 215.20. TREATMENT SERVICES** 112628

Of the foregoing appropriation item 038401, Treatment Services, \$115,919 in fiscal year 2010 and \$230,464 in fiscal year 2011 shall be provided to alcohol, drug addiction, and mental health services boards and alcohol and drug addiction services boards to pay the nonfederal share of the one-half of one per cent increase in the Medicaid reimbursement rate ceilings for Medicaid-covered alcohol and drug addiction treatment services provided for under the section of this act titled "INCREASE IN MEDICAID RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES." 112629  
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<b>Section 217.10. ARC ARCHITECTS BOARD</b>				112638
General Services Fund Group				112639
4K90 891609	Operating Expenses	\$ 522,055	\$ 550,718	112640
TOTAL GSF General Services Fund				112641
Group		\$ 522,055	\$ 550,718	112642
TOTAL ALL BUDGET FUND GROUPS				112643
 <b>Section 219.10. ART OHIO ARTS COUNCIL</b>				112645
General Revenue Fund				112646
GRF 370321	Operating Expenses	\$ 2,072,545	\$ 2,072,545	112647
GRF 370502	State Program	\$ 9,097,868	\$ 8,847,869	112648
Subsidies				
TOTAL GRF General Revenue Fund				112649
General Services Fund Group				112650
4600 370602	Management Expenses	\$ 285,000	\$ 285,000	112651
and Donations				
4B70 370603	Percent for Art	\$ 500,000	\$ 500,000	112652
Acquisitions				
TOTAL GSF General Services Fund				112653
Group				
Federal Special Revenue Fund Group				112654
3140 370601	Federal Support	\$ 1,000,000	\$ 1,000,000	112655
TOTAL FED Federal Special Revenue				112656
Fund Group				
TOTAL ALL BUDGET FUND GROUPS				112657
 PROGRAM SUBSIDIES				112658
A museum is not eligible to receive funds from appropriation				112659
item 370502, State Program Subsidies, if \$8,000,000 or more in				112660
capital appropriations were appropriated by the state for the				112661
museum between January 1, 1986, and December 31, 2002.				112662

<b>Section 221.10. ATH ATHLETIC COMMISSION</b>				112663
General Services Fund Group				112664
4K90 175609	Operating Expenses	\$ 255,850	\$ 255,850	112665
TOTAL GSF General Services Fund				112666
Group				
TOTAL ALL BUDGET FUND GROUPS				112667
 <b>Section 223.10. AGO ATTORNEY GENERAL</b>				112669
General Revenue Fund				112670
GRF 055321	Operating Expenses	\$ 46,399,699	\$ 46,399,699	112671
GRF 055405	Law-Related Education	\$ 100,000	\$ 100,000	112672
GRF 055411	County Sheriffs' Pay	\$ 757,921	\$ 757,921	112673
Supplement				
GRF 055415	County Prosecutors'	\$ 831,499	\$ 831,499	112674
Pay Supplement				
TOTAL GRF General Revenue Fund				112675
General Services Fund Group				112676
1060 055612	General Reimbursement	\$ 38,750,000	\$ 38,750,000	112677
1950 055660	Workers' Compensation	\$ 8,415,504	\$ 8,415,504	112678
Section				
4180 055615	Charitable	\$ 7,286,000	\$ 7,286,000	112679
Foundations				
4200 055603	Attorney General	\$ 1,750,000	\$ 1,750,000	112680
Antitrust				
4210 055617	Police Officers'	\$ 2,000,000	\$ 2,000,000	112681
Training Academy Fee				
4Z20 055609	BCI Asset Forfeiture	\$ 1,000,000	\$ 1,000,000	112682
and Cost				
Reimbursement				
5900 055633	Peace Officer Private	\$ 98,370	\$ 98,370	112683
Security Fund				

5A90	055618	Telemarketing Fraud Enforcement	\$	7,500	\$	7,500	112684
5L50	055619	Law Enforcement Assistance Program	\$	1,457,852	\$	0	112685
6290	055636	Corrupt Activity Investigation and Prosecution	\$	15,000	\$	15,000	112686
6310	055637	Consumer Protection Enforcement	\$	3,500,000	\$	3,500,000	112687
TOTAL GSF General Services Fund							112688
Group							\$ 64,280,226 \$ 62,822,374 112689
Federal Special Revenue Fund Group							112690
3060	055620	Medicaid Fraud Control	\$	3,879,672	\$	3,879,672	112691
3810	055611	Civil Rights Legal Service	\$	402,540	\$	402,540	112692
3830	055634	Crime Victims Assistance	\$	16,000,000	\$	16,000,000	112693
3E50	055638	Attorney General Pass-Through Funds	\$	3,030,000	\$	3,030,000	112694
3R60	055613	Attorney General Federal Funds	\$	5,115,000	\$	5,115,000	112695
TOTAL FED Federal Special Revenue							112696
Fund Group							\$ 28,427,212 \$ 28,427,212 112697
State Special Revenue Fund Group							112698
4020	055616	Victims of Crime	\$	29,000,000	\$	28,000,000	112699
4190	055623	Claims Section	\$	36,875,000	\$	36,875,000	112700
4L60	055606	DARE Programs	\$	3,927,962	\$	3,927,962	112701
4Y70	055608	Title Defect Rescission	\$	600,000	\$	600,000	112702
6590	055641	Solid and Hazardous Waste Background	\$	621,159	\$	621,159	112703

Investigations				
TOTAL SSR State Special Revenue				112704
Fund Group	\$	71,024,121	\$	70,024,121 112705
Holding Account Redistribution Fund Group				112706
R004 055631	General Holding	\$	1,000,000	\$ 1,000,000 112707
Account				
R005 055632	Antitrust Settlements	\$	1,000	\$ 1,000 112708
R018 055630	Consumer Frauds	\$	750,000	\$ 750,000 112709
R042 055601	Organized Crime	\$	25,025	\$ 25,025 112710
Commission				
Distributions				
R054 055650	Collection Outside	\$	4,500,000	\$ 4,500,000 112711
Counsel Payments				
TOTAL 090 Holding Account				112712
Redistribution Fund Group	\$	6,276,025	\$	6,276,025 112713
Tobacco Master Settlement Agreement Fund Group				112714
J087 055635	Law Enforcement	\$	1,987,073	\$ 0 112715
Technology, Training, and Facility Enhancements				
U087 055402	Tobacco Settlement	\$	2,478,850	\$ 2,478,850 112716
Oversight, Administration, and Enforcement				
TOTAL TSF Tobacco Master Settlement	\$	4,465,923	\$	2,478,850 112717
Agreement Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	222,562,626	\$	218,117,701 112718
LAW-RELATED EDUCATION				112719
The foregoing appropriation item 055405, Law-Related				112720
Education, shall be distributed directly to the Ohio Center for				112721
Law-Related Education for the purpose of providing continuing				112722
citizenship education activities to primary and secondary				112723

students, expanding delinquency prevention programs, increasing 112724  
activities for at-risk youth, and accessing additional public and 112725  
private money for new programs. 112726

COUNTY SHERIFFS' PAY SUPPLEMENT 112727

The foregoing appropriation item 055411, County Sheriffs' Pay 112728  
Supplement, shall be used for the purpose of supplementing the 112729  
annual compensation of county sheriffs as required by section 112730  
325.06 of the Revised Code. 112731

At the request of the Attorney General, the Director of 112732  
Budget and Management may transfer appropriation from 112733  
appropriation item 055321, Operating Expenses, to appropriation 112734  
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 112735  
transferred shall be used to supplement the annual compensation of 112736  
county sheriffs as required by section 325.06 of the Revised Code. 112737  
112738

COUNTY PROSECUTORS' PAY SUPPLEMENT 112739

The foregoing appropriation item 055415, County Prosecutors' 112740  
Pay Supplement, shall be used for the purpose of supplementing the 112741  
annual compensation of certain county prosecutors as required by 112742  
section 325.111 of the Revised Code. 112743

At the request of the Attorney General, the Director of 112744  
Budget and Management may transfer appropriation from 112745  
appropriation item 055321, Operating Expenses, to appropriation 112746  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 112747  
so transferred shall be used to supplement the annual compensation 112748  
of county prosecutors as required by section 325.111 of the 112749  
Revised Code. 112750

WORKERS' COMPENSATION SECTION 112751

The Workers' Compensation Fund (Fund 1950) is entitled to 112752  
receive payments from the Bureau of Workers' Compensation and the 112753



Ohio Industrial Commission at the beginning of each quarter of 112754  
each fiscal year to fund legal services to be provided to the 112755  
Bureau of Workers' Compensation and the Ohio Industrial Commission 112756  
during the ensuing quarter. The advance payment shall be subject 112757  
to adjustment. 112758

In addition, the Bureau of Workers' Compensation shall 112759  
transfer payments at the beginning of each quarter for the support 112760  
of the Workers' Compensation Fraud Unit. 112761

All amounts shall be mutually agreed upon by the Attorney 112762  
General, the Bureau of Workers' Compensation, and the Ohio 112763  
Industrial Commission. 112764

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 112765

The foregoing appropriation item 055636, Corrupt Activity 112766  
Investigation and Prosecution, shall be used as provided by 112767  
division (D)(2) of section 2923.35 of the Revised Code to dispose 112768  
of the proceeds, fines, and penalties credited to the Corrupt 112769  
Activity Investigation and Prosecution Fund, which is created in 112770  
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 112771  
is determined that additional amounts are necessary for this 112772  
purpose, the amounts are hereby appropriated. 112773

GENERAL HOLDING ACCOUNT 112774

The foregoing appropriation item 055631, General Holding 112775  
Account, shall be used to distribute moneys under the terms of 112776  
relevant court orders or other settlements received in a variety 112777  
of cases involving the Office of the Attorney General. If it is 112778  
determined that additional amounts are necessary for this purpose, 112779  
the amounts are hereby appropriated. 112780

ATTORNEY GENERAL PASS-THROUGH FUNDS 112781

The foregoing appropriation item 055638, Attorney General 112782  
Pass-Through Funds, shall be used to receive federal grant funds 112783

provided to the Attorney General by other state agencies, 112784  
including, but not limited to, the Department of Youth Services 112785  
and the Department of Public Safety. 112786

ANTITRUST SETTLEMENTS 112787

The foregoing appropriation item 055632, Antitrust 112788  
Settlements, shall be used to distribute moneys under the terms of 112789  
relevant court orders or other out of court settlements in 112790  
antitrust cases or antitrust matters involving the Office of the 112791  
Attorney General. If it is determined that additional amounts are 112792  
necessary for this purpose, the amounts are hereby appropriated. 112793

CONSUMER FRAUDS 112794

The foregoing appropriation item 055630, Consumer Frauds, 112795  
shall be used for distribution of moneys from court-ordered 112796  
judgments against sellers in actions brought by the Office of 112797  
Attorney General under sections 1334.08 and 4549.48 and division 112798  
(B) of section 1345.07 of the Revised Code. These moneys shall be 112799  
used to provide restitution to consumers victimized by the fraud 112800  
that generated the court-ordered judgments. If it is determined 112801  
that additional amounts are necessary for this purpose, the 112802  
amounts are hereby appropriated. 112803

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 112804

The foregoing appropriation item 055601, Organized Crime 112805  
Commission Distributions, shall be used by the Organized Crime 112806  
Investigations Commission, as provided by section 177.011 of the 112807  
Revised Code, to reimburse political subdivisions for the expenses 112808  
the political subdivisions incur when their law enforcement 112809  
officers participate in an organized crime task force. If it is 112810  
determined that additional amounts are necessary for this purpose, 112811  
the amounts are hereby appropriated. 112812

FUND ABOLISHMENTS 112813

Effective July 1, 2009, or as soon as possible thereafter, 112814  
the Director of Budget and Management shall transfer the cash 112815  
balance in the Asbestos Abatement Distribution Fund (Fund 6740) to 112816  
the General Revenue Fund. Upon completion of the transfer, Fund 112817  
6740 is abolished. 112818

Effective July 1, 2009, the Bingo License Refunds Fund (Fund 112819  
R003) is abolished. 112820

**Section 225.10. AUD AUDITOR OF STATE** 112821

General Revenue Fund 112822

GRF	070321	Operating Expenses	\$	30,029,775	\$	30,029,775	112823
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GRF	070403	Fiscal	\$	570,000	\$	570,000	112824
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Watch/Emergency

Technical Assistance

TOTAL GRF General Revenue Fund	\$	30,599,775	\$	30,599,775	112825
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Auditor of State Fund Group 112826

1090	070601	Public Audit Expense	\$	11,000,000	\$	11,000,000	112827
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- Intra-State

4220	070602	Public Audit Expense	\$	30,828,000	\$	31,053,000	112828
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- Local Government

5840	070603	Training Program	\$	181,250	\$	181,250	112829
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6750	070605	Uniform Accounting	\$	3,317,336	\$	3,317,336	112830
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Network

TOTAL AUD Auditor of State Fund 112831

Group	\$	45,326,586	\$	45,551,586	112832
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TOTAL ALL BUDGET FUND GROUPS	\$	75,926,361	\$	76,151,361	112833
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**FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE** 112834

The foregoing appropriation item 070403, Fiscal 112835

Watch/Emergency Technical Assistance, shall be used for expenses 112836

incurred by the Office of the Auditor of State in its role 112837

relating to fiscal watch or fiscal emergency activities under 112838

Chapters 118. and 3316. of the Revised Code. Expenses include, but 112839  
are not limited to, the following: duties related to the 112840  
determination or termination of fiscal watch or fiscal emergency 112841  
of municipal corporations, counties, townships, or school 112842  
districts; development of preliminary accounting reports; 112843  
performance of annual forecasts; provision of performance audits; 112844  
and supervisory, accounting, or auditing services for the 112845  
municipal corporations, counties, townships, or school districts. 112846

An amount equal to the unexpended, unencumbered portion of 112847  
appropriation item 070403, Fiscal Watch/Emergency Technical 112848  
Assistance, at the end of fiscal year 2010 is hereby 112849  
reappropriated for the same purpose in fiscal year 2011. 112850

**Section 227.10.** BRB BOARD OF BARBER EXAMINERS 112851

General Services Fund Group 112852

4K90 877609	Operating Expenses	\$	628,264	\$	628,264	112853
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TOTAL GSF General Services Fund 112854

Group		\$	628,264	\$	628,264	112855
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TOTAL ALL BUDGET FUND GROUPS		\$	628,264	\$	628,264	112856
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ED JEFFERS BARBER MUSEUM 112857

Beginning October 1, 2009, or as soon as possible thereafter, 112858  
the Director of Budget and Management and the Executive Director 112859  
of the Barber Board shall develop a plan to distribute the amounts 112860  
collected under division (C) of section 4709.12 of the Revised 112861  
Code to the Ed Jeffers Barber Museum. 112862

**Section 229.10.** OBM OFFICE OF BUDGET AND MANAGEMENT 112863

General Revenue Fund 112864

GRF 042321	Budget Development	\$	2,412,346	\$	2,350,805	112865
	and Implementation					

GRF 042410	National Association	\$	30,448	\$	31,361	112866
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		Dues					
GRF	042412	Audit of Auditor of State	\$	44,528	\$	46,309	112867
GRF	042413	Payment Issuance	\$	446,968	\$	457,545	112868
GRF	042416	Medicaid Agency Transition	\$	571,028	\$	369,298	112869
GRF	042435	Gubernatorial Transition	\$	0	\$	250,000	112870
TOTAL GRF		General Revenue Fund	\$	3,505,318	\$	3,505,318	112871
		General Services Fund Group					112872
1050	042603	State Accounting and Budgeting	\$	37,031,976	\$	41,206,060	112873
5N40	042602	OAKS Project Implementation	\$	2,100,000	\$	2,100,000	112874
5Z80	042608	Executive Medicaid Administration	\$	57,751	\$	0	112875
TOTAL GSF		General Services Fund Group	\$	39,189,727	\$	43,306,060	112876
		Federal Special Revenue Fund Group					112877
3CM0	042606	Medicaid Transition - Federal	\$	734,979	\$	747,098	112878
TOTAL FED		Federal Special Revenue Fund Group	\$	734,979	\$	747,098	112879
		Agency Fund Group					112880
5EH0	042604	Forgery Recovery	\$	50,000	\$	50,000	112881
TOTAL AGY		Agency Fund Group	\$	50,000	\$	50,000	112882
TOTAL ALL BUDGET FUND GROUPS			\$	43,480,024	\$	47,608,476	112883
		AUDIT COSTS					112884
		Of the foregoing appropriation item 042603, State Accounting and Budgeting, not more than \$456,000 in fiscal year 2010 and not more than \$467,000 in fiscal year 2011 shall be used to pay for centralized audit costs associated with either Single Audit					112885 112886 112887 112888

Schedules or financial statements prepared in conformance with 112889  
generally accepted accounting principles for the state. 112890

SHARED SERVICES CENTER 112891

The Director of Budget and Management shall use the OAKS 112892  
Project Implementation Fund (Fund 5N40) and the Accounting and 112893  
Budgeting Fund (Fund 1050) to implement a Shared Services Center 112894  
within the Office of Budget and Management for the purpose of 112895  
consolidating statewide finance functions and common transactional 112896  
processes. The Director of Budget and Management shall transfer 112897  
the unobligated cash balance remaining in Fund 5N40 to the General 112898  
Revenue Fund before the end of fiscal year 2011. 112899

Effective July 1, 2009, the Director of Budget and Management 112900  
shall include the recovery of costs to operate the Shared Services 112901  
Center in the accounting and budgeting services payroll rate and 112902  
through a direct charge using intrastate transfer vouchers to 112903  
agencies for services rendered. The Director of Budget and 112904  
Management shall determine the cost recovery methodology. Such 112905  
cost recovery revenues shall be deposited to the credit of Fund 112906  
1050. 112907

INTERNAL CONTROL AND AUDIT OVERSIGHT 112908

Effective July 1, 2009, the Director of Budget and Management 112909  
shall include the recovery of costs to operate the Internal 112910  
Control and Audit Oversight Program in the accounting and 112911  
budgeting services payroll rate and through a direct charge using 112912  
intrastate transfer vouchers to agencies reviewed by the program. 112913  
The Director of Budget and Management, with advice from the 112914  
Internal Audit Advisory Council, shall determine the cost recovery 112915  
methodology. Such cost recovery revenues shall be deposited to the 112916  
credit of the Accounting and Budgeting Fund (Fund 1050). 112917

FORGERY RECOVERY 112918

The foregoing appropriation item 042604, Forgery Recovery, 112919

shall be used to reissue warrants that have been certified as 112920  
forgeries by the rightful recipient as determined by the Bureau of 112921  
Criminal Identification and Investigation and the Treasurer of 112922  
State. Upon receipt of funds to cover the reissuance of the 112923  
warrant, the Director of Budget and Management shall reissue a 112924  
state warrant of the same amount. 112925

**Section 231.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 112926

General Revenue Fund 112927

GRF 874100 Personal Services \$ 1,873,368 \$ 1,873,368 112928

GRF 874320 Maintenance and \$ 752,591 \$ 752,590 112929  
Equipment

TOTAL GRF General Revenue Fund \$ 2,625,959 \$ 2,625,958 112930

General Services Fund Group 112931

4G50 874603 Capitol Square \$ 15,000 \$ 15,000 112932

Education Center and  
Arts

4S70 874602 Statehouse Gift \$ 799,995 \$ 794,651 112933

Shop/Events

TOTAL GSF General Services 112934

Fund Group \$ 814,995 \$ 809,651 112935

Underground Parking Garage 112936

2080 874601 Underground Parking \$ 2,923,224 \$ 2,979,615 112937

Garage Operations

TOTAL UPG Underground Parking 112938

Garage \$ 2,923,224 \$ 2,979,615 112939

TOTAL ALL BUDGET FUND GROUPS \$ 6,364,178 \$ 6,415,224 112940

WAREHOUSE PAYMENTS 112941

Of the foregoing appropriation item 874601, Underground 112942

Parking Garage Operations, \$48,000 in each fiscal year shall be 112943

used to meet all payments at the times they are required to be 112944

made during the period from July 1, 2009, to June 30, 2011, to the 112945  
Ohio Building Authority for bond service charges relating to the 112946  
purchase and improvement of a warehouse acquired pursuant to 112947  
section 105.41 of the Revised Code, in which to store items of the 112948  
Capitol Collection Trust and, whenever necessary, equipment or 112949  
other property of the Board. 112950

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND 112951  
SCHOOLS 112952  
General Services Fund Group 112953  
4K90 233601 Operating Expenses \$ 572,700 \$ 572,700 112954  
TOTAL GSF General Services Fund \$ 572,700 \$ 572,700 112955  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 572,700 \$ 572,700 112956

**Section 235.10.** CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 112958  
General Services Fund Group 112959  
4K90 930609 Operating Expenses \$ 551,146 \$ 551,146 112960  
TOTAL GSF General Services Fund \$ 551,146 \$ 551,146 112961  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 551,146 \$ 551,146 112962

**Section 237.10.** CHR STATE CHIROPRACTIC BOARD 112964  
General Services Fund Group 112965  
4K90 878609 Operating Expenses \$ 621,621 \$ 621,621 112966  
TOTAL GSF General Services Fund \$ 621,621 \$ 621,621 112967  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 621,621 \$ 621,621 112968

**Section 239.10.** CIV OHIO CIVIL RIGHTS COMMISSION 112970  
General Revenue Fund 112971  
GRF 876321 Operating Expenses \$ 6,391,317 \$ 6,391,317 112972



TOTAL GRF General Revenue Fund	\$	6,391,317	\$	6,391,317	112973
General Services Fund Group					112974
2170 876604 Operations Support	\$	8,000	\$	8,000	112975
TOTAL GSF General Services					112976
Fund Group	\$	8,000	\$	8,000	112977
Federal Special Revenue Fund Group					112978
3340 876601 Federal Programs	\$	3,876,500	\$	3,281,500	112979
TOTAL FED Federal Special Revenue					112980
Fund Group	\$	3,876,500	\$	3,281,500	112981
TOTAL ALL BUDGET FUND GROUPS	\$	10,275,817	\$	9,680,817	112982
<b>Section 241.10. COM DEPARTMENT OF COMMERCE</b>					112984
General Revenue Fund					112985
GRF 800410 Labor and Worker	\$	2,132,396	\$	2,132,396	112986
Safety					
Total GRF General Revenue Fund	\$	2,132,396	\$	2,132,396	112987
General Services Fund Group					112988
1630 800620 Division of	\$	7,420,049	\$	7,561,286	112989
Administration					
1630 800637 Information	\$	6,219,734	\$	6,137,122	112990
Technology					
5430 800602 Unclaimed	\$	9,948,085	\$	9,948,085	112991
Funds-Operating					
5430 800625 Unclaimed	\$	75,000,000	\$	75,000,000	112992
Funds-Claims					
5F10 800635 Small Government Fire	\$	300,000	\$	300,000	112993
Departments					
TOTAL GSF General Services Fund					112994
Group	\$	98,887,868	\$	98,946,493	112995
Federal Special Revenue Fund Group					112996
3480 800622 Underground Storage	\$	586,128	\$	585,782	112997

	Tanks					
3480	800624	Leaking Underground	\$	1,477,606	\$	1,489,717 112998
	Storage Tanks					
	TOTAL FED Federal Special Revenue					112999
	Fund Group		\$	2,063,734	\$	2,075,499 113000
	State Special Revenue Fund Group					113001
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000 113002
	Recovery					
4H90	800608	Cemeteries	\$	273,465	\$	273,465 113003
4X20	800619	Financial Institutions	\$	2,233,031	\$	2,221,395 113004
5440	800612	Banks	\$	6,703,253	\$	6,753,254 113005
5450	800613	Savings Institutions	\$	2,286,615	\$	2,307,019 113006
5460	800610	Fire Marshal	\$	15,118,673	\$	15,191,721 113007
5460	800639	Fire Department Grants	\$	1,695,198	\$	1,698,802 113008
5470	800603	Real Estate	\$	250,000	\$	250,000 113009
	Education/Research					
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000 113010
5490	800614	Real Estate	\$	3,456,405	\$	3,451,694 113011
5500	800617	Securities	\$	4,761,545	\$	4,411,545 113012
5520	800604	Credit Union	\$	3,627,390	\$	3,627,390 113013
5530	800607	Consumer Finance	\$	5,367,260	\$	5,148,702 113014
5560	800615	Industrial Compliance	\$	25,753,662	\$	26,713,417 113015
5GK0	800609	Securities Investor	\$	485,000	\$	485,000 113016
	Education/Enforcement					
5K70	800621	Penalty Enforcement	\$	150,000	\$	150,000 113017
5X60	800623	Video Service	\$	34,476	\$	34,476 113018
6530	800629	UST	\$	1,433,189	\$	1,431,831 113019
	Registration/Permit Fee					
6A40	800630	Real Estate	\$	664,006	\$	664,006 113020
	Appraiser-Operating					
	TOTAL SSR State Special Revenue					113021
	Fund Group		\$	74,378,168	\$	74,898,717 113022

Liquor Control Fund Group					113023	
7043 800601	Merchandising	\$	472,492,696	\$	488,434,277	113024
7043 800627	Liquor Control	\$	13,776,430	\$	14,313,346	113025
	Operating					
7043 800633	Development Assistance	\$	40,565,100	\$	52,412,800	113026
	Debt Service					
7043 800636	Revitalization Debt	\$	15,632,800	\$	20,359,000	113027
	Service					
TOTAL LCF Liquor Control						113028
Fund Group		\$	542,467,026	\$	575,519,423	113029
Volunteer Firefighters' Dependents	Fund Group					113030
7085 800985	Volunteer	\$	300,000	\$	300,000	113031
	Firefighters'					
	Dependents Fund					
TOTAL 085 Volunteer Firefighters'		\$	300,000	\$	300,000	113032
Dependents Fund Group						
Revenue Distribution Fund Group						113033
7066 800966	Undivided Liquor	\$	14,100,000	\$	14,100,000	113034
	Permits					
TOTAL RDF Revenue Distribution Fund		\$	14,100,000	\$	14,100,000	113035
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	734,329,192	\$	767,972,528	113036
SMALL GOVERNMENT FIRE DEPARTMENTS						113037
Notwithstanding section 3737.17 of the Revised Code, the						113038
foregoing appropriation item 800635, Small Government Fire						113039
Departments, may be used to provide loans to private fire						113040
departments.						113041
UNCLAIMED FUNDS PAYMENTS						113042
The foregoing appropriation item 800625, Unclaimed						113043
Funds-Claims, shall be used to pay claims under section 169.08 of						113044
the Revised Code. If it is determined that additional amounts are						113045

necessary, the amounts are appropriated. 113046

UNCLAIMED FUNDS TRANSFERS 113047

Notwithstanding division (A) of section 169.05 of the Revised Code, on or after December 1, 2009, the Director of Budget and Management shall request the Director of Commerce to transfer to the General Revenue Fund up to \$250,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. After such request has been made, the Director of Commerce shall transfer the funds prior to June 30, 2010. 113048  
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Notwithstanding division (A) of section 169.05 of the Revised Code, on or after December 1, 2010, the Director of Budget and Management shall request the Director of Commerce to transfer to the General Revenue Fund up to \$135,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. After such request has been made, the Director of Commerce shall transfer the funds prior to June 30, 2011. 113057  
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FIRE DEPARTMENT GRANTS 113066

Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,647,140 in each fiscal year shall be used to make annual grants to volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. 113067  
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The grants shall be used by recipients to purchase 113076

firefighting or rescue equipment or gear or similar items, to 113077  
provide full or partial reimbursement for the documented costs of 113078  
firefighter training, or, at the discretion of the State Fire 113079  
Marshal, to cover fire department costs for providing fire 113080  
protection services in that grant recipient's jurisdiction. 113081

Grant awards for firefighting or rescue equipment or gear or 113082  
for fire department costs of providing fire protection services 113083  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 113084  
fiscal year if an eligible entity serves a jurisdiction in which 113085  
the Governor declared a natural disaster during the preceding or 113086  
current fiscal year in which the grant was awarded. In addition to 113087  
any grant funds awarded for rescue equipment or gear, or for fire 113088  
department costs associated with the provision of fire protection 113089  
services, an eligible entity may receive a grant for up to \$15,000 113090  
per fiscal year for full or partial reimbursement of the 113091  
documented costs of firefighter training. For each fiscal year, 113092  
the State Fire Marshal shall determine the total amounts to be 113093  
allocated for each eligible purpose. 113094

The grant program shall be administered by the State Fire 113095  
Marshal in accordance with rules the State Fire Marshal adopts as 113096  
part of the state fire code adopted pursuant to section 3737.82 of 113097  
the Revised Code that are necessary for the administration and 113098  
operation of the grant program. The rules may further define the 113099  
entities eligible to receive grants and establish criteria for the 113100  
awarding and expenditure of grant funds, including methods the 113101  
State Fire Marshal may use to verify the proper use of grant funds 113102  
or to obtain reimbursement for or the return of equipment for 113103  
improperly used grant funds. Any amounts in appropriation item 113104  
800639, Fire Department Grants, in excess of the amount allocated 113105  
for these grants may be used for the administration of the grant 113106  
program. 113107

DIVISION OF SECURITIES TECHNOLOGY UPGRADES 113108

Of the foregoing appropriation item 800617, Securities, such 113109  
sums as are necessary may be used over the biennium to support the 113110  
development and implementation of information technology solutions 113111  
designed to enable the Division of Securities to better protect 113112  
the interests of investors, the public, and the securities 113113  
industry. Implementation of these solutions shall, among other 113114  
things, enhance the Division's ability to monitor complaints about 113115  
and actions against persons engaged in any practice prohibited by 113116  
Chapter 1707. of the Revised Code or defined as fraudulent in that 113117  
chapter or any other deceptive scheme or practice in connection 113118  
with the sale of securities. The Director of Commerce may seek 113119  
assistance from the Department of Administrative Services in 113120  
relation to the development and implementation of the solutions. 113121

113122

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 113123  
EDUCATION AND ENFORCEMENT EXPENSE FUND 113124

The Director of Budget and Management, upon the request of 113125  
the Director of Commerce, shall transfer up to \$485,000 in cash in 113126  
each fiscal year from the Division of Securities Fund (Fund 5500) 113127  
to the Division of Securities Investor Education and Enforcement 113128  
Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised 113129  
Code. 113130

CASH TRANSFERS TO THE REAL ESTATE OPERATING FUND 113131

The Director of Budget and Management, upon request of the 113132  
Director of Commerce, shall transfer \$1,300,000 in cash over the 113133  
FY 2010-FY 2011 biennium from the Real Estate Education and 113134  
Research Fund (Fund 5470) to the Real Estate Operating Fund (Fund 113135  
5490). 113136

The Director of Budget and Management, upon request of the 113137  
Director of Commerce, shall transfer \$600,000 in cash over the FY 113138  
2010-FY 2011 biennium from the Real Estate Recovery Fund (Fund 113139

5480) to the Real Estate Operating Fund (Fund 5490). 113140

INCREASED APPROPRIATION - MERCHANDISING 113141

The foregoing appropriation item 800601, Merchandising, shall 113142  
be used under section 4301.12 of the Revised Code. If it is 113143  
determined that additional expenditures are necessary, the amounts 113144  
are appropriated. 113145

DEVELOPMENT ASSISTANCE DEBT SERVICE 113146

The foregoing appropriation item 800633, Development 113147  
Assistance Debt Service, shall be used to pay debt service and 113148  
related financing costs at the times they are required to be made 113149  
during the period from July 1, 2009, to June 30, 2011, for bond 113150  
service charges on obligations issued under Chapter 166. of the 113151  
Revised Code. If it is determined that additional appropriations 113152  
are necessary for this purpose, such amounts are appropriated, 113153  
subject to the limitations set forth in section 166.11 of the 113154  
Revised Code. An appropriation for this purpose is not required, 113155  
but is made in this form and in this act for record purposes only. 113156  
113157

REVITALIZATION DEBT SERVICE 113158

The foregoing appropriation item 800636, Revitalization Debt 113159  
Service, shall be used to pay debt service and related financing 113160  
costs under sections 151.01 and 151.40 of the Revised Code during 113161  
the period from July 1, 2009, to June 30, 2011. If it is 113162  
determined that additional appropriations are necessary for this 113163  
purpose, such amounts are hereby appropriated. The General 113164  
Assembly acknowledges the priority of the pledge of a portion of 113165  
receipts from that source to obligations issued and to be issued 113166  
under Chapter 166. of the Revised Code. 113167

ADMINISTRATIVE ASSESSMENTS 113168

Notwithstanding any other provision of law to the contrary, 113169

the Division of Administration Fund (Fund 1630) is entitled to 113170  
receive assessments from all operating funds of the Department in 113171  
accordance with procedures prescribed by the Director of Commerce 113172  
and approved by the Director of Budget and Management. 113173

**Section 241.20.** ABOLISHMENT OF THE DIVISION OF LABOR AND 113174  
WORKER SAFETY AND THE DIVISION OF INDUSTRIAL COMPLIANCE IN THE 113175  
DEPARTMENT OF COMMERCE 113176

The Division of Labor and Worker Safety in the Department of 113177  
Commerce and the Division of Industrial Compliance in the 113178  
Department of Commerce are hereby abolished on the effective date 113179  
of section 121.04 of the Revised Code, as amended by this act. The 113180  
Division of Labor shall supersede the Division of Labor and Worker 113181  
Safety and Division of Industrial Compliance, and the 113182  
Superintendent of Labor shall supersede the Superintendent of 113183  
Labor and Worker Safety and the Superintendent of Industrial 113184  
Compliance. The Superintendent of Labor or Division of Labor, as 113185  
applicable, shall succeed to and have and perform all the duties, 113186  
powers, and obligations pertaining to the duties, powers, and 113187  
obligations of the Superintendent and Division of Labor and Worker 113188  
Safety and the Superintendent and Division of Industrial 113189  
Compliance. For the purpose of the institution, conduct, and 113190  
completion of matters relating to its succession, the 113191  
Superintendent of Labor or the Division of Labor, as applicable, 113192  
is deemed to be the continuation of and successor under law to the 113193  
Superintendent and Division of Labor and Worker Safety or the 113194  
Superintendent and Division of Industrial Compliance, as 113195  
applicable. All rules, actions, determinations, commitments, 113196  
resolutions, decisions, and agreements pertaining to those duties, 113197  
powers, obligations, functions, and rights in force or in effect 113198  
on the effective date of section 121.04 of the Revised Code, as 113199  
amended by this act, shall continue in force and effect subject to 113200  
any further lawful action thereon by the Superintendent or 113201



Division of Labor. Wherever the Superintendent of Labor and Worker Safety, Division of Labor and Worker Safety, Superintendent of Industrial Compliance, or Division of Industrial Compliance are referred to in any provision of law, or in any agreement or document that pertains to those duties, powers, obligations, functions, and rights, the reference is to the Superintendent of Labor or Division of Labor, as appropriate.

All authorized obligations and supplements thereto of the Superintendent and Division of Labor and Worker Safety and the Superintendent and Division of Industrial Compliance pertaining to the duties, powers, and obligations transferred are binding on the Superintendent or Division of Labor, as applicable, and nothing in this act impairs the obligations or rights thereunder or under any contract. The abolition of the Division of Labor and Worker Safety and the Division of Industrial Compliance and the transfer of the duties, powers, and obligations of the Superintendent and Division of Labor and Worker Safety and the Superintendent and Division of Industrial Compliance do not affect the validity of agreements or obligations made by those superintendents or divisions pursuant to Chapters 121., 3703., 3781., 3791., 4104., 4105., and 4740. of the Revised Code or any other provisions of law.

In connection with the transfer of duties, powers, obligations, functions, and rights and abolition of the Division of Labor and Worker Safety and the Division of Industrial Compliance, all real property and interest therein, documents, books, money, papers, records, machinery, furnishings, office equipment, furniture, and all other property over which the Superintendent and Division of Labor and Worker Safety or the Superintendent and Division of Industrial Compliance has control pertaining to the duties, powers, and obligations transferred and the rights of the Superintendent and Division of Labor and Worker Safety and the Superintendent and Division of Industrial

Compliance to enforce or receive any of the aforesaid is 113234  
 automatically transferred to the Superintendent and Division of 113235  
 Labor without necessity for further action on the part of the 113236  
 Superintendent, Division of Labor, or the Director of Commerce. 113237  
 Additionally, all appropriations or reappropriations made to the 113238  
 Superintendent and Division of Labor and Worker Safety and the 113239  
 Superintendent and Division of Industrial Compliance for the 113240  
 purposes of the performance of their duties, powers, and 113241  
 obligations, are transferred to the Superintendent and Division of 113242  
 Labor to the extent of the remaining unexpended or unencumbered 113243  
 balance thereof, whether allocated or unallocated, and whether 113244  
 obligated or unobligated. 113245

**Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL** 113246

General Services Fund Group 113247  
 5F50 053601 Operating Expenses \$ 9,543,196 \$ 9,377,610 113248  
 TOTAL GSF General Services Fund \$ 9,543,196 \$ 9,377,610 113249  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 9,543,196 \$ 9,377,610 113250

**Section 245.10. CEB CONTROLLING BOARD** 113252

General Revenue Fund 113253  
 GRF 911401 Emergency \$ 4,000,000 \$ 4,000,000 113254  
 Purposes/Contingencies  
 GRF 911404 Mandate Assistance \$ 545,417 \$ 545,417 113255  
 GRF 911441 Ballot Advertising \$ 487,600 \$ 487,600 113256  
 Costs  
 TOTAL GRF General Revenue Fund \$ 5,033,017 \$ 5,033,017 113257  
 TOTAL ALL BUDGET FUND GROUPS \$ 5,033,017 \$ 5,033,017 113258

**DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY** 113259

**PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM** 113260

The Controlling Board may, at the request of any state agency 113261

or the Director of Budget and Management, transfer all or part of 113262  
the appropriation in appropriation item 911401, Emergency 113263  
Purposes/Contingencies, for the purpose of providing disaster and 113264  
emergency situation aid to state agencies and political 113265  
subdivisions in the event of disasters and emergency situations or 113266  
for the other purposes noted in this section, including, but not 113267  
limited to, costs related to the disturbance that occurred on 113268  
April 11, 1993, at the Southern Ohio Correctional Facility in 113269  
Lucasville, Ohio. 113270

FEDERAL SHARE 113271

In transferring appropriations to or from appropriation items 113272  
that have federal shares identified in this act, the Controlling 113273  
Board shall add or subtract corresponding amounts of federal 113274  
matching funds at the percentages indicated by the state and 113275  
federal division of the appropriations in this act. Such changes 113276  
are hereby appropriated. 113277

DISASTER ASSISTANCE 113278

Pursuant to requests submitted by the Department of Public 113279  
Safety, the Controlling Board may approve transfers from 113280  
appropriation item 911401, Emergency Purposes/Contingencies, to 113281  
appropriation items used by the Department of Public Safety to 113282  
provide funding for assistance to political subdivisions and 113283  
individuals made necessary by natural disasters or emergencies. 113284  
Such transfers may be requested and approved prior to or following 113285  
the occurrence of any specific natural disasters or emergencies in 113286  
order to facilitate the provision of timely assistance. 113287

113288

DISASTER SERVICES 113289

Pursuant to requests submitted by the Department of Public 113290  
Safety, the Controlling Board may approve transfers from the 113291  
Disaster Services Fund (5E20) to a fund and appropriation item 113292

used by the Department of Public Safety to provide for assistance 113293  
to political subdivisions made necessary by natural disasters or 113294  
emergencies. These transfers may be requested and approved prior 113295  
to the occurrence of any specific natural disasters or emergencies 113296  
in order to facilitate the provision of timely assistance. The 113297  
Emergency Management Agency of the Department of Public Safety 113298  
shall use the funding to fund the State Disaster Relief Program 113299  
for disasters that have been declared by the Governor, and the 113300  
State Individual Assistance Program for disasters that have been 113301  
declared by the Governor and the federal Small Business 113302  
Administration. The Ohio Emergency Management Agency shall publish 113303  
and make available application packets outlining procedures for 113304  
the State Disaster Relief Program and the State Individual 113305  
Assistance Program. 113306

Fund 5E20 shall be used by the Controlling Board, pursuant to 113307  
requests submitted by state agencies, to transfer cash and 113308  
appropriations to any fund and appropriation item for the payment 113309  
of state agency disaster relief program expenses for disasters 113310  
declared by the Governor, if the Director of Budget and Management 113311  
determines that sufficient funds exist. 113312

SOUTHERN OHIO CORRECTIONAL FACILITY COST 113313

The Division of Criminal Justice Services in the Department 113314  
of Public Safety and the Public Defender Commission may each 113315  
request, upon approval of the Director of Budget and Management, 113316  
additional funds from appropriation item 911401, Emergency 113317  
Purposes/Contingencies, for costs related to the disturbance that 113318  
occurred on April 11, 1993, at the Southern Ohio Correctional 113319  
Facility in Lucasville, Ohio. 113320

MANDATE ASSISTANCE 113321

(A) The foregoing appropriation item 911404, Mandate 113322  
Assistance, shall be used to provide financial assistance to local 113323

units of government and school districts for the cost of the 113324  
 following two state mandates: 113325

(1) The cost to county prosecutors for prosecuting certain 113326  
 felonies that occur on the grounds of state institutions operated 113327  
 by the Department of Rehabilitation and Correction and the 113328  
 Department of Youth Services; 113329

(2) The cost to school districts of in-service training for 113330  
 child abuse detection. 113331

(B) The Division of Criminal Justice Services in the 113332  
 Department of Public Safety and the Department of Education may 113333  
 prepare and submit to the Controlling Board one or more requests 113334  
 to transfer appropriations from appropriation item 911404, Mandate 113335  
 Assistance. The state agencies charged with this administrative 113336  
 responsibility are listed below, as well as the estimated annual 113337  
 amounts that may be used for each program of state financial 113338  
 assistance. 113339

		ESTIMATED	113340
	ADMINISTERING	ANNUAL	113341
PROGRAM	AGENCY	AMOUNT	113342
Prosecution Costs	Division of Criminal	\$125,446	113343
	Justice Services		113344
Child Abuse Detection	Department of	\$419,971	113345
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal 113346  
 year for appropriation item 911404, Mandate Assistance, the 113347  
 Division of Criminal Justice Services and the Department of 113348  
 Education may request from the Controlling Board that amounts 113349  
 smaller or larger than these estimated annual amounts be 113350  
 transferred to each program. 113351

(D) In addition to making the initial transfers requested by 113352  
 the Division of Criminal Justice Services and the Department of 113353

Education, the Controlling Board may transfer appropriations 113354  
received by a state agency under this section back to 113355  
appropriation item 911404, Mandate Assistance, or to the other 113356  
program of state financial assistance identified under this 113357  
section. 113358

(E) It is expected that not all costs incurred by local units 113359  
of government and school districts under each of the two programs 113360  
of state financial assistance identified in this section will be 113361  
fully reimbursed by the state. Reimbursement levels may vary by 113362  
program and shall be based on: the relationship between the 113363  
appropriation transfers requested by the Division of Criminal 113364  
Justice Services and the Department of Education and provided by 113365  
the Controlling Board for each of the programs; the rules and 113366  
procedures established for each program by the administering state 113367  
agency; and the actual costs incurred by local units of government 113368  
and school districts. 113369

(F) Each of these programs of state financial assistance 113370  
shall be carried out as follows: 113371

(1) PROSECUTION COSTS 113372

(a) Appropriations may be transferred to the Division of 113373  
Criminal Justice Services to cover local prosecution costs for 113374  
aggravated murder, murder, felonies of the first degree, and 113375  
felonies of the second degree that occur on the grounds of 113376  
institutions operated by the Department of Rehabilitation and 113377  
Correction and the Department of Youth Services. 113378

(b) Upon a delinquency filing in juvenile court or the return 113379  
of an indictment for aggravated murder, murder, or any felony of 113380  
the first or second degree that was committed at a Department of 113381  
Youth Services or a Department of Rehabilitation and Correction 113382  
institution, the affected county may, in accordance with rules 113383  
that the Division of Criminal Justice Services shall adopt, apply 113384

to the Division of Criminal Justice Services for a grant to cover 113385  
all documented costs that are incurred by the county prosecutor's 113386  
office. 113387

(c) Twice each year, the Division of Criminal Justice 113388  
Services shall designate counties to receive grants from those 113389  
counties that have submitted one or more applications in 113390  
compliance with the rules that have been adopted by the Division 113391  
of Criminal Justice Services for the receipt of such grants. In 113392  
each year's first round of grant awards, if sufficient 113393  
appropriations have been made, up to a total of \$100,000 may be 113394  
awarded. In each year's second round of grant awards, the 113395  
remaining appropriations available for this purpose may be 113396  
awarded. 113397

(d) If for a given round of grants there are insufficient 113398  
appropriations to make grant awards to all the eligible counties, 113399  
the first priority shall be given to counties with cases involving 113400  
aggravated murder and murder; second priority shall be given to 113401  
counties with cases involving a felony of the first degree; and 113402  
third priority shall be given to counties with cases involving a 113403  
felony of the second degree. Within these priorities, the grant 113404  
awards shall be based on the order in which the applications were 113405  
received, except that applications for cases involving a felony of 113406  
the first or second degree shall not be considered in more than 113407  
two consecutive rounds of grant awards. 113408

(2) CHILD ABUSE DETECTION TRAINING COSTS 113409

Appropriations may be transferred to the Department of 113410  
Education for payment to local school districts as full or partial 113411  
reimbursement for the cost of providing in-service training for 113412  
child abuse detection. In accordance with rules that the 113413  
Department shall adopt, a local school district may apply to the 113414  
Department for a grant to cover all documented costs that are 113415  
incurred to provide in-service training for child abuse detection. 113416

The department shall make grants within the limits of the funding 113417  
provided. 113418

(G) Any moneys allocated within appropriation item 911404, 113419  
Mandate Assistance, not fully utilized may, upon application of 113420  
the Ohio Public Defender Commission, and with the approval of the 113421  
Controlling Board, be paid to boards of county commissioners to 113422  
provide additional reimbursement for the costs incurred by 113423  
counties in providing defense to indigent defendants pursuant to 113424  
Chapter 120. of the Revised Code. Application for the unutilized 113425  
funds shall be made by the Ohio Public Defender Commission at the 113426  
first June meeting of the Controlling Board. 113427

The amount to be paid to each county shall be allocated 113428  
proportionately on the basis of the total amount of reimbursement 113429  
paid to each county as a percentage of the amount of reimbursement 113430  
paid to all of the counties during the most recent state fiscal 113431  
year for which data is available and as calculated by the Ohio 113432  
Public Defender Commission. 113433

BALLOT ADVERTISING COSTS 113434

Pursuant to section 3501.17 of the Revised Code, and upon 113435  
requests submitted by the Secretary of State, the Controlling 113436  
Board shall approve transfers from the foregoing appropriation 113437  
item 911441, Ballot Advertising Costs, to appropriation item 113438  
050621, Statewide Ballot Advertising, in order to pay for the cost 113439  
of public notices associated with statewide ballot initiatives. 113440  
113441

**Section 247.10.** COS STATE BOARD OF COSMETOLOGY 113442

General Services Fund Group 113443  
4K90 879609 Operating Expenses \$ 3,533,679 \$ 3,533,679 113444  
TOTAL GSF General Services Fund 113445  
Group \$ 3,533,679 \$ 3,533,679 113446



TOTAL ALL BUDGET FUND GROUPS	\$	3,533,679	\$	3,533,679	113447
<b>Section 249.10.</b> CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE					113449
AND FAMILY THERAPIST BOARD					113450
General Services Fund Group					113451
4K90 899609 Operating Expenses	\$	1,179,774	\$	1,179,774	113452
TOTAL GSF General Services Fund					113453
Group	\$	1,179,774	\$	1,179,774	113454
TOTAL ALL BUDGET FUND GROUPS	\$	1,179,774	\$	1,179,774	113455
<b>Section 251.10.</b> CLA COURT OF CLAIMS					113457
General Revenue Fund					113458
GRF 015321 Operating Expenses	\$	2,699,369	\$	2,780,350	113459
TOTAL GRF General Revenue Fund	\$	2,699,369	\$	2,780,350	113460
State Special Revenue Fund Group					113461
5K20 015603 CLA Victims of Crime	\$	1,582,684	\$	1,582,684	113462
TOTAL SSR State Special Revenue					113463
Fund Group	\$	1,582,684	\$	1,582,684	113464
TOTAL ALL BUDGET FUND GROUPS	\$	4,282,053	\$	4,363,034	113465
<b>Section 253.10.</b> AFC OHIO CULTURAL FACILITIES COMMISSION					113467
General Revenue Fund					113468
GRF 371321 Operating Expenses	\$	140,909	\$	140,909	113469
GRF 371401 Lease Rental Payments	\$	26,454,900	\$	28,301,600	113470
TOTAL GRF General Revenue Fund	\$	26,595,809	\$	28,442,509	113471
State Special Revenue Fund Group					113472
4T80 371601 Riffe Theatre	\$	81,000	\$	81,000	113473
Equipment Maintenance					
4T80 371603 Project	\$	1,302,866	\$	1,302,866	113474
Administration					
Services					
TOTAL SSR State Special Revenue	\$	1,383,866	\$	1,383,866	113475

Group

TOTAL ALL BUDGET FUND GROUPS	\$	27,979,675	\$	29,826,375	113476
LEASE RENTAL PAYMENTS					113477
The foregoing appropriation item 371401, Lease Rental					113478
Payments, shall be used to meet all payments from the Ohio					113479
Cultural Facilities Commission to the Treasurer of State during					113480
the period from July 1, 2009, to June 30, 2011, under the primary					113481
leases and agreements for those arts and sports facilities made					113482
under Chapters 152. and 154. of the Revised Code. This					113483
appropriation is the source of funds pledged for bond service					113484
charges on related obligations issued under Chapters 152. and 154.					113485
of the Revised Code.					113486
OPERATING EXPENSES					113487
The foregoing appropriation item 371321, Operating Expenses,					113488
shall be used by the Ohio Cultural Facilities Commission to carry					113489
out its responsibilities under this section and Chapter 3383. of					113490
the Revised Code.					113491
By the tenth day following each calendar quarter in each					113492
fiscal year, or as soon as possible thereafter, the Director of					113493
Budget and Management shall determine the amount of cash from					113494
interest earnings to be transferred from the Cultural and Sports					113495
Facilities Building Fund (Fund 7030) to the Cultural Facilities					113496
Commission Administration Fund (Fund 4T80).					113497
As soon as possible after each bond issuance made on behalf					113498
of the Cultural Facilities Commission, the Director of Budget and					113499
Management shall determine the amount of cash from any premium					113500
paid on each issuance that is available to be transferred after					113501
all issuance costs have been paid from the Cultural and Sports					113502
Facilities Building Fund (Fund 7030) to the Cultural Facilities					113503
Commission Administration Fund (Fund 4T80).					113504
CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS					113505

The Executive Director of the Cultural Facilities Commission 113506  
shall certify to the Director of Budget and Management the amount 113507  
of cash receipts and related investment income, irrevocable 113508  
letters of credit from a bank, or certification of the 113509  
availability of funds that have been received from a county or a 113510  
municipal corporation for deposit into the Capital Donations Fund 113511  
(Fund 5A10) and that are related to an anticipated project. These 113512  
amounts are hereby appropriated to appropriation item C37146, 113513  
Capital Donations. Prior to certifying these amounts to the 113514  
Director, the Executive Director shall make a written agreement 113515  
with the participating entity on the necessary cash flows required 113516  
for the anticipated construction or equipment acquisition project. 113517

**Section 255.10. DEN STATE DENTAL BOARD** 113518

General Services Fund Group 113519  
4K90 880609 Operating Expenses \$ 1,528,749 \$ 1,528,749 113520  
TOTAL GSF General Services Fund 113521  
Group \$ 1,528,749 \$ 1,528,749 113522  
TOTAL ALL BUDGET FUND GROUPS \$ 1,528,749 \$ 1,528,749 113523

**Section 257.10. BDP BOARD OF DEPOSIT** 113525

General Services Fund Group 113526  
4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000 113527  
TOTAL GSF General Services Fund 113528  
Group \$ 1,876,000 \$ 1,876,000 113529  
TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000 113530

**BOARD OF DEPOSIT EXPENSE FUND** 113531

Upon receiving certification of expenses from the Treasurer 113532  
of State, the Director of Budget and Management shall transfer 113533  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 113534  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 113535  
shall be used pursuant to section 135.02 of the Revised Code to 113536

pay for any and all necessary expenses of the Board of Deposit or 113537  
for banking charges and fees required for the operation of the 113538  
State of Ohio Regular Account. 113539

**Section 259.10.** DEV DEPARTMENT OF DEVELOPMENT 113540

General Revenue Fund 113541

GRF 195401 Thomas Edison Program \$ 15,946,751 \$ 15,946,751 113542

GRF 195404 Small Business \$ 1,565,770 \$ 1,565,770 113543  
Development

GRF 195405 Minority Business \$ 1,238,528 \$ 1,238,528 113544  
Enterprise Division

GRF 195407 Travel and Tourism \$ 1,399,410 \$ 1,399,410 113545

GRF 195410 Defense Conversion \$ 3,000,000 \$ 1,000,000 113546  
Assistance

GRF 195412 Rapid Outreach Grants \$ 11,000,000 \$ 11,000,000 113547

GRF 195415 Strategic Business \$ 5,882,129 \$ 5,882,129 113548  
Investment Division  
and Regional Offices

GRF 195416 Governor's Office of \$ 4,508,741 \$ 4,508,741 113549  
Appalachia

GRF 195422 Technology Action \$ 3,500,000 \$ 3,500,000 113550

GRF 195426 Clean Ohio \$ 168,365 \$ 168,365 113551  
Implementation

GRF 195432 Global Markets \$ 3,889,566 \$ 3,889,566 113552

GRF 195434 Industrial Training \$ 11,334,893 \$ 11,334,893 113553  
Grants

GRF 195436 Labor/Management \$ 752,603 \$ 752,603 113554  
Cooperation

GRF 195497 CDBG Operating Match \$ 1,056,075 \$ 1,056,075 113555

GRF 195498 State Match Energy \$ 246,820 \$ 246,820 113556

GRF 195501 Appalachian Local \$ 391,482 \$ 391,482 113557  
Development Districts

GRF	195502	Appalachian Regional Commission Dues	\$	221,924	\$	221,924	113558
GRF	195507	Travel and Tourism Grants	\$	2,005,000	\$	2,005,000	113559
GRF	195520	Ohio Main Street Program	\$	575,000	\$	75,000	113560
GRF	195521	Discover Ohio!	\$	6,800,903	\$	6,800,903	113561
GRF	195522	Targeted Industry Training Grants	\$	3,800,000	\$	3,800,000	113562
GRF	195523	Workforce Retention & Attraction	\$	500,000	\$	500,000	113563
GRF	195524	EfficientGovNow Match	\$	1,000,000	\$	0	113564
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	20,948,300	\$	29,011,600	113565
GRF	195912	Job Ready Site Development General Obligation Debt Service	\$	5,685,400	\$	10,601,900	113566
TOTAL GRF		General Revenue Fund	\$	107,417,660	\$	116,897,460	113567
		General Services Fund Group					113568
1350	195684	Supportive Services	\$	12,162,444	\$	12,184,444	113569
4W10	195646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	113570
5AD0	195677	Economic Development Contingency	\$	4,000,000	\$	4,000,000	113571
5DU0	195689	Energy Projects	\$	840,000	\$	840,000	113572
5W50	195690	Travel and Tourism Cooperative Projects	\$	350,000	\$	350,000	113573
6850	195636	Direct Cost Recovery Expenditures	\$	1,000,000	\$	1,000,000	113574

TOTAL GSF General Services Fund				113575
Group	\$	20,933,041	\$ 20,955,041	113576
Federal Special Revenue Fund Group				113577
3080 195602 Appalachian Regional Commission	\$	475,000	\$ 475,000	113578
3080 195603 Housing and Urban Development	\$	6,000,000	\$ 6,000,000	113579
3080 195605 Federal Projects	\$	27,000,000	\$ 27,000,000	113580
3080 195609 Small Business Administration	\$	5,011,381	\$ 5,011,381	113581
3080 195618 Energy Federal Grants	\$	3,400,000	\$ 3,400,000	113582
3350 195610 Energy Conservation and Emerging Technology	\$	1,800,000	\$ 1,100,000	113583
3AE0 195643 Workforce Development Initiatives	\$	17,000,000	\$ 16,500,000	113584
3K80 195613 Community Development Block Grant	\$	65,000,000	\$ 65,000,000	113585
3K90 195611 Home Energy Assistance Block Grant	\$	115,743,608	\$ 115,743,608	113586
3K90 195614 HEAP Weatherization	\$	22,000,000	\$ 22,000,000	113587
3L00 195612 Community Services Block Grant	\$	25,235,000	\$ 25,235,000	113588
3V10 195601 HOME Program	\$	40,000,000	\$ 40,000,000	113589
TOTAL FED Federal Special Revenue Fund Group	\$	328,664,989	\$ 327,464,989	113590 113591
State Special Revenue Fund Group				113592
4440 195607 Water and Sewer Commission Loans	\$	500,000	\$ 500,000	113593
4500 195624 Minority Business Bonding Program	\$	53,967	\$ 53,967	113594

		Administration					
4510	195625	Economic Development	\$	3,433,311	\$	3,433,311	113595
		Financing Operating					
4F20	195639	State Special	\$	400,000	\$	400,000	113596
		Projects					
4F20	195676	Marketing	\$	6,100,000	\$	6,100,000	113597
		Initiatives					
4F20	195699	Utility Provided	\$	500,000	\$	500,000	113598
		Funds					
4S00	195630	Tax Incentive	\$	650,800	\$	650,800	113599
		Programs					
5CG0	195679	Alternative Fuel	\$	1,000,000	\$	1,000,000	113600
		Transportation					
5M40	195659	Low Income Energy	\$	245,000,000	\$	245,000,000	113601
		Assistance					
5M50	195660	Advanced Energy	\$	17,000,000	\$	17,000,000	113602
		Programs					
5W60	195691	International Trade	\$	25,000	\$	0	113603
		Cooperative Projects					
5X10	195651	Exempt Facility	\$	8,000	\$	0	113604
		Inspection					
6110	195631	Water and Sewer	\$	10,000	\$	10,000	113605
		Administration					
6170	195654	Volume Cap	\$	200,000	\$	200,000	113606
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	113607
		Income Housing Trust					
		Fund					
TOTAL SSR		State Special Revenue					113608
Fund Group			\$	327,881,078	\$	327,848,078	113609
Facilities Establishment		Fund Group					113610
4Z60	195647	Rural Industrial Park	\$	3,000,000	\$	3,000,000	113611
		Loan					

5D20	195650	Urban Redevelopment Loans	\$	5,000,000	\$	5,000,000	113612
5S80	195627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	113613
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	113614
7008	195698	Logistics & Distribution Infrastructure	\$	50,000,000	\$	0	113615
7009	195664	Innovation Ohio	\$	20,000,000	\$	20,000,000	113616
7010	195665	Research and Development	\$	35,000,000	\$	35,000,000	113617
7037	195615	Facilities Establishment	\$	65,000,000	\$	65,000,000	113618
TOTAL 037 Facilities							113619
Establishment Fund Group			\$	184,000,000	\$	134,000,000	113620
Clean Ohio Revitalization Fund							113621
7003	195663	Clean Ohio Operating	\$	964,200	\$	953,300	113622
TOTAL 7003 Clean Ohio			\$	964,200	\$	953,300	113623
Revitalization Fund							
Third Frontier Research & Development Fund Group							113624
7011	195687	Third Frontier Research & Development Projects	\$	55,000,000	\$	55,000,000	113625
7014	195692	Research & Development Taxable Bond Projects	\$	6,000,000	\$	6,000,000	113626
TOTAL 011 Third Frontier Research & Development Fund Group			\$	61,000,000	\$	61,000,000	113627
Job Ready Site Development Fund Group							113628
7012	195688	Job Ready Site Operating	\$	1,246,155	\$	1,246,155	113629



TOTAL 012 Job Ready Site	\$	1,246,155	\$	1,246,155	113630
Development Fund Group					
Tobacco Master Settlement Agreement Fund Group					113631
5Z30 195694 Jobs Fund Bioproducts	\$	40,000,000	\$	10,000,000	113632
5Z30 195695 Jobs Fund Biomedical	\$	80,000,000	\$	20,000,000	113633
M087 195435 Biomedical Research	\$	1,257,363	\$	1,259,563	113634
and Technology					
Transfer					
TOTAL TSF Tobacco Master Settlement	\$	121,257,363	\$	31,259,563	113635
Agreement Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,153,364,486	\$	1,021,624,586	113636

**Section 259.10.10. THOMAS EDISON PROGRAM** 113638

The foregoing appropriation item 195401, Thomas Edison 113639  
Program, shall be used for the purposes of sections 122.28 to 113640  
122.38 of the Revised Code. Of the foregoing appropriation item 113641  
195401, Thomas Edison Program, not more than ten per cent in each 113642  
fiscal year shall be used for operating expenditures in 113643  
administering the programs of the Technology and Innovation 113644  
Division. 113645

Notwithstanding any provision of law to the contrary, of the 113646  
foregoing appropriation item 195401, Thomas Edison Program, 113647  
\$75,000 in each fiscal year shall be used for the City of 113648  
Cleveland and \$75,000 in each fiscal year shall be used for the 113649  
City of Toledo to develop the Toledo-Cleveland Energy Corridor. 113650  
These funds shall not be released unless the Department of 113651  
Development first secures a commitment of matching funds from each 113652  
recipient. 113653

Notwithstanding any provision of law to the contrary, of the 113654  
foregoing appropriation item 195401, Thomas Edison Program, 113655  
\$160,000 in fiscal year 2010 shall be used for an in-depth 113656  
workforce needs assessment for the advanced and renewable energy 113657

industry and affiliated suppliers in Northwest Ohio. The 113658  
assessment shall identify the skill sets required for workers 113659  
needed by the industry. Any unexpended and unencumbered portion of 113660  
the moneys appropriated for this purpose in fiscal year 2010 shall 113661  
be reappropriated for the same purpose in fiscal year 2011. 113662

**Section 259.10.20. SMALL BUSINESS DEVELOPMENT** 113663

The foregoing appropriation item 195404, Small Business 113664  
Development, shall be used as matching funds for grants from the 113665  
United States Small Business Administration and other federal 113666  
agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. 113667  
L. No. 98-395 (1984), and regulations and policy guidelines for 113668  
the programs pursuant thereto. This appropriation item also may be 113669  
used to provide grants to local organizations to support the 113670  
operation of small business development centers and other local 113671  
economic development activities that promote small business 113672  
development and entrepreneurship. 113673

**Section 259.10.25. DEFENSE CONVERSION ASSISTANCE** 113674

The foregoing appropriation item 195410, Defense Conversion 113675  
Assistance, shall be used by Development Projects, Inc., for the 113676  
creation of new jobs to leverage and support mission gains at 113677  
Wright-Patterson Air Force Base in defense intelligence, aerospace 113678  
research, and related areas from successful base realignment and 113679  
closure efforts. Moneys shall not be disbursed for any project 113680  
under this section without the approval of the Director of 113681  
Development. 113682

**Section 259.10.30. RAPID OUTREACH GRANTS** 113683

The foregoing appropriation item 195412, Rapid Outreach 113684  
Grants, shall be used as an incentive for attracting, expanding, 113685  
and retaining business opportunities for the state. Projects 113686

offering substantial opportunities for new, expanding, or retained 113687  
business operations in Ohio, are eligible for grant funding. The 113688  
projects must create or retain a significant number of jobs for 113689  
Ohioans. An award of grant funds is reserved for only those 113690  
instances in which Ohio's ability to attract, retain, or assist 113691  
with an expansion of a project depends on an award of funds from 113692  
appropriation item 195412, Rapid Outreach Grants. 113693

The department's primary goal shall be to award funds 113694  
directly to business entities considering Ohio for their expansion 113695  
or new site location opportunities. Rapid Outreach grants shall be 113696  
used by recipients to purchase equipment, make infrastructure 113697  
improvements, make real property improvements, or fund other fixed 113698  
assets. To meet the particular needs of economic development in a 113699  
region, the department may elect to award funds directly to a 113700  
political subdivision to assist with making on- or off-site 113701  
infrastructure improvements to water and sewage treatment 113702  
facilities, electric or gas service connections, fiber optic 113703  
access, rail facilities, site preparation, and parking facilities. 113704  
The Director of Development may recommend that the funds be used 113705  
for alternative purposes when considered appropriate to satisfy an 113706  
economic development opportunity or need deemed extraordinary in 113707  
nature by the Director. 113708

The foregoing appropriation item 195412, Rapid Outreach 113709  
Grants, may be expended only after the submission of a request to 113710  
the Controlling Board by the Department of Development outlining 113711  
the planned use of the funds, and the subsequent approval of the 113712  
request by the Controlling Board. 113713

The foregoing appropriation item 195412, Rapid Outreach 113714  
Grants, may be used for, but is not limited to, construction, 113715  
rehabilitation, and acquisition projects for rail freight 113716  
assistance as requested by the Department of Transportation. The 113717  
Director of Transportation shall submit the proposed projects to 113718

the Director of Development for an evaluation of potential 113719  
economic benefit. 113720

**Section 259.10.40. STRATEGIC BUSINESS INVESTMENT DIVISION AND 113721**  
REGIONAL OFFICES 113722

The foregoing appropriation item 195415, Strategic Business 113723  
Investment Division and Regional Offices, shall be used for the 113724  
operating expenses of the Strategic Business Investment Division 113725  
and the regional economic development offices and for grants for 113726  
cooperative economic development ventures. 113727

**Section 259.10.50. GOVERNOR'S OFFICE OF APPALACHIA 113728**

The foregoing appropriation item 195416, Governor's Office of 113729  
Appalachia, may be used for the administrative costs of planning 113730  
and liaison activities for the Governor's Office of Appalachia, to 113731  
provide financial assistance to projects in Ohio's Appalachian 113732  
counties, and to match federal funds from the Appalachian Regional 113733  
Commission. 113734

**Section 259.10.60. TECHNOLOGY ACTION 113735**

The foregoing appropriation item 195422, Technology Action, 113736  
shall be used for operating expenses the Department of Development 113737  
incurs for administering sections 184.10 to 184.20 of the Revised 113738  
Code. If the appropriation is insufficient to cover the operating 113739  
expenses, the Department may request Controlling Board approval to 113740  
appropriate the additional amount needed in appropriation item 113741  
195686, Third Frontier Operating. The Department shall not request 113742  
an amount in excess of the amount needed. 113743  
113744

**Section 259.10.70. CLEAN OHIO IMPLEMENTATION 113745**

The foregoing appropriation item 195426, Clean Ohio 113746

Implementation, shall be used to fund the costs of administering 113747  
the Clean Ohio Revitalization program and other urban 113748  
revitalization programs that may be implemented by the Department 113749  
of Development. 113750

**Section 259.10.80. GLOBAL MARKETS** 113751

The foregoing appropriation item 195432, Global Markets, 113752  
shall be used to administer Ohio's foreign trade and investment 113753  
programs, including operation and maintenance of Ohio's 113754  
out-of-state trade and investment offices. This appropriation item 113755  
also shall be used to fund the Global Markets Division and to 113756  
assist Ohio manufacturers, agricultural producers, and service 113757  
providers in exporting to foreign countries and to assist in the 113758  
attraction of foreign direct investment. 113759

**Section 259.10.90. OHIO WORKFORCE GUARANTEE PROGRAM** 113760

The foregoing appropriation item 195434, Industrial Training 113761  
Grants, may be used for the Ohio Workforce Guarantee Program to 113762  
promote training through grants to businesses and, in the case of 113763  
a business consortium, training and education providers for the 113764  
reimbursement of eligible training expenses. 113765

Of the foregoing appropriation item 195643, Workforce 113766  
Development Initiatives, \$5,400,000 in each fiscal year shall be 113767  
used to support the Ohio Workforce Guarantee Grant Program. 113768

Of the foregoing appropriation item 195643, Workforce 113769  
Development Initiatives, \$50,000 in each fiscal year shall be used 113770  
for the NewLife Technical Institute in support of the Bridges from 113771  
Poverty to IT Jobs pilot program. 113772

**Section 259.15.10. STATE MATCH ENERGY** 113773

Of the foregoing appropriation item 195498, State Match 113774  
Energy, \$150,000 in each fiscal year shall be used to support the 113775

Ross County Auditor in conducting a study of renewable energy 113776  
sources for schools. The study shall investigate the feasibility 113777  
of implementing bio-fuel energy sources for school heating 113778  
systems. 113779

**Section 259.20.10. OHIO FILM OFFICE** 113780

The Ohio Film Office shall promote media productions in the 113781  
state and help the industry optimize its production experience in 113782  
the state by enhancing local economies through increased 113783  
employment and tax revenues and ensuring an accurate portrayal of 113784  
Ohio. The Office shall serve as an informational clearinghouse and 113785  
provide technical assistance to the media production industry and 113786  
business entities engaged in media production in the state. The 113787  
Office shall promote Ohio as the ideal site for media production 113788  
and help those in the industry benefit from their experience in 113789  
the state. 113790

The primary objective of the Office shall be to encourage 113791  
development of a strong capital base for electronic media 113792  
production in order to achieve an independent, self-supporting 113793  
industry in Ohio. Other objectives shall include: 113794

(A) Attracting private investment for the electronic media 113795  
production industry; 113796

(B) Developing a tax infrastructure that encourages private 113797  
investment; and 113798

(C) Encouraging increased employment opportunities within 113799  
this sector and increased competition with other states. 113800

**Section 259.20.15. TRAVEL AND TOURISM GRANTS** 113801

Of the foregoing appropriation item 195507, Travel and 113802  
Tourism Grants, \$550,000 in each fiscal year shall be used to 113803  
support operating expenses at the National Underground Railroad 113804

Freedom Center.	113805
Of the foregoing appropriation item 195507, Travel and	113806
Tourism Grants, \$400,000 in each fiscal year shall be used for the	113807
Great Lakes Science Center.	113808
Of the foregoing appropriation item 195507, Travel and	113809
Tourism Grants, \$250,000 in each fiscal year shall be used for the	113810
Cleveland Zoo.	113811
Of the foregoing appropriation item 195507, Travel and	113812
Tourism Grants, \$50,000 in each fiscal year shall be used for the	113813
Greater Cleveland Sports Commission, and \$50,000 in each fiscal	113814
year shall be used for the Greater Columbus Sports Commission.	113815
Of the foregoing appropriation item 195507, Travel and	113816
Tourism Grants, \$50,000 in each fiscal year shall be used for the	113817
Montgomery County Youth Sports Initiative to attract Amateur	113818
Athletic Union tournaments.	113819
Of the foregoing appropriation item 195507, Travel and	113820
Tourism Grants, \$80,000 in each fiscal year shall be used for the	113821
outdoor dramas <i>Tecumseh!</i> and <i>Trumpet in the Land</i> .	113822
Of the foregoing appropriation item 195507, Travel and	113823
Tourism Grants, \$500,000 in each fiscal year shall be used for the	113824
International Center for the Preservation of Wild Animals.	113825
Of the foregoing appropriation item 195507, Travel and	113826
Tourism Grants, \$25,000 in each fiscal year shall be used for	113827
Ohio's Appalachian Country to support tourism activities in	113828
Appalachian counties.	113829
Of the foregoing appropriation item 195507, Travel and	113830
Tourism Grants, \$50,000 in each fiscal year shall be used for the	113831
Columbus Film Commission.	113832
<b>Section 259.20.20. DISCOVER OHIO!</b>	113833

The foregoing appropriation item 195521, Discover Ohio!, 113834  
shall be used by the Ohio Tourism Division in the Department of 113835  
Development for marketing and promoting Ohio as a tourism 113836  
destination and for costs associated with operating such programs. 113837  
113838

**Section 259.20.25. EFFICIENTGOVNOW MATCH** 113839

Of the foregoing appropriation item 195524, EfficientGovNow 113840  
Match, up to \$150,000 in fiscal year 2010 shall be used to match 113841  
grants awarded by EfficientGovNow in Northeast Ohio. The state 113842  
shall match up to three grants, and no state matching grant shall 113843  
exceed \$50,000. 113844

Of the foregoing appropriation item 195524, EfficientGovNow 113845  
Match, up to \$850,000 in fiscal year 2010 shall be used to match 113846  
grants awarded by EfficientGovNow if EfficientGovNow expands 113847  
statewide. 113848

Any unexpended and unencumbered portion of the foregoing 113849  
appropriation item 195524, EfficientGovNow Match, at the end of 113850  
fiscal year 2010 is hereby appropriated for the same purpose in 113851  
fiscal year 2011. 113852

**Section 259.20.30. THIRD FRONTIER RESEARCH & DEVELOPMENT** 113853  
**GENERAL OBLIGATION DEBT SERVICE** 113854

The foregoing appropriation item 195905, Third Frontier 113855  
Research & Development General Obligation Debt Service, shall be 113856  
used to pay all debt service and related financing costs during 113857  
the period from July 1, 2009, to June 30, 2011, on obligations 113858  
issued for research and development purposes under sections 151.01 113859  
and 151.10 of the Revised Code. 113860

**JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE** 113861

The foregoing appropriation item 195912, Job Ready Site 113862



Development General Obligation Debt Service, shall be used to pay 113863  
all debt service and related financing costs during the period 113864  
from July 1, 2009, to June 30, 2011, on obligations issued for job 113865  
ready site development purposes under sections 151.01 and 151.11 113866  
of the Revised Code. 113867

**Section 259.20.40. SUPPORTIVE SERVICES** 113868

The Director of Development may assess divisions of the 113869  
department for the cost of central service operations. An 113870  
assessment shall contain the characteristics of administrative 113871  
ease and uniform application. A division's payments shall be 113872  
credited to the Supportive Services Fund (Fund 1350) using an 113873  
intrastate transfer voucher. 113874

**ECONOMIC DEVELOPMENT CONTINGENCY** 113875

The foregoing appropriation item 195677, Economic Development 113876  
Contingency, may be used to award funds directly to either (1) 113877  
business entities considering Ohio for expansion or new site 113878  
location opportunities or (2) political subdivisions to assist 113879  
with necessary costs involved in attracting a business entity. In 113880  
addition, the Director of Development may award funds for 113881  
alternative purposes when appropriate to satisfy an economic 113882  
development opportunity or need deemed extraordinary in nature by 113883  
the Director. 113884

**DIRECT COST RECOVERY EXPENDITURES** 113885

The foregoing appropriation item 195636, Direct Cost Recovery 113886  
Expenditures, shall be used for reimbursable costs. Revenues to 113887  
the General Reimbursement Fund (Fund 6850) shall consist of moneys 113888  
charged for administrative costs that are not central service 113889  
costs. 113890

**Section 259.20.50. HEAP WEATHERIZATION** 113891

Up to fifteen per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development. Any transfers or increases in appropriation for the foregoing appropriation items 195614, HEAP Weatherization, or 195611, Home Energy Assistance Block Grant, shall be subject to approval by the Controlling Board.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited shall be used to match federal housing grants for the homeless and to market economic development opportunities in the state. Private-sector moneys shall be deposited for use in appropriation item 195699, Utility Provided Funds, and shall be used to (1) pay the expenses of verifying the income-eligibility of HEAP applicants, (2) leverage additional federal funds, (3) fund special projects to assist homeless individuals, (4) fund special projects to assist with the energy efficiency of households eligible to participate in the Percentage of Income Payment Plan, and (5) assist with training programs for agencies that administer low-income customer assistance programs.

**Section 259.20.60. TAX INCENTIVE PROGRAMS OPERATING**

The foregoing appropriation item 195630, Tax Incentive Programs, shall be used for the operating costs of the Office of Grants and Tax Incentives.

**Section 259.20.70. MINORITY BUSINESS ENTERPRISE LOAN**

All repayments from the Minority Development Financing

Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 113922  
Program shall be deposited in the State Treasury to the credit of 113923  
the Minority Business Enterprise Loan Fund (Fund 4W10). All 113924  
operating costs of administering the Minority Business Enterprise 113925  
Loan Fund shall be paid from the Minority Business Enterprise Loan 113926  
Fund (Fund 4W10). 113927

MINORITY BUSINESS BONDING FUND 113928

Notwithstanding Chapters 122., 169., and 175. of the Revised 113929  
Code, the Director of Development may, upon the recommendation of 113930  
the Minority Development Financing Advisory Board, pledge up to 113931  
\$10,000,000 in the fiscal year 2010-fiscal year 2011 biennium of 113932  
unclaimed funds administered by the Director of Commerce and 113933  
allocated to the Minority Business Bonding Program under section 113934  
169.05 of the Revised Code. The transfer of any cash by the 113935  
Director of Budget and Management from the Department of 113936  
Commerce's Unclaimed Funds Fund (Fund 5430) to the Department of 113937  
Development's Minority Business Bonding Fund (Fund 4490) shall 113938  
occur, if requested by the Director of Development, only if such 113939  
funds are needed for payment of losses arising from the Minority 113940  
Business Bonding Program, and only after proceeds of the initial 113941  
transfer of \$2,700,000 by the Controlling Board to the Minority 113942  
Business Bonding Program has been used for that purpose. Moneys 113943  
transferred by the Director of Budget and Management from the 113944  
Department of Commerce for this purpose may be moneys in custodial 113945  
funds held by the Treasurer of State. If expenditures are required 113946  
for payment of losses arising from the Minority Business Bonding 113947  
Program, such expenditures shall be made from appropriation item 113948  
195623, Minority Business Bonding Contingency in the Minority 113949  
Business Bonding Fund, and such amounts are hereby appropriated. 113950

**Section 259.20.80.** ALTERNATIVE FUEL TRANSPORTATION 113951

Of the foregoing appropriation item 195679, Alternative Fuel 113952

Transportation, not more than ten per cent shall be used by the 113953  
Director of Development for administrative costs associated with 113954  
the program under section 122.075 of the Revised Code. 113955

ADVANCED ENERGY FUND 113956

The foregoing appropriation item 195660, Advanced Energy 113957  
Programs, shall be used to provide financial assistance to 113958  
customers for eligible advanced energy projects for residential, 113959  
commercial, and industrial business, local government, educational 113960  
institution, nonprofit, and agriculture customers, and to pay for 113961  
the program's administrative costs as provided in sections 4928.61 113962  
to 4928.63 of the Revised Code and rules adopted by the Director 113963  
of Development. 113964

OHIO ENERGY RESOURCE CENTER 113965

There is hereby created the Ohio Energy Resource Center at 113966  
the Voinovich School of Leadership and Public Affairs at Ohio 113967  
University. 113968

The center shall do all of the following: 113969

(A) Act as a knowledge hub for clean energy, advanced energy, 113970  
and energy efficiency projects throughout the state; 113971

(B) Maintain a database of research and development projects 113972  
in the fields of clean energy, advanced energy, and energy 113973  
efficiency undertaken by public institutions of higher education; 113974

(C) Act as a clearinghouse for information and promote 113975  
collaboration among public and private entities on federal, state, 113976  
and private sources of financial and technical assistance for 113977  
advanced energy, clean energy, and energy efficiency projects 113978  
including, but not limited to, Edison Technology Centers, Edison 113979  
Incubators, and programs under the Third Frontier Commission; and 113980

(D) Provide technical assistance to state government and 113981  
local governments, other political subdivisions, mercantile 113982

customers as defined in section 4928.01 of the Revised Code, and 113983  
businesses located in an Appalachian county as defined in section 113984  
107.21 of the Revised Code on clean energy, advanced energy, and 113985  
energy efficiency projects. 113986

Of the foregoing appropriation item 195660, Advanced Energy 113987  
Programs, up to \$75,000 in each fiscal year shall be used for the 113988  
activities of the Center. 113989

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 113990

All payments received by the state pursuant to a series of 113991  
settlements with ten brokerage firms reached with the United 113992  
States Securities and Exchange Commission, the National 113993  
Association of Securities Dealers, the New York Stock Exchange, 113994  
the New York Attorney General, and other state regulators 113995  
(henceforth referred to as the "Global Analysts Settlement 113996  
Agreements"), shall be deposited into the state treasury to the 113997  
credit of the Economic Development Contingency Fund (Fund 5Y60). 113998  
The fund shall be used by the Director of Development to support 113999  
economic development projects. Moneys shall be awarded to either 114000  
(1) business entities considering Ohio for expansion or new site 114001  
location opportunities or (2) political subdivisions to assist 114002  
with necessary costs involved in attracting a business entity. In 114003  
addition, the Director of Development may award funds for 114004  
alternative purposes when appropriate to satisfy an economic 114005  
development opportunity or need deemed extraordinary by the 114006  
Director. Grant funds may be expended only after the submission of 114007  
a request to the Controlling Board by the Department outlining the 114008  
planned use of the funds and the subsequent approval of the 114009  
Controlling Board. 114010

VOLUME CAP ADMINISTRATION 114011

The foregoing appropriation item 195654, Volume Cap 114012  
Administration, shall be used for expenses related to the 114013

administration of the Volume Cap Program. Revenues received by the 114014  
Volume Cap Administration Fund (Fund 6170) shall consist of 114015  
application fees, forfeited deposits, and interest earned from the 114016  
custodial account held by the Treasurer of State. 114017

OHIO HOUSING TRUST FUND 114018

Notwithstanding any provision of law to the contrary, of the 114019  
foregoing appropriation item 195638, Low- and Moderate-Income 114020  
Housing Trust Fund, at least \$500,000 in each fiscal year shall be 114021  
used for activities that provide outreach, organizational 114022  
assistance, and information to tenants and residents of 114023  
manufactured homes. 114024

INNOVATION OHIO LOAN FUND 114025

The foregoing appropriation item 195664, Innovation Ohio, 114026  
shall be used to provide for innovation Ohio purposes, including 114027  
loan guarantees and loans under Chapter 166. and particularly 114028  
sections 166.12 to 166.16 of the Revised Code. 114029

RESEARCH AND DEVELOPMENT 114030

The foregoing appropriation item 195665, Research and 114031  
Development, shall be used to provide for research and development 114032  
purposes, including loans, under Chapter 166. and particularly 114033  
sections 166.17 to 166.21 of the Revised Code. 114034

**Section 259.20.90.** LOGISTICS AND DISTRIBUTION INFRASTRUCTURE 114035

The foregoing appropriation item 195698, Logistics and 114036  
Distribution Infrastructure, shall be used for eligible logistics 114037  
and distribution infrastructure projects as defined in section 114038  
166.01 of the Revised Code. Any unexpended and unencumbered 114039  
portion of the appropriation item at the end of fiscal year 2009 114040  
is hereby reappropriated for the same purpose in fiscal year 2010, 114041  
and any unexpended and unencumbered portion of the appropriation 114042  
item at the end of fiscal year 2010 is hereby reappropriated for 114043

the same purpose in fiscal year 2011. 114044

FACILITIES ESTABLISHMENT FUND 114045

The foregoing appropriation item 195615, Facilities 114046  
Establishment (Fund 7037), shall be used for the purposes of the 114047  
Facilities Establishment Fund under Chapter 166. of the Revised 114048  
Code. 114049

Notwithstanding Chapter 166. of the Revised Code, an amount 114050  
not to exceed \$2,000,000 in cash each fiscal year may be 114051  
transferred from the Facilities Establishment Fund (Fund 7037) to 114052  
the Economic Development Financing Operating Fund (Fund 4510). The 114053  
transfer is subject to Controlling Board approval under division 114054  
(B) of section 166.03 of the Revised Code. 114055

Notwithstanding Chapter 166. of the Revised Code, an amount 114056  
not to exceed \$5,000,000 in cash each fiscal year may be 114057  
transferred during the biennium from the Facilities Establishment 114058  
Fund (Fund 7037) to the Urban Redevelopment Loans Fund (Fund 5D20) 114059  
for the purpose of removing barriers to urban core redevelopment. 114060  
The Director of Development shall develop program guidelines for 114061  
the transfer and release of funds, including, but not limited to, 114062  
the completion of all appropriate environmental assessments before 114063  
state assistance is committed to a project. The transfers shall be 114064  
subject to approval by the Controlling Board upon the submission 114065  
of a request by the Department of Development. 114066

Notwithstanding Chapter 166. of the Revised Code, an amount 114067  
not to exceed \$3,000,000 in cash each fiscal year may be 114068  
transferred from the Facilities Establishment Fund (Fund 7037) to 114069  
the Rural Industrial Park Loan Fund (Fund 4Z60). The transfer is 114070  
subject to Controlling Board approval under section 166.03 of the 114071  
Revised Code. 114072

Notwithstanding Chapter 166. of the Revised Code, on the 114073  
first day of July of each year of the biennium, or as soon as 114074

possible thereafter, the Director of Budget and Management, at the request of the Director of Development, shall transfer \$6,102,500 in cash from the Facilities Establishment Fund (Fund 7037) to the General Revenue Fund. The amount transferred is hereby appropriated for each fiscal year in appropriation item 195412, Rapid Outreach Grants.

Notwithstanding Chapter 166. of the Revised Code, on the first day of July of each year of the biennium, or as soon as possible thereafter, the Director of Budget and Management, at the request of the Director of Development, shall transfer \$4,275,000 cash from the Facilities Establishment Fund (Fund 7037) to the Job Development Initiatives Fund (Fund 5AD0). The amount transferred is hereby appropriated in each fiscal year in appropriation item 195677, Economic Development Contingency.

Notwithstanding Chapter 166. of the Revised Code, of the foregoing appropriation item 195615, Facilities Establishment, \$100,000 in each fiscal year shall be used for the Ohio Means Jobs web site.

Of the foregoing appropriation item 195615, Facilities Establishment, \$1,000,000 in each fiscal year shall be used to provide loans under the Micro-Lending Program established in division (C) of section 166.07 of the Revised Code.

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$1,000,000 in cash in fiscal year 2010 and \$500,000 in cash in fiscal year 2011 shall be transferred from moneys in the Facilities Establishment Fund (Fund 7037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG0) in the Department of Development.

RURAL DEVELOPMENT INITIATIVE FUND

(A)(1) The Rural Development Initiative Fund (Fund 5S80) is



entitled to receive moneys from the Facilities Establishment Fund 114106  
(Fund 7037). The Director of Development may make grants from the 114107  
Rural Development Initiative Fund as specified in division (A)(2) 114108  
of this section to eligible applicants in Appalachian counties and 114109  
in rural counties in the state that are designated as distressed 114110  
under section 122.25 of the Revised Code. Preference shall be 114111  
given to eligible applicants located in Appalachian counties 114112  
designated as distressed by the federal Appalachian Regional 114113  
Commission. 114114

(2) The Director of Development shall make grants from the 114115  
Rural Development Initiative Fund (Fund 5S80) only to eligible 114116  
applicants who also qualify for and receive funding under the 114117  
Rural Industrial Park Loan Program as specified in sections 122.23 114118  
to 122.27 of the Revised Code. Eligible applicants shall use the 114119  
grants for the purposes specified in section 122.24 of the Revised 114120  
Code. All projects supported by grants from the fund are subject 114121  
to Chapter 4115. of the Revised Code as specified in division (E) 114122  
of section 166.02 of the Revised Code. The Director shall develop 114123  
program guidelines for the transfer and release of funds. The 114124  
release of grant moneys to an eligible applicant is subject to 114125  
Controlling Board approval. 114126

(B) Notwithstanding Chapter 166. of the Revised Code, the 114127  
Director of Budget and Management may transfer an amount not to 114128  
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 114129  
at the request of the Director of Development from the Facilities 114130  
Establishment Fund (Fund 7037) to the Rural Development Initiative 114131  
Fund (Fund 5S80). The transfer is subject to Controlling Board 114132  
approval under section 166.03 of the Revised Code. 114133

CAPITAL ACCESS LOAN PROGRAM 114134

The foregoing appropriation item 195628, Capital Access Loan 114135  
Program, shall be used for operating, program, and administrative 114136  
expenses of the program. Funds of the Capital Access Loan Program 114137

shall be used to assist participating financial institutions in 114138  
making program loans to eligible businesses that face barriers in 114139  
accessing working capital and obtaining fixed-asset financing. 114140

Notwithstanding Chapter 166. of the Revised Code, the 114141  
Director of Budget and Management may transfer an amount not to 114142  
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 114143  
at the request of the Director of Development from the Facilities 114144  
Establishment Fund (Fund 7037) to the Capital Access Loan Program 114145  
Fund (Fund 5S90). The transfer is subject to Controlling Board 114146  
approval under section 166.03 of the Revised Code. 114147

**Section 259.30.10. CLEAN OHIO OPERATING EXPENSES** 114148

The foregoing appropriation item 195663, Clean Ohio 114149  
Operating, shall be used by the Department of Development in 114150  
administering sections 122.65 to 122.658 of the Revised Code. 114151

**Section 259.30.20. THIRD FRONTIER RESEARCH AND DEVELOPMENT** 114152  
**PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS** 114153

The foregoing appropriation items 195687, Third Frontier 114154  
Research and Development Projects, and 195692, Research and 114155  
Development Taxable Bond Projects, shall be used by the Department 114156  
of Development to fund selected projects. Eligible costs are those 114157  
costs of research and development projects to which the proceeds 114158  
of the Third Frontier Research and Development Fund (Fund 7011) 114159  
and the Research & Development Taxable Bond Project Fund (Fund 114160  
7014) are to be applied. 114161

**TRANSFERS OF THIRD FRONTIER APPROPRIATIONS** 114162

The Director of Budget and Management may approve written 114163  
requests from the Director of Development for the transfer of 114164  
appropriations between appropriation items 195687, Third Frontier 114165  
Research and Development Projects, and 195692, Research and 114166  
Development Taxable Bond Projects, based upon awards recommended 114167

by the Third Frontier Commission. The transfers are subject to 114168  
approval by the Controlling Board. 114169

On or before June 30, 2010, any unexpended and unencumbered 114170  
portions of the foregoing appropriation items 195687, Third 114171  
Frontier Research & Development Projects, and 195692, Research & 114172  
Development Taxable Bond Projects, for fiscal year 2010 are hereby 114173  
reappropriated to the Department of Development for the same 114174  
purposes for fiscal year 2011. 114175

**AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS** 114176

The Ohio Public Facilities Commission, upon request of the 114177  
Department of Development, is hereby authorized to issue and sell, 114178  
in accordance with Section 2p of Article VIII, Ohio Constitution, 114179  
and particularly sections 151.01 and 151.10 of the Revised Code, 114180  
original obligations of the State of Ohio in an aggregate amount 114181  
not to exceed \$100,000,000 in addition to the original issuance of 114182  
obligations authorized by prior acts of the General Assembly. The 114183  
authorized obligations shall be issued and sold from time to time 114184  
and in amounts necessary to ensure sufficient moneys to the credit 114185  
of the Third Frontier Research and Development Fund (Fund 7011) to 114186  
pay costs of research and development projects. 114187

**Section 259.30.30. JOB READY SITE OPERATING** 114188

The foregoing appropriation item 195688, Job Ready Site 114189  
Operating, shall be used for operating expenses incurred by the 114190  
Department of Development in administering the Job Ready Sites 114191  
Program authorized under sections 122.085 to 122.0820 of the 114192  
Revised Code. Operating expenses include, but are not limited to, 114193  
certain expenses of the District Public Works Integrating 114194  
Committees, as applicable, engineering review of submitted 114195  
applications by the State Architect or a third party engineering 114196  
firm, audit and accountability activities, and costs associated 114197  
with formal certifications verifying that site infrastructure is 114198

in place and is functional. 114199

**Section 259.30.40.** THIRD FRONTIER BIOMEDICAL RESEARCH AND 114200  
COMMERCIALIZATION PROGRAM 114201

The General Assembly and the Governor recognize the role that 114202  
the biomedical industry has in job creation, innovation, and 114203  
economic development throughout Ohio. It is the intent of the 114204  
General Assembly, the Governor, the Director of Development, and 114205  
the Director of Budget and Management to work together in 114206  
continuing to provide comprehensive state support for the 114207  
biomedical industry as a whole through the Third Frontier 114208  
Biomedical Research and Commercialization Program. 114209

**Section 259.30.50.** JOBS FUND BIOPRODUCTS AND BIOMEDICAL 114210

The foregoing appropriation item 195694, Jobs Fund 114211  
Bioproducts, shall be used for the Ohio Bioproducts Development 114212  
Program established in section 184.25 of the Revised Code. Of the 114213  
foregoing appropriation item 195694, Jobs Fund Bioproducts, not 114214  
more than five per cent in each fiscal year shall be used for 114215  
operating expenditures in administering the program. 114216

The foregoing appropriation item 195695, Jobs Fund 114217  
Biomedical, shall be used for the Ohio Biomedical Development 114218  
Program established in section 184.26 of the Revised Code. Of the 114219  
foregoing appropriation item 195695, Jobs Fund Biomedical, not 114220  
more than five per cent in each fiscal year shall be used for 114221  
operating expenditures in administering the program. 114222

**Section 259.30.60.** JOBS FUND CASH TRANSFER 114223

On June 30, 2011, or as soon as possible thereafter, the 114224  
Director of Budget and Management shall transfer the unexpended 114225  
and unencumbered cash balance in the Jobs Fund (Fund 5Z30) to the 114226  
General Revenue Fund. Upon completion of the transfer, the Jobs 114227

Fund is abolished. 114228

**Section 259.30.70. UNCLAIMED FUNDS TRANSFER** 114229

(A) Notwithstanding division (A) of section 169.05 of the 114230  
Revised Code, upon the request of the Director of Budget and 114231  
Management, the Director of Commerce, before June 30, 2010, shall 114232  
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 114233  
amount not to exceed \$4,000,000 in cash of the unclaimed funds 114234  
that have been reported by the holders of unclaimed funds under 114235  
section 169.05 of the Revised Code, regardless of the allocation 114236  
of the unclaimed funds described under that section. 114237

Notwithstanding division (A) of section 169.05 of the Revised 114238  
Code, upon the request of the Director of Budget and Management, 114239  
the Director of Commerce, before June 30, 2011, shall transfer to 114240  
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 114241  
exceed \$4,000,000 in cash of the unclaimed funds that have been 114242  
reported by the holders of unclaimed funds under section 169.05 of 114243  
the Revised Code, regardless of the allocation of the unclaimed 114244  
funds described under that section. 114245

(B) Notwithstanding division (A) of section 169.05 of the 114246  
Revised Code, upon the request of the Director of Budget and 114247  
Management, the Director of Commerce, before June 30, 2010, shall 114248  
transfer to the State Special Projects Fund (Fund 4F20) an amount 114249  
not to exceed \$6,100,000 of the unclaimed funds that have been 114250  
reported by the holders of unclaimed funds under section 169.05 of 114251  
the Revised Code, regardless of the allocation of the unclaimed 114252  
funds described under that section. 114253

Notwithstanding division (A) of section 169.05 of the Revised 114254  
Code, upon the request of the Director of Budget and Management, 114255  
the Director of Commerce, prior to June 30, 2011, shall transfer 114256  
to the State Special Projects Fund (Fund 4F20) an amount not to 114257  
exceed \$6,100,000 in cash of the unclaimed funds that have been 114258

reported by the holders of unclaimed funds under section 169.05 of 114259  
the Revised Code, regardless of the allocation of the unclaimed 114260  
funds described under that section. 114261

**Section 259.30.80. THIRD FRONTIER NEXTGEN NETWORK** 114262

Any unexpended, unencumbered amounts of the foregoing 114263  
appropriation items 195687, Third Frontier Research & Development 114264  
Projects, and 195692, Research & Development Taxable Bond 114265  
Projects, that were previously allocated for implementation of the 114266  
NextGen Network in fiscal years 2008 and 2009 are hereby 114267  
reappropriated for the same purpose in fiscal years 2010 and 2011. 114268

**Section 259.30.90. WORKFORCE DEVELOPMENT** 114269

The Director of Development and the Director of Job and 114270  
Family Services may enter into one or more interagency agreements 114271  
between the two departments and take other actions the directors 114272  
consider appropriate to further integrate workforce development 114273  
into a larger economic development strategy, to implement the 114274  
recommendations of the Workforce Policy Board, and to complete 114275  
activities related to the transition of the administration of 114276  
employment programs identified by the board. Subject to the 114277  
approval of the Director of Budget and Management, the Department 114278  
of Development and the Department of Job and Family Services may 114279  
expend moneys to support the recommendations of the Workforce 114280  
Policy Board in the area of integration of employment functions as 114281  
described in this paragraph and to complete implementation and 114282  
transition activities from the appropriations to those 114283  
departments. 114284

**Section 261.10. OBD OHIO BOARD OF DIETETICS** 114285

General Services Fund Group 114286  
4K90 860609 Operating Expenses \$ 348,964 \$ 348,964 114287

TOTAL GSF General Services Fund				114288
Group	\$	348,964	\$ 348,964	114289
TOTAL ALL BUDGET FUND GROUPS	\$	348,964	\$ 348,964	114290

<b>Section 263.10.</b> CDR COMMISSION ON DISPUTE RESOLUTION AND				114292
CONFLICT MANAGEMENT				114293

General Revenue Fund				114294
GRF 145401 Commission Operations	\$	349,600	\$ 349,600	114295
TOTAL GRF General Revenue Fund	\$	349,600	\$ 349,600	114296

General Services Fund Group				114297
4B60 145601 Dispute Resolution	\$	140,000	\$ 140,000	114298
Programs				
TOTAL GSF General Services Fund	\$	140,000	\$ 140,000	114299
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	489,600	\$ 489,600	114300

<b>Section 265.10.</b> EDU DEPARTMENT OF EDUCATION				114302
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General Revenue Fund				114303
GRF 200100 Personal Services	\$	13,103,147	\$ 13,103,147	114304
GRF 200320 Maintenance and	\$	3,495,350	\$ 3,495,350	114305
Equipment				
GRF 200408 Early Childhood	\$	23,268,341	\$ 23,268,341	114306
Education				
GRF 200410 Educator Training	\$	7,810,500	\$ 7,010,500	114307
GRF 200416 Career-Technical	\$	2,233,195	\$ 2,233,195	114308
Education Match				
GRF 200420 Computer/Application/	\$	5,394,826	\$ 5,394,826	114309
Network Development				
GRF 200421 Alternative Education	\$	11,015,885	\$ 11,015,885	114310
Programs				
GRF 200422 School Management	\$	9,504,572	\$ 22,490,572	114311
Assistance				

GRF 200424	Policy Analysis	\$	1,056,687	\$	1,056,687	114312
GRF 200425	Tech Prep Consortia Support	\$	1,594,373	\$	1,594,373	114313
GRF 200426	Ohio Educational Computer Network	\$	27,411,025	\$	27,411,025	114314
GRF 200427	Academic Standards	\$	5,789,861	\$	5,789,861	114315
GRF 200431	School Improvement Initiatives	\$	13,359,997	\$	15,359,997	114316
GRF 200437	Student Assessment	\$	71,909,814	\$	71,909,814	114317
GRF 200439	Accountability/Report Cards	\$	6,828,650	\$	6,828,650	114318
GRF 200442	Child Care Licensing	\$	1,302,495	\$	1,302,495	114319
GRF 200446	Education Management Information System	\$	15,621,135	\$	15,621,135	114320
GRF 200447	GED Testing	\$	1,250,353	\$	1,250,353	114321
GRF 200448	Educator Preparation	\$	2,030,000	\$	2,030,000	114322
GRF 200455	Community Schools	\$	472,404,384	\$	512,686,539	114323
GRF 200457	STEM Initiatives	\$	2,000,000	\$	4,500,000	114324
GRF 200502	Pupil Transportation	\$	448,022,619	\$	462,822,619	114325
GRF 200503	Bus Purchase Allowance	\$	10,850,000	\$	10,850,000	114326
GRF 200505	School Lunch Match	\$	11,798,025	\$	11,798,025	114327
GRF 200511	Auxiliary Services	\$	132,740,457	\$	132,740,457	114328
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	59,810,517	\$	59,810,517	114329
GRF 200540	Special Education Enhancements	\$	139,719,648	\$	142,292,936	114330
GRF 200545	Career-Technical Education Enhancements	\$	7,754,662	\$	7,804,699	114331
GRF 200550	Foundation Funding	\$	4,896,532,136	\$	4,788,953,026	114332
GRF 200551	Foundation Funding - Federal Stimulus	\$	387,583,913	\$	457,449,362	114333
GRF 200555	Teach Ohio	\$	6,100,000	\$	6,100,000	114334



GRF 200578	Violence Prevention and School Safety	\$ 1,384,924	\$ 1,384,924	114335
GRF 200587	Community Projects	\$ 7,225,517	\$ 7,065,517	114336
GRF 200901	Property Tax Allocation - Education	\$ 1,008,262,363	\$ 1,020,655,157	114337
TOTAL GRF General Revenue Fund		\$ 7,816,169,371	\$ 7,865,079,984	114338
General Services Fund Group				114339
1380 200606	Computer Services-Operational Support	\$ 7,600,091	\$ 7,600,091	114340
4520 200638	Miscellaneous Educational Services	\$ 275,000	\$ 275,000	114341
4L20 200681	Teacher Certification and Licensure	\$ 8,013,206	\$ 8,147,756	114342
5960 200656	Ohio Career Information System	\$ 529,761	\$ 529,761	114343
5H30 200687	School District Solvency Assistance	\$ 18,000,000	\$ 18,000,000	114344
TOTAL GSF General Services Fund Group		\$ 34,418,058	\$ 34,552,608	114345 114346
Federal Special Revenue Fund Group				114347
3090 200601	Educationally Disadvantaged Programs	\$ 8,405,512	\$ 8,405,512	114348
3670 200607	School Food Services	\$ 6,324,707	\$ 6,577,695	114349
3680 200614	Veterans' Training	\$ 778,349	\$ 793,846	114350
3690 200616	Career-Technical Education Federal Enhancement	\$ 5,000,000	\$ 5,000,000	114351
3700 200624	Education of Exceptional Children	\$ 2,664,000	\$ 2,755,000	114352
3740 200647	Troops to Teachers	\$ 100,000	\$ 100,000	114353

3780	200660	Learn and Serve	\$	619,211	\$	619,211	114354
3AF0	200603	Schools Medicaid Administrative Claims	\$	639,000	\$	639,000	114355
3AN0	200671	School Improvement Grants	\$	17,909,676	\$	17,936,675	114356
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954	114357
3BK0	200628	Longitudinal Data Systems	\$	100,000	\$	0	114358
3BV0	200636	Character Education	\$	700,000	\$	0	114359
3C50	200661	Early Childhood Education	\$	14,189,711	\$	14,554,749	114360
3CF0	200644	Foreign Language Assistance	\$	25,000	\$	0	114361
3CG0	200646	Teacher Incentive Fund	\$	3,007,975	\$	1,157,834	114362
3D10	200664	Drug Free Schools	\$	13,347,966	\$	13,347,966	114363
3D20	200667	Honors Scholarship Program	\$	6,990,000	\$	6,985,000	114364
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	218,868,026	\$	218,868,026	114365
3DK0	200642	Title 1A - Federal Stimulus	\$	186,336,737	\$	186,336,737	114366
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	6,679,679	\$	6,679,679	114367
3DM0	200651	Title IID Technology - Federal Stimulus	\$	11,951,000	\$	11,951,000	114368
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	54,221,000	\$	54,221,000	114369
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	114370

3L60	200617	Federal School Lunch	\$	295,421,000	\$	310,150,675	114371
3L70	200618	Federal School Breakfast	\$	80,850,000	\$	84,892,500	114372
3L80	200619	Child/Adult Food Programs	\$	89,250,000	\$	93,712,500	114373
3L90	200621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701	114374
3M00	200623	ESEA Title 1A	\$	530,000,000	\$	530,010,000	114375
3M10	200678	Innovative Education	\$	1,000,000	\$	0	114376
3M20	200680	Individuals with Disabilities Education Act	\$	413,391,594	\$	421,241,163	114377
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397	114378
3T40	200613	Public Charter Schools	\$	14,275,618	\$	14,291,353	114379
3Y20	200688	21st Century Community Learning Centers	\$	36,000,000	\$	36,000,000	114380
3Y40	200632	Reading First	\$	27,366,373	\$	24,455,172	114381
3Y60	200635	Improving Teacher Quality	\$	101,778,397	\$	101,778,400	114382
3Y70	200689	English Language Acquisition	\$	8,142,299	\$	8,142,299	114383
3Y80	200639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000	114384
3Z20	200690	State Assessments	\$	12,923,799	\$	12,923,799	114385
3Z30	200645	Consolidated Federal Grant Administration	\$	8,499,279	\$	8,499,280	114386
3Z70	200697	General Supervisory Enhancement Grant	\$	887,319	\$	0	114387
TOTAL FED Federal Special							114388
Revenue Fund Group			\$	2,238,516,279	\$	2,262,899,123	114389
State Special Revenue Fund Group							114390

4540	200610	Guidance and Testing	\$	450,000	\$	450,000	114391
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000	114392
4R70	200695	Indirect Operational Support	\$	6,050,000	\$	6,250,000	114393
4V70	200633	Interagency Operational Support	\$	1,111,838	\$	1,117,725	114394
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	114395
5BB0	200696	State Action for Education Leadership	\$	1,250,000	\$	600,000	114396
5BJ0	200626	Half-Mill Maintenance Equalization	\$	16,100,000	\$	16,600,000	114397
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	114398
5W20	200663	Early Learning Initiative	\$	2,200,000	\$	2,200,000	114399
5X90	200911	NGA STEM	\$	100,000	\$	0	114400
6200	200615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000	114401
TOTAL SSR State Special Revenue							114402
Fund Group			\$	55,890,748	\$	55,846,635	114403
Lottery Profits Education Fund Group							114404
7017	200612	Foundation Funding	\$	705,000,000	\$	711,000,000	114405
TOTAL LPE Lottery Profits							114406
Education Fund Group			\$	705,000,000	\$	711,000,000	114407
Revenue Distribution Fund Group							114408
7047	200909	School District Property Tax Replacement-Business	\$	1,150,207,366	\$	1,150,207,366	114409
7053	200900	School District Property Tax Replacement-Utility	\$	91,123,523	\$	91,123,523	114410

TOTAL RDF Revenue Distribution			114411
Fund Group	\$ 1,241,330,889	\$ 1,241,330,889	114412
TOTAL ALL BUDGET FUND GROUPS	\$12,091,325,345	\$12,170,709,239	114413

**Section 265.10.10. PERSONAL SERVICES** 114415

The foregoing appropriation item 200100, Personal Services, 114416  
may be used to pay fees for the Department's membership in the 114417  
Education Commission of the States, an interstate nonprofit, 114418  
nonpartisan organization that supports states with the development 114419  
of education policy. 114420

Of the foregoing appropriation item 200100 Personal Services, 114421  
up to \$25,000 in each fiscal year may be expended to provide for 114422  
travel expenses for the members of the State Board of Education. 114423

Of the foregoing appropriation item 200100, Personal 114424  
Services, up to \$150,000 in each fiscal year shall be used by the 114425  
Department of Education to support Ohio's Partnership for 114426  
Continued Learning at the direction of the Office of the Governor. 114427  
Ohio's Partnership for Continued Learning replaces and broadens 114428  
the former Joint Council of the Department of Education and the 114429  
Board of Regents. The Partnership shall advise and make 114430  
recommendations to promote collaboration among relevant state 114431  
entities in an effort to help local communities develop coherent 114432  
and successful "P-16" learning systems. The Governor, or the 114433  
Governor's designee, shall serve as the chairperson. 114434

Of the foregoing appropriation item 200100, Personal 114435  
Services, up to \$950,000 in each fiscal year shall be used to 114436  
support administration and activities including travel, contract 114437  
services, and other expenses of the Governor's Closing the 114438  
Achievement Gap Initiative in the Department. 114439

Of the foregoing appropriation item 200100, Personal 114440  
Services, up to \$200,000 in each fiscal year shall be used to 114441  
support administration and activities of the Office of Urban and 114442

Rural Student Success in the Department. 114443

Of the foregoing appropriation item 200100, Personal 114444  
Services, up to \$700,000 in each fiscal year shall be used to 114445  
support administration and activities of the Center for Creativity 114446  
and Innovation in the Department. 114447

**Section 265.10.20. EARLY CHILDHOOD EDUCATION** 114448

The Department of Education shall distribute the foregoing 114449  
appropriation item 200408, Early Childhood Education, to pay the 114450  
costs of early childhood education programs. 114451

(A) As used in this section: 114452

(1) "Provider" means a city, local, exempted village, or 114453  
joint vocational school district, or an educational service 114454  
center. 114455

(2) In the case of a city, local, or exempted village school 114456  
district, "new eligible provider" means a district that did not 114457  
receive state funding for Early Childhood Education in the 114458  
previous fiscal year or demonstrates a need for early childhood 114459  
programs as defined in division (D) of this section. 114460

(3) "Eligible child" means a child who is at least three 114461  
years of age as of the district entry date for kindergarten, is 114462  
not of the age to be eligible for kindergarten, and whose family 114463  
earns not more than two hundred per cent of the federal poverty 114464  
guidelines as defined in division (A)(3) of section 5101.46 of the 114465  
Revised Code. Children with an Individualized Education Program 114466  
and where the Early Childhood Education program is the least 114467  
restrictive environment may be enrolled on their third birthday. 114468

(B) In each fiscal year, up to two per cent of the total 114469  
appropriation may be used by the Department for program support 114470  
and technical assistance. The Department shall distribute the 114471  
remainder of the appropriation in each fiscal year to serve 114472

eligible children. 114473

(C) The Department shall provide an annual report to the 114474  
Governor, the Speaker of the House of Representatives, and the 114475  
President of the Senate and post the report to the Department's 114476  
web site, regarding early childhood education programs operated 114477  
under this section and the early learning program guidelines. 114478

(D) After setting aside the amounts to make payments due from 114479  
the previous fiscal year, in fiscal year 2010, the Department 114480  
shall distribute funds first to recipients of funds for early 114481  
childhood education programs under Section 269.10.20 of Am. Sub. 114482  
H.B. 119 of the 127th General Assembly in the previous fiscal year 114483  
and the balance to new eligible providers of early childhood 114484  
education programs under this section or to existing providers to 114485  
serve more eligible children or for purposes of program expansion, 114486  
improvement, or special projects to promote quality and 114487  
innovation. 114488

After setting aside the amounts to make payments due from the 114489  
previous fiscal year, in fiscal year 2011, the Department shall 114490  
distribute funds first to providers of early childhood education 114491  
programs under this section in the previous fiscal year and the 114492  
balance to new eligible providers or to existing providers to 114493  
serve more eligible children or for purposes of program expansion, 114494  
improvement, or special projects to promote quality and 114495  
innovation. 114496

Awards under this section shall be distributed on a per-pupil 114497  
basis, and in accordance with division (H) of this section. The 114498  
Department may adjust the per-pupil amount so that the per-pupil 114499  
amount multiplied by the number of eligible children enrolled and 114500  
receiving services, as defined by the Department, reported on the 114501  
first day of December or the first business day following that 114502  
date equals the amount allocated under this section. 114503

(E) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained therefrom, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (J) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program guidelines. The approved provider shall administer and use such property and funds for the purposes specified.

(F) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (E) of this section, or if the program fails to substantially meet the early learning program guidelines or exhibits below average performance as measured against the guidelines, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective



action plan, the Department may deny expansion funding to the 114536  
program or withdraw all or part of the funding to the program and 114537  
establish a new eligible provider through a selection process 114538  
established by the Department. 114539

(G) Each early childhood education program shall do all of 114540  
the following: 114541

(1) Meet teacher qualification requirements prescribed by 114542  
section 3301.311 of the Revised Code; 114543

(2) Align curriculum to the early learning content standards 114544  
developed by the Department; 114545

(3) Meet any child or program assessment requirements 114546  
prescribed by the Department; 114547

(4) Require teachers, except teachers enrolled and working to 114548  
obtain a degree pursuant to section 3301.311 of the Revised Code, 114549  
to attend a minimum of twenty hours every two years of 114550  
professional development as prescribed by the Department; 114551

(5) Document and report child progress as prescribed by the 114552  
Department; 114553

(6) Meet and report compliance with the early learning 114554  
program guidelines as prescribed by the Department. 114555

(H) Per-pupil funding for programs subject to this section 114556  
shall be sufficient to provide eligible children with services for 114557  
a standard early childhood schedule which shall be defined in this 114558  
section as one-half of the statewide average length of the school 114559  
day, as determined by the Department, for the minimum school year 114560  
as defined in sections 3313.48, 3313.481, and 3313.482 of the 114561  
Revised Code. Nothing in this section shall be construed to 114562  
prohibit program providers from utilizing other funds to serve 114563  
eligible children in programs that exceed the statewide average 114564  
length of the school day or that exceed the minimum school year. 114565

For any provider for which a standard early childhood education 114566  
does not meet the local need or creates a hardship, the provider 114567  
may submit a waiver to the Department requesting an alternate 114568  
schedule. If the Department approves a waiver for an alternate 114569  
schedule that provides services for less time than the standard 114570  
early childhood education schedule, the Department shall reduce 114571  
the provider's annual allocation proportionately. Under no 114572  
circumstances shall an annual allocation be increased because of 114573  
the approval of an alternate schedule. 114574

(I) Each provider shall develop a sliding fee scale based on 114575  
family incomes and shall charge families who earn more than two 114576  
hundred per cent of the federal poverty guidelines, as defined in 114577  
division (A)(3) of section 5101.46 of the Revised Code, for the 114578  
early childhood education program. 114579

(J) If an early childhood education program voluntarily 114580  
waives its right for funding, or has its funding eliminated for 114581  
not meeting financial standards or the early learning program 114582  
guidelines, the provider shall transfer control of title to 114583  
property, equipment, and remaining supplies obtained through the 114584  
program to providers designated by the Department and return any 114585  
unexpended funds to the Department along with any reports 114586  
prescribed by the Department. The funding made available from a 114587  
program that waives its right for funding or has its funding 114588  
eliminated or reduced may be used by the Department for new grant 114589  
awards or expansion grants. The Department may award new grants or 114590  
expansion grants to eligible providers who apply. The eligible 114591  
providers who apply must do so in accordance with the selection 114592  
process established by the Department. 114593

(K) As used in this section, "early learning program 114594  
guidelines" means the guidelines established by the Department 114595  
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 114596  
66 of the 126th General Assembly. 114597

**Section 265.10.23. EARLY CHILDHOOD CABINET** 114598

The Governor shall appoint to the entity in the Office of the 114599  
Governor known as the Early Childhood Cabinet a representative of 114600  
a board of health of a city or general health district or an 114601  
authority having the duties of a board of health under section 114602  
3709.05 of the Revised Code. The Governor shall make the 114603  
appointment not later than six months after the effective date of 114604  
this section. 114605

**Section 265.10.25. EDUCATOR TRAINING** 114606

The foregoing appropriation item 200410, Educator Training, 114607  
shall be used by the Department of Education to provide grants to 114608  
pay \$2,225 of the application fee in order to assist teachers from 114609  
public and chartered nonpublic schools applying for the first time 114610  
to the National Board for Professional Teaching Standards for 114611  
professional teaching certificates or licenses that the board 114612  
offers. These moneys shall be used to pay up to the first 400 114613  
applications in each fiscal year received by the Department. This 114614  
set aside shall also be used to recognize and reward teachers who 114615  
become certified by the National Board for Professional Teaching 114616  
Standards under section 3319.55 of the Revised Code. Up to 114617  
\$300,000 in each fiscal year may be used by the Department to pay 114618  
for costs associated with activities to support candidates through 114619  
the application and certification process. 114620  
114621

**Section 265.10.30. CAREER-TECHNICAL EDUCATION MATCH** 114622

The foregoing appropriation item 200416, Career-Technical 114623  
Education Match, shall be used by the Department of Education to 114624  
provide vocational administration matching funds under 20 U.S.C. 114625  
2311. 114626

COMPUTER/APPLICATION/NETWORK DEVELOPMENT 114627

The foregoing appropriation item 200420, 114628  
Computer/Application/Network Development, shall be used to support 114629  
the development and implementation of information technology 114630  
solutions designed to improve the performance and services of the 114631  
Department of Education. Funds may be used for personnel, 114632  
maintenance, and equipment costs related to the development and 114633  
implementation of these technical system projects. Implementation 114634  
of these systems shall allow the Department to provide greater 114635  
levels of assistance to school districts and to provide more 114636  
timely information to the public, including school districts, 114637  
administrators, and legislators. Funds may also be used to support 114638  
data-driven decision-making and differentiated instruction, as 114639  
well as to communicate academic content standards and curriculum 114640  
models to schools through web-based applications. 114641

**Section 265.10.40. ALTERNATIVE EDUCATION PROGRAMS** 114642

Of the foregoing appropriation item 200421, Alternative 114643  
Education Programs, \$1,000,000 in each fiscal year shall be 114644  
provided to Big Brothers Big Sisters of Central Ohio. 114645

The foregoing appropriation item 200421, Alternative 114646  
Education Programs, shall be used for the renewal of successful 114647  
implementation grants and for competitive matching grants to the 114648  
21 urban school districts as defined in division (O) of section 114649  
3317.02 of the Revised Code as it existed prior to July 1, 1998, 114650  
and for the renewal of successful implementation grants and for 114651  
competitive matching grants to rural and suburban school districts 114652  
for alternative educational programs for existing and new at-risk 114653  
and delinquent youth. Programs shall be focused on youth in one or 114654  
more of the following categories: those who have been expelled or 114655  
suspended, those who have dropped out of school or who are at risk 114656  
of dropping out of school, those who are habitually truant or 114657

disruptive, or those on probation or on parole from a Department 114658  
of Youth Services facility. Grants shall be awarded according to 114659  
the criteria established by the Alternative Education Advisory 114660  
Council in 1999. Grants shall be awarded only to programs in which 114661  
the grant will not serve as the program's primary source of 114662  
funding. These grants shall be administered by the Department of 114663  
Education. 114664

The Department of Education may waive compliance with any 114665  
minimum education standard established under section 3301.07 of 114666  
the Revised Code for any alternative school that receives a grant 114667  
under this section on the grounds that the waiver will enable the 114668  
program to more effectively educate students enrolled in the 114669  
alternative school. 114670

Of the foregoing appropriation item 200421, Alternative 114671  
Education Programs, a portion may be used for program 114672  
administration, monitoring, technical assistance, support, 114673  
research, and evaluation. 114674

**Section 265.10.50. SCHOOL MANAGEMENT ASSISTANCE** 114675

Of the foregoing appropriation item 200422, School Management 114676  
Assistance, up to \$1,000,000 in each fiscal year shall be used by 114677  
the Auditor of State in consultation with the Department of 114678  
Education for expenses incurred in the Auditor of State's role 114679  
relating to fiscal caution, fiscal watch, and fiscal emergency 114680  
activities as defined in Chapter 3316. of the Revised Code and may 114681  
also be used to conduct performance audits with priority given to 114682  
districts in fiscal distress. Expenses include duties related to 114683  
the completion of performance audits for school districts that the 114684  
Superintendent of Public Instruction determines are employing 114685  
fiscal practices or experiencing budgetary conditions that could 114686  
produce a state of fiscal watch or fiscal emergency. 114687

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Of the foregoing appropriation item 200422, School Management Assistance, up to \$350,000 in each fiscal year shall be used by the Department of Education to work with school districts and entities that serve school districts to develop and deploy analytical tools that allow districts and other stakeholders to analyze more thoroughly district spending patterns in order to promote more effective and efficient use of resources.

Of the foregoing appropriation item 200422, School Management Assistance, up to \$4,994,000 in fiscal year 2010 and up to \$17,980,000 in fiscal year 2011 shall be used by the Department of Education to contract with the Auditor of State or another identified vendor as determined by the Department and approved by the Controlling Board to conduct performance reviews of school districts, STEM schools, and community schools on a five year cycle. Unless conducted as part of the support provided to a school district subject to Chapter 3316. of the Revised Code, performance reviews for school districts, STEM schools, and community schools shall not begin until fiscal year 2011. The Office of School Resource Management in the Department shall determine the scope of reviews, not limited to operations, in consultation with the Auditor of State and the Office of Budget and Management. Priority may be given to districts in fiscal distress as determined by the Auditor of State and the Superintendent of Public Instruction. A portion of this amount in each fiscal year shall be used by the Department to contract with the Auditor of State or another identified vendor as determined by the Department and approved by the Controlling Board to conduct performance reviews of educational service centers (ESCs) and joint vocational school districts (JVSDs). The purpose of such reviews shall be to assist ESCs and JVSDs in identifying and implementing operational efficiencies, setting statewide benchmarks in certain operations, evaluating quality of services provided to school districts, and using findings to inform and

develop recommendations for a new ESC and JVSD funding model to be 114722  
implemented in the fiscal year 2012-2013 biennium. 114723

The remainder of foregoing appropriation item 200422, School 114724  
Management Assistance, shall be used by the Department of 114725  
Education to provide fiscal technical assistance and inservice 114726  
education for school district management personnel and to 114727  
administer, monitor, and implement the fiscal caution, fiscal 114728  
watch, and fiscal emergency provisions under Chapter 3316. of the 114729  
Revised Code. 114730

**Section 265.10.60. POLICY ANALYSIS** 114731

The foregoing appropriation item 200424, Policy Analysis, 114732  
shall be used by the Department of Education to support a system 114733  
of administrative, statistical, and legislative education 114734  
information to be used for policy analysis. Staff supported by 114735  
this appropriation shall administer the development of reports, 114736  
analyses, and briefings to inform education policymakers of 114737  
current trends in education practice, efficient and effective use 114738  
of resources, and evaluation of programs to improve education 114739  
results. The database shall be kept current at all times. These 114740  
research efforts shall be used to supply information and analysis 114741  
of data to the General Assembly and other state policymakers, 114742  
including the Office of Budget and Management and the Legislative 114743  
Service Commission. 114744

Of the foregoing appropriation item 200424, Policy Analysis, 114745  
up to \$600,000 in each fiscal year shall be used to support the 114746  
Office of School Resource Management in the Department of 114747  
Education. A portion of this amount shall be used in conjunction 114748  
with appropriation item 200439, Accountability/Report Cards, to 114749  
develop a fiscal reporting dimension, which shall contain fiscal 114750  
data reported for the prior fiscal year, to the school report card 114751  
for publication beginning in fiscal year 2011. The fiscal 114752

information contained therein shall be updated and reported 114753  
annually in a form and in a manner as determined by the 114754  
Department. 114755

The Department of Education may use funding from this 114756  
appropriation item to purchase or contract for the development of 114757  
software systems or contract for policy studies that will assist 114758  
in the provision and analysis of policy-related information. 114759  
Funding from this appropriation item also may be used to monitor 114760  
and enhance quality assurance for research-based policy analysis 114761  
and program evaluation to enhance the effective use of education 114762  
information to inform education policymakers. 114763

TECH PREP CONSORTIA SUPPORT 114764

The foregoing appropriation item 200425, Tech Prep Consortia 114765  
Support, shall be used by the Department of Education to support 114766  
state-level activities designed to support, promote, and expand 114767  
tech prep programs. Use of these funds shall include, but not be 114768  
limited to, administration of grants, program evaluation, 114769  
professional development, curriculum development, assessment 114770  
development, program promotion, communications, and statewide 114771  
coordination of tech prep consortia. 114772

**Section 265.10.70. OHIO EDUCATIONAL COMPUTER NETWORK** 114773

The foregoing appropriation item 200426, Ohio Educational 114774  
Computer Network, shall be used by the Department of Education to 114775  
maintain a system of information technology throughout Ohio and to 114776  
provide technical assistance for such a system in support of the 114777  
P-16 State Education Technology Plan developed under section 114778  
3353.09 of the Revised Code. 114779

Of the foregoing appropriation item 200426, Ohio Educational 114780  
Computer Network, up to \$15,874,498 in each fiscal year shall be 114781  
used by the Department of Education to support connection of all 114782



public school buildings and participating chartered nonpublic 114783  
schools to the state's education network, to each other, and to 114784  
the Internet. In each fiscal year the Department of Education 114785  
shall use these funds to assist information technology centers or 114786  
school districts with the operational costs associated with this 114787  
connectivity. The Department of Education shall develop a formula 114788  
and guidelines for the distribution of these funds to information 114789  
technology centers or individual school districts. As used in this 114790  
section, "public school building" means a school building of any 114791  
city, local, exempted village, or joint vocational school 114792  
district, any community school established under Chapter 3314. of 114793  
the Revised Code, any educational service center building used for 114794  
instructional purposes, the Ohio School for the Deaf and the Ohio 114795  
School for the Blind, or high schools chartered by the Ohio 114796  
Department of Youth Services and high schools operated by Ohio 114797  
Department of Rehabilitation and Corrections' Ohio Central School 114798  
System. 114799

Of the foregoing appropriation item 200426, Ohio Educational 114800  
Computer Network, up to \$2,163,657 in each fiscal year shall be 114801  
used for the Union Catalog and InfoOhio Network and to support the 114802  
provision of electronic resources with priority given to resources 114803  
that support the teaching of state academic content standards in 114804  
all public schools. Consideration shall be given by the Department 114805  
of Education to coordinating the allocation of these moneys with 114806  
the efforts of Libraries Connect Ohio, whose members include 114807  
OhioLINK, the Ohio Public Information Network, and the State 114808  
Library of Ohio. 114809

Of the foregoing appropriation item 200426, Ohio Educational 114810  
Computer Network, up to \$7,942,391 in each fiscal year shall be 114811  
used, through a formula and guidelines devised by the Department, 114812  
to subsidize the activities of designated information technology 114813  
centers, as defined by State Board of Education rules, to provide 114814

school districts and chartered nonpublic schools with 114815  
computer-based student and teacher instructional and 114816  
administrative information services, including approved 114817  
computerized financial accounting, and to ensure the effective 114818  
operation of local automated administrative and instructional 114819  
systems. 114820

The remainder of appropriation item 200426, Ohio Educational 114821  
Computer Network, shall be used to support development, 114822  
maintenance, and operation of a network of uniform and compatible 114823  
computer-based information and instructional systems. This 114824  
technical assistance shall include, but not be restricted to, 114825  
development and maintenance of adequate computer software systems 114826  
to support network activities. In order to improve the efficiency 114827  
of network activities, the Department and information technology 114828  
centers may jointly purchase equipment, materials, and services 114829  
from funds provided under this appropriation for use by the 114830  
network and, when considered practical by the Department, may 114831  
utilize the services of appropriate state purchasing agencies. 114832

**Section 265.10.80. ACADEMIC STANDARDS** 114833

The foregoing appropriation item 200427, Academic Standards, 114834  
shall be used by the Department of Education to develop, revise, 114835  
and communicate to school districts academic content standards and 114836  
curriculum models. 114837

**Section 265.10.90. SCHOOL IMPROVEMENT INITIATIVES** 114838

Of the foregoing appropriation item 200431, School 114839  
Improvement Initiatives, up to \$510,990 in each fiscal year shall 114840  
be used by the Department of Education to support educational 114841  
media centers to provide Ohio public schools with instructional 114842  
resources and services, with priority given to resources and 114843  
services aligned with state academic content standards. 114844

Of the foregoing appropriation item 200431, School Improvement Initiatives, up to \$9,349,007 in each fiscal year shall be used to support districts in the development and implementation of their continuous improvement plans as required in section 3302.04 of the Revised Code and to provide technical assistance and support in accordance with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317.

Of the foregoing appropriation item 200431, School Improvement Initiatives, up to \$2,000,000 in fiscal year 2011 shall be used by the Department of Education to fund grants to eligible school districts and community schools for the pilot subsidy program for creative and innovative classrooms. The pilot subsidy program shall be administered by the Center for Creativity and Innovation within the Department of Education following guidelines established by the Center in accordance with section 3306.57 of the Revised Code.

Of the foregoing appropriation item 200431, School Improvement Initiatives, up to \$3,500,000 in each fiscal year shall be used to create early college high schools, which are small, autonomous schools that blend high school and college into a coherent educational program. The funds for early college high schools shall be distributed according to guidelines established by the Department of Education and the Board of Regents.

**Section 265.20.10. STUDENT ASSESSMENT**

Of the foregoing appropriation item 200437, Student Assessment, up to \$212,486 in each fiscal year may be used to support the assessments required under section 3301.0715 of the Revised Code.

The Superintendent of Public Instruction and the Chancellor of the Ohio Board of Regents shall determine a percentage of the foregoing appropriation item 200437, Student Assessment, that

shall be used in each fiscal year to pay for all or a portion of 114876  
the following: (1) a college readiness exam for high school 114877  
juniors enrolled in Ohio secondary schools and (2) preparation, 114878  
practice examinations, and diagnostics related to a college 114879  
readiness exam, including, but not limited to, the PSAT, PLAN, and 114880  
EXPLORE. The Superintendent shall develop a plan, to be approved 114881  
by the Chancellor of the Board of Regents, to determine how to 114882  
allocate these funds in a manner which maximizes the number of 114883  
students who will be fully assessed for college readiness and in a 114884  
manner which allows for pre-college level remediation at the 114885  
earliest level possible. For examinations paid in whole or in part 114886  
by these funds and where scores may be submitted to institutions 114887  
of higher education, all students must submit their scores to the 114888  
University System of Ohio. Upon approval by the Chancellor, the 114889  
Superintendent shall submit the plan to the Controlling Board for 114890  
approval. 114891

The Superintendent and the Chancellor jointly may negotiate 114892  
terms to enter into contracts with providers of preparatory 114893  
courses for the purpose of assisting students enrolled in Ohio 114894  
secondary schools prepare for student assessments. 114895

Of the foregoing appropriation item 200437, Student 114896  
Assessments, a portion may be used by the Superintendent of Public 114897  
Instruction to reimburse public school districts for (1) a portion 114898  
of costs associated with Advanced Placement testing and Advanced 114899  
Placement programming, including teacher training, teaching 114900  
materials, and student supplies and equipment and (2) a portion of 114901  
costs associated with taking the International Baccalaureate 114902  
Examination. The Superintendent shall develop a plan, to be 114903  
approved by the Chancellor of the Board of Regents, to determine 114904  
how to allocate these funds in a manner which maximizes the number 114905  
of students who receive college credit through the Advanced 114906  
Placement testing process. Upon approval by the Chancellor, the 114907

Superintendent shall submit the plan to the Controlling Board for approval. 114908  
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The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. If funds remain in this appropriation after these purposes have been fulfilled, the Department may use the remainder of the appropriation to develop end-of-course exams. 114910  
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**Section 265.20.20. ACCOUNTABILITY/REPORT CARDS** 114919

Of the foregoing appropriation item 200439, Accountability/Report Cards, up to \$2,378,976 in each fiscal year shall be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This funding shall be used in consultation with a credible nonprofit organization with expertise in value-added progress dimensions. 114920  
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The remainder of appropriation item 200439, Accountability/Report Cards, shall be used by the Department to incorporate a statewide pilot value-added progress dimension into performance ratings for school districts and for the development of an accountability system that includes the preparation and distribution of school report cards and funding and expenditure accountability reports under sections 3302.03 and 3302.031 of the Revised Code. 114928  
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**CHILD CARE LICENSING** 114936

The foregoing appropriation item 200442, Child Care 114937

Licensing, shall be used by the Department of Education to license 114938  
and to inspect preschool and school-age child care programs under 114939  
sections 3301.52 to 3301.59 of the Revised Code. 114940

**Section 265.20.30. EDUCATION MANAGEMENT INFORMATION SYSTEM 114941**

The foregoing appropriation item 200446, Education Management 114942  
Information System, shall be used by the Department of Education 114943  
to improve the Education Management Information System (EMIS). 114944

Of the foregoing appropriation item 200446, Education 114945  
Management Information System, up to \$1,276,761 in each fiscal 114946  
year shall be distributed to designated information technology 114947  
centers for costs relating to processing, storing, and 114948  
transferring data for the effective operation of the EMIS. These 114949  
costs may include, but are not limited to, personnel, hardware, 114950  
software development, communications connectivity, professional 114951  
development, and support services, and to provide services to 114952  
participate in the State Education Technology Plan developed under 114953  
section 3353.09 of the Revised Code. 114954

Of the foregoing appropriation item 200446, Education 114955  
Management Information System, up to \$7,874,541 in each fiscal 114956  
year shall be distributed on a per-pupil basis to school 114957  
districts, community schools established under Chapter 3314. of 114958  
the Revised Code, educational service centers, joint vocational 114959  
school districts, and any other education entity that reports data 114960  
through EMIS. From this funding, each school district or community 114961  
school established under Chapter 3314. of the Revised Code with 114962  
enrollment greater than 100 students and each vocational school 114963  
district shall receive a minimum of \$5,000 in each fiscal year. 114964  
Each school district or community school established under Chapter 114965  
3314. of the Revised Code with enrollment between one and one 114966  
hundred and each educational service center and each county board 114967  
of MR/DD that submits data through EMIS shall receive \$3,000 in 114968

each fiscal year. This subsidy shall be used for costs relating to 114969  
reporting, processing, storing, transferring, and exchanging data 114970  
necessary to meet requirements of the Department of Education's 114971  
data system. 114972

The remainder of appropriation item 200446, Education 114973  
Management Information System, shall be used to develop and 114974  
support a common core of data definitions and standards as adopted 114975  
by the Education Management Information System Advisory Board, 114976  
including the ongoing development and maintenance of the data 114977  
dictionary and data warehouse. In addition, such funds shall be 114978  
used to support the development and implementation of data 114979  
standards and the design, development, and implementation of a new 114980  
data exchange system. 114981

Any provider of software meeting the standards approved by 114982  
the Education Management Information System Advisory Board shall 114983  
be designated as an approved vendor and may enter into contracts 114984  
with local school districts, community schools, information 114985  
technology centers, or other educational entities for the purpose 114986  
of collecting and managing data required under Ohio's education 114987  
management information system (EMIS) laws. On an annual basis, the 114988  
Department of Education shall convene an advisory group of school 114989  
districts, community schools, and other education-related entities 114990  
to review the Education Management Information System data 114991  
definitions and data format standards. The advisory group shall 114992  
recommend changes and enhancements based upon surveys of its 114993  
members, education agencies in other states, and current industry 114994  
practices, to reflect best practices, align with federal 114995  
initiatives, and meet the needs of school districts. 114996

School districts and community schools not implementing a 114997  
common and uniform set of data definitions and data format 114998  
standards for Education Management Information System purposes 114999  
shall have all EMIS funding withheld until they are in compliance. 115000

**Section 265.20.40. GED TESTING** 115001

The foregoing appropriation item 200447, GED Testing, shall 115002  
be used to provide General Educational Development (GED) testing 115003  
at no cost to applicants, under rules adopted by the State Board 115004  
of Education. The Department of Education may reimburse in fiscal 115005  
year 2010 school districts and community schools, created under 115006  
Chapter 3314. of the Revised Code, for a portion of the costs 115007  
incurred in providing summer instructional or intervention 115008  
services to students who have not graduated because of their 115009  
inability to pass one or more parts of the state's Ohio Graduation 115010  
Test. School districts shall also provide such services to 115011  
students who are residents of the district under section 3313.64 115012  
of the Revised Code, but who are enrolled in chartered, nonpublic 115013  
schools. The services shall be provided in the public school, in 115014  
nonpublic schools, in public centers, or in mobile units located 115015  
on or off the nonpublic school premises. No school district shall 115016  
provide summer instructional or intervention services to nonpublic 115017  
school students as authorized by this section unless such services 115018  
are available to students attending the public schools within the 115019  
district. No school district shall provide services for use in 115020  
religious courses, devotional exercises, religious training, or 115021  
any other religious activity. Chartered, nonpublic schools shall 115022  
pay for any unreimbursed costs incurred by school districts for 115023  
providing summer instruction or intervention services to students 115024  
enrolled in chartered, nonpublic schools. School districts may 115025  
provide these services to students directly or contract with 115026  
postsecondary or nonprofit community-based institutions in 115027  
providing instruction. 115028

**Section 265.20.50. EDUCATOR PREPARATION** 115029

Of the foregoing appropriation item 200448, Educator 115030  
Preparation, up to \$350,000 in each fiscal year shall be used for 115031



training and professional development of school administrators, 115032  
school treasurers, and school business officials. 115033

The remainder of appropriation item 200448, Educator 115034  
Preparation, may be used by the Department to support the Educator 115035  
Standards Board under section 3319.61 of the Revised Code as it 115036  
develops and recommends to the State Board of Education standards 115037  
for educator training and standards for teacher and other school 115038  
leadership positions. Also, any remaining funds may be used by the 115039  
Department to develop alternative preparation programs for school 115040  
leaders and coordination of a career ladder for teachers. 115041

**Section 265.20.60. COMMUNITY SCHOOLS** 115042

Of the foregoing appropriation item 200455, Community 115043  
Schools, up to \$1,308,661 in each fiscal year may be used by the 115044  
Department of Education for additional services and 115045  
responsibilities under section 3314.11 of the Revised Code. 115046

Of the foregoing appropriation item 200455, Community 115047  
Schools, up to \$225,000 in each fiscal year may be used by the 115048  
Department of Education for developing and conducting training 115049  
sessions for community schools and sponsors and prospective 115050  
sponsors of community schools as prescribed in division (A)(1) of 115051  
section 3314.015 of the Revised Code. In developing the training 115052  
sessions, the Department shall collect and disseminate examples of 115053  
best practices used by sponsors of independent charter schools in 115054  
Ohio and other states. 115055

**STEM INITIATIVES** 115056

The foregoing appropriation item 200457, STEM Initiatives, 115057  
shall be used for initiatives that support innovative mathematics 115058  
and science education and mathematics and science professional 115059  
development for teachers. Such initiatives shall be connected to 115060  
and leveraged against Ohio's portfolio of STEM education 115061

initiatives including STEM schools, STEM Programs of Excellence, 115062  
and STEM Centers that are positioned to enhance teacher 115063  
preparation and professional development through the use of 115064  
professional practice on-site laboratories, teacher-in-residence 115065  
programs, master teacher and apprentice models, and STEM teaching 115066  
fellowships. 115067

**Section 265.20.70. PUPIL TRANSPORTATION** 115068

Of the foregoing appropriation item 200502, Pupil 115069  
Transportation, up to \$838,930 in each fiscal year may be used by 115070  
the Department of Education for training prospective and 115071  
experienced school bus drivers in accordance with training 115072  
programs prescribed by the Department. Up to \$60,469,220 in each 115073  
fiscal year may be used by the Department of Education for special 115074  
education transportation reimbursements to school districts and 115075  
county MR/DD boards for transportation operating costs as provided 115076  
in division (J) of section 3317.024 of the Revised Code. The 115077  
remainder of appropriation item 200502, Pupil Transportation, 115078  
shall be used for the state reimbursement of public school 115079  
districts' costs in transporting pupils to and from the school 115080  
they attend in accordance with the district's policy, State Board 115081  
of Education standards, and division (J) of section 3306.12 of the 115082  
Revised Code. 115083

Of the foregoing appropriation item 200502, Pupil 115084  
Transportation, \$376,914,469 in each fiscal year shall be used to 115085  
calculate the prorated portion of transportation aid to school 115086  
districts and shall be distributed as provided by division (L)(1) 115087  
of section 3306.12 of the Revised Code. The remainder shall be 115088  
used for additional transportation aid for school districts as 115089  
provided by division (L)(2) of section 3306.12 of the Revised 115090  
Code. 115091

**Section 265.20.80. BUS PURCHASE ALLOWANCE** 115092

The foregoing appropriation item 200503, Bus Purchase 115093  
Allowance, shall be distributed to school districts, educational 115094  
service centers, and county MR/DD boards pursuant to rules adopted 115095  
under section 3317.07 of the Revised Code. Up to 28 per cent of 115096  
the amount appropriated may be used to reimburse school districts 115097  
and educational service centers for the purchase of buses to 115098  
transport students with disabilities and nonpublic school students 115099  
and to county MR/DD boards, the Ohio School for the Deaf, and the 115100  
Ohio School for the Blind for the purchase of buses to transport 115101  
students with disabilities. 115102

**SCHOOL LUNCH MATCH** 115103

The foregoing appropriation item 200505, School Lunch Match, 115104  
shall be used to provide matching funds to obtain federal funds 115105  
for the school lunch program. 115106

Any remaining appropriation after providing matching funds 115107  
for the school lunch program shall be used to partially reimburse 115108  
school buildings within school districts that are required to have 115109  
a school breakfast program under section 3313.813 of the Revised 115110  
Code, at a rate decided by the Department. 115111

**Section 265.20.90. AUXILIARY SERVICES** 115112

The foregoing appropriation item 200511, Auxiliary Services, 115113  
shall be used by the Department of Education for the purpose of 115114  
implementing section 3317.06 of the Revised Code. Of the 115115  
appropriation, up to \$2,121,800 in each fiscal year may be used 115116  
for payment of the Post-Secondary Enrollment Options Program for 115117  
nonpublic students. Notwithstanding section 3365.10 of the Revised 115118  
Code, the Department shall distribute funding according to rules 115119  
adopted by the Department in accordance with Chapter 119. of the 115120  
Revised Code. 115121

Section 265.30.10. NONPUBLIC ADMINISTRATIVE COST 115122  
REIMBURSEMENT 115123

The foregoing appropriation item 200532, Nonpublic 115124  
Administrative Cost Reimbursement, shall be used by the Department 115125  
of Education for the purpose of implementing section 3317.063 of 115126  
the Revised Code. 115127

Section 265.30.20. SPECIAL EDUCATION ENHANCEMENTS 115128

Of the foregoing appropriation item 200540, Special Education 115129  
Enhancements, up to \$2,906,875 in each fiscal year shall be used 115130  
for home instruction for children with disabilities. 115131

Of the foregoing appropriation item 200540, Special Education 115132  
Enhancements, up to \$47,518,582 in fiscal year 2010 and up to 115133  
\$48,421,435 in fiscal year 2011 shall be used to fund special 115134  
education and related services at county boards of mental 115135  
retardation and developmental disabilities for eligible students 115136  
under section 3317.20 of the Revised Code and at institutions for 115137  
eligible students under section 3317.201 of the Revised Code. 115138  
Notwithstanding the distribution formulas under sections 3317.20 115139  
and 3317.201 of the Revised Code, funding for MR/DD boards and 115140  
institutions in fiscal year 2010 and fiscal year 2011 shall be 115141  
determined by inflating the per pupil amount received by each 115142  
MR/DD board and institution in the prior fiscal year by 1.9 per 115143  
cent and providing that inflated per pupil amount for each student 115144  
served in the current fiscal year. 115145

Of the foregoing appropriation item 200540, Special Education 115146  
Enhancements, up to \$1,500,000 in each fiscal year shall be used 115147  
for parent mentoring programs. 115148

Of the foregoing appropriation item 200540, Special Education 115149  
Enhancements, up to \$2,783,396 in each fiscal year may be used for 115150  
school psychology interns. 115151

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to county boards of mental retardation and developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units under section 3317.052 of the Revised Code. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational service centers.

The Department may reimburse county MR/DD boards, educational service centers, and school districts for services provided by instructional assistants, related services as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or physical therapist assistant under the supervision of a licensed physical therapist as required under Chapter 4755. of the Revised Code and Chapter 4755-27 of the Administrative Code and occupational therapy services provided by a licensed occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist as required under Chapter 4755. of the Revised Code and Chapter 4755-7 of the Administrative Code. Nothing in this section authorizes occupational therapy assistants or physical therapist assistants to generate or manage their own caseloads.

The Department of Education shall require school districts, educational service centers, and county MR/DD boards serving preschool children with disabilities to document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department.

**Section 265.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS**

Of the foregoing appropriation item 200545, Career-Technical

Education Enhancements, up to \$2,633,531 in fiscal year 2010 and 115183  
up to \$2,683,568 in fiscal year 2011 shall be used to fund 115184  
secondary career-technical education at institutions. 115185

Notwithstanding sections 3317.05, 3317.052, and 3317.053 of the 115186  
Revised Code, the Department of Education shall distribute funding 115187  
to institutions for career-technical programming on a grant basis. 115188

Of the foregoing appropriation item 200545, Career-Technical 115189  
Education Enhancements, up to \$2,228,281 in each fiscal year shall 115190  
be used by the Department of Education to fund competitive grants 115191  
to tech prep consortia that expand the number of students enrolled 115192  
in tech prep programs. These grant funds shall be used to directly 115193  
support expanded tech prep programs provided to students enrolled 115194  
in school districts, including joint vocational school districts, 115195  
and affiliated higher education institutions. This support may 115196  
include the purchase of equipment. 115197

Of the foregoing appropriation item 200545, Career-Technical 115198  
Education Enhancements, \$2,000 in each fiscal year shall be used 115199  
by the Perry Local High School College Medical Tech Prep program 115200  
in Massillon to teach low-income kids how to lead healthy 115201  
lifestyles. 115202

Of the foregoing appropriation item 200545, Career-Technical 115203  
Education Enhancements, up to \$2,890,850 in each fiscal year shall 115204  
be used by the Department of Education to support existing High 115205  
Schools That Work (HSTW) sites, develop and support new sites, 115206  
fund technical assistance, and support regional centers and middle 115207  
school programs. The purpose of HSTW is to combine challenging 115208  
academic courses and modern career-technical studies to raise the 115209  
academic achievement of students. HSTW provides intensive 115210  
technical assistance, focused staff development, targeted 115211  
assessment services, and ongoing communications and networking 115212  
opportunities. 115213

**Section 265.30.40. FOUNDATION FUNDING** 115214

The foregoing appropriation item 200550, Foundation Funding, 115215  
includes \$75,000,000 in each fiscal year for the state education 115216  
aid offset due to the change in public utility valuation as a 115217  
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 115218  
General Assembly. This amount represents the total state education 115219  
aid offset due to the valuation change for school districts and 115220  
joint vocational school districts from all relevant appropriation 115221  
line item sources. Upon certification by the Department of 115222  
Education, in consultation with the Department of Taxation, to the 115223  
Director of Budget and Management of the actual state aid offset, 115224  
the cash transfer from the School District Property Tax 115225  
Replacement - Utility Fund (Fund 7053) to the General Revenue Fund 115226  
shall be decreased or increased by the Director of Budget and 115227  
Management to match the certification in accordance with section 115228  
5727.84 of the Revised Code. 115229

The foregoing appropriation item 200550, Foundation Funding, 115230  
includes \$11,900,000 in fiscal year 2010 and \$39,300,000 in fiscal 115231  
year 2011 for the state education aid offset because of the 115232  
changes in tangible personal property valuation as a result of Am. 115233  
Sub. H.B. 66 of the 126th General Assembly. This amount represents 115234  
the total state education aid offset because of the valuation 115235  
change for school districts and joint vocational school districts 115236  
from all relevant appropriation item sources. Upon certification 115237  
by the Department of Education of the actual state education aid 115238  
offset to the Director of Budget and Management, the cash transfer 115239  
from the School District Tangible Property Tax Replacement - 115240  
Business Fund (Fund 7047) to the General Revenue Fund shall be 115241  
decreased or increased by the Director of Budget and Management to 115242  
match the certification in accordance with section 5751.21 of the 115243  
Revised Code. 115244

Of the foregoing appropriation item 200550, Foundation 115245  
Funding, up to \$425,000 shall be expended in each fiscal year for 115246  
court payments under section 2151.362 of the Revised Code and up 115247  
to \$15,000,000 in each fiscal year shall be reserved for payments 115248  
under sections 3317.026, 3317.027, and 3317.028 of the Revised 115249  
Code except that the Controlling Board may increase the 115250  
\$15,000,000 amount if presented with such a request from the 115251  
Department of Education. 115252

Of the foregoing appropriation item 200550, Foundation 115253  
Funding, up to \$18,000,000 in fiscal year 2010 and \$15,000,000 in 115254  
fiscal year 2011 shall be used to provide additional state aid to 115255  
school districts for special education students under division 115256  
(C)(3) of section 3317.022 of the Revised Code, except that the 115257  
Controlling Board may increase these amounts if presented with 115258  
such a request from the Department of Education at the final 115259  
meeting of the fiscal year; up to \$2,000,000 in each fiscal year 115260  
shall be reserved for Youth Services tuition payments under 115261  
section 3317.024 of the Revised Code; up to \$8,100,000 in each 115262  
fiscal year shall be used to fund gifted education units at 115263  
educational service centers under division (L) of section 3317.024 115264  
of the Revised Code, notwithstanding division (D)(3) of section 115265  
3317.018 of the Revised Code; and up to \$47,000,000 in each fiscal 115266  
year shall be reserved to fund the state reimbursement of 115267  
educational service centers under section 3317.11 of the Revised 115268  
Code and the section of this act entitled "EDUCATIONAL SERVICE 115269  
CENTERS FUNDING." 115270

Of the foregoing appropriation item 200550, Foundation 115271  
Funding, an amount shall be available in each fiscal year to be 115272  
used by the Department of Education for transitional aid for 115273  
school districts under section 3306.19 of the Revised Code. 115274

Of the foregoing appropriation item 200550, Foundation 115275  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 115276



Department of Education for a program to pay for educational 115277  
services for youth who have been assigned by a juvenile court or 115278  
other authorized agency to any of the facilities described in 115279  
division (A) of the section of this act entitled "PRIVATE 115280  
TREATMENT FACILITY PROJECT." 115281

Of the foregoing appropriation item 200550, Foundation 115282  
Funding, up to \$8,686,000 in fiscal year 2010 and up to \$8,722,860 115283  
in fiscal year 2011 shall be used to operate school choice 115284  
programs. 115285

Of the portion of the funds distributed to the Cleveland 115286  
Municipal School District under this section, up to \$11,901,887 in 115287  
each fiscal year shall be used to operate the school choice 115288  
program in the Cleveland Municipal School District under sections 115289  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 115290  
divisions (B) and (C) of section 3313.978 and division (C) of 115291  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 115292  
fiscal year of this amount shall be used by the Cleveland 115293  
Municipal School District to provide tutorial assistance as 115294  
provided in division (H) of section 3313.974 of the Revised Code. 115295  
The Cleveland Municipal School District shall report the use of 115296  
these funds in the district's three-year continuous improvement 115297  
plan as described in section 3302.04 of the Revised Code in a 115298  
manner approved by the Department of Education. 115299

Of the foregoing appropriation item 200550, Foundation 115300  
Funding, an amount shall be available in each fiscal year to be 115301  
paid to joint vocational school districts in accordance with the 115302  
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 115303  
DISTRICTS." 115304

Appropriation items 200455, Community Schools, 200502, Pupil 115305  
Transportation, 200540, Special Education Enhancements, 200550, 115306  
and Foundation Funding, 200551, Foundation Funding - Federal 115307  
Stimulus, other than specific set-asides, are collectively used in 115308

each fiscal year to pay state formula aid obligations for school 115309  
districts, community schools, and joint vocational school 115310  
districts under this act and Chapter 3306. of the Revised Code. 115311  
The first priority of these appropriation items, with the 115312  
exception of specific set-asides, is to fund state formula aid 115313  
obligations. It may be necessary to reallocate funds among these 115314  
appropriation items or use excess funds from other general revenue 115315  
fund appropriation items in the Department of Education's budget 115316  
in each fiscal year, in order to meet state formula aid 115317  
obligations. If it is determined that it is necessary to transfer 115318  
funds among these appropriation items or to transfer funds from 115319  
other General Revenue Fund appropriations in the Department of 115320  
Education's budget to meet state formula aid obligations, the 115321  
Department of Education shall seek approval from the Controlling 115322  
Board to transfer funds as needed. 115323

**Section 265.30.50. FUNDING FOR JOINT VOCATIONAL SCHOOL 115324**  
DISTRICTS 115325

(A) The Department of Education shall distribute funds within 115326  
appropriation item 200550, Foundation Funding, for joint 115327  
vocational funding in each fiscal year to each joint vocational 115328  
school district that received joint vocational funding in fiscal 115329  
year 2009. The Department shall distribute to each such district 115330  
joint vocational funding in an amount equal to the district's 115331  
joint vocational funding from the previous fiscal year inflated by 115332  
1.9 per cent. 115333

(B)(1) A district's fiscal year 2009 joint vocational funding 115334  
equals the sum of the following, as reconciled by the Department: 115335  
115336

(a) Base-cost funding under division (B) of section 3317.16 115337  
of the Revised Code; 115338

(b) Special education and related services additional 115339

weighted funding under division (D)(1) of section 3317.16 of the Revised Code; 115340  
115341

(c) Speech services funding under division (D)(2) of section 3317.16 of the Revised Code; 115342  
115343

(d) Vocational education additional weighted funding under division (C) of section 3317.16 of the Revised Code; 115344  
115345

(e) GRADS funding under division (N) of section 3317.024 of the Revised Code; 115346  
115347

(f) Any transitional aid computed for the district under Section 269.30.90 of Am. Sub. H.B. 119 of the 127th General Assembly. 115348  
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(2) The joint vocational funding for each fiscal year for each district is the amount specified in division (A) or (B) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code. 115351  
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**Section 265.30.60. TEACH OHIO** 115355

Of the foregoing appropriation item 200555, Teach Ohio, \$1,000,000 in each fiscal year shall be used to support the program established under division (A) of section 3333.39 of the Revised Code to encourage high school students interested in entering the teaching profession. 115356  
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The remainder of the appropriation shall be used to support alternative teacher licensure programs under section 3319.26 and division (C) of section 3333.39 of the Revised Code developed in partnership with the Department of Education, educational service centers, and institutions of higher education. Programs shall support teacher licensure in laboratory-based science, advanced mathematics, or foreign language at the secondary education level and employment with an Ohio school district designated by the Department as a hard-to-staff school. The programs shall be 115361  
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consistent with the State Board of Education's alternative 115370  
licensure requirements. 115371

**Section 265.30.70. VIOLENCE PREVENTION AND SCHOOL SAFETY** 115372

Of the foregoing appropriation item 200578, Violence 115373  
Prevention and School Safety, up to \$224,250 in each fiscal year 115374  
shall be used to fund a safe school center to provide resources 115375  
for parents and for school and law enforcement personnel. 115376

The remainder of the appropriation shall be distributed based 115377  
on guidelines developed by the Department of Education to enhance 115378  
school safety. The guidelines shall provide a list of 115379  
research-based best practices and programs from which local 115380  
grantees shall select based on local needs. These practices shall 115381  
include, but not be limited to, school resource officers and safe 115382  
and drug free school coordinators and social-emotional development 115383  
programs. 115384

**COMMUNITY PROJECTS** 115385

Of the foregoing appropriation item 200587, Community 115386  
Projects, \$1,000,000 in each fiscal year shall be used by the 115387  
National Underground Railroad Freedom Center for education 115388  
programs. 115389

Of the foregoing appropriation item 200587, Community 115390  
Projects, up to \$39,500 in each fiscal year may be used to support 115391  
the application fee for candidates participating in the Take One 115392  
program for beginning teachers in years two and three. 115393

Of the foregoing appropriation item 200587, Community 115394  
Projects, \$100,000 in each fiscal year shall be used to support 115395  
the Toledo Tech Academy. Of this amount, \$25,000 in each fiscal 115396  
year shall be used by the Toledo Tech Academy to enhance and 115397  
establish For Inspiration and Recognition in Science and 115398  
Technology programs (F.I.R.S.T.). 115399

Of the foregoing appropriation item 200587, Community 115400  
Projects, \$25,000 in each fiscal year shall be distributed to the 115401  
Beaver Creek Wildlife Education Center for student field trips. 115402

Of the foregoing appropriation item 200587, Community 115403  
Projects, \$50,000 in each fiscal year shall be used for the 115404  
after-school programs of the Monroe Community Center in Stark 115405  
County. 115406

Of the foregoing appropriation item 200587, Community 115407  
Projects, \$250,000 in each fiscal year shall be provided to Kids 115408  
Unlimited to support its after-school program. 115409

Of the foregoing appropriation item 200587, Community 115410  
Projects, \$100,000 in fiscal year 2011 shall be used by the Green 115411  
Local School District in Summit County, in partnership with The 115412  
University of Akron, to create a distance learning pilot program. 115413

Of the foregoing appropriation item 200587, Community 115414  
Projects, \$100,000 in each fiscal year shall be provided to the 115415  
Cincinnati Arts and Technology Center to increase program support 115416  
for high-risk teens and unemployed urban adults. 115417

Of the foregoing appropriation item 200587, Community 115418  
Projects, \$1,500,000 in each fiscal year shall be used for Project 115419  
Lead the Way leadership and management oversight and initial and 115420  
continuing support of Project Lead the Way workforce development 115421  
programs in participating school districts. 115422

Of the foregoing appropriation item 200587, Community 115423  
Projects, up to \$900,000 in each fiscal year shall be used by the 115424  
Department of Education to fund the Reading Recovery Training 115425  
Network, to cover the cost of release time for the teacher 115426  
trainers. 115427

Of the foregoing appropriation item 200587, Community 115428  
Projects, up to \$100,000 in each fiscal year shall be used to 115429  
establish a reading recovery teacher leader training site at 115430

Marietta College in fiscal year 2010 and to provide training for 115431  
reading recovery teachers by a teacher leader in fiscal year 2011. 115432

Of the foregoing appropriation item 200587, Community 115433  
Projects, \$50,000 in each fiscal year shall be used for the Ohio 115434  
University Leadership Project. 115435

Of the foregoing appropriation item 200587, Community 115436  
Projects, up to \$1,026,017 in each fiscal year shall be used by 115437  
the Department of Education to fund the Summer Honors Institute, 115438  
including funding for the Martin Essex Program, which shall be 115439  
awarded through a request for proposals process. 115440

Of the foregoing appropriation item 200587, Community 115441  
Projects, \$75,000 in each fiscal year shall be used for Leaf 115442  
Lake/Geauga Educational Assistance Funding. 115443

Of the foregoing appropriation item 200587, Community 115444  
Projects, \$500,000 in each fiscal year shall be used to support 115445  
the Bellefaire Jewish Children's Bureau. 115446

Of the foregoing appropriation item 200587, Community 115447  
Projects, \$650,000 in each fiscal year shall be used to support 115448  
Project More for one-to-one reading mentoring. 115449

Of the foregoing appropriation item 200587, Community 115450  
Projects, \$100,000 in each fiscal year shall be used by the 115451  
American Academy of Pediatrics for the Reach Out and Read Program. 115452

Of the foregoing appropriation item 200587, Community 115453  
Projects, up to \$500,000 shall be used in each fiscal year by the 115454  
Department of Education to contract with the Children's Hunger 115455  
Alliance to expand access to child nutrition programs consistent 115456  
with the organization's continued ability to meet specified 115457  
performance measures as detailed in the contract. 115458

Of the foregoing appropriation item 200587, Community 115459  
Projects, up to \$260,000 in fiscal year 2010 shall be used for the 115460

development of a model dating violence policy and adoption of 115461  
dating violence prevention education standards. 115462

**Section 265.30.80. PROPERTY TAX ALLOCATION - EDUCATION** 115463

The Superintendent of Public Instruction shall not request, 115464  
and the Controlling Board shall not approve, the transfer of 115465  
appropriation from appropriation item 200901, Property Tax 115466  
Allocation - Education, to any other appropriation item. 115467

The appropriation item 200901, Property Tax Allocation - 115468  
Education, is appropriated to pay for the state's costs incurred 115469  
because of the homestead exemption, the property tax rollback, and 115470  
payments required under division (C) of section 5705.2110 of the 115471  
Revised Code. In cooperation with the Department of Taxation, the 115472  
Department of Education shall distribute these funds directly to 115473  
the appropriate school districts of the state, notwithstanding 115474  
sections 321.24 and 323.156 of the Revised Code, which provide for 115475  
payment of the homestead exemption and property tax rollback by 115476  
the Tax Commissioner to the appropriate county treasurer and the 115477  
subsequent redistribution of these funds to the appropriate local 115478  
taxing districts by the county auditor. 115479

Upon receipt of these amounts, each school district shall 115480  
distribute the amount among the proper funds as if it had been 115481  
paid as real or tangible personal property taxes. Payments for the 115482  
costs of administration shall continue to be paid to the county 115483  
treasurer and county auditor as provided for in sections 319.54, 115484  
321.26, and 323.156 of the Revised Code. 115485

Any sums, in addition to the amount specifically appropriated 115486  
in appropriation items 200901, Property Tax Allocation - 115487  
Education, for the homestead exemption and the property tax 115488  
rollback payments, and payments required under division (C) of 115489  
section 5705.2110 of the Revised Code, which are determined to be 115490  
necessary for these purposes, are hereby appropriated. 115491

**Section 265.30.90. TEACHER CERTIFICATION AND LICENSURE** 115492

The foregoing appropriation item 200681, Teacher 115493  
Certification and Licensure, shall be used by the Department of 115494  
Education in each year of the biennium to administer and support 115495  
teacher certification and licensure activities. 115496

**SCHOOL DISTRICT SOLVENCY ASSISTANCE** 115497

Of the foregoing appropriation item 200687, School District 115498  
Solvency Assistance, \$9,000,000 in each fiscal year shall be 115499  
allocated to the School District Shared Resource Account and 115500  
\$9,000,000 in each fiscal year shall be allocated to the 115501  
Catastrophic Expenditures Account. These funds shall be used to 115502  
provide assistance and grants to school districts to enable them 115503  
to remain solvent under section 3316.20 of the Revised Code. 115504  
Assistance and grants shall be subject to approval by the 115505  
Controlling Board. Any required reimbursements from school 115506  
districts for solvency assistance shall be made to the appropriate 115507  
account in the School District Solvency Assistance Fund (Fund 115508  
5H30). 115509

Notwithstanding any provision of law to the contrary, upon 115510  
the request of the Superintendent of Public Instruction, the 115511  
Director of Budget and Management may make transfers to the School 115512  
District Solvency Assistance Fund (Fund 5H30) from any fund used 115513  
by the Department of Education or the General Revenue Fund to 115514  
maintain sufficient cash balances in Fund 5H30 in fiscal years 115515  
2010 and 2011. Any cash transferred is hereby appropriated. The 115516  
transferred cash may be used by the Department of Education to 115517  
provide assistance and grants to school districts to enable them 115518  
to remain solvent and to pay unforeseeable expenses of a temporary 115519  
or emergency nature that the school district is unable to pay from 115520  
existing resources. The Director of Budget and Management shall 115521  
notify the members of the Controlling Board of any such transfers. 115522



115523

**Section 265.40.10. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS** 115524

Upon the request of the Superintendent of Public Instruction, 115525  
the Director of Budget and Management may transfer up to \$639,000 115526  
cash in each fiscal year from the General Revenue Fund to the 115527  
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 115528  
transferred cash is to be used by the Department of Education to 115529  
pay the expenses the Department incurs in administering the 115530  
Medicaid School Component of the Medicaid program established 115531  
under sections 5111.71 to 5111.715 of the Revised Code. On June 1 115532  
of each fiscal year, or as soon as possible thereafter, the 115533  
Director of Budget and Management shall transfer cash from Fund 115534  
3AF0 back to the General Revenue Fund in an amount equal to the 115535  
total amount transferred to Fund 3AF0 in that fiscal year. 115536

The money deposited into Fund 3AF0 under division (B) of 115537  
section 5111.714 of the Revised Code is hereby appropriated for 115538  
fiscal years 2010 and 2011 and shall be used in accordance with 115539  
division (D) of section 5111.714 of the Revised Code. 115540

**Section 265.40.20. READING FIRST** 115541

The foregoing appropriation item 200632, Reading First, shall 115542  
be used by school districts to administer federal diagnostic tests 115543  
as well as other functions permitted by federal statute. 115544  
Notwithstanding section 3301.079 of the Revised Code, federal 115545  
diagnostic tests may be recognized as meeting the state diagnostic 115546  
testing requirements outlined in section 3301.079 of the Revised 115547  
Code. 115548

**HALF-MILL MAINTENANCE EQUALIZATION** 115549

The foregoing appropriation item 200626, Half-Mill 115550  
Maintenance Equalization, shall be used to make payments pursuant 115551  
to section 3318.18 of the Revised Code. 115552

**Section 265.40.30. START-UP FUNDS** 115553

Funds appropriated for the purpose of providing start-up 115554  
grants to Title IV-A Head Start and Title IV-A Head Start Plus 115555  
agencies in fiscal year 2004 and fiscal year 2005 for the 115556  
provision of services to children eligible for Title IV-A services 115557  
under the Title IV-A Head Start or Title IV-A Head Start Plus 115558  
programs shall be reimbursed to the General Revenue Fund as 115559  
follows: 115560

(A) If, for fiscal years 2010 or 2011, an entity that was a 115561  
Title IV-A Head Start or Title IV-A Head Start Plus agency will 115562  
not be an early learning agency or early learning provider, the 115563  
entity shall repay the entire amount of the start-up grant it 115564  
received in fiscal year 2004 and fiscal year 2005 not later than 115565  
June 30, 2019, in accordance with a payment schedule agreed to by 115566  
the Department of Education. 115567

(B) If an entity that was a Title IV-A Head Start or Title 115568  
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 115569  
2005 will be an early learning agency or early learning provider 115570  
in fiscal year 2010 and fiscal year 2011, the entity shall be 115571  
allowed to retain any amount of the start-up grant it received, 115572  
unless division (D) of this section applies to the entity. In that 115573  
case, the entity shall repay the entire amount of the obligation 115574  
described in that division not later than June 30, 2019. 115575

(C) Within ninety days after the closure of an early learning 115576  
agency or early learning provider that was a Title IV-A Head Start 115577  
Plus agency in fiscal year 2004 or fiscal year 2005, the former 115578  
Title IV-A Head Start agencies, Title IV-A Head Start Plus 115579  
agencies, and the Department of Education shall determine the 115580  
repayment schedule for amounts owed under division (A) of this 115581  
section. These amounts shall be paid to the state not later than 115582  
June 30, 2019. 115583

(D) If an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 2005 owed the state any portion of the start-up grant amount during fiscal year 2006 or fiscal year 2007 but failed to repay the entire amount of the obligation by June 30, 2007, the entity shall be given an extension for repayment through June 30, 2019, before any amounts remaining due and payable to the state are referred to the Attorney General for collection under section 131.02 of the Revised Code.

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus start-up grants that are retained by early learning agencies or early learning providers pursuant to this section shall be reimbursed to the General Revenue Fund when the early learning program ceases or if an early learning agency's or early learning provider's participation in the early learning program ceases or is terminated.

**Section 265.40.40. AUXILIARY SERVICES REIMBURSEMENT** 115600

Notwithstanding section 3317.064 of the Revised Code, if the unexpended, unencumbered cash balance is sufficient, the Treasurer of State shall transfer \$1,500,000 in fiscal year 2010 within thirty days after the effective date of this section, and \$1,500,000 in fiscal year 2011 by August 1, 2010, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Auxiliary Services Reimbursement Fund (Fund 5980) used by the Department of Education.

**Section 265.40.50. LOTTERY PROFITS EDUCATION FUND** 115609

Appropriation item 200612, Foundation Funding (Fund 7017), shall be used in conjunction with appropriation item 200550, Foundation Funding (GRF), to provide payments to school districts under Chapter 3306. of the Revised Code.

The Department of Education, with the approval of the 115614  
Director of Budget and Management, shall determine the monthly 115615  
distribution schedules of appropriation item 200550, Foundation 115616  
Funding (GRF), and appropriation item 200612, Foundation Funding 115617  
(Fund 7017). If adjustments to the monthly distribution schedule 115618  
are necessary, the Department of Education shall make such 115619  
adjustments with the approval of the Director of Budget and 115620  
Management. 115621

**Section 265.40.60. LOTTERY PROFITS EDUCATION RESERVE FUND** 115622

(A) There is hereby created the Lottery Profits Education 115623  
Reserve Fund (Fund 7018) in the State Treasury. Investment 115624  
earnings of the Lottery Profits Education Reserve Fund shall be 115625  
credited to the fund. The Superintendent of Public Instruction may 115626  
certify cash balances exceeding \$75,000,000 in Fund 7018 to the 115627  
Director of Budget and Management in June of any given fiscal 115628  
year. Prior to making the certification, the Superintendent of 115629  
Public Instruction shall determine whether the funds above the 115630  
\$75,000,000 threshold are needed to help pay for foundation 115631  
program obligations for that fiscal year under Chapter 3306. of 115632  
the Revised Code. 115633

For fiscal years 2010 and 2011, notwithstanding any 115634  
provisions of law to the contrary, amounts necessary to make loans 115635  
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 115636  
Revised Code are hereby appropriated to Fund 7018. Loan repayments 115637  
from loans made in previous years shall be deposited to the fund. 115638  
115639

(B) On July 15, 2009, or as soon as possible thereafter, the 115640  
Director of the Ohio Lottery Commission shall certify to the 115641  
Director of Budget and Management the amount by which lottery 115642  
profit transfers received by the Lottery Profits Education Fund 115643  
(Fund 7017) exceeded \$667,900,000 in fiscal year 2009. The 115644

Director of Budget and Management may transfer the amount so 115645  
certified, plus the cash balance in Fund 7017, to Fund 7018. 115646

(C) On July 15, 2010, or as soon as possible thereafter, the 115647  
Director of the Ohio Lottery Commission shall certify to the 115648  
Director of Budget and Management the amount by which lottery 115649  
profit transfers received by Fund 7017 exceeded \$705,000,000 in 115650  
fiscal year 2010. The Director of Budget and Management may 115651  
transfer the amount so certified, plus the cash balance in Fund 115652  
7017, to Fund 7018. 115653

(D) Any amounts transferred under division (B) or (C) of this 115654  
section may be made available by the Controlling Board in fiscal 115655  
years 2010 or 2011, at the request of the Superintendent of Public 115656  
Instruction, to provide assistance and grants to school districts 115657  
to enable them to remain solvent and to pay unforeseeable expenses 115658  
of a temporary or emergency nature that they are unable to pay 115659  
from existing resources under section 3316.20 of the Revised Code, 115660  
and to provide payments to school districts under Chapter 3306. of 115661  
the Revised Code. 115662

**Section 265.40.70. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 115663**  
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 115664

Notwithstanding any provision of law to the contrary, in 115665  
fiscal year 2010 and fiscal year 2011 the Director of Budget and 115666  
Management may make temporary transfers between the General 115667  
Revenue Fund and the School District Property Tax Replacement - 115668  
Business Fund (Fund 7047) in the Department of Education to ensure 115669  
sufficient balances in Fund 7047 and to replenish the General 115670  
Revenue Fund for such transfers. 115671

**Section 265.40.80. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 115672**  
BUSINESS 115673

The foregoing appropriation item 200909, School District 115674

Property Tax Replacement - Business, shall be used by the 115675  
Department of Education, in consultation with the Department of 115676  
Taxation, to make payments to school districts and joint 115677  
vocational school districts under section 5751.21 of the Revised 115678  
Code. If it is determined by the Director of Budget and Management 115679  
that additional appropriations are necessary for this purpose, 115680  
such amounts are hereby appropriated. 115681

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 115682

The foregoing appropriation item 200900, School District 115683  
Property Tax Replacement-Utility, shall be used by the Department 115684  
of Education, in consultation with the Department of Taxation, to 115685  
make payments to school districts and joint vocational school 115686  
districts under section 5727.85 of the Revised Code. If it is 115687  
determined by the Director of Budget and Management that 115688  
additional appropriations are necessary for this purpose, such 115689  
amounts are hereby appropriated. 115690

DISTRIBUTION FORMULAS 115691

The Department of Education shall report the following to the 115692  
Director of Budget and Management and the Legislative Service 115693  
Commission: 115694

(A) Changes in formulas for distributing state 115695  
appropriations, including administratively defined formula 115696  
factors; 115697

(B) Discretionary changes in formulas for distributing 115698  
federal appropriations; 115699

(C) Federally mandated changes in formulas for distributing 115700  
federal appropriations. 115701

Any such changes shall be reported two weeks prior to the 115702  
effective date of the change. 115703

**Section 265.50.10. EDUCATIONAL SERVICE CENTERS FUNDING** 115704

(A) As used in this section: 115705

(1) "Internet- or computer-based community school" has the 115706  
same meaning as in section 3314.02 of the Revised Code. 115707

(2) "Service center ADM" has the same meaning as in section 115708  
3317.11 of the Revised Code. 115709

(3) "STEM school" means a science, technology, engineering, 115710  
and mathematics school established under Chapter 3326. of the 115711  
Revised Code. 115712

(B) Notwithstanding division (F) of section 3317.11 of the 115713  
Revised Code, no funds shall be provided under that division to an 115714  
educational service center in either fiscal year for any pupils of 115715  
a city or exempted village school district unless an agreement to 115716  
provide services under section 3313.843 of the Revised Code was 115717  
entered into by January 1, 1997, except that funds shall be 115718  
provided to an educational service center for any pupils of a city 115719  
school district if the agreement to provide services was entered 115720  
into within one year of the date upon which such district changed 115721  
from a local school district to a city school district. 115722

If an educational service center that entered into an 115723  
agreement by January 1, 1997, with a city or exempted village 115724  
school district to provide services under section 3313.843 of the 115725  
Revised Code ceases to operate because all of the local school 115726  
districts that constituted the territory of the service center 115727  
have severed from the service center pursuant to section 3311.059 115728  
of the Revised Code, another educational service center, by 115729  
resolution of its governing board, may assume the obligations of 115730  
the original service center to provide services to the city or 115731  
exempted village school district under that agreement. If that 115732  
other service center assumes those obligations to provide services 115733  
to the city or exempted village school district, that service 115734  
center shall be considered to be the service center that entered 115735

into the agreement by January 1, 1997, and, accordingly, may 115736  
receive funds under division (F) of section 3317.11 of the Revised 115737  
Code in accordance with this section in fiscal years 2010 and 2011 115738  
for pupils of that city or exempted village school district. 115739

(C) Notwithstanding any provision of the Revised Code to the 115740  
contrary, an educational service center that sponsors a community 115741  
school under Chapter 3314. of the Revised Code in either fiscal 115742  
year may include the students of that community school in its 115743  
service center ADM for purposes of state funding under division 115744  
(F) of section 3317.11 of the Revised Code, unless the community 115745  
school is an Internet- or computer-based community school. A 115746  
service center shall include the community school students in its 115747  
service center ADM only to the extent that the students are not 115748  
already so included, and only in accordance with guidelines issued 115749  
by the Department of Education. If the students of a community 115750  
school sponsored by an educational service center are included in 115751  
the service center ADM of another educational service center, 115752  
those students shall be removed from the service center ADM of the 115753  
other educational service center and added to the service center 115754  
ADM of the community school's sponsoring service center. The 115755  
General Assembly authorizes this procedure as an incentive for 115756  
educational service centers to take over sponsorship of community 115757  
schools from the State Board of Education as the State Board's 115758  
sponsorship is phased out in accordance with Sub. H.B. 364 of the 115759  
124th General Assembly. No student of an Internet- or 115760  
computer-based community school shall be counted in the service 115761  
center ADM of any educational service center. The Department shall 115762  
pay educational service centers under division (F) of section 115763  
3317.11 of the Revised Code for community school students included 115764  
in their service center ADMs under this division only if 115765  
sufficient funds earmarked within appropriation item 200550, 115766  
Foundation Funding, for payments under that division remain after 115767  
first paying for students attributable to their local and client 115768



school districts, in accordance with divisions (B) and (E) of this section. 115769  
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(D) Notwithstanding division (C) of section 3326.45 of the Revised Code, the Department shall pay educational service centers under division (H) of section 3317.11 of the Revised Code for services provided to STEM schools only if sufficient funds earmarked within appropriation item 200550, Foundation Funding, for payments under that division remain after first paying for students attributable to the local and client school districts of the service centers and for community school students in their service center ADMs, in accordance with divisions (B), (C), and (E) of this section. 115771  
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(E) If insufficient funds are earmarked within appropriation item 200550, Foundation Funding, for payments under divisions (F) and (H) of section 3317.11 of the Revised Code and division (C) of this section in fiscal year 2010 or fiscal year 2011, the Department shall prioritize the distribution of the earmarked funds as follows: 115781  
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(1) The Department shall first distribute to each educational service center the per-student amount specified in division (F) of section 3317.11 of the Revised Code for each student in its service center ADM attributable to the local school districts within the service center's territory. 115787  
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(2) The Department shall distribute the remaining funds in each fiscal year to each educational service center for the students in its service center ADM attributable to each city and exempted village school district that had entered into an agreement with an educational service center for that fiscal year under section 3313.843 of the Revised Code by January 1, 1997, up to the per-student amount specified in division (F) of section 3317.11 of the Revised Code. If insufficient funds remain to pay each service center the full amount specified in division (F) of 115792  
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that section for each such student, the Department shall 115801  
distribute the remaining funds to each service center 115802  
proportionally, on a per-student basis for each such student, 115803  
unless that proportional per-student amount exceeds the amount 115804  
specified in division (F)(1) of that section. In that case, the 115805  
Department shall distribute the per-student amount specified in 115806  
division (F)(1) of that section to each service center for each 115807  
such student and shall distribute the remainder proportionally, on 115808  
a per-student basis for each such student, to the multicounty 115809  
service centers described in division (F)(2) of that section. 115810

(3) If the Department has paid each service center under 115811  
divisions (E)(1) and (2) of this section the full amount specified 115812  
in division (F) of section 3317.11 of the Revised Code for each 115813  
student attributable to its local school districts and its client 115814  
school districts described in division (E)(2) of this section, the 115815  
Department shall distribute any remaining funds proportionally, on 115816  
a per-student basis, to each service center that sponsors a 115817  
community school, other than an Internet- or computer-based 115818  
community school, for the students included in the service center 115819  
ADM under division (C) of this section. These payments shall not 115820  
exceed per student the amount specified in division (F) of section 115821  
3317.11 of the Revised Code. 115822

(4) If the Department has paid each educational service 115823  
center that sponsors a community school, other than an Internet- 115824  
or computer-based community school, the full amount specified in 115825  
division (F) of section 3317.11 of the Revised Code for each 115826  
community school student included in the service center ADM under 115827  
division (C) of this section, the Department shall distribute any 115828  
remaining funds to each service center that is owed money under 115829  
division (H) of section 3317.11 of the Revised Code for services 115830  
provided to a STEM school. If insufficient funds remain to pay 115831  
each service center the full amount calculated for it under 115832

division (H) of section 3317.11 of the Revised Code, the 115833  
Department shall distribute the remaining funds proportionally, on 115834  
a per-student basis, to each service center owed money under that 115835  
division, unless that proportional per-student amount exceeds the 115836  
per-student amount specified in any service center's contract 115837  
entered into under section 3326.45 of the Revised Code. In that 115838  
case, the Department shall distribute the lowest per-student 115839  
amount specified in the service center contracts entered into 115840  
under that section to each service center owed money under 115841  
division (H) of section 3317.11 of the Revised Code and shall 115842  
distribute the remainder proportionally, on a per-student basis, 115843  
to service centers with contracts under section 3326.45 of the 115844  
Revised Code that specify higher per-student amounts, but in no 115845  
case shall the payments to any service center exceed the 115846  
per-student amount specified in the service center's contract with 115847  
the STEM school. 115848

**Section 265.50.20. WAIVER OF PUPIL TO TEACHER RATIO** 115849

For the school year commencing July 1, 2009, or the school 115850  
year commencing July 1, 2010, or both, the Superintendent of 115851  
Public Instruction may waive for the board of education of any 115852  
school district the ratio of teachers to pupils in kindergarten 115853  
through fourth grade required under paragraph (A)(3) of rule 115854  
3301-35-05 of the Administrative Code if the following conditions 115855  
apply: 115856

(A) The board of education requests the waiver. 115857

(B) After the Department of Education conducts an on-site 115858  
evaluation of the district related to meeting the required ratio, 115859  
the board of education demonstrates to the satisfaction of the 115860  
Superintendent of Public Instruction that providing the facilities 115861  
necessary to meet the required ratio during the district's regular 115862  
school hours with pupils in attendance would impose an extreme 115863

hardship on the district. 115864

(C) The board of education provides assurances that are 115865  
satisfactory to the Superintendent of Public Instruction that the 115866  
board will act in good faith to meet the required ratio as soon as 115867  
possible. 115868

**Section 265.50.30. PRIVATE TREATMENT FACILITY PROJECT** 115869

(A) As used in this section: 115870

(1) The following are "participating residential treatment 115871  
centers": 115872

(a) Private residential treatment facilities that have 115873  
entered into a contract with the Department of Youth Services to 115874  
provide services to children placed at the facility by the 115875  
Department and which, in fiscal year 2010 or fiscal year 2011 or 115876  
both, the Department pays through appropriation item 470401, 115877  
RECLAIM Ohio; 115878

(b) Abraxas, in Shelby; 115879

(c) Paint Creek, in Bainbridge; 115880

(d) Act One, in Akron; 115881

(e) F.I.R.S.T., in Mansfield. 115882

(2) "Education program" means an elementary or secondary 115883  
education program or a special education program and related 115884  
services. 115885

(3) "Served child" means any child receiving an education 115886  
program pursuant to division (B) of this section. 115887

(4) "School district responsible for tuition" means a city, 115888  
exempted village, or local school district that, if tuition 115889  
payment for a child by a school district is required under law 115890  
that existed in fiscal year 1998, is the school district required 115891  
to pay that tuition. 115892

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2010 and fiscal year 2011 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school

district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2010 and fiscal year 2011 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2010 and 2011, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of

the reimbursement shall be the amount appropriated for this 115956  
purpose divided by the full-time equivalent number of children for 115957  
whom reimbursement is to be made. 115958

(E) Funds provided to a school district, educational service 115959  
center, or residential treatment facility under this section shall 115960  
be used to supplement, not supplant, funds from other public 115961  
sources for which the school district, service center, or 115962  
residential treatment facility is entitled or eligible. 115963

(F) The Department of Education shall track the utilization 115964  
of funds provided to school districts, educational service 115965  
centers, and residential treatment facilities under this section 115966  
and monitor the effect of the funding on the educational programs 115967  
they provide in participating residential treatment facilities. 115968  
The Department shall monitor the programs for educational 115969  
accountability. 115970

**Section 265.50.40.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 115971  
ASSESSMENT OF EDUCATION PROGRESS 115972

The General Assembly intends for the Superintendent of Public 115973  
Instruction to provide for school district participation in the 115974  
administration of the National Assessment of Education Progress in 115975  
accordance with section 3301.27 of the Revised Code. Each school 115976  
and school district selected for participation by the 115977  
Superintendent of Public Instruction shall participate. 115978

**Section 265.50.50.** DEPARTMENT OF EDUCATION APPROPRIATION 115979  
TRANSFERS FOR STUDENT ASSESSMENT 115980

In fiscal year 2010 and fiscal year 2011, if the 115981  
Superintendent of Public Instruction determines that additional 115982  
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 115983  
of the 125th General Assembly and this act for assessments of 115984  
student performance, the Superintendent of Public Instruction may 115985

recommend the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment, to the Director of Budget and Management. If the Director of Budget and Management determines that such a reallocation is required, the Director of Budget and Management may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment. If these transferred appropriations are not sufficient to fully fund the assessment requirements in fiscal year 2010 or fiscal year 2011, the Superintendent of Public Instruction may request that the Controlling Board transfer up to \$9,000,000 cash from the Lottery Profits Education Reserve Fund (Fund 7018) to the General Revenue Fund. Upon approval of the Controlling Board, these transferred funds are hereby appropriated for the same purpose as appropriation item 200437, Student Assessment.

**Section 265.50.55. TRANSFER AND ADJUSTMENT OF ARRA STATE FISCAL STABILIZATION FUND APPROPRIATIONS**

The Director of Budget and Management may transfer appropriation between appropriation items 200550, Foundation Funding, and 200551, Foundation Funding - Federal Stimulus, in each fiscal year, upon the written request of the Superintendent of Public Instruction, including transferring appropriation between fiscal year 2010 and fiscal year 2011. The Director shall report each transfer made under this section to the Controlling Board at its next regularly scheduled meeting after the transfer is made.

**Section 265.50.60. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS**

(A) As used in this section:



(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 116016  
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(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP. 116018  
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(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2010 and 2011 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year. 116021  
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(C) In addition to any payments made under Chapter 3306. of the Revised Code, in each of fiscal years 2010 and 2011, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in fiscal year 2009 to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero. 116026  
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(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department of Education in appropriation item 200550, Foundation Funding. 116038  
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**Section 265.50.70. EARMARK ACCOUNTABILITY** 116046

At the request of the Superintendent of Public Instruction, 116047  
any entity that receives a budget earmark under the Department of 116048  
Education shall submit annually to the chairpersons of the 116049  
committees of the House of Representatives and the Senate 116050  
primarily concerned with education and to the Department of 116051  
Education a report that includes a description of the services 116052  
supported by the funds, a description of the results achieved by 116053  
those services, an analysis of the effectiveness of the program, 116054  
and an opinion as to the program's applicability to other school 116055  
districts. For an earmarked entity that received state funds from 116056  
an earmark in the prior fiscal year, no funds shall be provided by 116057  
the Department of Education to an earmarked entity for a fiscal 116058  
year until its report for the prior fiscal year has been 116059  
submitted. 116060

**Section 265.50.80. PROHIBITION FROM OPERATING FROM HOME** 116061

No community school established under Chapter 3314. of the 116062  
Revised Code that was not open for operation as of May 1, 2005, 116063  
shall operate from a home, as defined in section 3313.64 of the 116064  
Revised Code. 116065

**Section 265.50.90. EARLY COLLEGE START UP COMMUNITY SCHOOL** 116066

(A) As used in this section: 116067

(1) "Big eight school district" has the same meaning as in 116068  
section 3314.02 of the Revised Code. 116069

(2) "Early college high school" means a high school that 116070  
provides students with a personalized learning plan based on an 116071  
accelerated curriculum combining high school and college-level 116072  
coursework. 116073

(B) Any early college high school that is operated by a big 116074  
eight school district in partnership with a private university may 116075  
operate as a new start-up community school under Chapter 3314. of 116076

the Revised Code beginning in the 2007-2008 school year, if all of 116077  
the following conditions are met: 116078

(1) The governing authority and sponsor of the school enter 116079  
into a contract in accordance with section 3314.03 of the Revised 116080  
Code and, notwithstanding division (D) of section 3314.02 of the 116081  
Revised Code, both parties adopt and sign the contract by July 9, 116082  
2007. 116083

(2) Notwithstanding division (A) of section 3314.016 of the 116084  
Revised Code, the school's governing authority enters into a 116085  
contract with the private university under which the university 116086  
will be the school's operator. 116087

(3) The school provides the same educational program the 116088  
school provided while part of the big eight school district. 116089

**Section 265.60.10. PILOT PROGRAM FOR SCHOOL SITE VISITS** 116090

Notwithstanding sections 3301.83 and 3314.39 of the Revised 116091  
Code, the Department of Education shall provide a pilot program of 116092  
site visits both for schools operated by school districts and for 116093  
community schools instead of the site visits otherwise required 116094  
under those sections. The pilot program shall contain all of the 116095  
elements of section 3301.83 of the Revised Code for site visits of 116096  
schools operated by school districts and all of the elements of 116097  
section 3314.39 of the Revised Code for site visits of community 116098  
schools. Not later than December 31, 2010, the Department shall 116099  
report to the Governor and the General Assembly as to the progress 116100  
of the site visits conducted under the pilot program as well as 116101  
recommendations to provide for full implementation of sections 116102  
3301.83 and 3314.39 of the Revised Code. 116103  
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**Section 265.60.20. TASK FORCE ON TEACHER COMPENSATION AND** 116105  
**PERFORMANCE** 116106

(A) There is hereby established the Task Force on Teacher Compensation and Performance. The membership of the Task Force shall consist of the Superintendent of Public Instruction, or the Superintendent's designee, who shall act as chair, and the following members appointed by the Governor:

- (1) Two persons employed as teachers in a school district;
- (2) Two persons who are retired educators;
- (3) Two persons employed as superintendents of a school district;
- (4) Two persons employed as treasurers of a school district;
- (5) Two persons employed as principals in a school district;
- (6) Two persons employed as faculty at a higher education institution;
- (7) Two persons representing Ohio philanthropic organizations;
- (8) One person representing the business community;
- (9) One person representing the general public.

The members of the Task Force shall serve without compensation.

(B) Initial appointments to the Task Force shall be completed within 90 days of the effective date of this section. The Governor shall convene the Task Force not more than 30 days after the final appointment has been made.

(C) The Task Force shall examine the existing structures and systems that support compensation and retirement benefits and develop recommendations designed to improve the connections among compensation, teaching excellence, and higher levels of student learning. The Department of Education shall provide the Task Force with data and staff assistance as requested by the Task Force.

(D) The Task Force shall provide its recommendations in a written report to the Governor, the General Assembly, the State Board of Education, the Superintendent of Public Instruction, and the Chancellor of the Board of Regents not later than December 1, 2010. Upon completion of its report, the Task Force shall cease to exist.

**Section 265.60.30. USE OF VOLUNTEERS**

The Department of Education may utilize the services of volunteers to accomplish any of the purposes of the Department. The Superintendent of Public Instruction shall approve for what purposes volunteers may be used and for these purposes may recruit, train, and oversee the services of volunteers. The Superintendent may reimburse volunteers for necessary and appropriate expenses in accordance with state guidelines and may designate volunteers as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

**Section 265.60.60. EDUCATOR STANDARDS BOARD**

(A) The State Board of Education shall appoint two teachers under division (A)(1)(a) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of the new secondary school teacher member shall expire July 1, 2011, and the term of office of the new elementary school teacher member shall expire July 1, 2012. Thereafter, the term of the additional secondary and elementary school teachers appointed to the Educator Standards Board shall be for two years.

(B) The State Board of Education shall appoint a school

district treasurer or business manager to the Educator Standards Board under division (A)(1)(c) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of that member shall expire July 1, 2012. Thereafter, the term of the school district treasurer or business manager appointed to the Educator Standards Board shall be for two years.

(C) The State Board of Education shall appoint a parent to the Educator Standards Board under division (A)(1)(e) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of that member shall expire July 1, 2011. Thereafter, the term of the parent representative appointed to the Educator Standards Board shall be for two years.

(D) The higher education representatives appointed by the State Board of Education to the Educator Standards Board prior to the effective date of this section under former division (A)(5) of section 3319.60 of the Revised Code shall serve for the remainder of their terms. The Chancellor of the Ohio Board of Regents shall appoint higher education representatives to the Educator Standards Board under division (A)(2) of section 3319.60 of the Revised Code, as amended by this act, as the terms of the higher education representatives appointed under former division (A)(5) of that section expire, each for a term of two years. The Chancellor also shall fill any vacancies that occur during the term of a higher education representative appointed under former division (A)(5) of that section.

**Section 265.60.70. RESTRICTION OF LIABILITY FOR CERTAIN REIMBURSEMENTS**

(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a

school district executed on or before June 1, 2009, in the case of 116197  
a school district for which the formula ADM for fiscal year 2005, 116198  
as reported for that fiscal year under division (A) of section 116199  
3317.03 of the Revised Code, was reduced based on enrollment 116200  
reports for community schools, made under section 3314.08 of the 116201  
Revised Code, regarding students entitled to attend school in the 116202  
district, which reduction of formula ADM resulted in a reduction 116203  
of foundation funding or transitional aid funding for fiscal year 116204  
2005, 2006, or 2007, no school district, except a district named 116205  
in the court's judgment or the settlement agreement, shall have a 116206  
legal claim for reimbursement of the amount of such reduction in 116207  
foundation funding or transitional aid funding, and the state 116208  
shall not have liability for reimbursement of the amount of such 116209  
reduction in foundation funding or transitional aid funding. 116210

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(B) As used in this section: 116212

(1) "Community school" means a community school established 116213  
under Chapter 3314. of the Revised Code. 116214

(2) "Entitled to attend school" means entitled to attend 116215  
school in a school district under section 3313.64 or 3313.65 of 116216  
the Revised Code. 116217

(3) "Foundation funding" means payments calculated for the 116218  
respective fiscal year under Chapter 3317. of the Revised Code. 116219

(4) "Transitional aid funding" means payments calculated for 116220  
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 116221  
of the 125th General Assembly, as subsequently amended; Section 116222  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 116223  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 116224  
of the 127th General Assembly. 116225

**Section 265.60.80.** COMMITTEE TO UPDATE STANDARDS AND

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CURRICULA 116227

Not later than July 15, 2009, the State Board of Education 116228  
shall convene a committee of national experts, state experts, and 116229  
local practitioners to provide advice and guidance in the design 116230  
of the updated standards and curricula required by section 116231  
3301.079 of the Revised Code, as amended by this act. 116232

**Section 265.70.10. CENTER FOR EARLY CHILDHOOD DEVELOPMENT** 116233

(A) The Superintendent of Public Instruction, in consultation 116234  
with the Governor, shall create the Center for Early Childhood 116235  
Development in the Department of Education comprised of staff from 116236  
the Department of Education, the Department of Job and Family 116237  
Services, the Department of Health, and any other state agency as 116238  
determined necessary by the Superintendent. The Superintendent 116239  
also shall hire a Director of the Center who shall report to the 116240  
Superintendent and the Governor. The Center, under the supervision 116241  
of the Director, shall research and make recommendations about the 116242  
coordination of early childhood programs and services for 116243  
children, beginning with prenatal care and continuing until entry 116244  
into kindergarten, and the eventual transfer of the authority to 116245  
implement those programs and services from other state agencies to 116246  
the Department of Education. 116247

(B) The Director of the Early Childhood Cabinet, in 116248  
partnership with staff from the Department of Education and 116249  
advised by the Early Childhood Advisory Council, shall submit an 116250  
implementation plan to the Superintendent and the Governor not 116251  
later than December 31, 2009. The implementation plan shall 116252  
include research and recommendations regarding all of the 116253  
following: 116254

(1) The identification of programs, services, and funding 116255  
sources to be transferred from other state agencies to the 116256



Department of Education;	116257
(2) A new administrative structure within the Department of Education for the purpose of implementing early childhood programs and services;	116258 116259 116260
(3) Statutory changes necessary to implement the new administrative structure within the Department of Education;	116261 116262
(4) A timeline for the transition from the current administrative structure within other state agencies to the new administrative structure within the Department of Education.	116263 116264 116265
(C) The Director of Budget and Management may seek Controlling Board approval to do any of the following to support the preparation of an implementation plan to create a new administrative structure for early childhood programs and services within the Department of Education:	116266 116267 116268 116269 116270
(1) Create new funds and non-GRF appropriation items;	116271
(2) Transfer cash between funds;	116272
(3) Transfer appropriation within the same fund used by the same state agency.	116273 116274
Any transfers of cash approved by the Controlling Board under this section are hereby appropriated.	116275 116276
<b>Section 265.70.20. EARLY CHILDHOOD FINANCING WORKGROUP</b>	116277
The Early Childhood Advisory Council shall establish an Early Childhood Financing Workgroup. The chairperson of the Early Childhood Advisory Council shall serve as chairperson of the Early Childhood Financing Workgroup. The Early Childhood Financing Workgroup shall develop recommendations that explore the implementation of a single financing system for early care and education programs that includes aligned payment mechanisms and consistent eligibility and co-payment policies. Not later than	116278 116279 116280 116281 116282 116283 116284 116285

December 31, 2009, the Early Childhood Financing Workgroup shall 116286  
submit its recommendations to the Governor. Upon the order of the 116287  
Early Childhood Advisory Council, the Early Childhood Financing 116288  
Workgroup shall cease to exist. 116289

**Section 265.70.30. STUDY OF SCHOOL TIME ALLOCATION** 116290

The Department of Education shall study best practices for 116291  
allocating school hours, in terms of classroom instruction, 116292  
competency-based evaluation, planning time, and professional 116293  
development, within the learning year. As part of the study, the 116294  
Department shall consult with teachers, school district 116295  
superintendents, members of school district boards of education, 116296  
and associations for gifted students. Not later than one year 116297  
after the effective date of this section, the Department shall 116298  
submit to the General Assembly, in accordance with section 101.68 116299  
of the Revised Code, and the Governor a report of its findings and 116300  
recommendations for allocation of hours for optimal learning in an 116301  
extended learning year. 116302

**Section 265.70.40. MORATORIUM ON LOCAL SCHOOL DISTRICT** 116303  
**RELOCATIONS TO DIFFERENT EDUCATIONAL SERVICE CENTERS** 116304

Notwithstanding section 3311.059 of the Revised Code, no 116305  
severance of the territory of a local school district from the 116306  
educational service center to which it currently belongs and 116307  
annexation of that district's territory to an adjacent educational 116308  
service center, as otherwise authorized under that section, shall 116309  
be effective for the period beginning on the effective date of 116310  
this section and ending July 1, 2011. All resolutions proposing 116311  
such severance and annexation approved by the State Board of 116312  
Education but not effective prior to July 1, 2009, are hereby 116313  
void. All resolutions proposing such severance and annexation 116314  
pending on the effective date of this section are hereby void and 116315

shall not be considered by the State Board. If the board of 116316  
education of a local school district with such a severance and 116317  
annexation action pending or approved on the effective date of 116318  
this section that is void under this section desires to have the 116319  
action considered after July 1, 2011, the board shall adopt after 116320  
that date a new resolution in the manner prescribed by section 116321  
3311.059 of the Revised Code. No local school district shall adopt 116322  
a severance and annexation resolution under that section during 116323  
the period beginning on the effective date of this section and 116324  
ending July 1, 2011. 116325

**Section 265.70.50.** (A) Not later than December 31, 2010, the 116326  
Department of Education, in consultation with the Educator 116327  
Standards Board, shall develop a model peer assistance and review 116328  
program and shall develop recommendations to expand the use of 116329  
peer assistance and review programs in school districts throughout 116330  
the state. 116331

(B) In developing the model program required under this 116332  
section, the Department shall review existing peer assistance and 116333  
review programs in Ohio school districts and shall consult with 116334  
the districts about the operation of those programs. The model 116335  
program shall include the following elements: 116336

(1) Releasing experienced classroom teachers from 116337  
instructional duties for up to three years to focus full-time on 116338  
mentoring and evaluating new teachers and underperforming veteran 116339  
teachers through classroom observations and follow-up meetings; 116340

(2) Professional development for new and underperforming 116341  
teachers that is targeted at their instructional weaknesses; 116342

(3) A committee comprised of representatives of teachers and 116343  
the employer to review teacher evaluations and make 116344  
recommendations regarding the teachers' continued employment. 116345

(C) The recommendations required under this section shall 116346  
include the following: 116347

(1) Identification of barriers to expansion of peer 116348  
assistance and review programs, including financial constraints, 116349  
labor-management relationships, and barriers unique to small 116350  
school districts; 116351

(2) Legislative changes that would eliminate barriers to 116352  
expansion of the programs; 116353

(3) Incentives to increase participation in the programs. 116354

(D) The Department shall provide copies of its model program 116355  
and recommendations to the Governor, the President and Minority 116356  
Leader of the Senate, the Speaker and Minority Leader of the House 116357  
of Representatives, and the chairpersons and ranking minority 116358  
members of the standing committees on education. The Department 116359  
also shall make the model program and recommendations available to 116360  
school districts and shall post them on its web site. 116361

116362

**Section 265.70.60. FAMILY CHILD CARE LICENSING WORKGROUP** 116363

The Early Childhood Advisory Council shall establish a Family 116364  
Child Care Licensing Workgroup. The Workgroup shall develop 116365  
recommendations that explore the implementation, costs, and 116366  
timeline necessary for the creation of a statewide licensing 116367  
system for family child care providers. Not later than December 116368  
31, 2009, the Workgroup shall submit its recommendations to the 116369  
Governor and the General Assembly. Upon the order of the Early 116370  
Childhood Advisory Council, the Workgroup shall cease to exist. 116371

**Section 265.70.70.** As used in this section, "all-day 116372  
kindergarten" has the same meaning as in section 3321.05 of the 116373  
Revised Code. 116374

Any school district or community school established under Chapter 3314. of the Revised Code that, in fiscal year 2009, offered all-day kindergarten and charged fees or tuition for students enrolled in all-day kindergarten in accordance with section 3321.01 of the Revised Code, as it existed prior to the effective date of this section, may charge fees or tuition for students enrolled in all-day kindergarten in fiscal years 2010 and 2011, at a rate not higher than the per-student amount charged in fiscal year 2009 as specified in the sliding fee scale based on family incomes developed by the district or community school for that fiscal year. No district or community school shall charge fees or tuition for students enrolled in all-day kindergarten after fiscal year 2011.

**Section 265.70.80.** Notwithstanding section 3306.31 of the Revised Code, in fiscal year 2010, the Governor's Closing the Achievement Gap Initiative shall work with those districts that have a three-year overall average graduation rate of 80 per cent or less to assist them in planning for the implementation of the program in fiscal year 2011. Districts that are currently participating in the program and that continue to have a three-year overall graduation rate of 80 per cent or less are encouraged to maintain existing programs during this planning period.

**Section 267.10.** ELC OHIO ELECTIONS COMMISSION

General Revenue Fund

GRF 051321	Operating Expenses	\$	381,578	\$	381,578	116400
TOTAL GRF	General Revenue Fund	\$	381,578	\$	381,578	116401

General Services Fund Group

4P20 051601	Ohio Elections	\$	250,000	\$	255,000	116403
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Commission Fund

TOTAL GSF General Services Fund	\$	250,000	\$	255,000	116404
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	631,578	\$	636,578	116405
<b>Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL</b>					116407
DIRECTORS					116408
General Services Fund Group					116409
4K90 881609 Operating Expenses	\$	646,414	\$	646,562	116410
TOTAL GSF General Services					116411
Fund Group	\$	646,414	\$	646,562	116412
TOTAL ALL BUDGET FUND GROUPS	\$	646,414	\$	646,562	116413
<b>Section 271.10. PAY EMPLOYEE BENEFITS FUNDS</b>					116415
Accrued Leave Liability Fund Group					116416
8060 995666 Accrued Leave Fund	\$	65,200,000	\$	67,200,000	116417
8070 995667 Disability Fund	\$	27,400,000	\$	28,100,000	116418
TOTAL ALF Accrued Leave Liability					116419
Fund Group	\$	92,600,000	\$	95,300,000	116420
Agency Fund Group					116421
1240 995673 Payroll Deductions	\$	881,573,000	\$	943,283,110	116422
8080 995668 State Employee Health	\$	551,795,580	\$	600,263,430	116423
Benefit Fund					
8090 995669 Dependent Care	\$	2,969,635	\$	2,969,635	116424
Spending Account					
8100 995670 Life Insurance	\$	2,229,834	\$	2,229,834	116425
Investment Fund					
8110 995671 Parental Leave	\$	3,900,000	\$	4,000,000	116426
Benefit Fund					
8130 995672 Health Care Spending	\$	8,977,689	\$	12,000,000	116427
Account					
TOTAL AGY Agency Fund Group	\$	1,451,445,738	\$	1,564,746,009	116428
TOTAL ALL BUDGET FUND GROUPS	\$	1,544,045,738	\$	1,660,046,009	116429

ACCRUED LEAVE LIABILITY FUND 116430

The foregoing appropriation item 995666, Accrued Leave Fund, 116431  
shall be used to make payments from the Accrued Leave Liability 116432  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 116433  
If it is determined by the Director of Budget and Management that 116434  
additional amounts are necessary, the amounts are hereby 116435  
appropriated. 116436

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 116437

The foregoing appropriation item 995667, Disability Fund, 116438  
shall be used to make payments from the State Employee Disability 116439  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 116440  
Revised Code. If it is determined by the Director of Budget and 116441  
Management that additional amounts are necessary, the amounts are 116442  
hereby appropriated. 116443

PAYROLL WITHHOLDING FUND 116444

The foregoing appropriation item 995673, Payroll Deductions, 116445  
shall be used to make payments from the Payroll Withholding Fund 116446  
(Fund 1240). If it is determined by the Director of Budget and 116447  
Management that additional appropriation amounts are necessary, 116448  
the amounts are hereby appropriated. 116449

STATE EMPLOYEE HEALTH BENEFIT FUND 116450

The foregoing appropriation item 995668, State Employee 116451  
Health Benefit Fund, shall be used to make payments from the State 116452  
Employee Health Benefit Fund (Fund 8080) pursuant to section 116453  
124.87 of the Revised Code. If it is determined by the Director of 116454  
Budget and Management that additional amounts are necessary, the 116455  
amounts are hereby appropriated. 116456

On June 30, 2010, or as soon as possible thereafter, the 116457  
Director of Budget and Management shall transfer \$1,620,000 cash 116458  
from the General Revenue Fund to the State Employee Health Benefit 116459

Fund (Fund 8080).	116460
DEPENDENT CARE SPENDING FUND	116461
The foregoing appropriation item 995669, Dependent Care	116462
Spending Account, shall be used to make payments from the	116463
Dependent Care Spending Fund (Fund 8090) to employees eligible for	116464
dependent care expenses. If it is determined by the Director of	116465
Budget and Management that additional amounts are necessary, the	116466
amounts are hereby appropriated.	116467
LIFE INSURANCE INVESTMENT FUND	116468
The foregoing appropriation item 995670, Life Insurance	116469
Investment Fund, shall be used to make payments from the Life	116470
Insurance Investment Fund (Fund 8100) for the costs and expenses	116471
of the state's life insurance benefit program pursuant to section	116472
125.212 of the Revised Code. If it is determined by the Director	116473
of Budget and Management that additional amounts are necessary,	116474
the amounts are hereby appropriated.	116475
PARENTAL LEAVE BENEFIT FUND	116476
The foregoing appropriation item 995671, Parental Leave	116477
Benefit Fund, shall be used to make payments from the Parental	116478
Leave Benefit Fund (Fund 8110) to employees eligible for parental	116479
leave benefits pursuant to section 124.137 of the Revised Code. If	116480
it is determined by the Director of Budget and Management that	116481
additional amounts are necessary, the amounts are hereby	116482
appropriated.	116483
HEALTH CARE SPENDING ACCOUNT FUND	116484
The foregoing appropriation item 995672, Health Care Spending	116485
Account, shall be used to make payments from the Health Care	116486
Spending Account Fund (Fund 8130) for payments pursuant to state	116487
employees' participation in a flexible spending account for	116488
non-reimbursed health care expenses and section 124.821 of the	116489



Revised Code. If it is determined by the Director of 116490  
Administrative Services that additional appropriation amounts are 116491  
necessary, the Director of Administrative Services may request 116492  
that the Director of Budget and Management increase such amounts. 116493  
Such amounts are hereby appropriated. 116494

At the request of the Director of Administrative Services, 116495  
the Director of Budget and Management may transfer up to \$145,000 116496  
from the General Revenue Fund to the Health Care Spending Account 116497  
Fund during fiscal years 2010 and 2011. This cash shall be 116498  
transferred as needed to provide adequate cash flow for the Health 116499  
Care Spending Account Fund during fiscal year 2010 and fiscal year 116500  
2011. If funds are available at the end of fiscal years 2010 and 116501  
2011, the Director of Budget and Management shall transfer cash up 116502  
to the amount previously transferred in the respective year, plus 116503  
interest income, from the Health Care Spending Account (Fund 8130) 116504  
to the General Revenue Fund. 116505

**Section 273.10.** ERB STATE EMPLOYMENT RELATIONS BOARD 116506

General Revenue Fund 116507  
GRF 125321 Operating Expenses \$ 4,090,876 \$ 4,090,876 116508  
TOTAL GRF General Revenue Fund \$ 4,090,876 \$ 4,090,876 116509  
General Services Fund Group 116510  
5720 125603 Training and \$ 105,000 \$ 105,000 116511  
Publications  
TOTAL GSF General Services 116512  
Fund Group \$ 105,000 \$ 105,000 116513  
TOTAL ALL BUDGET FUND GROUPS \$ 4,195,876 \$ 4,195,876 116514

**Section 273.20.** CONSOLIDATION OF SERVICES WITH STATE 116516

EMPLOYMENT RELATIONS BOARD 116517

(A) Beginning on July 1, 2009, the Chairperson of the State 116518  
Employment Relations Board is the appointing authority for all 116519

employees of the State Personnel Board of Review and the State 116520  
Employment Relations Board. After conferring with the Chairperson 116521  
of the State Personnel Board of Review, the Chairperson of the 116522  
State Employment Relations Board shall identify the employees, 116523  
equipment, assets, and records of the State Personnel Board of 116524  
Review to be transferred to the State Employment Relations Board. 116525  
The State Employment Relations Board and the State Personnel Board 116526  
of Review shall enter into an interagency agreement to transfer to 116527  
the State Employment Relations Board employees, equipment, assets, 116528  
and records of the State Personnel Board of Review by July 1, 116529  
2009, or as soon as possible thereafter. The agreement may include 116530  
provisions to transfer property and any other provisions necessary 116531  
for the continued administration of program activities. The 116532  
employees of the State Personnel Board of Review that the 116533  
Chairperson of the State Employment Relations Board identifies for 116534  
transfer, and any equipment assigned to those employees, are 116535  
hereby transferred to the State Employment Relations Board. Any 116536  
employees of the State Personnel Board of Review so transferred 116537  
shall retain the rights specified in sections 124.321 to 124.328 116538  
of the Revised Code, and any employee transferred to the State 116539  
Employment Relations Board retains the employee's respective 116540  
classification, but the Chairperson of the State Employment 116541  
Relations Board may reassign and reclassify the employee's 116542  
position and compensation as the Chairperson determines to be in 116543  
the interest of efficient office administration. Pursuant to 116544  
division (B)(2)(b) of section 4117.02 of the Revised Code, as 116545  
amended by this act, to the extent determined necessary by the 116546  
Chairperson of the State Employment Relations Board, the State 116547  
Personnel Board of Review shall utilize employees of the State 116548  
Employment Relations Board in the exercise of the powers and the 116549  
performance of the duties of the State Personnel Board of Review. 116550

(B) Effective July 1, 2009, and pursuant to section 124.03 of 116551  
the Revised Code, the State Personnel Board of Review shall 116552

exercise its duties and exist as a separate entity within the 116553  
State Employment Relations Board. The costs of the State Personnel 116554  
Board of Review shall be supported by the foregoing appropriation 116555  
item 125321, Operating Expenses. 116556

On July 1, 2009, or as soon as possible thereafter, the 116557  
Director of Budget and Management shall transfer the cash balance 116558  
of the Transcript and Other Documents Fund (Fund 6360) used by the 116559  
State Personnel Board of Review to the Training, Publications, and 116560  
Grants Fund (Fund 5720) used by the State Employment Relations 116561  
Board. Upon completion of the transfer, Fund 6360 is abolished. 116562  
The Director shall cancel any existing encumbrances against 116563  
appropriation item 124601, Records and Reporting Support, and 116564  
re-establish them against appropriation item 125603, Training and 116565  
Publications. The re-established encumbrance amounts are hereby 116566  
appropriated. 116567

Any business commenced but not completed under Fund 6360 by 116568  
July 1, 2009, shall be completed under Fund 5720 in the same 116569  
manner, and with the same effect, as if completed with regard to 116570  
Fund 6360. No validation, cure, right, privilege, remedy, 116571  
obligation, or liability is lost or impaired by reason of the 116572  
transfer and shall be administered with regard to Fund 5720. 116573

On and after July 1, 2009, where the Transcript and Other 116574  
Documents Fund is referred to in any statute, rule, contract, 116575  
grant, or other document, the reference is hereby deemed to refer 116576  
to the Training, Publications, and Grants Fund. 116577

**Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS** 116578

General Services Fund Group					116579
4K90 892609 Operating Expenses	\$	1,058,881	\$	1,058,881	116580
TOTAL GSF General Services					116581
Fund Group	\$	1,058,881	\$	1,058,881	116582

TOTAL ALL BUDGET FUND GROUPS		\$	1,058,881	\$	1,058,881	116583
<b>Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>						116585
General Services Fund Group						116586
1990 715602	Laboratory Services	\$	935,907	\$	983,929	116587
2190 715604	Central Support	\$	16,625,314	\$	17,282,762	116588
Indirect						
4A10 715640	Operating Expenses	\$	3,731,000	\$	3,731,000	116589
TOTAL GSF General Services						116590
Fund Group						\$ 21,292,221 \$ 21,997,691 116591
Federal Special Revenue Fund Group						116592
3530 715612	Public Water Supply	\$	2,933,812	\$	2,941,282	116593
3540 715614	Hazardous Waste	\$	4,193,000	\$	4,193,000	116594
Management - Federal						
3570 715619	Air Pollution Control	\$	6,282,777	\$	6,310,203	116595
- Federal						
3620 715605	Underground Injection	\$	111,874	\$	111,874	116596
Control - Federal						
3BU0 715684	Water Quality	\$	7,435,000	\$	6,489,000	116597
Protection						
3C50 715688	Federal NRD	\$	100,000	\$	100,000	116598
Settlements						
3F20 715630	Revolving Loan Fund -	\$	1,129,696	\$	907,543	116599
Operating						
3F30 715632	Federally Supported	\$	2,159,486	\$	2,159,551	116600
Cleanup and Response						
3F50 715641	Nonpoint Source	\$	6,880,000	\$	6,095,000	116601
Pollution Management						
3K40 715634	DOD Monitoring and	\$	729,130	\$	732,280	116602
Oversight						
3N40 715657	DOE Monitoring and	\$	878,578	\$	884,050	116603
Oversight						

3T30	715669	Drinking Water State Revolving Fund	\$	2,238,848	\$	2,273,323	116604
3V70	715606	Agencywide Grants	\$	500,000	\$	500,000	116605
TOTAL FED Federal Special Revenue							116606
Fund Group			\$	35,572,201	\$	33,697,106	116607
State Special Revenue Fund Group							116608
4J00	715638	Underground Injection Control	\$	448,579	\$	456,714	116609
4K20	715648	Clean Air - Non Title V	\$	3,456,261	\$	3,587,176	116610
4K30	715649	Solid Waste	\$	15,819,897	\$	16,317,606	116611
4K40	715650	Surface Water Protection	\$	7,965,000	\$	8,915,000	116612
4K40	715686	Environmental Lab Service	\$	2,132,000	\$	2,132,000	116613
4K50	715651	Drinking Water Protection	\$	7,487,198	\$	7,699,007	116614
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	116615
4R50	715656	Scrap Tire Management	\$	5,125,000	\$	5,125,000	116616
4R90	715658	Voluntary Action Program	\$	1,032,098	\$	1,032,098	116617
4T30	715659	Clean Air - Title V Permit Program	\$	17,673,097	\$	18,073,104	116618
4U70	715660	Construction and Demolition Debris	\$	888,970	\$	885,554	116619
5000	715608	Immediate Removal Special Account	\$	643,903	\$	643,903	116620
5030	715621	Hazardous Waste Facility Management	\$	11,215,448	\$	11,318,132	116621
5050	715623	Hazardous Waste Cleanup	\$	13,927,338	\$	14,139,930	116622
5050	715674	Clean Ohio Environmental Review	\$	109,725	\$	109,725	116623

5410	715670	Site Specific Cleanup	\$	34,650	\$	34,650	116624
5420	715671	Risk Management Reporting	\$	146,188	\$	146,188	116625
5920	715627	Anti Tampering Settlement	\$	6,707	\$	6,707	116626
5BC0	715617	Clean Ohio	\$	741,000	\$	741,000	116627
5BC0	715622	Local Air Pollution Control	\$	1,827,000	\$	2,035,000	116628
5BC0	715624	Surface Water	\$	13,034,000	\$	13,198,000	116629
5BC0	715667	Groundwater	\$	1,594,000	\$	1,594,000	116630
5BC0	715672	Air Pollution Control	\$	7,269,000	\$	7,607,000	116631
5BC0	715673	Drinking Water	\$	3,838,000	\$	3,838,000	116632
5BC0	715675	Hazardous Waste	\$	116,000	\$	116,000	116633
5BC0	715676	Assistance and Prevention	\$	775,000	\$	775,000	116634
5BC0	715677	Laboratory	\$	1,454,000	\$	1,454,000	116635
5BC0	715678	Corrective Actions	\$	1,180,000	\$	1,180,000	116636
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	116637
5BC0	715690	Environmental Review Appeals	\$	637,000	\$	637,000	116638
5BT0	715679	C&DD Groundwater Monitoring	\$	200,000	\$	203,800	116639
5BY0	715681	Auto Emissions Test	\$	14,385,892	\$	14,803,470	116640
5CD0	715682	Clean Diesel School Buses	\$	600,000	\$	600,000	116641
5H40	715664	Groundwater Support	\$	1,872,193	\$	1,884,247	116642
5N20	715613	Dredge and Fill	\$	45,000	\$	45,000	116643
5Y30	715685	Surface Water Improvement	\$	2,000,000	\$	500,000	116644
6440	715631	ER Radiological Safety	\$	286,114	\$	286,114	116645
6600	715629	Infectious Waste Management	\$	100,000	\$	100,000	116646

6760	715642	Water Pollution Control Loan Administration	\$	4,610,529	\$	4,832,682	116647
6780	715635	Air Toxic Release	\$	174,600	\$	179,746	116648
6790	715636	Emergency Planning	\$	2,623,395	\$	2,628,647	116649
6960	715643	Air Pollution Control Administration	\$	750,000	\$	750,000	116650
6990	715644	Water Pollution Control Administration	\$	750,000	\$	750,000	116651
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	116652
TOTAL SSR State Special Revenue			\$	151,024,782	\$	153,411,200	116653
Fund Group							
Clean Ohio Conservation Fund Group							116654
5S10	715607	Clean Ohio - Operating	\$	291,174	\$	291,174	116655
TOTAL CLF Clean Ohio Conservation			\$	291,174	\$	291,174	116656
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	208,180,378	\$	209,397,171	116657
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT							116658
On July 1 of each fiscal year, or as soon as possible							116659
thereafter, the Director of Budget and Management shall transfer							116660
\$14,385,892 in fiscal year 2010, and \$14,803,470 in fiscal year							116661
2011 in cash from the General Revenue Fund to the Auto Emissions							116662
Test Fund (Fund 5BY0) for the operation and oversight of the auto							116663
emissions testing program.							116664
Effective September 30, 2009, or as soon as possible							116665
thereafter, the Director of Budget and Management shall transfer							116666
the cash balance in the Motor Vehicle Inspection and Maintenance							116667
Fund (Fund 6020) to Fund 5BY0. Fund 6020 is abolished in division							116668
(D) of section 3704.14 of the Revised Code as amended by this act.							116669
AREAWIDE PLANNING AGENCIES							116670

The Director of Environmental Protection Agency shall award 116671  
grants from appropriation item 715687, Areawide Planning Agencies, 116672  
to areawide planning agencies engaged in areawide water quality 116673  
management and planning activities in accordance with Section 208 116674  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 116675

ENVIRONMENTAL REVIEW AND APPEALS 116676

The foregoing appropriation item 715690, Environmental Review 116677  
Appeals, shall be used to support the Environmental Review Appeals 116678  
Commission, including the hiring of two staff attorneys. 116679

CORRECTIVE CASH TRANSFER FOR COPPERWELD BANKRUPTCY SETTLEMENT 116680

On July 1, 2009, or as soon as possible thereafter, the 116681  
Director of Budget and Management shall transfer \$1,323,933.19 in 116682  
cash, which the Agency received from the Copperweld bankruptcy 116683  
settlement, that was mistakenly deposited in the Hazardous Waste 116684  
Cleanup Fund (Fund 5050) to the Environmental Protection 116685  
Remediation Fund (Fund 5410). 116686

**Section 281.10.** ETC ETECH OHIO 116687

General Revenue Fund 116688

GRF	935401	Statehouse News	\$	219,960	\$	219,960	116689
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Bureau

GRF	935402	Ohio Government	\$	716,417	\$	716,417	116690
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Telecommunications

Services

GRF	935408	General Operations	\$	2,150,917	\$	2,164,444	116691
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GRF	935409	Technology Operations	\$	6,494,504	\$	6,502,446	116692
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GRF	935410	Content Development,	\$	4,137,306	\$	4,138,244	116693
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Acquisition, and

Distribution

GRF	935411	Technology	\$	7,063,226	\$	7,077,487	116694
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Integration and



		Professional					
		Development					
GRF	935412	Information	\$	1,387,062	\$	1,350,394	116695
		Technology					
GRF	935427	Distance Learning	\$	2,000,000	\$	0	116696
		Pilot Project					
TOTAL GRF		General Revenue Fund	\$	24,169,392	\$	22,169,392	116697
		General Services Fund Group					116698
4F30	935603	Affiliate Services	\$	450,000	\$	50,000	116699
4T20	935605	Government	\$	25,000	\$	25,000	116700
		Television/Telecommunications					
		Operating					
TOTAL GSF		General Services Fund	\$	475,000	\$	75,000	116701
		Group					
		Federal Special Revenue Fund Group					116702
3S30	935606	Enhancing Education	\$	163,000	\$	163,000	116703
		Technology					
3X80	935604	IDEA	\$	18,892	\$	0	116704
TOTAL FED		Federal Special Revenue	\$	181,892	\$	163,000	116705
		Fund Group					
		State Special Revenue Fund Group					116706
4W90	935630	Telecommunity	\$	25,000	\$	25,000	116707
4X10	935634	Distance Learning	\$	23,734	\$	24,150	116708
5D40	935640	Conference/Special	\$	1,471,396	\$	1,473,527	116709
		Purposes					
5FK0	935608	Media Services	\$	300,000	\$	300,000	116710
5GP0	935609	Interactive Distance	\$	4,500,000	\$	4,500,000	116711
		Learning Program					
5T30	935607	Gates Foundation	\$	200,000	\$	200,000	116712
		Grants					
TOTAL SSR		State Special Revenue	\$	6,520,130	\$	6,522,677	116713
		Fund Group					



link all public K-12 classrooms to each other and to the Internet, 116745  
and provide access to voice, video, other communication services, 116746  
and data educational resources for students and teachers. 116747

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 116748

The foregoing appropriation 935410, Content Development, 116749  
Acquisition, and Distribution, shall be used for the development, 116750  
acquisition, and distribution of information resources by public 116751  
media and radio reading services and for educational use in the 116752  
classroom and online. 116753

Of the foregoing appropriation item 935410, Content 116754  
Development, Acquisition, and Distribution, up to \$1,104,605 in 116755  
fiscal year 2010 and up to \$1,104,905 in fiscal year 2011 shall be 116756  
allocated equally among the 12 Ohio educational television 116757  
stations and used with the advice and approval of eTech Ohio. 116758  
Funds shall be used for the production of interactive 116759  
instructional programming series with priority given to resources 116760  
aligned with state academic content standards in consultation with 116761  
the Ohio Department of Education and for teleconferences to 116762  
support eTech Ohio. The programming shall be targeted to the needs 116763  
of the poorest two hundred school districts as determined by the 116764  
district's adjusted valuation per pupil as defined in former 116765  
section 3317.0213 of the Revised Code as that section existed 116766  
prior to June 30, 2005. 116767

Of the foregoing appropriation item 935410, Content 116768  
Development, Acquisition, and Distribution, up to \$2,695,736 in 116769  
fiscal year 2010 and up to \$2,696,336 in fiscal year 2011 shall be 116770  
distributed by eTech Ohio to Ohio's qualified public educational 116771  
television stations and educational radio stations to support 116772  
their operations. The funds shall be distributed pursuant to an 116773  
allocation formula used by the Ohio Educational Telecommunications 116774  
Network Commission unless a substitute formula is developed by 116775  
eTech Ohio in consultation with Ohio's qualified public 116776

educational television stations and educational radio stations. 116777  
116778

Of the foregoing appropriation 935410, Content Development, 116779  
Acquisition, and Distribution, up to \$336,965 in fiscal year 2010 116780  
and up to \$337,003 in fiscal year 2011 shall be distributed by 116781  
eTech Ohio to Ohio's qualified radio reading services to support 116782  
their operations. The funds shall be distributed pursuant to an 116783  
allocation formula used by the Ohio Educational Telecommunications 116784  
Network Commission unless a substitute formula is developed by 116785  
eTech Ohio in consultation with Ohio's qualified radio reading 116786  
services. 116787

**Section 281.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 116788**  
DEVELOPMENT 116789

The foregoing appropriation item 935411, Technology 116790  
Integration and Professional Development, shall be used by eTech 116791  
Ohio for the provision of staff development, hardware, software, 116792  
telecommunications services, and information resources to support 116793  
educational uses of technology in the classroom and at a distance 116794  
and for professional development for teachers, administrators, and 116795  
technology staff on the use of educational technology in 116796  
qualifying public schools, including the State School for the 116797  
Blind, the State School for the Deaf, and the Department of Youth 116798  
Services. 116799

Of the foregoing appropriation item 935411, Technology 116800  
Integration and Professional Development, up to \$2,675,641 in 116801  
fiscal year 2010 and up to \$2,675,966 in fiscal year 2011, shall 116802  
be used by eTech Ohio to contract with educational television to 116803  
provide Ohio public schools with instructional resources and 116804  
services with priority given to resources and services aligned 116805  
with state academic content standards and such resources and 116806  
services shall be based upon the advice and approval of eTech 116807

Ohio, based on a formula used by the Ohio SchoolNet Commission 116808  
unless and until a substitute formula is developed by eTech Ohio 116809  
in consultation with Ohio's educational technology agencies and 116810  
noncommercial educational television stations. 116811

**Section 281.35.** DISTANCE LEARNING PILOT PROJECT 116812

The foregoing appropriation item 935427 shall be used by 116813  
eTech Ohio to create a distance learning pilot project and to 116814  
contract for the development and offering of interactive distance 116815  
learning courses pursuant to section 3353.20 of the Revised Code. 116816  
Any funds remaining after these purposes are completed may be used 116817  
by eTech Ohio to provide funds to assist schools to which Section 116818  
281.36 of this act does not apply for purchasing video 116819  
conferencing telecommunications equipment and to upgrade Internet 116820  
service pursuant to divisions (A)(3) to (5) of section 3353.20 of 116821  
the Revised Code. 116822

Notwithstanding anything to the contrary in section 3353.20 116823  
of the Revised Code, no school or school district to which Section 116824  
281.36 of this act does not apply shall be entitled to the items 116825  
specified in divisions (A)(3) to (5) of section 3353.20 of the 116826  
Revised Code. 116827

**Section 281.36.** INTERACTIVE DISTANCE LEARNING PROGRAM 116828

(A) As used in this section, "Title I school" means a school 116829  
that receives federal funds for services to disadvantaged students 116830  
under Title 20 of the United States Code, Part A, Subchapter I, 116831  
Chapter 70 (20 U.S.C. 6301 et seq.). 116832

(B) This section applies only to Title I schools. 116833

(C) Notwithstanding anything in section 3353.20 of the 116834  
Revised Code to the contrary, the foregoing appropriation item 116835  
935609, Interactive Distance Learning Program, shall be used by 116836  
eTech Ohio to provide grants on a competitive basis to Title I 116837

schools for their participation in the interactive distance 116838  
learning pilot project established under that section in the 116839  
manner prescribed by this section. 116840

(1) The Commission shall issue a request for proposals for 116841  
awards to be issued before or during the 2009-2010 academic year. 116842

(2) The Commission shall limit the number of grants so that 116843  
each grant recipient receives an amount that is sufficient to 116844  
ensure full participation in the program. The Commission shall 116845  
endeavor to award grants in a manner that ensures diversity among 116846  
grant recipients according to geographical regions, economic 116847  
scale, and school district size. 116848

(3) In awarding grants under this section, the Commission 116849  
shall give priority to the following: 116850

(a) School districts for which advanced placement or foreign 116851  
language course offerings make up less than one per cent of the 116852  
district's total course offerings; 116853

(b) Schools and school districts that without additional 116854  
assistance lack the necessary connectivity to offer interactive 116855  
distance learning courses; 116856

(c) Schools and school districts that demonstrate commitment 116857  
to appropriately supporting distance learning offerings, as 116858  
determined satisfactory by the Commission, including but not 116859  
limited to: 116860

(i) Enrolling a minimum number of students to participate in 116861  
the distance learning classes; 116862

(ii) Committing the necessary personnel to facilitate and 116863  
assist students with distance learning classes; 116864

(iii) Committing the necessary personnel capable of operating 116865  
distance learning equipment. 116866

(d) Schools and school districts that without additional 116867

assistance lack the necessary equipment to offer interactive 116868  
distance learning courses; 116869

(e) School districts that demonstrate that the course 116870  
offerings will take place during the regular school day. 116871

(D) In implementing this section, the Commission shall do all 116872  
of the following: 116873

(1) Solicit all Title I schools to participate in the 116874  
program; 116875

(2) Require twenty-five per cent of any grant award to be 116876  
used for professional development. This professional development 116877  
shall include at least one component of training in the classroom. 116878  
It also shall include any training conducted by the Commission 116879  
that the Commission deems necessary to participate in the program. 116880

(3) Contract for the development and offering of interactive 116881  
distance learning courses. The Commission shall withhold an equal 116882  
proportion of each grantee's award to pay for any cost associated 116883  
with the development and offering of the courses offered by the 116884  
program. 116885

(4) Require each Title I school submitting proposals to 116886  
specify the amount, if any, needed to purchase video conferencing 116887  
telecommunications equipment and connectivity devices and the cost 116888  
of upgrading the school. 116889

(5) Require each Title I school submitting proposals to 116890  
specify the amount needed to upgrade its Internet service, if the 116891  
school currently has a connection slower than 1.544 Mbits per 116892  
second; 116893

(6) Assist schools in arranging for the purchase and 116894  
installation of telecommunications equipment and connectivity 116895  
devices; 116896

(7) Retain five per cent of the appropriated funds to 116897

administer and oversee the operation of the program. 116898

(E) In the development of, administration of, oversight of, 116899  
and award of funds for the program, the Commission shall not be 116900  
obligated for more than the amount appropriated in this Section 116901  
and Section 281.37 of this act. 116902

**Section 281.37. TRANSFER OF CASH FROM THE TECHNOLOGY LITERACY 116903**  
TRANSFER FUND (FUND 3S20) 116904

On July 1 of each fiscal year, or as soon as possible 116905  
thereafter, the Director of Budget and Management shall transfer 116906  
\$4,500,000 cash from the Technology Literacy Transfer Fund (Fund 116907  
3S20) used by the Department of Education to the Interactive 116908  
Distance Learning Program Fund (Fund 5GP0), which is hereby 116909  
created, used by eTech Ohio, to provide grants under Section 116910  
281.36 of this act. 116911

**Section 281.40. TELECOMMUNITY 116912**

The foregoing appropriation item 935630, Telecommunity, shall 116913  
be distributed by eTech Ohio on a grant basis to eligible school 116914  
districts to establish "distance learning" through interactive 116915  
video technologies in the school district. Per agreements with 116916  
eight Ohio local telephone companies, ALLTEL Ohio, CENTURY 116917  
Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell 116918  
Telephone Company, Orwell Telephone Company, Sprint North Central 116919  
Telephone, VERIZON, and Western Reserve Telephone Company, school 116920  
districts are eligible for funds if they are within one of the 116921  
listed telephone company service areas. Funds to administer the 116922  
program shall be expended by eTech Ohio up to the amount specified 116923  
in the agreements with the listed telephone companies. 116924

116925

Within thirty days after the effective date of this section, 116926  
the Director of Budget and Management shall transfer to Fund 4W90 116927



in the State Special Revenue Fund Group any investment earnings 116928  
from moneys paid by any telephone company as part of any 116929  
settlement agreement between the listed companies and the Public 116930  
Utilities Commission in fiscal years 1996 and beyond. 116931

DISTANCE LEARNING 116932

The foregoing appropriation item 935634, Distance Learning, 116933  
shall be distributed by eTech Ohio on a grant basis to eligible 116934  
school districts to establish "distance learning" in the school 116935  
district. Per an agreement with Ameritech, school districts are 116936  
eligible for funds if they are within an Ameritech service area. 116937  
Funds to administer the program shall be expended by eTech Ohio up 116938  
to the amount specified in the agreement with Ameritech. 116939

Within thirty days after the effective date of this section, 116940  
the Director of Budget and Management shall transfer to Fund 4X10 116941  
in the State Special Revenue Fund Group any investment earnings 116942  
from moneys paid by any telephone company as part of a settlement 116943  
agreement between the company and the Public Utilities Commission 116944  
in fiscal year 1995. 116945

GATES FOUNDATION GRANTS 116946

The foregoing appropriation item 935607, Gates Foundation 116947  
Grants, shall be used by eTech Ohio to provide professional 116948  
development to school district principals, superintendents, and 116949  
other administrative staff on the use of education technology. 116950

**Section 283.10.** ETH OHIO ETHICS COMMISSION 116951

General Revenue Fund 116952

GRF 146321	Operating Expenses	\$	1,682,020	\$	1,682,120	116953
TOTAL GRF	General Revenue Fund	\$	1,682,020	\$	1,682,120	116954

General Services Fund Group 116955

4M60 146601	Operating Expenses	\$	544,543	\$	588,943	116956
TOTAL GSF	General Services					116957

Fund Group	\$	544,543	\$	588,943	116958
TOTAL ALL BUDGET FUND GROUPS	\$	2,226,563	\$	2,271,063	116959

**Section 285.10.** EXP OHIO EXPOSITIONS COMMISSION 116961

General Revenue Fund 116962

GRF 723403 Junior Fair Subsidy	\$	360,000	\$	360,000	116963
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TOTAL GRF General Revenue Fund	\$	360,000	\$	360,000	116964
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State Special Revenue Fund Group 116965

4N20 723602 Ohio State Fair	\$	520,000	\$	520,000	116966
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Harness Racing

5060 723601 Operating Expenses	\$	13,505,000	\$	13,505,000	116967
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TOTAL SSR State Special Revenue					116968
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Fund Group	\$	14,025,000	\$	14,025,000	116969
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TOTAL ALL BUDGET FUND GROUPS	\$	14,385,000	\$	14,385,000	116970
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STATE FAIR RESERVE 116971

The General Manager of the Expositions Commission may submit 116972

a request to the Director of Budget and Management to use 116973

available amounts in the State Fair Reserve Fund (Fund 6400) if 116974

the following conditions apply: 116975

(A) Admissions receipts for the 2009 or 2010 Ohio State Fair 116976

are less than \$1,982,000 because of inclement weather or 116977

extraordinary circumstances; 116978

(B) The Ohio Expositions Commission declares a state of 116979

fiscal exigency; and 116980

(C) The request contains a plan describing how the 116981

Expositions Commission will eliminate the cash shortage causing 116982

the request. 116983

The amount approved by the Director of Budget and Management 116984

is hereby appropriated. 116985

**Section 287.10.** GOV OFFICE OF THE GOVERNOR 116986

General Revenue Fund					116987	
GRF 040321	Operating Expenses	\$	2,971,945	\$	2,971,945	116988
GRF 040403	Federal Relations	\$	201,201	\$	201,201	116989
TOTAL GRF	General Revenue Fund	\$	3,173,146	\$	3,173,146	116990
General Services Fund Group					116991	
5AK0 040607	Federal Relations	\$	365,149	\$	365,149	116992
TOTAL GSF	General Services Fund	\$	365,149	\$	365,149	116993
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	3,538,295	\$	3,538,295	116994
FEDERAL RELATIONS					116995	
A portion of the foregoing appropriation items 040403,					116996	
Federal Relations, and 040607, Federal Relations, may be used to					116997	
support Ohio's membership in national or regional associations.					116998	
The Office of the Governor may charge any state agency of the					116999	
executive branch using an intrastate transfer voucher such amounts					117000	
necessary to defray the costs incurred for the conduct of federal					117001	
relations associated with issues that can be attributed to the					117002	
agency. Amounts collected shall be deposited in the Federal					117003	
Relations Fund (Fund 5AK0).					117004	
<b>Section 289.10.</b> DOH DEPARTMENT OF HEALTH					117005	
General Revenue Fund					117006	
GRF 440407	Animal Borne Disease	\$	600,000	\$	642,291	117007
	and Prevention					
GRF 440412	Cancer Incidence	\$	874,234	\$	874,234	117008
	Surveillance System					
GRF 440413	Local Health	\$	3,301,921	\$	3,301,921	117009
	Department Support					
GRF 440416	Mothers and Children	\$	7,690,449	\$	7,690,449	117010
	Safety Net Services					
GRF 440418	Immunizations	\$	7,739,432	\$	7,839,432	117011

GRF 440431	Free Clinics Safety Net Services	\$	624,751	\$	624,751	117012
GRF 440437	Healthy Ohio	\$	2,569,998	\$	2,569,998	117013
GRF 440438	Breast and Cervical Cancer Screening	\$	2,500,000	\$	2,500,000	117014
GRF 440444	AIDS Prevention and Treatment	\$	6,442,314	\$	6,442,314	117015
GRF 440446	Infectious Disease Protection and Surveillance	\$	1,415,883	\$	1,415,883	117016
GRF 440451	Public Health Laboratory	\$	3,099,138	\$	3,099,138	117017
GRF 440452	Child and Family Health Services Match	\$	921,615	\$	921,615	117018
GRF 440453	Health Care Quality Assurance	\$	10,402,795	\$	10,402,795	117019
GRF 440454	Local Environmental Health	\$	1,155,219	\$	1,155,219	117020
GRF 440459	Help Me Grow	\$	36,500,000	\$	36,500,000	117021
GRF 440465	Federally Qualified Health Centers	\$	2,686,688	\$	2,686,688	117022
GRF 440467	Access to Dental Care	\$	772,120	\$	772,120	117023
GRF 440468	Chronic Disease and Injury Prevention	\$	792,363	\$	792,363	117024
GRF 440469	Health - Federal Stimulus	\$	2,680,035	\$	2,463,903	117025
GRF 440505	Medically Handicapped Children	\$	8,762,451	\$	8,762,451	117026
GRF 440507	Targeted Health Care Services Over 21	\$	1,493,449	\$	1,493,449	117027
GRF 440511	Uncompensated Care/Emergency Medical Assistance	\$	589,738	\$	663,579	117028

GRF 440514	Katz Cord Blood Foundation	\$	100,000	\$	100,000	117029
GRF 440515	Poison Control Centers	\$	150,000	\$	150,000	117030
TOTAL GRF	General Revenue Fund	\$	103,864,593	\$	103,864,593	117031
	State Highway Safety Fund Group					117032
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	117033
TOTAL HSF	State Highway Safety Fund Group	\$		\$		117034
		\$	233,894	\$	233,894	117035
	General Services Fund Group					117036
1420 440646	Agency Health Services	\$	9,876,043	\$	10,334,250	117037
2110 440613	Central Support Indirect Costs	\$	31,411,719	\$	31,902,600	117038
4730 440622	Lab Operating Expenses	\$	5,323,860	\$	5,396,471	117039
6830 440633	Employee Assistance Program	\$	1,330,947	\$	1,353,323	117040
6980 440634	Nurse Aide Training	\$	170,000	\$	170,000	117041
TOTAL GSF	General Services Fund Group	\$	48,112,569	\$	49,156,644	117042
	Federal Special Revenue Fund Group					117044
3200 440601	Maternal Child Health Block Grant	\$	29,056,772	\$	29,068,886	117045
3870 440602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	117046
3890 440604	Women, Infants, and Children	\$	298,672,689	\$	308,672,689	117047
3910 440606	Medicaid/Medicare	\$	25,891,157	\$	26,826,242	117048
3920 440618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215	117049
TOTAL FED	Federal Special Revenue Fund Group	\$	498,225,492	\$	509,172,691	117050
						117051

State Special Revenue Fund Group				117052
4700	440647	Fee Supported Programs	\$ 25,905,140 \$	25,905,140 117053
4710	440619	Certificate of Need	\$ 989,000 \$	1,021,753 117054
4770	440627	Medically Handicapped Children Audit	\$ 3,693,016 \$	3,693,016 117055
4D60	440608	Genetics Services	\$ 3,317,000 \$	3,317,000 117056
4F90	440610	Sickle Cell Disease Control	\$ 1,035,344 \$	1,035,344 117057
4G00	440636	Heirloom Birth Certificate	\$ 5,000 \$	5,000 117058
4G00	440637	Birth Certificate Surcharge	\$ 5,000 \$	5,000 117059
4L30	440609	Miscellaneous Expenses	\$ 746,468 \$	746,468 117060
4P40	440628	Ohio Physician Loan Repayment	\$ 476,870 \$	476,870 117061
4V60	440641	Save Our Sight	\$ 2,938,649 \$	3,115,938 117062
5B50	440616	Quality, Monitoring, and Inspection	\$ 1,005,699 \$	1,015,053 117063
5C00	440615	Alcohol Testing and Permit	\$ 1,455,405 \$	1,455,405 117064
5CJ0	440654	Sewage Treatment System Innovation	\$ 250,000 \$	250,000 117065
5CN0	440645	Choose Life	\$ 75,000 \$	75,000 117066
5D60	440620	Second Chance Trust	\$ 1,054,951 \$	1,054,951 117067
5ED0	440651	Smoke Free Indoor Air	\$ 189,500 \$	190,452 117068
5G40	440639	Adoption Services	\$ 20,000 \$	20,000 117069
5L10	440623	Nursing Facility Technical Assistance Program	\$ 698,595 \$	698,595 117070
5Z70	440624	Ohio Dentist Loan Repayment	\$ 140,000 \$	140,000 117071

6100	440626	Radiation Emergency Response	\$	887,445	\$	920,372	117072
6660	440607	Medically Handicapped Children - County Assessments	\$	17,320,687	\$	17,320,687	117073
TOTAL SSR State Special Revenue							117074
Fund Group			\$	62,208,769	\$	62,462,044	117075
Holding Account Redistribution Fund Group							117076
R014	440631	Vital Statistics	\$	70,000	\$	70,000	117077
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	117078
TOTAL 090 Holding Account Redistribution Fund Group							117079
Tobacco Master Settlement Agreement Fund Group			\$	90,000	\$	90,000	117080
Tobacco Master Settlement Agreement Fund Group							117081
5BX0	440656	Tobacco Use Prevention	\$	6,000,000	\$	6,000,000	117082
TOTAL TSF Tobacco Master Settlement Agreement Fund Group							117083
Tobacco Master Settlement Agreement Fund Group			\$	6,000,000	\$	6,000,000	117084
TOTAL ALL BUDGET FUND GROUPS			\$	718,735,317	\$	730,979,866	117085

**Section 289.20. HEALTHY OHIO** 117087

Of the foregoing appropriation item 440437, Healthy Ohio, 117088  
 \$250,000 in each fiscal year, shall be allocated to the Activate 117089  
 Ohio - Diabetes Education, Support, and Self-Management Program. 117090

**MOTHERS AND CHILDREN SAFETY NET SERVICES** 117091

Of the foregoing appropriation item 440416, Mothers and 117092  
 Children Safety Net Services, the following amounts shall be 117093  
 allocated in each fiscal year: \$15,000 to the Jewish Family 117094  
 Services in Dayton, of which \$5,000 shall be used for children's 117095  
 health and nutrition programs; \$10,000 to the Jewish Community 117096  
 Center in Akron, of which \$5,000 shall be used for children's 117097

health and nutrition programs; \$10,000 to the Jewish Community 117098  
Services in Sylvania, of which \$5,000 shall be used for children's 117099  
health and nutrition programs; \$7,500 to the Jewish Community 117100  
Center in Youngstown, of which \$5,000 shall be used for children's 117101  
health and nutrition programs; \$4,500 to the Jewish Community 117102  
Center in Canton, of which \$2,000 shall be used for children's 117103  
health and nutrition programs; \$16,667 to the Yassenoff Jewish 117104  
Community Center for children's health and nutrition camp 117105  
programs; \$16,666 to the Jewish Community Center in Cleveland for 117106  
children's health and nutrition camp programs; \$15,000 to the 117107  
Jewish Family Services in Cleveland for interpreters for 117108  
healthcare; \$16,667 to the Jewish Community Center in Cincinnati 117109  
for children's health and nutrition camp programs; \$15,000 to the 117110  
Jewish Family Services in Cincinnati for interpreters for 117111  
healthcare; \$15,000 to the Jewish Family Services in Columbus for 117112  
interpreters for healthcare; and \$10,000 to the Wexner Heritage 117113  
Village for interpreters for healthcare. 117114

HIV/AIDS PREVENTION/TREATMENT 117115

The foregoing appropriation item 440444, AIDS Prevention and 117116  
Treatment, shall be used to assist persons with HIV/AIDS in 117117  
acquiring HIV-related medications and to administer educational 117118  
prevention initiatives. 117119

INFECTIOUS DISEASE PREVENTION 117120

The foregoing appropriation item 440446, Infectious Disease 117121  
Protection and Surveillance, shall be used for coordination and 117122  
management of prevention program operations and the purchase of 117123  
drugs for sexually transmitted diseases. 117124

HELP ME GROW 117125

The foregoing appropriation item 440459, Help Me Grow, shall 117126  
be used by the Department of Health to distribute subsidies to 117127  
counties to implement the Help Me Grow Program. Appropriation item 117128



440459, Help Me Grow, may be used in conjunction with Early 117129  
Intervention funding from the Department of Mental Retardation and 117130  
Developmental Disabilities, and in conjunction with other early 117131  
childhood funds and services to promote the optimal development of 117132  
young children. The Department of Health shall enter into an 117133  
interagency agreement with the Department of Education, Department 117134  
of Mental Retardation and Developmental Disabilities, Department 117135  
of Job and Family Services, and Department of Mental Health to 117136  
ensure that all early childhood programs and initiatives are 117137  
coordinated and school linked. 117138

The foregoing appropriation item 440459, Help Me Grow, shall 117139  
also be used for the Autism Diagnosis Education Pilot Program. 117140

Of the foregoing appropriation item 440459, Help Me Grow, 117141  
\$300,000 in each fiscal year shall be allocated to The Ohio State 117142  
University College of Dentistry's Dental Bus Program. 117143

DEPARTMENT OF HEALTH - FEDERAL STIMULUS 117144

Upon the request of the Director of Health, the Director of 117145  
Budget and Management may transfer appropriation from 117146  
appropriation item 440469, Health - Federal Stimulus, to the 117147  
following appropriation items: \$300,000 in fiscal year 2010 and 117148  
\$257,709 in fiscal year 2011 to appropriation item 440407, Animal 117149  
Borne Disease and Prevention; \$50,000 in each fiscal year to 117150  
appropriation item 440412, Cancer Incidence Surveillance System; 117151  
\$106,194 in each fiscal year to appropriation item 440413, Local 117152  
Health Department Support; \$800,000 in fiscal year 2010 and 117153  
\$700,000 in fiscal year 2011 to appropriation item 440418, 117154  
Immunizations; \$200,000 in each fiscal year to appropriation item 117155  
440431, Free Clinics Safety Net Services; \$200,000 in each fiscal 117156  
year to appropriation item 440446, Infectious Disease Protection 117157  
and Surveillance; \$100,000 in each fiscal year to appropriation 117158  
item 440454, Local Environmental Health; \$50,000 in each fiscal 117159  
year to appropriation item 440465, Federally Qualified Health 117160

Centers; \$100,000 in each fiscal year to appropriation item 117161  
440468, Chronic Disease and Injury Prevention; and \$773,841 in 117162  
fiscal year 2010 and \$700,000 in fiscal year 2011 to appropriation 117163  
item 440511, Uncompensated Care/Emergency Medical Assistance. 117164

TARGETED HEALTH CARE SERVICES OVER 21 117165

The foregoing appropriation item 440507, Targeted Health Care 117166  
Services Over 21, shall be used to administer the Cystic Fibrosis 117167  
Program and to implement the Hemophilia Insurance Premium Payment 117168  
Program. 117169

The foregoing appropriation item 440507, Targeted Health Care 117170  
Services Over 21, shall also be used to provide essential 117171  
medications and to pay the copayments for drugs approved by the 117172  
Department of Health and covered by Medicare Part D that are 117173  
dispensed to Bureau for Children with Medical Handicaps (BCMH) 117174  
participants for the Cystic Fibrosis Program. 117175

These funds also may be used, to the extent that funding is 117176  
available, to provide up to 18 in-patient hospital days for 117177  
participants in the Cystic Fibrosis Program. 117178

The Department shall expend all of these funds. 117179

GENETICS SERVICES 117180

The foregoing appropriation item 440608, Genetics Services 117181  
(Fund 4D60), shall be used by the Department of Health to 117182  
administer programs authorized by sections 3701.501 and 3701.502 117183  
of the Revised Code. None of these funds shall be used to counsel 117184  
or refer for abortion, except in the case of a medical emergency. 117185

MEDICALLY HANDICAPPED CHILDREN AUDIT 117186

The Medically Handicapped Children Audit Fund (Fund 4770) 117187  
shall receive revenue from audits of hospitals and recoveries from 117188  
third-party payers. Moneys may be expended for payment of audit 117189  
settlements and for costs directly related to obtaining recoveries 117190

from third-party payers and for encouraging Medically Handicapped 117191  
Children's Program recipients to apply for third-party benefits. 117192  
Moneys also may be expended for payments for diagnostic and 117193  
treatment services on behalf of medically handicapped children, as 117194  
defined in division (A) of section 3701.022 of the Revised Code, 117195  
and Ohio residents who are twenty-one or more years of age and who 117196  
are suffering from cystic fibrosis or hemophilia. Moneys may also 117197  
be expended for administrative expenses incurred in operating the 117198  
Medically Handicapped Children's Program. 117199

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 117200  
PERMIT FUND 117201

The Director of Budget and Management, pursuant to a plan 117202  
submitted by the Department of Health, or as otherwise determined 117203  
by the Director of Budget and Management, shall set a schedule to 117204  
transfer cash from the Liquor Control Fund (Fund 7043) to the 117205  
Alcohol Testing and Permit Fund (Fund 5C00) to meet the operating 117206  
needs of the Alcohol Testing and Permit Program. 117207

The Director of Budget and Management may transfer to the 117208  
Alcohol Testing and Permit Fund (Fund 5C00) from the Liquor 117209  
Control Fund (Fund 7043) created in section 4301.12 of the Revised 117210  
Code such amounts at such times as determined by the transfer 117211  
schedule. 117212

DENTIST LOAN REPAYMENT ADVISORY BOARD 117213

As specified in the amendments made by this act to section 117214  
3702.92 of the Revised Code, the Governor, Speaker of the House of 117215  
Representatives, and President of the Senate shall each appoint 117216  
one additional member to the Dentist Loan Repayment Advisory 117217  
Board. The appointments shall be made not later than sixty days 117218  
after the effective date of section 3702.92 of the Revised Code. 117219  
The terms of office of the additional members shall end on January 117220  
27, 2011, except that a legislative member ceases to be a member 117221

of the Board on ceasing to be a member of the General Assembly. 117222  
Vacancies occurring prior to January 27, 2011, shall be filled in 117223  
the manner prescribed for original appointments under this 117224  
section. 117225

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 117226

The foregoing appropriation item 440607, Medically 117227  
Handicapped Children - County Assessments (Fund 6660), shall be 117228  
used to make payments under division (E) of section 3701.023 of 117229  
the Revised Code. 117230

CASH TRANSFER FROM THE SEWAGE INNOVATION FUND TO FEE 117231  
SUPPORTED PROGRAMS FUND 117232

On July 1, 2009, or as soon as possible thereafter, the 117233  
Director of Health shall certify to the Director of Budget and 117234  
Management the amount of cash to be transferred from the Sewage 117235  
Innovation Fund (Fund 5CJ0) to the Fee Supported Program Fund 117236  
(Fund 4700) to meet the needs of the Sewage Program. The Director 117237  
of Budget and Management may transfer the amount certified. The 117238  
amount certified is hereby appropriated. 117239

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 117240

On July 1, 2009, or as soon as possible thereafter, the 117241  
Director of Budget and Management may transfer, cash from the 117242  
Resident Protection Fund (Fund 4E30), which is used by the Ohio 117243  
Department of Job and Family Services, to the Nursing Facility 117244  
Technical Assistance Program Fund (Fund 5L10), which is used by 117245  
the Ohio Department of Health, to be used under section 3721.026 117246  
of the Revised Code. The transfers shall equal \$698,595 in each 117247  
fiscal year. 117248

**Section 289.30.** DISEASE AND CANCER COMMISSION 117249

(A) There is hereby established in the Department of Health 117250  
the Disease and Cancer Commission. The Commission shall be 117251

composed of individuals selected by the Director of Health who are 117252  
both of the following: 117253

(1) Representatives of boards of health of city health 117254  
districts or general health districts, or the authorities having 117255  
the duties of a board of health under section 3709.05 of the 117256  
Revised Code; 117257

(2) Located in an area in which the Director of Health 117258  
determines there is a high prevalence of one of the following: 117259

(a) Colorectal cancer; 117260

(b) Prostate cancer; 117261

(c) Sickle cell anemia; 117262

(d) Triple negative breast cancer. 117263

(B) The Governor shall designate from among the Commission 117264  
members an individual to serve as the chairperson of the 117265  
Commission who shall establish the meeting time and locations for 117266  
the Commission. 117267

(C) The Commission shall study colorectal cancer, prostate 117268  
cancer, sickle cell anemia, and triple negative breast cancer in 117269  
areas of the state in which the Director determines such 117270  
conditions are prevalent. Not later than June 30, 2011, the 117271  
Commission shall submit a report to the Governor, Speaker and 117272  
Minority Leader of the House of Representatives, and President and 117273  
Minority Leader of the Senate describing its findings on the 117274  
prevalence of colorectal cancer, prostate cancer, sickle cell 117275  
anemia, and triple negative breast cancer in the areas included in 117276  
the study. The report shall include policy recommendations to 117277  
combat the prevalence of these conditions in such areas. 117278

(D) The Commission shall cease to exist on submission of the 117279  
report under division (C) of this section. 117280

**Section 289.40.** FUNDING FOR IMMUNIZATIONS 117281

To the extent permitted under state and federal law, the 117282  
Department of Health shall use state general revenue funds and 117283  
federal funds appropriated for the purchase of vaccinations to 117284  
provide immunizations to children and adults in Ohio. 117285

**Section 291.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 117286

Agency Fund Group 117287  
4610 372601 Operating Expenses \$ 40,000 \$ 40,000 117288  
TOTAL AGY Agency Fund Group \$ 40,000 \$ 40,000 117289  
TOTAL ALL BUDGET FUND GROUPS \$ 40,000 \$ 40,000 117290

**Section 293.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 117292

General Revenue Fund 117293  
GRF 148100 Personal Services \$ 328,353 \$ 328,353 117294  
GRF 148200 Maintenance \$ 50,000 \$ 50,000 117295  
GRF 148402 Community Projects \$ 129,264 \$ 129,264 117296  
TOTAL GRF General Revenue Fund \$ 507,617 \$ 507,617 117297  
General Services Fund Group 117298  
6010 148602 Gifts and \$ 10,000 \$ 10,000 117299  
Miscellaneous  
TOTAL GSF General Services 117300  
Fund Group \$ 10,000 \$ 10,000 117301  
TOTAL ALL BUDGET FUND GROUPS \$ 517,617 \$ 517,617 117302

**Section 295.10.** OHS OHIO HISTORICAL SOCIETY 117304

General Revenue Fund 117305  
GRF 360501 Education and \$ 3,291,754 \$ 3,291,754 117306  
Collections  
GRF 360502 Site and Museum \$ 6,165,927 \$ 6,165,927 117307  
Operations

GRF	360504	Ohio Preservation Office	\$	326,066	\$	326,066	117308
GRF	360505	National Afro-American Museum	\$	592,568	\$	592,568	117309
GRF	360506	Hayes Presidential Center	\$	401,490	\$	401,490	117310
GRF	360508	State Historical Grants	\$	700,600	\$	700,600	117311
GRF	360509	Outreach and Partnership	\$	703,638	\$	703,638	117312
TOTAL GRF	General Revenue Fund		\$	12,182,043	\$	12,182,043	117313
TOTAL ALL BUDGET FUND GROUPS			\$	12,182,043	\$	12,182,043	117314

SUBSIDY APPROPRIATION 117315

Upon approval by the Director of Budget and Management, the 117316  
foregoing appropriation items shall be released to the Ohio 117317  
Historical Society in quarterly amounts that in total do not 117318  
exceed the annual appropriations. The funds and fiscal records of 117319  
the society for fiscal year 2010 and fiscal year 2011 shall be 117320  
examined by independent certified public accountants approved by 117321  
the Auditor of State, and a copy of the audited financial 117322  
statements shall be filed with the Office of Budget and 117323  
Management. The society shall prepare and submit to the Office of 117324  
Budget and Management the following: 117325

(A) An estimated operating budget for each fiscal year of the 117326  
biennium. The operating budget shall be submitted at or near the 117327  
beginning of each calendar year. 117328

(B) Financial reports, indicating actual receipts and 117329  
expenditures for the fiscal year to date. These reports shall be 117330  
filed at least semiannually during the fiscal biennium. 117331

The foregoing appropriations shall be considered to be the 117332  
contractual consideration provided by the state to support the 117333  
state's offer to contract with the Ohio Historical Society under 117334

section 149.30 of the Revised Code.	117335
STATE ARCHIVES	117336
Of the foregoing appropriation item 360501, Education and Collections, \$910,459 in each fiscal year shall be used for the State Archives, Library, and Artifact Collections Program.	117337 117338 117339
HAYES PRESIDENTIAL CENTER	117340
If a United States government agency, including, but not limited to, the National Park Service, chooses to take over the operations or maintenance of the Hayes Presidential Center, in whole or in part, the Ohio Historical Society shall make arrangements with the National Park Service or other United States government agency for the efficient transfer of operations or maintenance.	117341 117342 117343 117344 117345 117346 117347
<b>Section 295.20.</b> STATE HISTORICAL GRANTS	117348
Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for the Cincinnati Museum Center.	117349 117350 117351
<b>Section 301.10.</b> REP OHIO HOUSE OF REPRESENTATIVES	117352
General Revenue Fund	117353
GRF 025321 Operating Expenses \$ 18,517,093 \$ 18,517,093	117354
TOTAL GRF General Revenue Fund \$ 18,517,093 \$ 18,517,093	117355
General Services Fund Group	117356
1030 025601 House Reimbursement \$ 1,433,664 \$ 1,433,664	117357
4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849	117358
TOTAL GSF General Services Fund Group \$ 1,471,513 \$ 1,471,513	117359 117360
TOTAL ALL BUDGET FUND GROUPS \$ 19,988,606 \$ 19,988,606	117361
OPERATING EXPENSES	117362



On July 1, 2009, or as soon as possible thereafter, the Clerk 117363  
of the House of Representatives may certify to the Director of 117364  
Budget and Management the amount of the unexpended, unencumbered 117365  
balance of the foregoing appropriation item 025321, Operating 117366  
Expenses, at the end of fiscal year 2009 to be reappropriated to 117367  
fiscal year 2010. The amount certified is hereby reappropriated to 117368  
the same appropriation item for fiscal year 2010. 117369

On July 1, 2010, or as soon as possible thereafter, the Clerk 117370  
of the House of Representatives may certify to the Director of 117371  
Budget and Management the amount of the unexpended, unencumbered 117372  
balance of the foregoing appropriation item 025321, Operating 117373  
Expenses, at the end of fiscal year 2010 to be reappropriated to 117374  
fiscal year 2011. The amount certified is hereby reappropriated to 117375  
the same appropriation item for fiscal year 2011. 117376

**Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 117377**

Agency Fund Group				117378
5AZ0997601 Housing Finance Agency	\$	10,186,713	\$	10,386,426 117379
Personal Services				
TOTAL AGY Agency Fund Group	\$	10,186,713	\$	10,386,426 117380
TOTAL ALL BUDGET FUND GROUPS	\$	10,186,713	\$	10,386,426 117381

**Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 117383**

General Revenue Fund				117384
GRF 965321 Operating Expenses	\$	1,164,218	\$	1,164,218 117385
TOTAL GRF General Revenue Fund	\$	1,164,218	\$	1,164,218 117386
General Services Fund Group				117387
5FA0 965603 Deputy Inspector	\$	400,000	\$	400,000 117388
General for ODOT				
5FT0 965604 Deputy Inspector	\$	425,000	\$	425,000 117389
General for BWC/OIC				
TOTAL GSF General Services Fund	\$	825,000	\$	825,000 117390

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,989,218 \$ 1,989,218 117391

**Section 307.10.** INS DEPARTMENT OF INSURANCE 117393

General Revenue Fund 117394

GRF 820607 State Coverage \$ 10,000,000 \$ 10,000,000 117395

Initiative

TOTAL GRF General Revenue Fund \$ 10,000,000 \$ 10,000,000 117396

Federal Special Revenue Fund Group 117397

3CX0 820608 State Coverage \$ 50,000,000 \$ 100,000,000 117398

Initiative - Federal

3U50 820602 OSHIIP Operating \$ 1,770,000 \$ 1,790,000 117399

Grant

TOTAL FED Federal Special 117400

Revenue Fund Group \$ 51,770,000 \$ 101,790,000 117401

State Special Revenue Fund Group 117402

5540 820601 Operating Expenses - \$ 200,000 \$ 200,000 117403

OSHIIP

5540 820606 Operating Expenses \$ 23,105,028 \$ 23,108,297 117404

5540 820609 State Coverage \$ 479,575 \$ 479,575 117405

Initiative

Administration

5550 820605 Examination \$ 9,275,768 \$ 9,294,668 117406

TOTAL SSR State Special Revenue 117407

Fund Group \$ 33,060,371 \$ 33,082,540 117408

TOTAL ALL BUDGET FUND GROUPS \$ 94,830,371 \$ 144,872,540 117409

STATE COVERAGE INITIATIVE 117410

Of the foregoing appropriation item 820607, State Coverage 117411

Initiative, up to \$7,000,000 in each fiscal year shall be used to 117412

support health information technology strategies. The remainder of 117413

the appropriation shall be used to support the implementation of 117414

strategies recommended by the Health Care Coverage and Quality 117415

Council established in section 3923.90 of the Revised Code. In 117416  
addition to health information technology, strategies may include 117417  
implementation of patient-centered medical homes, improved 117418  
consumer information, and payment reform. Up to \$3,000,000 in each 117419  
fiscal year may be used by the Superintendent of Insurance to 117420  
transfer cash from the General Revenue Fund to another fund in the 117421  
state treasury. The transfer shall be made using an intrastate 117422  
transfer voucher. 117423

An amount equal to the unexpended, unencumbered portion of 117424  
the foregoing appropriation item 820607, State Coverage 117425  
Initiative, at the end of fiscal year 2010 is hereby 117426  
reappropriated for the same purpose for fiscal year 2011. 117427

MARKET CONDUCT EXAMINATION 117428

When conducting a market conduct examination of any insurer 117429  
doing business in this state, the Superintendent of Insurance may 117430  
assess the costs of the examination against the insurer. The 117431  
superintendent may enter into consent agreements to impose 117432  
administrative assessments or fines for conduct discovered that 117433  
may be violations of statutes or rules administered by the 117434  
superintendent. All costs, assessments, or fines collected shall 117435  
be deposited to the credit of the Department of Insurance 117436  
Operating Fund (Fund 5540). 117437

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 117438

The Director of Budget and Management, at the request of the 117439  
Superintendent of Insurance, may transfer funds from the 117440  
Department of Insurance Operating Fund (Fund 5540), established by 117441  
section 3901.021 of the Revised Code, to the Superintendent's 117442  
Examination Fund (Fund 5550), established by section 3901.071 of 117443  
the Revised Code, only for expenses incurred in examining domestic 117444  
fraternal benefit societies as required by section 3921.28 of the 117445  
Revised Code. 117446

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND				117447	
Not later than the thirty-first day of July each fiscal year,				117448	
the Director of Budget and Management shall transfer \$5,000,000				117449	
from the Department of Insurance Operating Fund (Fund 5540) to the				117450	
General Revenue Fund.				117451	
HEALTH INSURANCE COVERAGE OF AUTISM SPECTRUM DISORDERS				117452	
Of the foregoing appropriation item 820606, Operating				117453	
Expenses, up to \$20,000 in fiscal year 2010 shall be used by the				117454	
Department of Insurance to conduct a study on insurance rates if				117455	
health insurers are required to provide coverage for specified				117456	
services for individuals diagnosed with an autism spectrum				117457	
disorder. Not later than January 31, 2010, the study shall be				117458	
completed and copies of the study shall be provided to the				117459	
Governor, the Speaker of the House of the Representatives, the				117460	
President of the Senate, and the minority leaders in the House of				117461	
Representatives and the Senate, the Director of Budget and				117462	
Management, the Superintendent of Insurance, and the Director of				117463	
Job and Family Services.				117464	
On July 1, 2009, or as soon as possible thereafter, the				117465	
Director of Budget and Management shall transfer \$20,000 cash from				117466	
the General Revenue Fund to the Department of Insurance Operating				117467	
Fund (Fund 5540).				117468	
<b>Section 309.10.</b> JFS DEPARTMENT OF JOB AND FAMILY SERVICES				117469	
General Revenue Fund				117470	
GRF 600321 Support Services				117471	
State	\$	52,432,042	\$	52,817,104	117472
Federal	\$	9,252,713	\$	9,320,665	117473
Support Services Total	\$	61,684,755	\$	62,137,769	117474
GRF 600410 TANF State	\$	190,932,468	\$	203,183,335	117475
GRF 600413 Child Care	\$	88,415,688	\$	93,105,300	117476

	Match/Maintenance of Effort				
GRF 600416	Computer Projects				117477
	State	\$	92,734,743	\$	93,242,343 117478
	Federal	\$	10,303,860	\$	10,360,260 117479
	Computer Projects Total	\$	103,038,603	\$	103,602,603 117480
GRF 600417	Medicaid Provider Audits	\$	1,484,001	\$	1,497,886 117481
GRF 600420	Child Support Administration	\$	9,169,234	\$	9,231,310 117482
GRF 600421	Office of Family Stability	\$	4,653,955	\$	4,720,001 117483
GRF 600423	Office of Children and Families	\$	6,494,545	\$	6,580,782 117484
GRF 600425	Office of Ohio Health Plans				117485
	State	\$	14,688,390	\$	11,452,327 117486
	Federal	\$	15,287,916	\$	11,919,769 117487
	Office of Ohio Health Plans Total	\$	29,976,306	\$	23,372,096 117488
GRF 600502	Administration - Local	\$	23,582,308	\$	23,150,288 117489
GRF 600511	Disability Financial Assistance	\$	36,037,712	\$	38,684,457 117490
GRF 600521	Entitlement Administration - Local	\$	107,026,181	\$	100,893,286 117491
GRF 600523	Children and Families Services	\$	75,709,378	\$	75,709,378 117492
GRF 600525	Health Care/Medicaid				117493
	State	\$	2,493,379,157	\$	3,539,256,149 117494
	Federal	\$	6,372,697,855	\$	7,407,374,830 117495
	Health Care Total	\$	8,866,077,012	\$	10,946,630,979 117496
GRF 600526	Medicare Part D	\$	271,746,617	\$	287,194,790 117497
GRF 600528	Adoption Services				117498

	State	\$	38,722,700	\$	41,060,302	117499
	Federal	\$	49,792,948	\$	47,455,346	117500
	Adoption Services Total	\$	88,515,648	\$	88,515,648	117501
GRF 600533	Child, Family, and Adult Community & Protective Services	\$	50,000,000	\$	50,000,000	117502
GRF 600534	Adult Protective Services	\$	522,040	\$	511,453	117503
GRF 600535	Early Care and Education	\$	173,000,000	\$	173,000,000	117504
GRF 600537	Children's Hospital	\$	6,000,000	\$	6,000,000	117505
GRF 600540	Second Harvest Food Banks	\$	3,500,000	\$	3,500,000	117506
GRF 600541	Kinship Permanency Incentive Program	\$	5,000,000	\$	5,000,000	117507
GRF 600661	Child Care - Federal Stimulus	\$	8,915,224	\$	13,459,664	117508
TOTAL GRF General Revenue Fund						117509
	State	\$	3,754,146,383	\$	4,833,250,155	117510
	Federal	\$	6,457,335,292	\$	7,486,430,870	117511
	GRF Total	\$	10,211,481,675	\$	12,319,681,025	117512
General Services Fund Group						117513
4A80 600658	Child Support Collections	\$	26,000,000	\$	26,000,000	117514
4R40 600665	BCII Services/Fees	\$	36,974	\$	36,974	117515
5BG0 600653	Managed Care Assessment	\$	168,914,857	\$	0	117516
5C90 600671	Medicaid Program Support	\$	69,876,838	\$	68,313,238	117517
5DL0 600639	Medicaid Revenue and Collections	\$	99,916,750	\$	63,600,000	117518
5DM0 600633	Administration & Operating	\$	19,853,583	\$	19,928,733	117519

5FX0	600638	Medicaid Payment Withholding	\$ 26,000,000	\$ 26,000,000	117520
5N10	600677	County Technologies	\$ 1,000,000	\$ 1,000,000	117521
5P50	600692	Health Care Services	\$ 84,052,802	\$ 226,469,478	117522
6130	600645	Training Activities	\$ 110,000	\$ 110,000	117523
TOTAL GSF General Services					117524
Fund Group			\$ 495,761,804	\$ 431,458,423	117525
Federal Special Revenue Fund Group					117526
3270	600606	Child Welfare	\$ 33,972,321	\$ 33,984,200	117527
3310	600686	Federal Operating	\$ 60,672,731	\$ 56,569,912	117528
3840	600610	Food Assistance and State Administration	\$ 159,109,776	\$ 159,109,427	117529
3850	600614	Refugee Services	\$ 10,497,024	\$ 11,265,511	117530
3950	600616	Special Activities/Child and Family Services	\$ 3,113,200	\$ 2,813,200	117531
3960	600620	Social Services Block Grant	\$ 120,000,000	\$ 120,000,000	117532
3970	600626	Child Support	\$ 305,830,981	\$ 305,832,341	117533
3980	600627	Adoption Maintenance/ Administration	\$ 355,345,646	\$ 352,184,668	117534
3A20	600641	Emergency Food Distribution	\$ 9,953,222	\$ 4,970,000	117535
3AW0	600675	Faith Based Initiatives	\$ 544,140	\$ 544,140	117536
3D30	600648	Children's Trust Fund Federal	\$ 2,040,524	\$ 2,040,524	117537
3F00	600623	Health Care Federal	\$3,208,537,567	\$ 2,429,425,188	117538
3F00	600650	Hospital Care Assurance Match	\$ 362,092,785	\$ 367,826,196	117539
3G50	600655	Interagency Reimbursement	\$1,703,777,044	\$ 1,666,905,912	117540
3H70	600617	Child Care Federal	\$ 241,862,780	\$ 241,862,779	117541

3N00	600628	IV-E Foster Care Maintenance	\$ 169,324,768	\$ 161,644,455	117542
3S50	600622	Child Support Projects	\$ 534,050	\$ 534,050	117543
3V00	600688	Workforce Investment Act	\$ 326,923,124	\$ 327,145,616	117544
3V40	600678	Federal Unemployment Programs	\$ 167,478,790	\$ 136,982,528	117545
3V40	600679	Unemployment Compensation Review Commission - Federal	\$ 3,487,473	\$ 3,487,473	117546
3V60	600689	TANF Block Grant	\$ 755,528,435	\$ 760,614,433	117547
TOTAL FED Federal Special Revenue					117548
Fund Group					\$8,000,626,381 \$ 7,145,742,553 117549
State Special Revenue Fund Group					117550
1980	600647	Children's Trust Fund	\$ 5,881,011	\$ 5,881,011	117551
4A90	600607	Unemployment Compensation Administration Fund	\$ 27,134,851	\$ 37,772,416	117552
4A90	600694	Unemployment Compensation Review Commission	\$ 2,357,197	\$ 2,431,133	117553
4E30	600605	Nursing Home Assessments	\$ 4,759,914	\$ 4,759,914	117554
4E70	600604	Child and Family Services Collections	\$ 300,000	\$ 300,000	117555
4F10	600609	Foundation Grants/Child & Family Services	\$ 250,000	\$ 250,000	117556
4J50	600613	Nursing Facility Bed Assessments	\$ 36,713,984	\$ 36,713,984	117557
4J50	600618	Residential State Supplement Payments	\$ 15,700,000	\$ 15,700,000	117558



4K10	600621	ICF/MR Bed Assessments	\$	28,261,826	\$	29,482,434	117559
4R30	600687	Banking Fees	\$	700,000	\$	700,000	117560
4Z10	600625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	117561
5AJ0	600631	Money Follows the Person	\$	6,286,485	\$	6,195,163	117562
5DB0	600637	Military Injury Grants	\$	2,000,000	\$	2,000,000	117563
5DP0	600634	Adoption Assistance Loan	\$	500,000		500,000	117564
5ES0	600630	Food Assistance	\$	500,000	\$	500,000	117565
5F20	600667	Building Consolidation	\$	250,000	\$	250,000	117566
5F30	600668	Building Consolidation	\$	1,000,000	\$	1,000,000	117567
5GC0	600640	GOFBCI/Family Stability	\$	70,000	\$	70,000	117568
5GF0	600656	Medicaid - Hospital	\$	338,505,284	\$	370,861,816	117569
5Q90	600619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	117570
5R20	600608	Medicaid-Nursing Facilities	\$	329,947,751	\$	341,125,000	117571
5S30	600629	MR/DD Medicaid Administration and Oversight	\$	2,070,707	\$	5,493,954	117572
5U30	600654	Health Care Services Administration	\$	12,017,389	\$	14,393,903	117573
5U60	600663	Children and Family Support	\$	4,719,470	\$	4,719,470	117574
6510	600649	Hospital Care Assurance Program Fund	\$	220,612,051	\$	218,164,239	117575
TOTAL SSR State Special Revenue							117576
Fund Group			\$	1,106,663,918	\$	1,165,390,435	117577
Agency Fund Group							117578
1920	600646	Support Intercept - Federal	\$	130,000,000	\$	130,000,000	117579
5830	600642	Support Intercept -	\$	16,000,000	\$	16,000,000	117580

	State				
5B60	600601	Food Assistance	\$ 2,000,000	\$ 2,000,000	117581
		Intercept			
TOTAL	AGY	Agency Fund Group	\$ 148,000,000	\$ 148,000,000	117582
		Holding Account Redistribution Fund Group			117583
R012	600643	Refunds and Audit	\$ 3,600,000	\$ 3,600,000	117584
		Settlements			
R013	600644	Forgery Collections	\$ 10,000	\$ 10,000	117585
TOTAL	090	Holding Account	\$ 3,610,000	\$ 3,610,000	117586
		Redistribution Fund Group			
TOTAL	ALL BUDGET FUND GROUPS		\$19,966,143,778	\$21,213,882,436	117587

**Section 309.20. SUPPORT SERVICES** 117589

**Section 309.20.10. AGENCY FUND GROUP** 117590

The Agency Fund Group and Holding Account Redistribution Fund 117591  
 Group shall be used to hold revenues until the appropriate fund is 117592  
 determined or until the revenues are directed to the appropriate 117593  
 governmental agency other than the Department of Job and Family 117594  
 Services. If receipts credited to the Support Intercept - Federal 117595  
 Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 117596  
 the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 117597  
 Settlements Fund (Fund R012), or the Forgery Collections Fund 117598  
 (Fund R013) exceed the amounts appropriated from the fund, the 117599  
 Director of Job and Family Services may request the Director of 117600  
 Budget and Management to authorize expenditures from the fund in 117601  
 excess of the amounts appropriated. Upon the approval of the 117602  
 Director of Budget and Management, the additional amounts are 117603  
 hereby appropriated. 117604

**Section 309.30. MEDICAID** 117605

**Section 309.30.10. HEALTH CARE/MEDICAID** 117606

The foregoing appropriation item 600525, Health 117607  
Care/Medicaid, shall not be limited by section 131.33 of the 117608  
Revised Code. 117609

**Section 309.30.12. MEDICAID COVERAGE OF OXYGEN SERVICES TO 117610**  
ICF/MR RESIDENTS 117611

Of the foregoing appropriation item 600525, Health 117612  
Care/Medicaid, \$30,000 in each fiscal year shall be used to 117613  
reimburse medical suppliers of oxygen services in accordance with 117614  
section 5111.236 of the Revised Code. 117615

**Section 309.30.15. CHILDREN'S HOSPITALS 117616**

(A) As used in this section: 117617

(1) "Children's hospital" means a hospital that primarily 117618  
serves patients eighteen years of age and younger and is excluded 117619  
from Medicare prospective payment in accordance with 42 C.F.R. 117620  
412.23(d). 117621

(2) "Medicaid inpatient cost-to-charge ratio" means the 117622  
historic Medicaid inpatient cost-to-charge ratio applicable to a 117623  
hospital as described in rules adopted by the Director of Job and 117624  
Family Services in paragraph (B)(2) of rule 5101:3-2-22 of the 117625  
Administrative Code. 117626

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 117627  
the Administrative Code and except as provided in division (C) of 117628  
this section, the Director of Job and Family Services shall pay a 117629  
children's hospital that meets the criteria in paragraphs (E)(1) 117630  
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 117631  
cost outlier claim made in fiscal years 2010 and 2011, an amount 117632  
that is the product of the hospital's allowable charges and the 117633  
hospital's Medicaid inpatient cost-to-charge ratio. 117634

(C) The Director of Job and Family Services shall cease 117635

paying a children's hospital for a cost outlier claim under the methodology in division (B) of this section and revert to paying the hospital for such a claim according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code, as applicable, when the difference between the total amount the Director has paid according to the methodology in division (B) of this section for such claims and the total amount the Director would have paid according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code for such claims, as the applicable paragraph existed on June 30, 2009, exceeds the sum of the state funds and corresponding federal match earmarked in division (F) of this section.

(D) The Director of Job and Family Services shall make supplemental Medicaid payments to hospitals for inpatient services under a program modeled after the program the Department of Job and Family Services was required to create for fiscal years 2006 and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th General Assembly if the difference between the total amount the Director has paid according to the methodology in division (B) of this section for cost outlier claims and the total amount the Director would have paid according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code for such claims, as the applicable paragraph existed on June 30, 2009, does not require the expenditure of all state and federal funds earmarked in division (F) of this section for the applicable fiscal year. The program may be the same as the program the Director used for making the payments to hospitals for fiscal years 2008 and 2009 under Section 309.30.13 of Am. Sub. H.B. 119 of the 127th General Assembly.

(E) The Director of Job and Family Services shall not adopt, amend, or rescind any rules that would result in decreasing the

amount paid to children's hospitals under division (B) of this 117668  
section for cost outlier claims. 117669

(F) Of the foregoing appropriation item, 600537, Children's 117670  
Hospital, up to \$6 million (state share) in each fiscal year plus 117671  
the corresponding federal match, if available, shall be used by 117672  
the Department to pay the amounts described in division (B) of 117673  
this section. 117674

**Section 309.30.20. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT** 117675  
**SYSTEM FOR NURSING FACILITIES** 117676

(A) As used in this section: 117677

"Franchise permit fee," "Medicaid days," "nursing facility," 117678  
and "provider" have the same meanings as in section 5111.20 of the 117679  
Revised Code. 117680

"Nursing facility services" means nursing facility services 117681  
covered by the Medicaid program that a nursing facility provides 117682  
to a resident of the nursing facility who is a Medicaid recipient 117683  
eligible for Medicaid-covered nursing facility services. 117684

(B) Except as otherwise provided by this section, the 117685  
provider of a nursing facility that has a valid Medicaid provider 117686  
agreement on June 30, 2009, and a valid Medicaid provider 117687  
agreement during fiscal year 2010 shall be paid, for nursing 117688  
facility services the nursing facility provides during fiscal year 117689  
2010, the rate calculated for the nursing facility under sections 117690  
5111.20 to 5111.33 of the Revised Code with the following 117691  
adjustments: 117692

(1) The nursing facility's rate for capital costs shall be 117693  
the greater of the following: 117694

(a) The sum calculated under division (B)(2) of section 117695  
5111.25 of the Revised Code for the nursing facility; 117696

(b) The median rate for capital costs for the nursing 117697

facilities in the nursing facility's peer group as determined 117698  
under division (D) of section 5111.25 of the Revised Code, 117699  
adjusted as follows: 117700

(i) Increase the rate so determined by two per cent; 117701

(ii) Increase the rate determined under division (B)(1)(b)(i) 117702  
of this section by two per cent; 117703

(iii) Increase the rate determined under division 117704  
(B)(1)(b)(ii) of this section by one per cent. 117705

(2) The cost per case mix-unit calculated under section 117706  
5111.231 of the Revised Code, the rate for ancillary and support 117707  
costs calculated under section 5111.24 of the Revised Code, and 117708  
the rate for tax costs calculated under section 5111.242 of the 117709  
Revised Code shall each be adjusted as follows: 117710

(a) Increase the cost and rates so calculated by two per 117711  
cent; 117712

(b) Increase the cost and rates determined under division 117713  
(B)(2)(a) of this section by two per cent; 117714

(c) Increase the cost and rates determined under division 117715  
(B)(2)(b) of this section by one per cent. 117716

(3) The mean payment used in the calculation of the quality 117717  
incentive payment made under section 5111.244 of the Revised Code 117718  
shall be, weighted by Medicaid days, three dollars and three cents 117719  
per Medicaid day. 117720

(4) The rate, after the adjustments under divisions (B)(1), 117721  
(2), and (3) of this section are made, shall be further increased 117722  
by three dollars per Medicaid day. 117723

(C) If the rate determined for a nursing facility under 117724  
division (B) of this section for nursing facility services 117725  
provided during fiscal year 2010 is more than the rate the 117726  
provider is paid for nursing facility services the nursing 117727

facility provides on June 30, 2009, the Department of Job and 117728  
Family Services shall reduce the nursing facility's fiscal year 117729  
2010 rate by one-half of the difference between the rate 117730  
determined for the nursing facility under division (B) of this 117731  
section and the nursing facility's rate for June 30, 2009. If the 117732  
rate determined for a nursing facility under division (B) of this 117733  
section for nursing facility services provided during fiscal year 117734  
2010 is less than the rate the provider is paid for nursing 117735  
facility services the nursing facility provides on June 30, 2009, 117736  
the Department shall increase the nursing facility's fiscal year 117737  
2010 rate by five-sixths of the difference between the rate 117738  
determined for the nursing facility under division (B) of this 117739  
section and the nursing facility's rate for June 30, 2009. 117740

(D) After the adjustments under divisions (B) and (C) of this 117741  
section are made to a nursing facility's fiscal year 2010 rate, 117742  
the Department of Job and Family Services shall increase the 117743  
nursing facility's fiscal year 2010 rate by five dollars per 117744  
Medicaid day if the nursing facility has more than two hundred 117745  
fifty beds certified for the Medicaid program. 117746

(E) If the United States Centers for Medicare and Medicaid 117747  
Services requires that the franchise permit fee be reduced or 117748  
eliminated, the Department of Job and Family Services shall reduce 117749  
the amount it pays providers of nursing facility services under 117750  
this section as necessary to reflect the loss to the state of the 117751  
revenue and federal financial participation generated from the 117752  
franchise permit fee. 117753

(F) The Department of Job and Family Services shall follow 117754  
this section in determining the rate to be paid to the provider of 117755  
a nursing facility that has a valid Medicaid provider agreement on 117756  
June 30, 2009, and a valid Medicaid provider agreement during 117757  
fiscal year 2010 notwithstanding anything to the contrary in 117758  
sections 5111.20 to 5111.33 of the Revised Code. 117759

<b>Section 309.30.30. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT</b>	117760
SYSTEM FOR NURSING FACILITIES	117761
(A) As used in this section:	117762
"Franchise permit fee," "Medicaid days," "nursing facility,"	117763
and "provider" have the same meanings as in section 5111.20 of the	117764
Revised Code.	117765
"Nursing facility services" means nursing facility services	117766
covered by the Medicaid program that a nursing facility provides	117767
to a resident of the nursing facility who is a Medicaid recipient	117768
eligible for Medicaid-covered nursing facility services.	117769
(B) Except as otherwise provided by this section, the	117770
provider of a nursing facility that has a valid Medicaid provider	117771
agreement on June 30, 2010, and a valid Medicaid provider	117772
agreement during fiscal year 2011 shall be paid, for nursing	117773
facility services the nursing facility provides during fiscal year	117774
2011, the rate calculated for the nursing facility under sections	117775
5111.20 to 5111.33 of the Revised Code with the following	117776
adjustments:	117777
(1) The nursing facility's rate for capital costs shall be	117778
the greater of the following:	117779
(a) The sum calculated under division (B)(2) of section	117780
5111.25 of the Revised Code for the nursing facility;	117781
(b) The median rate for capital costs for the nursing	117782
facilities in the nursing facility's peer group as determined	117783
under division (D) of section 5111.25 of the Revised Code,	117784
adjusted as follows:	117785
(i) Increase the rate so determined by two per cent;	117786
(ii) Increase the rate determined under division (B)(1)(b)(i)	117787
of this section by two per cent;	117788



(iii) Increase the rate determined under division	117789
(B)(1)(b)(ii) of this section by one per cent.	117790
(2) The cost per case mix-unit calculated under section	117791
5111.231 of the Revised Code, the rate for ancillary and support	117792
costs calculated under section 5111.24 of the Revised Code, and	117793
the rate for tax costs calculated under section 5111.242 of the	117794
Revised Code shall each be adjusted as follows:	117795
(a) Increase the cost and rates so calculated by two per	117796
cent;	117797
(b) Increase the cost and rates determined under division	117798
(B)(2)(a) of this section by two per cent;	117799
(c) Increase the cost and rates determined under division	117800
(B)(2)(b) of this section by one per cent.	117801
(3) The mean payment used in the calculation of the quality	117802
incentive payment made under section 5111.244 of the Revised Code	117803
shall be, weighted by Medicaid days, three dollars and three cents	117804
per Medicaid day.	117805
(4) The rate, after the adjustments under divisions (B)(1),	117806
(2), and (3) of this section are made, shall be further increased	117807
by five dollars and thirty-five cents per Medicaid day.	117808
(C) If the rate determined for a nursing facility under	117809
division (B) of this section for nursing facility services	117810
provided during fiscal year 2011 is less than the rate the	117811
provider is paid for nursing facility services the nursing	117812
facility provides on June 30, 2009, the Department of Job and	117813
Family Services shall increase the nursing facility's fiscal year	117814
2011 rate by two-thirds of the difference between the rate	117815
determined for the nursing facility under division (B) of this	117816
section and the nursing facility's rate for June 30, 2009.	117817
(D) After the adjustments under divisions (B) and (C) of this	117818

section are made to a nursing facility's fiscal year 2011 rate, 117819  
the Department of Job and Family Services shall increase the 117820  
nursing facility's fiscal year 2011 rate by five dollars per 117821  
Medicaid day if the nursing facility has more than two hundred 117822  
fifty beds certified for the Medicaid program. 117823

(E) If the United States Centers for Medicare and Medicaid 117824  
Services requires that the franchise permit fee be reduced or 117825  
eliminated, the Department of Job and Family Services shall reduce 117826  
the amount it pays providers of nursing facility services under 117827  
this section as necessary to reflect the loss to the state of the 117828  
revenue and federal financial participation generated from the 117829  
franchise permit fee. 117830

(F) The Department of Job and Family Services shall follow 117831  
this section in determining the rate to be paid to the provider of 117832  
a nursing facility that has a valid Medicaid provider agreement on 117833  
June 30, 2010, and a valid Medicaid provider agreement during 117834  
fiscal year 2011 notwithstanding anything to the contrary in 117835  
sections 5111.20 to 5111.33 of the Revised Code. 117836

**Section 309.30.60. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT** 117837  
SYSTEM FOR ICFs/MR 117838

(A) As used in this section: 117839

"Change of operator," "entering operator," and "exiting 117840  
operator" have the same meanings as in section 5111.65 of the 117841  
Revised Code. 117842

"Franchise permit fee" and "provider" have the same meanings 117843  
as in section 5111.20 of the Revised Code. 117844

"ICF/MR" means an intermediate care facility for the mentally 117845  
retarded as defined in section 5111.20 of the Revised Code. 117846

"ICF/MR services" means services covered by the Medicaid 117847  
program that an ICF/MR provides to a Medicaid recipient eligible 117848

for the services. 117849

"Medicaid days" means all days during which a resident who is 117850  
a Medicaid recipient occupies a bed in an ICF/MR that is included 117851  
in the ICF/MR's Medicaid-certified capacity. Therapeutic or 117852  
hospital leave days for which payment is made under section 117853  
5111.33 of the Revised Code are considered Medicaid days 117854  
proportionate to the percentage of the ICF/MR's per resident per 117855  
day rate paid for those days. 117856

"Per diem rate" means the per diem rate calculated pursuant 117857  
to sections 5111.20 to 5111.33 of the Revised Code. 117858

(B) This section applies to providers of ICFs/MR to which 117859  
either of the following applies: 117860

(1) The provider has a valid Medicaid provider agreement for 117861  
the ICF/MR on June 30, 2009, and a valid Medicaid provider 117862  
agreement for the ICF/MR during fiscal year 2010. 117863

(2) The ICF/MR undergoes a change of operator effective July 1, 2009, the exiting operator has a valid Medicaid provider 117864  
agreement for the ICF/MR on June 30, 2009, and the entering 117865  
operator has a valid Medicaid provider agreement for the ICF/MR 117866  
during fiscal year 2010. 117867  
117868

(C) Except as otherwise provided by this section, the 117869  
provider of an ICF/MR to which this section applies shall be paid, 117870  
for ICF/MR services the ICF/MR provides during fiscal year 2010, 117871  
the rate calculated for the ICF/MR under sections 5111.20 to 117872  
5111.33 of the Revised Code. 117873

(D) If the mean total per diem rate for all ICFs/MR in this 117874  
state for fiscal year 2010, weighted by May 2009 Medicaid days and 117875  
calculated as of July 1, 2009, exceeds \$277.25, the Department 117876  
shall reduce the total per diem rate for each ICF/MR to which this 117877  
section applies by a percentage that is equal to the percentage by 117878  
which the mean total per diem rate exceeds \$277.25. 117879

(E) The rate of an ICF/MR set pursuant to this section shall 117880  
not be subject to any adjustments authorized by sections 5111.20 117881  
to 5111.33 of the Revised Code, or any rule authorized by those 117882  
sections, during the remainder of fiscal year 2010. 117883

(F) If the United States Centers for Medicare and Medicaid 117884  
Services requires that the franchise permit fee be reduced or 117885  
eliminated, the Department of Job and Family Services shall reduce 117886  
the amount it pays providers of ICF/MR services under this section 117887  
as necessary to reflect the loss to the state of the revenue and 117888  
federal financial participation generated from the franchise 117889  
permit fee. 117890

(G) The Department of Job and Family Services shall follow 117891  
this section in determining the rate to be paid providers of 117892  
ICF/MR services subject to this section notwithstanding anything 117893  
to the contrary in sections 5111.20 to 5111.33 of the Revised 117894  
Code. 117895

(H) Not later than September 30, 2009, the Director of Job 117896  
and Family Services shall submit an amendment to the state 117897  
Medicaid plan to the United States Secretary of Health and Human 117898  
Services as necessary to implement this section. On receipt of the 117899  
United States Secretary's approval of the amendment to the state 117900  
Medicaid plan, the Director shall implement this section 117901  
retroactive to the later of the effective date of the state 117902  
Medicaid plan amendment or July 1, 2009. 117903

**Section 309.30.70. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT** 117904  
SYSTEM FOR ICFs/MR 117905

(A) As used in this section: 117906

"Change of operator," "entering operator," and "exiting 117907  
operator" have the same meanings as in section 5111.65 of the 117908  
Revised Code. 117909

"Franchise permit fee" and "provider" have the same meanings 117910  
as in section 5111.20 of the Revised Code. 117911

"ICF/MR" means an intermediate care facility for the mentally 117912  
retarded as defined in section 5111.20 of the Revised Code. 117913

"ICF/MR services" means services covered by the Medicaid 117914  
program that an ICF/MR provides to a Medicaid recipient eligible 117915  
for the services. 117916

"Medicaid days" means all days during which a resident who is 117917  
a Medicaid recipient occupies a bed in an ICF/MR that is included 117918  
in the ICF/MR's Medicaid-certified capacity. Therapeutic or 117919  
hospital leave days for which payment is made under section 117920  
5111.33 of the Revised Code are considered Medicaid days 117921  
proportionate to the percentage of the ICF/MR's per resident per 117922  
day rate paid for those days. 117923

"Per diem rate" means the per diem rate calculated pursuant 117924  
to sections 5111.20 to 5111.33 of the Revised Code. 117925

(B) This section applies to providers of ICFs/MR to which 117926  
either of the following applies: 117927

(1) The provider has a valid Medicaid provider agreement for 117928  
the ICF/MR on June 30, 2010, and a valid Medicaid provider 117929  
agreement for the ICF/MR during fiscal year 2011. 117930

(2) The ICF/MR undergoes a change of operator effective July 117931  
1, 2010, the exiting operator has a valid Medicaid provider 117932  
agreement for the ICF/MR on June 30, 2010, and the entering 117933  
operator has a valid Medicaid provider agreement for the ICF/MR 117934  
during fiscal year 2011. 117935

(C) Except as otherwise provided by this section, the 117936  
provider of an ICF/MR to which this section applies shall be paid, 117937  
for ICF/MR services the ICF/MR provides during fiscal year 2011, 117938  
the rate calculated for the ICF/MR under sections 5111.20 to 117939

5111.33 of the Revised Code. 117940

(D) If the mean total per diem rate for all ICFs/MR in this 117941  
state for fiscal year 2011, weighted by May 2010 Medicaid days and 117942  
calculated as of July 1, 2010, exceeds \$277.25, the Department 117943  
shall reduce the total per diem rate for each ICF/MR to which this 117944  
section applies by a percentage that is equal to the percentage by 117945  
which the mean total per diem rate exceeds \$277.25. 117946

(E) The rate of an ICF/MR set pursuant to this section shall 117947  
not be subject to any adjustments authorized by sections 5111.20 117948  
to 5111.33 of the Revised Code, or any rule authorized by those 117949  
sections, during the remainder of fiscal year 2011. 117950

(F) If the United States Centers for Medicare and Medicaid 117951  
Services requires that the franchise permit fee be reduced or 117952  
eliminated, the Department of Job and Family Services shall reduce 117953  
the amount it pays providers of ICF/MR services under this section 117954  
as necessary to reflect the loss to the state of the revenue and 117955  
federal financial participation generated from the franchise 117956  
permit fee. 117957

(G) The Department of Job and Family Services shall follow 117958  
this section in determining the rate to be paid providers of 117959  
ICF/MR services subject to this section notwithstanding anything 117960  
to the contrary in sections 5111.20 to 5111.33 of the Revised 117961  
Code. 117962

(H) Not later than September 30, 2010, the Director of Job 117963  
and Family Services shall submit an amendment to the state 117964  
Medicaid plan to the United States Secretary of Health and Human 117965  
Services as necessary to implement this section. On receipt of the 117966  
United States Secretary's approval of the amendment to the state 117967  
Medicaid plan, the Director shall implement this section 117968  
retroactive to the later of the effective date of the state 117969  
Medicaid plan amendment or July 1, 2010. 117970

<b>Section 309.30.71. ICF/MR REIMBURSEMENT STUDY COUNCIL</b>	117971
(A) There is hereby created the ICF/MR Reimbursement Study Council consisting of all of the following members:	117972 117973
(1) The Director of Job and Family Services;	117974
(2) The Deputy Director of the Office of Ohio Health Plans of the Department of Job and Family Services;	117975 117976
(3) The Director of Mental Retardation and Developmental Disabilities;	117977 117978
(4) One representative of Medicaid recipients residing in intermediate care facilities for the mentally retarded, appointed by the Governor;	117979 117980 117981
(5) Two representatives of each of the following organizations, appointed by their respective governing bodies:	117982 117983
(a) The Ohio Provider Resource Association;	117984
(b) The Ohio Health Care Association.	117985
Initial appointments of members described in divisions (A)(4) and (5) of this section shall be made not later than thirty days after the effective date of this section. Vacancies shall be filled in the same manner as the original appointments. Members described in those divisions shall serve at the pleasure of the official or governing body making the appointment of the member.	117986 117987 117988 117989 117990 117991
The Director of Job and Family Services shall serve as chairperson of the council. Members of the council shall serve without compensation, except to the extent that serving on the council is part of their regular duties of employment.	117992 117993 117994 117995
(B) The council shall review the system established by sections 5111.20 to 5111.33 of the Revised Code for reimbursing intermediate care facilities for the mentally retarded under the Medicaid program. Not later than July 1, 2010, the council shall	117996 117997 117998 117999

issue a report of its activities, findings, and recommendations to 118000  
the Governor, the Speaker of the House of Representatives, and the 118001  
President of the Senate. 118002

(C) In its consideration of the system for reimbursing 118003  
intermediate care facilities for the mentally retarded under 118004  
division (B) of this section, the council shall use the following 118005  
principles: 118006

(1) The system should appropriately account for differences 118007  
in acuity and service needs among individuals in institutional 118008  
care facilities for the mentally retarded. 118009

(2) The system should support and encourage quality services, 118010  
including both of the following elements: 118011

(a) A high level of coverage of direct care costs; 118012

(b) Pay for performance mechanisms. 118013

(3) The system should reflect appropriate recognition that 118014  
virtually all individuals served in intermediate care facilities 118015  
for the mentally retarded are Medicaid recipients. 118016

(4) The system should encourage cost-effective service 118017  
delivery. 118018

(5) The system should encourage innovation in service 118019  
delivery. 118020

(6) The system should encourage appropriate maintenance, 118021  
improvement, and replacement of facilities. 118022

(D) The council shall cease to exist on the submission of a 118023  
report under division (B) of this section. 118024

**Section 309.30.73. INCREASE IN MEDICAID RATES FOR HOSPITAL 118025**  
INPATIENT AND OUTPATIENT SERVICES 118026

The Director of Job and Family Services shall amend rules 118027  
adopted under section 5111.02 of the Revised Code as necessary to 118028



increase, for the period beginning January 1, 2010, and ending 118029  
June 30, 2011, the Medicaid reimbursement rates for 118030  
Medicaid-covered hospital inpatient services and hospital 118031  
outpatient services to rates that result in an amount that is five 118032  
per cent higher than the amount resulting from the rates in effect 118033  
on December 31, 2009. 118034

**Section 309.30.75. INCREASE IN MEDICAID RATES FOR COMMUNITY 118035**  
BEHAVIORAL HEALTH SERVICES 118036

(A) As used in this section, "community behavioral health 118037  
services" means both of the following: 118038

(1) Community mental health services certified by the 118039  
Director of Mental Health under section 5119.611 of the Revised 118040  
Code; 118041

(2) Services provided by an alcohol and drug addiction 118042  
program certified by the Department of Alcohol and Drug Addiction 118043  
Services under section 3793.06 of the Revised Code. 118044

(B) The Director of Job and Family Services shall amend rules 118045  
adopted under section 5111.02 of the Revised Code as necessary to 118046  
do the following: 118047

(1) Increase, for fiscal year 2010, the Medicaid 118048  
reimbursement rate ceilings for Medicaid-covered community 118049  
behavioral health services to rate ceilings that result in an 118050  
amount that is one-half of one per cent higher than the amount 118051  
resulting from the rate ceilings in effect on June 30, 2009; 118052

(2) Increase, for fiscal year 2011, the Medicaid 118053  
reimbursement rate ceilings for Medicaid-covered community 118054  
behavioral health services to rate ceilings that result in an 118055  
amount that is one-half of one per cent higher than the amount 118056  
resulting from the rate ceilings in effect on June 30, 2010. 118057

**Section 309.30.80. RESIDENTIAL STATE SUPPLEMENT TRANSFER** 118058

The Department of Aging may transfer cash from the foregoing 118059  
appropriation item 490412, Residential State Supplement, and the 118060  
PASSPORT/Residential State Supplement Fund (Fund 4J40), to the 118061  
Home and Community-Based Services for the Aged Fund (Fund 4J50), 118062  
used by the Department of Job and Family Services to make benefit 118063  
payments to Residential State Supplement recipients. The transfer 118064  
shall be made using an intrastate transfer voucher. 118065

**Section 309.30.90. MONEY FOLLOWS THE PERSON** 118066

The Director of Budget and Management may seek Controlling 118067  
Board approval to do any of the following in support of any home 118068  
and community-based services Medicaid waiver component: 118069

(A) Create new funds and appropriation items associated with 118070  
a unified long-term care budget; 118071

(B) Transfer cash between funds used by affected agencies; 118072

(C) Transfer appropriation between appropriation items within 118073  
a fund and used by the same state agency. 118074

Any transfers of cash approved by the Controlling Board under 118075  
this section are hereby appropriated. 118076

**Section 309.31.10. MONEY FOLLOWS THE PERSON ENHANCED** 118077  
**REIMBURSEMENT FUND** 118078

The Money Follows the Person Enhanced Reimbursement Fund is 118079  
hereby created in the state treasury. This is a continuation of 118080  
the fund created by Section 751.20 of Am. Sub. H.B. 562 of the 118081  
127th General Assembly. The federal payments made to the state 118082  
under subsection (e) of section 6071 of the "Deficit Reduction Act 118083  
of 2005," Pub. L. No. 109-171, shall be deposited into the fund. 118084  
The Department of Job and Family Services shall use money 118085

deposited into the fund for system reform activities related to 118086  
the Money Follows the Person demonstration project. 118087

**Section 309.31.20. MEDICARE PART D** 118088

The foregoing appropriation item 600526, Medicare Part D, may 118089  
be used by the Department of Job and Family Services for the 118090  
implementation and operation of the Medicare Part D requirements 118091  
contained in the "Medicare Prescription Drug, Improvement, and 118092  
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 118093  
the request of the Department of Job and Family Services, the 118094  
Director of Budget and Management may transfer the state share of 118095  
appropriations between appropriation item 600525, Health 118096  
Care/Medicaid, or appropriation item 600526, Medicare Part D. If 118097  
the state share of appropriation item 600525, Health 118098  
Care/Medicaid, is adjusted, the Director of Budget and Management 118099  
shall adjust the federal share accordingly. 118100

**Section 309.31.30. OHIO ACCESS SUCCESS PROJECT AND** 118101  
**IDENTIFICATION OF OVERPAYMENTS** 118102

Notwithstanding any limitations in sections 3721.51 and 118103  
3721.56 of the Revised Code, in each fiscal year, cash from the 118104  
Home and Community-Based Services for the Aged Fund (Fund 4J50), 118105  
in excess of the amounts needed for the transfers to the 118106  
PASSPORT/Residential State Supplement Fund (Fund 4J40) used by the 118107  
Department of Aging, may be used by the Department of Job and 118108  
Family Services for the following purposes: (A) up to \$3,000,000 118109  
in each fiscal year to fund the state share of audits or limited 118110  
reviews of Medicaid providers; and (B) up to \$450,000 in each 118111  
fiscal year to provide one-time transitional benefits under the 118112  
Ohio Access Success Project that the Director of Job and Family 118113  
Services may establish under section 5111.97 of the Revised Code. 118114  
118115

<b>Section 309.31.40.</b> TRANSFER OF FUNDS TO THE DEPARTMENT OF AGING	118116 118117
The Department of Job and Family Services shall transfer \$33,263,984 cash in each fiscal year from the Home and Community-Based Services for the Aged Fund (Fund 4J50) to the PASSPORT/Residential State Supplement Fund (Fund 4J40), used by the Department of Aging. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments. The transfer shall be made using an intrastate transfer voucher.	118118 118119 118120 118121 118122 118123 118124 118125
<b>Section 309.31.50.</b> PROVIDER FRANCHISE FEE OFFSETS	118126
(A) At least quarterly, the Director of Job and Family Services shall certify to the Director of Budget and Management both of the following:	118127 118128 118129
(1) The amount of offsets withheld under section 3721.541 of the Revised Code from payments made from the General Revenue Fund.	118130 118131
(2) The amount of offsets withheld under section 5112.341 of the Revised Code from payments made from the General Revenue Fund.	118132 118133
(B) The Director of Budget and Management may transfer cash from the General Revenue Fund to all of the following:	118134 118135
(1) The Home and Community Based Services for the Aged Fund (Fund 4J50), or the Nursing Facility Stabilization Fund (Fund 5R20), in accordance with sections 3721.56 and 3721.561 of the Revised Code;	118136 118137 118138 118139
(2) The ICF/MR Bed Assessments Fund (Fund 4K10).	118140
(C) Amounts transferred pursuant to this section are hereby appropriated.	118141 118142
<b>Section 309.31.60.</b> TRANSFER OF FUNDS TO THE DEPARTMENT OF	118143

MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 118144

The Department of Job and Family Services shall transfer 118145  
\$12,000,000 cash in each fiscal year from the ICF/MR Bed 118146  
Assessments Fund (Fund 4K10) to the Home and Community-Based 118147  
Services Fund (Fund 4K80), used by the Department of Mental 118148  
Retardation and Developmental Disabilities. The transfer may occur 118149  
on a quarterly basis or on a schedule developed and agreed to by 118150  
both departments. The transfer shall be made using an intrastate 118151  
transfer voucher. 118152

**Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 118153**

Notwithstanding any limitations contained in sections 5112.31 118154  
and 5112.37 of the Revised Code, in each fiscal year, cash from 118155  
the ICF/MR Bed Assessments Fund (Fund 4K10) in excess of the 118156  
amounts needed for transfers to the Home and Community-Based 118157  
Services Fund (Fund 4K80), used by the Department of Mental 118158  
Retardation and Developmental Disabilities, may be used by the 118159  
Department of Job and Family Services to cover costs of care 118160  
provided to participants in a waiver with an ICF/MR level of care 118161  
requirement administered by the Department of Job and Family 118162  
Services. 118163

**Section 309.31.80. HOSPITAL CARE ASSURANCE MATCH 118164**

The foregoing appropriation item 600650, Hospital Care 118165  
Assurance Match, shall be used by the Department of Job and Family 118166  
Services solely for distributing funds to hospitals under section 118167  
5112.08 of the Revised Code. 118168

**Section 309.31.90. HEALTH CARE SERVICES ADMINISTRATION FUND 118169**

Of the amount received by the Department of Job and Family 118170  
Services during fiscal year 2010 and fiscal year 2011 from the 118171  
first installment of assessments paid under section 5112.06 of the 118172

Revised Code and intergovernmental transfers made under section 118173  
5112.07 of the Revised Code, the Director of Job and Family 118174  
Services shall deposit \$350,000 in each fiscal year into the state 118175  
treasury to the credit of the Health Care Services Administration 118176  
Fund (Fund 5U30). 118177

**Section 309.32.10. MEDICAID PROGRAM SUPPORT FUND - STATE** 118178

The foregoing appropriation item 600671, Medicaid Program 118179  
Support, shall be used by the Department of Job and Family 118180  
Services to pay for Medicaid services and contracts. The 118181  
Department may also deposit to Fund 5C90 revenues received from 118182  
other state agencies for Medicaid services under the terms of 118183  
interagency agreements between the Department and other state 118184  
agencies, and all funds the Department recovers because the 118185  
benefits a person received under the Disability Medical Assistance 118186  
Program established in section 5115.10 of the Revised Code were 118187  
determined to be covered by the Medicaid Program established under 118188  
Chapter 5111. of the Revised Code. 118189

**Section 309.32.20. TRANSFERS OF IMD/DSH CASH TO THE** 118190  
**DEPARTMENT OF MENTAL HEALTH** 118191

The Department of Job and Family Services shall transfer cash 118192  
from the Medicaid Program Support Fund (Fund 5C90), to the 118193  
Behavioral Health Medicaid Services Fund (Fund 4X50), used by the 118194  
Department of Mental Health, in accordance with an interagency 118195  
agreement that delegates authority from the Department of Job and 118196  
Family Services to the Department of Mental Health to administer 118197  
specified Medicaid services. The transfer shall be made using an 118198  
intrastate transfer voucher. 118199

**Section 309.32.30. PRESCRIPTION DRUG REBATE FUND** 118200

The foregoing appropriation item 600692, Health Care 118201

Services, shall be used by the Department of Job and Family 118202  
Services to pay for Medicaid services and contracts. 118203

**Section 309.32.40. FEDERAL MATCH FOR ADAMHS BOARDS'** 118204  
ADMINISTRATIVE COSTS 118205

As used in this section, "community behavioral health boards" 118206  
means boards of alcohol, drug addiction, and mental health 118207  
services, community mental health boards, and alcohol and drug 118208  
addiction services boards. 118209

The Director of Job and Family Services shall seek federal 118210  
approval to establish a system under which community behavioral 118211  
health boards obtain federal financial participation for the 118212  
allowable administrative activities the boards perform in the 118213  
administration of the Medicaid program. The Director shall 118214  
implement the system on receipt of federal approval. The Director 118215  
shall work with the Directors of Alcohol and Drug Addiction 118216  
Services and Mental Health and representatives of community 118217  
behavioral health boards when implementing this section. 118218

**Section 309.32.60. MEDICAID NONEMERGENCY MEDICAL** 118219  
TRANSPORTATION MANAGEMENT PILOT PROGRAM 118220

(A) The Department of Job and Family Services shall establish 118221  
a Medicaid nonemergency medical transportation management pilot 118222  
program. The pilot program shall be operated for two years. 118223

(B) A county department of job and family services serving a 118224  
county with a population greater than four hundred thousand 118225  
persons may participate in the pilot program. A county department 118226  
participating in the pilot program shall identify which groups of 118227  
Medicaid recipients residing in the county shall be required to 118228  
participate in the pilot program. The county department shall also 118229  
contract with one or more medical transportation management 118230  
organizations to have the organizations manage nonemergency 118231

medical transportation services provided under the Medicaid 118232  
program to the groups required to participate in the pilot 118233  
program. To be eligible to contract with a county department, a 118234  
medical transportation management organization must have 118235  
experience in coordinating nonemergency medical transportation 118236  
services. 118237

(C) A medical transportation management organization that 118238  
contracts with a county department shall report monthly to the 118239  
county department. Each report shall contain all of the following 118240  
information: 118241

(1) A description of the transportation services provided to 118242  
Medicaid recipients participating in the pilot program, including 118243  
details on the varying modes of transportation used in providing 118244  
the services and the frequency at which the services were 118245  
provided; 118246

(2) The number of times nonemergency medical transportation 118247  
providers failed to arrive for an appointment to transport a 118248  
participant in the pilot program; 118249

(3) The number of times nonemergency medical transportation 118250  
providers were late for an appointment to transport a participant 118251  
in the pilot program and the lengths of the delays; 118252

(4) The cost of the nonemergency medical transportation 118253  
services provided to participants in the pilot program; 118254

(5) Other indicators of the quality of nonemergency 118255  
transportation services provided to participants in the pilot 118256  
program that the county department requests to be included in the 118257  
reports. 118258

(D) On conclusion of the pilot program, the Department, with 118259  
assistance from each county department that participated in the 118260  
pilot program, shall submit a report regarding the pilot program 118261  
to the Governor, and in accordance with section 101.68 of the 118262



Revised Code, the General Assembly. The report shall specify the amount of savings, if any, the Medicaid program realized as a result of the pilot program.

**Section 309.40. FAMILY STABILITY**

**Section 309.40.10. FOOD STAMPS TRANSFER**

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Food Stamp Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

**Section 309.40.20. NAME OF FOOD STAMP PROGRAM**

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

**Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS**

The foregoing appropriation item 600540, Second Harvest Food Banks, shall be used to provide funds to the Ohio Association of Second Harvest Food Banks to purchase and distribute food products.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, in addition to funds designated for the Ohio Association of Second Harvest Food Banks in this section, in fiscal years 2010 and 2011, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Second Harvest Food Banks in an amount equal to the

assistance provided in state fiscal year 2009. 118291

**Section 309.40.35. ECONOMIC AND COMMUNITY DEVELOPMENT** 118292  
INSTITUTE 118293

Of the foregoing appropriation item 600410, TANF State, up to 118294  
\$325,000 in each fiscal year shall be provided to the Economic and 118295  
Community Development Institute for matching funds provided to 118296  
TANF eligible individuals through an individual development 118297  
accounts program. 118298

**Section 309.40.50. CHILD SUPPORT COLLECTIONS/TANF MOE** 118299

The foregoing appropriation item 600658, Child Support 118300  
Collections, shall be used by the Department of Job and Family 118301  
Services to meet the TANF maintenance of effort requirements of 42 118302  
U.S.C. 609(a)(7). When the state is assured that it will meet the 118303  
maintenance of effort requirement, the Department of Job and 118304  
Family Services may use funds from appropriation item 600658, 118305  
Child Support Collections, to support public assistance 118306  
activities. 118307

**Section 309.40.60. EARLY LEARNING INITIATIVE** 118308

(A) As used in this section: 118309

(1) "Title IV-A services" means benefits and services that 118310  
are allowable under Title IV-A of the "Social Security Act," as 118311  
specified in 42 U.S.C. 604(a), except that they shall not be 118312  
benefits and services included in the term "assistance" as defined 118313  
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 118314  
excluded from the definition of the term "assistance" under 45 118315  
C.F.R. 260.31(b). 118316

(2) "Eligible child" means a child who is at least three 118317  
years of age but not of compulsory school age or enrolled in 118318  
kindergarten, is eligible for Title IV-A services, and whose 118319

family income at the time of application does not exceed two 118320  
hundred per cent of the federal poverty guidelines. 118321

(3) "Early learning program" means a program for eligible 118322  
children that provides Title IV-A services, according to the 118323  
purposes listed in 45 C.F.R. 260.20(c), that are early learning 118324  
services, as defined by pursuant to division (D)(1) of this 118325  
section. 118326

(4) "Early learning provider" means an entity that operates 118327  
an early learning program. 118328

(5) "Early learning agency" means an early learning provider 118329  
or an entity that has entered into an agreement with an early 118330  
learning provider requiring the early learning provider to operate 118331  
an early learning program on behalf of the entity. 118332

(6) "Federal poverty line" has the same meaning as in section 118333  
5104.01 of the Revised Code. 118334

(7) "Of compulsory school age" has the same meaning as in 118335  
section 3321.01 of the Revised Code. 118336

(B) The Early Learning Initiative is hereby established. The 118337  
Department of Education and the Department of Job and Family 118338  
Services shall administer the Initiative in accordance with 118339  
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 118340  
shall provide early learning services to eligible children. Early 118341  
learning services may be provided on a full-day basis, a part-day 118342  
basis, or both a full-day and part-day basis. 118343

(C) The Department of Job and Family Services shall do both 118344  
of the following: 118345

(1) Reimburse early learning agencies for services provided 118346  
to eligible children according to the terms of the contract and 118347  
the rules adopted under division (C)(2) of this section; 118348

(2) In consultation with the Department of Education, adopt 118349

rules in accordance with Chapter 119. of the Revised Code to 118350  
implement the Early Learning Initiative. The rules shall include 118351  
all of the following: 118352

(a) Provisions regarding the establishment of co-payments for 118353  
families of eligible children whose family income is more than one 118354  
hundred per cent of the federal poverty guidelines but equal to or 118355  
less than the maximum amount of family income authorized for an 118356  
eligible child as defined in division (A)(2) of this section; 118357

(b) An exemption from co-payment requirements for families 118358  
whose family income is equal to or less than one hundred per cent 118359  
of the federal poverty guideline; 118360

(c) A definition of "enrollment" for the purpose of 118361  
compensating early learning agencies; 118362

(d) Provisions that establish compensation rates for early 118363  
learning agencies based on the enrollment of eligible children; 118364

(e) Provisions for the completion of criminal record checks 118365  
for employees of early learning agencies and early learning 118366  
providers whereby sections 109.572(A)(8), (A)(9), and (B)(2) of 118367  
the Revised Code are considered applicable to these employees; 118368

(f) Provisions for the timeline of eligibility determination; 118369

(g) A requirement that early learning programs licensed by 118370  
the Department of Education under sections 3301.52 to 3301.59 of 118371  
the Revised Code participate in the quality-rating program 118372  
established under section 5104.30 of the Revised Code. 118373

(D) The Department of Education shall do all of the 118374  
following: 118375

(1) Define the early learning services that will be provided 118376  
to eligible children through the Early Learning Initiative; 118377

(2) In consultation with the Department of Job and Family 118378  
Services, develop an application form and criteria for the 118379

selection of early learning agencies. The criteria shall require 118380  
an early learning agency, or each early learning provider with 118381  
which the agency has entered into an agreement for the operation 118382  
of an early learning program on the agency's behalf, to be 118383  
licensed by the Department of Education under sections 3301.52 to 118384  
3301.59 of the Revised Code or by the Department of Job and Family 118385  
Services under Chapter 5104. of the Revised Code; 118386

(3) Establish early learning program guidelines for school 118387  
readiness to assess the operation of early learning programs. 118388

(E) Any entity that seeks to be an early learning agency 118389  
shall apply to the Department of Education by a deadline 118390  
established by the Department. The Department of Education shall 118391  
select entities that meet the criteria established under division 118392  
(D)(2) of this section to be early learning agencies. Upon 118393  
selection of an entity to be an early learning agency, the 118394  
Department of Education shall designate the number of eligible 118395  
children the agency may enroll. The Department of Education shall 118396  
notify the Department of Job and Family Services of the number so 118397  
designated. 118398

(F) The Department of Education and the Department of Job and 118399  
Family Services shall enter into a contract with each early 118400  
learning agency selected under division (E) of this section. The 118401  
requirements of section 127.16 of the Revised Code do not apply to 118402  
contracts entered into under this section. The contract shall 118403  
outline the terms and conditions applicable to the provision of 118404  
Title IV-A services for eligible children and shall include at 118405  
least the following: 118406

(1) The respective duties of the early learning agency, the 118407  
Department of Education, and the Department of Job and Family 118408  
Services; 118409

(2) Requirements applicable to the allowable use of and 118410

accountability for compensation paid under the contract; 118411

(3) Reporting requirements, including a requirement that the 118412  
early learning provider inform the Department of Education when 118413  
the provider learns that a kindergarten eligible child will not be 118414  
enrolled in kindergarten; 118415

(4) The compensation schedule payable under the contract; 118416

(5) Audit requirements; 118417

(6) Provisions for suspending, modifying, or terminating the 118418  
contract. 118419

(G) If an early learning agency, or an early learning 118420  
provider operating an early learning program on the agency's 118421  
behalf, substantially fails to meet the early learning program 118422  
guidelines for school readiness or exhibits substandard 118423  
performance, as determined by the Department of Education, the 118424  
agency shall develop and implement a corrective action plan. The 118425  
Department of Education shall approve the corrective action plan 118426  
prior to implementation. 118427

(H) If an early learning agency fails to implement a 118428  
corrective action plan under division (G) of this section, the 118429  
Department of Education may direct the Department of Job and 118430  
Family Services to either withhold funding or request that the 118431  
Department of Job and Family Services suspend or terminate the 118432  
contract with the agency. 118433

(I) Each early learning program shall do all of the 118434  
following: 118435

(1) Meet teacher qualification requirements prescribed by 118436  
section 3301.311 of the Revised Code; 118437

(2) Align curriculum to the early learning content standards; 118438

(3) Meet any assessment requirements prescribed by section 118439  
3301.0715 of the Revised Code that apply to the program; 118440

(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours per biennium of professional development as prescribed by the Department of Education regarding the implementation of early learning program guidelines for school readiness;

(5) Document and report child progress;

(6) Meet and report compliance with the early learning program guidelines for school success;

(7) Participate in early language and literacy classroom observation evaluation studies.

(J) Each county Department of Job and Family Services shall determine eligibility for Title IV-A services for children seeking to enroll in an early learning program within fifteen days after receipt of a completed application in accordance with rules adopted under this section.

(K) The provision of early learning services in an early learning program shall not prohibit or otherwise prevent an individual from obtaining certificates for payment under division (C) of section 5104.32 of the Revised Code.

(L) Notwithstanding section 126.07 of the Revised Code:

(1) Any fiscal year 2010 contract executed prior to July 1, 2009, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30, 2009, shall be deemed to be effective as of July 1, 2009, upon issuance of a state purchase order, even if the purchase order is approved at some later date.

(2) Any fiscal year 2010 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning

services on June 30, 2009, shall be deemed to be effective as of 118471  
July 1, 2009, upon the issuance of a state purchase order, even if 118472  
the purchase order is approved at some later date. 118473

(3) Any fiscal year 2011 contract executed prior to July 1, 118474  
2010, between the Departments of Job and Family Services and 118475  
Education and an early learning agency that was not an early 118476  
learning agency as of June 30, 2010, shall be deemed to be 118477  
effective as of July 1, 2010, upon issuance of a state purchase 118478  
order, even if the purchase order is approved at some later date. 118479

(4) Any fiscal year 2011 contract executed between the 118480  
Departments of Job and Family Services and Education and an early 118481  
learning agency that had a valid contract for early learning 118482  
services on June 30, 2010, shall be deemed to be effective as of 118483  
July 1, 2010, upon the issuance of a state purchase order, even if 118484  
the purchase order is approved at some later date. 118485

(M) The Departments of Job and Family Services and Education 118486  
shall contract for up to 12,000 enrollment slots for eligible 118487  
children in each fiscal year through the Early Learning 118488  
Initiative. 118489

(N) Eligible expenditures for the Early Learning Initiative 118490  
shall be claimed each fiscal year to help meet the state's TANF 118491  
maintenance of effort requirement. The Superintendent of Public 118492  
Instruction and the Director of Job and Family Services shall 118493  
enter into an interagency agreement to carry out the requirements 118494  
under this division, which shall include developing reporting 118495  
guidelines for these expenditures. 118496

**Section 309.45. CHILD WELFARE** 118497

**Section 309.45.10. ALTERNATIVE RESPONSE** 118498

The Department of Job and Family Services shall develop, 118499  
implement, oversee, and evaluate a pilot program based on an 118500



"Alternative Response" approach to reports of child abuse, 118501  
neglect, and dependency. The pilot program shall be implemented in 118502  
not more than ten counties that are selected by the Department and 118503  
that agree to participate in the pilot program. The pilot program 118504  
shall last eighteen months, not including time expended in 118505  
preparation for the implementation of the pilot program and any 118506  
post-pilot program evaluation activity. After the eighteen-month 118507  
period, the ten sites may continue to administer the Alternative 118508  
Response approach uninterrupted, unless the Department determines 118509  
otherwise. 118510

The Department shall assure that the Alternative Response 118511  
pilot program is independently evaluated with respect to outcomes 118512  
for children and families, costs, worker satisfaction, and any 118513  
other criteria the Department determines will be useful in the 118514  
consideration of statewide implementation of an Alternative 118515  
Response approach to child protection. The measure associated with 118516  
the eighteen-month pilot program shall, for the purposes of the 118517  
evaluation, be compared with those same measures in the pilot 118518  
counties during the eighteen-month period immediately preceding 118519  
the beginning of the pilot program period. If the independent 118520  
evaluation of the pilot program recommends statewide 118521  
implementation of an Alternative Response approach to child 118522  
protection, the Department may expand the Alternative Response 118523  
approach statewide through a schedule determined by the 118524  
Department. Until that time, the Department may adopt rules in 118525  
accordance with section 111.15 of the Revised Code, as if they 118526  
were internal management rules, as necessary to carry out the 118527  
purposes of this section. 118528

**Section 309.45.15. INDEPENDENT LIVING SERVICES** 118529

Of the foregoing appropriation item 600523, Children and 118530  
Families Services, up to \$1,500,000 in each fiscal year shall be 118531

used to provide independent living services to foster youth and 118532  
former foster youth between 16 and 21 years of age. 118533

**Section 309.45.21. CHILD, FAMILY, AND ADULT COMMUNITY AND 118534**  
PROTECTIVE SERVICES 118535

(A) The foregoing appropriation item 600533, Child, Family, 118536  
and Adult Community & Protective Services, shall be distributed to 118537  
each county department of job and family services using the 118538  
formula the Department of Job and Family Services uses when 118539  
distributing Title XX funds to county departments of job and 118540  
family services under section 5101.46 of the Revised Code. County 118541  
departments shall use the funds distributed to them under this 118542  
section as follows, in accordance with the written plan of 118543  
cooperation entered into under section 307.983 of the Revised 118544  
Code: 118545

(1) To assist individuals achieve or maintain 118546  
self-sufficiency, including by reducing or preventing dependency 118547  
among individuals with family income not exceeding two hundred per 118548  
cent of the federal poverty guidelines; 118549

(2) Subject to division (B) of this section, to respond to 118550  
reports of abuse, neglect, or exploitation of children and adults, 118551  
including through the alternative approach pilot program developed 118552  
under Section 309.40.40 of this act; 118553

(3) To provide outreach and referral services regarding home 118554  
and community-based services to individuals at risk of placement 118555  
in a group home or institution, regardless of the individuals' 118556  
family income and without need for a written application; 118557

(4) To provide outreach, referral, application assistance, 118558  
and other services to assist individuals receive assistance, 118559  
benefits, or services under Medicaid; Title IV-A programs, as 118560  
defined in section 5101.80 of the Revised Code; the Supplemental 118561

Nutrition Assistance Program; and other public assistance programs. 118562  
118563

(B) Protective services may be provided to a child or adult 118564  
as part of a response, under division (A)(2) of this section, to a 118565  
report of abuse, neglect, or exploitation without regard to a 118566  
child or adult's family income and without need for a written 118567  
application. The protective services may be provided if the case 118568  
record documents circumstances of actual or potential abuse, 118569  
neglect, or exploitation. 118570

**Section 309.45.40. CHILDREN'S HUNGER ALLIANCE** 118571

Of the foregoing appropriation item 600535, Early Care and 118572  
Education, up to \$1,500,000 in each fiscal year shall be provided 118573  
to the Children's Hunger Alliance for Child Nutrition Program 118574  
outreach efforts. The Departments of Job and Family Services and 118575  
Education shall enter into a grant agreement with the Children's 118576  
Hunger Alliance and agree upon annual reporting requirements, 118577  
including statements of planned uses of state funds, expected 118578  
performance outcomes, and an evaluation of success in achieving 118579  
those outcomes. As soon as possible after entering into a grant 118580  
agreement at the beginning of each fiscal year, the Department of 118581  
Job and Family Services may advance grant funds to the grantee 118582  
under section 5101.10 of the Revised Code. 118583

**Section 309.45.50. SUMMER AND AFTER-SCHOOL PROGRAMS** 118584

Of the foregoing appropriation item 600535, Early Care and 118585  
Education, up to \$9,000,000 in each fiscal year shall be provided 118586  
to the Ohio Child Care Resource and Referral Association for the 118587  
distribution of funds for summer and after-school programs for 118588  
TANF eligible youth served through community-based organizations, 118589  
faith-based organizations, and schools to provide academic support 118590  
not available during the regular school day, nutrition, 118591

transportation, youth development activities, drug and violence 118592  
prevention, counseling, technology education, and character 118593  
education. 118594

Of the foregoing appropriation item 600535, Early Care and 118595  
Education, up to \$1,000,000 in each fiscal year shall be provided 118596  
to the Ohio Alliance of Boys and Girls Clubs to provide 118597  
after-school programs that protect at-risk children and enable 118598  
youth to become responsible adults. The Ohio Alliance of Boys and 118599  
Girls Clubs shall provide nutritional meals, snacks, and 118600  
educational, youth development, and career development services to 118601  
TANF-eligible children participating in programs and activities 118602  
operated by eligible Boys and Girls Clubs. 118603

**Section 309.45.70. KINSHIP PERMANENCY INCENTIVE PROGRAM** 118604

The foregoing appropriation item 600541, Kinship Permanency 118605  
Incentive Program, shall be used to support the Kinship Permanency 118606  
Incentive Program created under section 5101.802 of the Revised 118607  
Code. 118608

**Section 309.45.80. REIMBURSEMENT CEILING FOR PROVIDERS OF** 118609  
**PUBLICLY FUNDED CHILD CARE** 118610

For the purposes of rules adopted under division (E) of 118611  
section 5104.30 of the Revised Code, the Director of Job and 118612  
Family Services shall set the reimbursement ceiling for providers 118613  
of publicly funded child care for the fiscal years of 2010 and 118614  
2011 at the fifty-first percentile of the results of the child 118615  
care market rate survey commissioned by the Department of Job and 118616  
Family Services in 2008. 118617

**Section 309.45.90. REALLOCATION OF UNUSED COUNTY ALLOCATIONS** 118618

(A) As used in this section: 118619

(1) "Income maintenance funds" means funds the Department of 118620

Job and Family Services allocates to a county to meet matching 118621  
fund requirements or reimburse a county for administrative 118622  
expenditures incurred in the administration of the Disability 118623  
Financial Assistance Program, Disability Medical Assistance 118624  
Program, Medicaid Program, or Supplemental Nutrition Assistance 118625  
Program. 118626

(2) "TANF funds" means funds the Department of Job and Family 118627  
Services allocates to a county for Title IV-A programs, as defined 118628  
in section 5101.80 of the Revised Code. 118629

(3) "TANF Title XX transfer funds" means funds the Department 118630  
of Job and Family Services allocates to a county for purposes of 118631  
section 5101.461 of the Revised Code. 118632

(4) "Title XX social services funds" means funds the 118633  
Department of Job and Family Services allocates to a county 118634  
department of job and family services for purposes of section 118635  
5101.46 of the Revised Code. 118636

(B) If a county informs the Department of Job and Family 118637  
Services that the county will not use the entire amount of the 118638  
income maintenance funds, TANF funds, TANF Title XX transfer 118639  
funds, or Title XX social services funds allocated to the county 118640  
for fiscal year 2010 or fiscal year 2011, the Department shall 118641  
reallocate the portion of the funds the county will not use to 118642  
other counties for the remainder of the fiscal year in which the 118643  
funds are reallocated or the next fiscal year. In reallocating the 118644  
funds, the Department shall do both of the following: 118645

(1) For each of the funds separately, rank each county by the 118646  
percentage reduction in allocations of the funds from the fiscal 118647  
year preceding the fiscal year in which the reallocation is made 118648  
to the fiscal year in which the reallocation is made, with the 118649  
county that has the greatest reduction percentage placed at the 118650  
top of the ranking; 118651

(2) Reallocate each of the funds separately to counties in 118652  
the order in which counties are ranked under division (B)(1) of 118653  
this section in a manner that provides, to the extent funds are 118654  
available for reallocation, for each county to be, as a result of 118655  
the reallocation, allocated the same amount of the funds that the 118656  
county was allocated the previous fiscal year, other than the 118657  
counties that inform the Department they will not use the full 118658  
amount of their allocation of the funds. 118659

**Section 309.50. UNEMPLOYMENT COMPENSATION** 118660

**Section 309.50.10. EMPLOYER SURCHARGE** 118661

The surcharge and the interest on the surcharge amounts due 118662  
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 118663  
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 118664  
118th General Assembly, and section 4141.251 of the Revised Code 118665  
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 118666  
General Assembly, again shall be assessed and collected by, 118667  
accounted for, and made available to the Department of Job and 118668  
Family Services in the same manner as set forth in section 118669  
4141.251 of the Revised Code as it existed prior to its repeal by 118670  
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 118671  
repeal of the surcharge for calendar years after 1990, pursuant to 118672  
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 118673  
received by the Director on or after July 1, 2001, shall be 118674  
deposited into the Unemployment Compensation Special 118675  
Administrative Fund (Fund 4A90) established pursuant to section 118676  
4141.11 of the Revised Code. 118677

**Section 309.50.20. FEDERAL UNEMPLOYMENT PROGRAMS** 118678

All unexpended funds remaining at the end of fiscal year 2009 118679  
that were appropriated and made available to the state under 118680  
section 903(d) of the Social Security Act, as amended, in the 118681

foregoing appropriation item 600678, Federal Unemployment Programs 118682  
(Fund 3V40), are hereby appropriated to the Department of Job and 118683  
Family Services. Upon the request of the Director of Job and 118684  
Family Services, the Director of Budget and Management may 118685  
increase the appropriation for fiscal year 2010 by the amount 118686  
remaining unspent from the fiscal year 2009 appropriation and may 118687  
increase the appropriation for fiscal year 2011 by the amount 118688  
remaining unspent from the fiscal year 2010 appropriation. The 118689  
appropriation shall be used under the direction of the Department 118690  
of Job and Family Services to pay for administrative activities 118691  
for the Unemployment Insurance Program, employment services, and 118692  
other allowable expenditures under section 903(d) of the Social 118693  
Security Act, as amended. 118694

The amounts obligated pursuant to this section shall not 118695  
exceed at any time the amount by which the aggregate of the 118696  
amounts transferred to the account of the state under section 118697  
903(d) of the Social Security Act, as amended, exceeds the 118698  
aggregate of the amounts obligated for administration and paid out 118699  
for benefits and required by law to be charged against the amounts 118700  
transferred to the account of the state. 118701

**Section 309.50.30. REMOVAL OF UNEMPLOYMENT COMPENSATION 118702**  
ADVISORY COUNCIL MEMBERS 118703

The intent of the General Assembly in the amendments made in 118704  
this act to section 145.012 is to provide that service as a member 118705  
of the Unemployment Compensation Advisory Council on or after the 118706  
effective date of this section shall not be service as a public 118707  
employee for purposes of Chapter 145. of the Revised Code. The 118708  
amendments are not intended to prohibit the use of such service 118709  
for calculation of benefits under Chapter 145. of the Revised Code 118710  
for service prior to the effective date of this section. 118711  
118712

<b>Section 309.60.</b> WORKFORCE DEVELOPMENT	118713
<b>Section 309.60.10.</b> NURSE ASSISTANT TRAINING PROGRAMS	118714
Of the foregoing appropriation item 600688, Workforce	118715
Investment Act, up to \$1,000,000 in each fiscal year shall be used	118716
to reimburse nurse assistant training programs that service	118717
TANF-eligible individuals. Any amount of this earmark that remains	118718
unspent at the end of fiscal year 2010 is hereby reappropriated in	118719
fiscal year 2011 for the same purpose. The opportunity for	118720
reimbursement for the purposes for which this earmark is intended	118721
expires June 30, 2011.	118722
<b>Section 309.60.20.</b> NURSING FACULTY FELLOWSHIP GRANTS	118723
Of the foregoing appropriation item 600688, Workforce	118724
Investment Act, up to \$700,000 in each fiscal year shall be used	118725
to support the Nursing Faculty Fellowship Grant Program	118726
administered by the Ohio Board of Regents. Any amount of this	118727
earmark that remains unspent at the end of fiscal year 2010 is	118728
hereby reappropriated in fiscal year 2011 for the same purpose.	118729
<b>Section 309.60.30.</b> SKILL-BASED EDUCATION AND ASSISTANCE	118730
Of the foregoing appropriation item 600688, Workforce	118731
Investment Act (Fund 3V00), up to \$2,000,000 in fiscal year 2010	118732
shall be provided to programs that provide skill-based education	118733
and assistance to individuals eligible for Ohio Works First. Any	118734
amount of this earmark that remains unspent at the end of fiscal	118735
year 2010 is hereby reappropriated in fiscal year 2011 for the	118736
same purpose.	118737
<b>Section 310.10.</b> JCR JOINT COMMITTEE ON AGENCY RULE REVIEW	118738
General Revenue Fund	118739



GRF 029321 Operating Expenses	\$	483,520	\$	483,520	118740
TOTAL GRF General Revenue Fund	\$	483,520	\$	483,520	118741
TOTAL ALL BUDGET FUND GROUPS	\$	483,520	\$	483,520	118742

OPERATING 118743

The Chief Administrative Officer of the House of 118744  
Representatives and the Clerk of the Senate shall determine, by 118745  
mutual agreement, which of them shall act as fiscal agent for the 118746  
Joint Committee on Agency Rule Review. Members of the Committee 118747  
shall be paid in accordance with section 101.35 of the Revised 118748  
Code. 118749

OPERATING EXPENSES 118750

On July 1, 2009, or as soon as possible thereafter, the 118751  
Executive Director of the Joint Committee on Agency Rule Review 118752  
may certify to the Director of Budget and Management the amount of 118753  
the unexpended, unencumbered balance of the foregoing 118754  
appropriation item 029321, Operating Expenses, at the end of 118755  
fiscal year 2009 to be reappropriated to fiscal year 2010. The 118756  
amount certified is hereby reappropriated to the same 118757  
appropriation item for fiscal year 2010. 118758

On July 1, 2010, or as soon as possible thereafter, the 118759  
Executive Director of the Joint Committee on Agency Rule Review 118760  
may certify to the Director of Budget and Management the amount of 118761  
the unexpended, unencumbered balance of the foregoing 118762  
appropriation item 029321, Operating Expenses, at the end of 118763  
fiscal year 2010 to be reappropriated to fiscal year 2011. The 118764  
amount certified is hereby reappropriated to the same 118765  
appropriation item for fiscal year 2011. 118766

**Section 311.10.** JCO JUDICIAL CONFERENCE OF OHIO 118767

General Revenue Fund 118768

GRF 018321 Operating Expenses	\$	1,034,281	\$	1,065,281	118769
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TOTAL GRF General Revenue Fund	\$	1,034,281	\$	1,065,281	118770
General Services Fund Group					118771
4030 018601 Ohio Jury	\$	350,000	\$	350,000	118772
Instructions					
TOTAL GSF General Services Fund	\$	350,000	\$	350,000	118773
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,384,281	\$	1,415,281	118774
STATE COUNCIL OF UNIFORM STATE LAWS					118775
Notwithstanding section 105.26 of the Revised Code, of the					118776
foregoing appropriation item 018321, Operating Expenses, up to					118777
\$97,000 in fiscal year 2010 and up to \$101,000 in fiscal year 2011					118778
may be used to pay the expenses of the State Council of Uniform					118779
State Laws, including membership dues to the National Conference					118780
of Commissioners on Uniform State Laws, and other expenses under					118781
sections 105.25 and 105.26 of the Revised Code.					118782
OHIO JURY INSTRUCTIONS FUND					118783
The Ohio Jury Instructions Fund (Fund 4030) shall consist of					118784
grants, royalties, dues, conference fees, bequests, devises, and					118785
other gifts received for the purpose of supporting costs incurred					118786
by the Judicial Conference of Ohio in dispensing educational and					118787
informational data to the state's judicial system. Fund 4030 shall					118788
be used by the Judicial Conference of Ohio to pay expenses					118789
incurred in dispensing educational and informational data to the					118790
state's judicial system. All moneys accruing to Fund 4030 in					118791
excess of \$350,000 in fiscal year 2010 and in excess of \$350,000					118792
in fiscal year 2011 are hereby appropriated for the purposes					118793
authorized.					118794
No money in Fund 4030 shall be transferred to any other fund					118795
by the Director of Budget and Management or the Controlling Board.					118796
<b>Section 313.10.</b> JSC THE JUDICIARY/SUPREME COURT					118797

General Revenue Fund				118798
GRF	005321	Operating Expenses -	\$ 133,144,970 \$ 133,144,970	118799
		Judiciary/Supreme		
		Court		
GRF	005401	State Criminal	\$ 336,770 \$ 336,770	118800
		Sentencing Council		
GRF	005406	Law-Related Education	\$ 236,172 \$ 236,172	118801
GRF	005409	Ohio Courts	\$ 4,850,000 \$ 4,850,000	118802
		Technology Initiative		
GRF	005502	Legal Education	\$ 350,000 \$ 350,000	118803
		Opportunity		
TOTAL GRF	General Revenue Fund		\$ 138,917,912 \$ 138,917,912	118804
General Services Fund Group				118805
6720	005601	Continuing Judicial	\$ 300,000 \$ 300,000	118806
		Education		
TOTAL GSF	General Services Fund		\$ 300,000 \$ 300,000	118807
Group				
Federal Special Revenue Fund Group				118808
3J00	005603	Federal Grants	\$ 2,137,866 \$ 1,917,081	118809
TOTAL FED	Federal Special Revenue		\$ 2,137,866 \$ 1,917,081	118810
Fund Group				
State Special Revenue Fund Group				118811
4C80	005605	Attorney Services	\$ 3,704,659 \$ 3,704,659	118812
5T80	005609	Grants and Awards	\$ 50,000 \$ 50,000	118813
6A80	005606	Supreme Court	\$ 1,284,142 \$ 1,284,142	118814
		Admissions		
TOTAL SSR	State Special Revenue		\$ 5,038,801 \$ 5,038,801	118815
Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 146,394,579 \$ 146,173,794	118816
LAW-RELATED EDUCATION				118817
The foregoing appropriation item 005406, Law-Related				118818

Education, shall be distributed directly to the Ohio Center for 118819  
Law-Related Education for the purposes of providing continuing 118820  
citizenship education activities to primary and secondary 118821  
students, expanding delinquency prevention programs, increasing 118822  
activities for at-risk youth, and accessing additional public and 118823  
private money for new programs. 118824

OHIO COURTS TECHNOLOGY INITIATIVE 118825

The foregoing appropriation item 005409, Ohio Courts 118826  
Technology Initiative, shall be used to fund an initiative by the 118827  
Supreme Court to facilitate the exchange of information and 118828  
warehousing of data by and between Ohio courts and other justice 118829  
system partners through the creation of an Ohio Courts Network, 118830  
the delivery of technology services to courts throughout the 118831  
state, including the provision of hardware, software, and the 118832  
development and implementation of educational and training 118833  
programs for judges and court personnel, and operation of the 118834  
Commission on Technology and the Courts by the Supreme Court for 118835  
the promulgation of statewide rules, policies, and uniform 118836  
standards, and to aid in the orderly adoption and comprehensive 118837  
use of technology in Ohio courts. 118838

LEGAL EDUCATION OPPORTUNITY 118839

The foregoing appropriation item 005502 shall be used to fund 118840  
activities undertaken at the direction of the Chief Justice of the 118841  
Supreme Court for purposes of introducing minority, low-income, 118842  
and educationally disadvantaged Ohio students to the legal system 118843  
and providing educational opportunities to those same students who 118844  
are preparing for college and interested in the pursuit of a legal 118845  
career. The foregoing appropriation item 005502 may be used by the 118846  
Supreme Court, in cooperation with other entities, to establish 118847  
and provide programs, courses, and activities consistent with the 118848  
purposes set forth in this paragraph and to pay the associated 118849  
administrative costs. 118850

CONTINUING JUDICIAL EDUCATION 118851

The Continuing Judicial Education Fund (Fund 6720) shall 118852  
consist of fees paid by judges and court personnel for attending 118853  
continuing education courses and other gifts and grants received 118854  
for the purpose of continuing judicial education. The foregoing 118855  
appropriation item 005601, Continuing Judicial Education, shall be 118856  
used to pay expenses for continuing education courses for judges 118857  
and court personnel. If it is determined by the Administrative 118858  
Director of the Supreme Court that additional appropriations are 118859  
necessary, the amounts are hereby appropriated. 118860

No money in Fund 6720 shall be transferred to any other fund 118861  
by the Director of Budget and Management or the Controlling Board. 118862  
Interest earned on moneys in Fund 6720 shall be credited to the 118863  
fund. 118864

FEDERAL GRANTS 118865

The Federal Grants Fund (Fund 3J00) shall consist of grants 118866  
and other moneys awarded to the Supreme Court (The Judiciary) by 118867  
the United States Government or other entities that receive the 118868  
moneys directly from the United States Government and distribute 118869  
those moneys to the Supreme Court (The Judiciary). The foregoing 118870  
appropriation item 005603, Federal Grants, shall be used in a 118871  
manner consistent with the purpose of the grant or award. If it is 118872  
determined by the Administrative Director of the Supreme Court 118873  
that additional appropriations are necessary, the amounts are 118874  
hereby appropriated. 118875

No money in Fund 3J00 shall be transferred to any other fund 118876  
by the Director of Budget and Management or the Controlling Board. 118877  
However, interest earned on moneys in Fund 3J00 shall be credited 118878  
or transferred to the General Revenue Fund. 118879

ATTORNEY SERVICES 118880

The Attorney Services Fund (Fund 4C80), formerly known as the 118881

Attorney Registration Fund, shall consist of moneys received by 118882  
the Supreme Court (The Judiciary) pursuant to the Rules for the 118883  
Government of the Bar of Ohio. In addition to funding other 118884  
activities considered appropriate by the Supreme Court, the 118885  
foregoing appropriation item 005605, Attorney Services, may be 118886  
used to compensate employees and to fund appropriate activities of 118887  
the following offices established by the Supreme Court: the Office 118888  
of Disciplinary Counsel, the Board of Commissioners on Grievances 118889  
and Discipline, the Clients' Security Fund, and the Attorney 118890  
Services Division. If it is determined by the Administrative 118891  
Director of the Supreme Court that additional appropriations are 118892  
necessary, the amounts are hereby appropriated. 118893

No moneys in Fund 4C80 shall be transferred to any other fund 118894  
by the Director of Budget and Management or the Controlling Board. 118895  
Interest earned on moneys in Fund 4C80 shall be credited to the 118896  
fund. 118897

GRANTS AND AWARDS 118898

The Grants and Awards Fund (Fund 5T80) shall consist of 118899  
grants and other moneys awarded to the Supreme Court (The 118900  
Judiciary) by the State Justice Institute, the Division of 118901  
Criminal Justice Services, or other entities. The foregoing 118902  
appropriation item 005609, Grants and Awards, shall be used in a 118903  
manner consistent with the purpose of the grant or award. If it is 118904  
determined by the Administrative Director of the Supreme Court 118905  
that additional appropriations are necessary, the amounts are 118906  
hereby appropriated. 118907

No moneys in Fund 5T80 shall be transferred to any other fund 118908  
by the Director of Budget and Management or the Controlling Board. 118909  
However, interest earned on moneys in Fund 5T80 shall be credited 118910  
or transferred to the General Revenue Fund. 118911

SUPREME COURT ADMISSIONS 118912

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No moneys in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in Fund 6A80 shall be credited to the fund.

**Section 313.20. SUPREME COURT FILING FEE**

The General Assembly hereby respectfully requests the Supreme Court to modify Rule XV of the Rules of Practice of the Supreme Court of Ohio pursuant to its authority under the Ohio Constitution to make that Rule consistent with the amendments made by this act to section 2503.17 of the Revised Code.

**Section 315.10. LEC LAKE ERIE COMMISSION**

State Special Revenue Fund Group					118933	
4C00 780601	Lake Erie Protection	\$	450,000	\$	450,000	118935
	Fund					
5D80 780602	Lake Erie Resources	\$	380,000	\$	383,000	118936
	Fund					
TOTAL SSR State Special Revenue						118937
Fund Group		\$	830,000	\$	833,000	118938
TOTAL ALL BUDGET FUND GROUPS		\$	830,000	\$	833,000	118939

<b>Section 317.10. LRS LEGAL RIGHTS SERVICE</b>				118941
General Revenue Fund				118942
GRF	054321	Support Services	\$ 142,614 \$	142,614 118943
GRF	054401	Ombudsman	\$ 209,698 \$	209,698 118944
TOTAL GRF General Revenue Fund				\$ 352,312 \$ 352,312 118945
General Services Fund Group				118946
5M00	054610	Settlements	\$ 81,352 \$	81,352 118947
TOTAL GSF General Services Fund Group				\$ 81,352 \$ 81,352 118949
Federal Special Revenue Fund Group				118950
3050	054602	Protection and Advocacy - Developmentally Disabled	\$ 1,500,000 \$	1,500,000 118951
3AG0	054613	Protection and Advocacy - Voter Accessibility	\$ 135,000 \$	135,000 118952
3B80	054603	Protection and Advocacy - Mentally Ill	\$ 1,100,000 \$	1,100,000 118953
3CA0	054615	Work Incentives Planning and Assistance	\$ 355,000 \$	355,000 118954
3N30	054606	Protection and Advocacy - Individual Rights	\$ 570,000 \$	570,000 118955
3N90	054607	Assistive Technology	\$ 160,000 \$	160,000 118956
3R90	054604	Family Support Collaborative	\$ 12,500 \$	0 118957
3R90	054616	Developmental Disability	\$ 130,000 \$	130,000 118958



	Publications				
3T20 054609	Client Assistance	\$	435,000	\$	435,000 118959
	Program				
3X10 054611	Protection and	\$	235,000	\$	235,000 118960
	Advocacy -				
	Beneficiaries of				
	Social Security				
3Z60 054612	Protection and	\$	70,000	\$	70,000 118961
	Advocacy - Traumatic				
	Brain Injury				
TOTAL FED	Federal Special Revenue				118962
Fund Group		\$	4,702,500	\$	4,690,000 118963
	State Special Revenue Fund Group				118964
5AE0 054614	Grants and Contracts	\$	100,000	\$	100,000 118965
TOTAL SSR	State Special Revenue	\$	100,000	\$	100,000 118966
Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	5,236,164	\$	5,223,664 118967
	<b>Section 317.20. LEGAL RIGHTS SERVICE NONPROFIT TRANSITION</b>				118969
	STUDY				118970
	(A) The Legal Rights Service Commission shall conduct a study				118971
	concerning a potential transition from a public entity to a				118972
	nonprofit organization effective July 1, 2011. The study shall				118973
	include an analysis of all of the following:				118974
	(1) The feasibility of a transition to a nonprofit				118975
	organization;				118976
	(2) The potential effects on service delivery, including				118977
	client service and access to required resources, and any other				118978
	service delivery advantages or disadvantages that might result				118979
	from the transition to a nonprofit organization;				118980
	(3) Potential organizational effects, including cost savings				118981
	and non-state funding sources, and any other organizational				118982

advantages or disadvantages that might result from the transition 118983  
to a nonprofit organization; 118984

(4) The approximate amount of time necessary to achieve a 118985  
transition to nonprofit status. 118986

(B) The Legal Rights Service Commission shall develop a 118987  
process plan by which a transition to a nonprofit organization 118988  
could be implemented not later than July 1, 2011. 118989

(C) Not later than six months after the effective date of 118990  
this section, a written report of the results of the study and a 118991  
copy of the process plan shall be submitted to the Governor, the 118992  
Speaker and the Minority Leader of the House of Representatives, 118993  
and the President and the Minority Leader of the Senate. 118994

**Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 118995**

General Revenue Fund 118996

GRF 028321	Legislative Ethics	\$	550,000	\$	550,000	118997
	Committee					

TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	118998
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General Services Fund Group 118999

4G70 028601	Joint Legislative	\$	100,000	\$	100,000	119000
	Ethics Committee					

TOTAL GSF	General Services Fund	\$	100,000	\$	100,000	119001
	Group					

TOTAL ALL BUDGET FUND GROUPS		\$	650,000	\$	650,000	119002
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**Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION 119003**

General Revenue Fund 119004

GRF 035321	Operating Expenses	\$	15,117,700	\$	15,117,700	119005
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GRF 035402	Legislative Interns	\$	1,022,120	\$	1,022,120	119006
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GRF 035404	Legislative Office of	\$	500,000	\$	500,000	119007
	Education Oversight					

GRF	035405	Correctional Institution Inspection Committee	\$	438,900	\$	438,900	119008
GRF	035407	Legislative Task Force on Redistricting	\$	750,000	\$	750,000	119009
GRF	035409	National Associations	\$	460,560	\$	460,560	119010
GRF	035410	Legislative Information Systems	\$	3,661,250	\$	3,661,250	119011
TOTAL GRF	General Revenue Fund		\$	21,950,530	\$	21,950,530	119012
General Services Fund Group							119013
4100	035601	Sale of Publications	\$	25,250	\$	25,250	119014
4F60	035603	Legislative Budget Services	\$	154,025	\$	154,025	119015
5EF0	035607	House and Senate Telephone Usage	\$	30,000	\$	30,000	119016
TOTAL GSF	General Services Fund Group		\$	209,275	\$	209,275	119018
TOTAL ALL BUDGET FUND GROUPS			\$	22,159,805	\$	22,159,805	119019
<b>Section 323.10. LIB STATE LIBRARY BOARD</b>							119021
General Revenue Fund							119022
GRF	350321	Operating Expenses	\$	5,477,369	\$	5,477,369	119023
GRF	350401	Ohioana Rental Payments	\$	128,560	\$	128,560	119024
GRF	350502	Regional Library Systems	\$	832,099	\$	832,099	119025
TOTAL GRF	General Revenue Fund		\$	6,438,028	\$	6,438,028	119026
General Services Fund Group							119027
1390	350602	Intra-Agency Service Charges	\$	9,000	\$	9,000	119028
4590	350603	Library Service	\$	2,895,592	\$	3,039,342	119029

		Charges				
4S40	350604	Ohio Public Library	\$	5,702,150	\$	5,702,150 119030
		Information Network				
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194 119031
5GG0	350606	Gates Foundation	\$	500,000	\$	0 119032
		Grants				
TOTAL GSF General Services						119033
Fund Group			\$	10,380,936	\$	10,024,686 119034
Federal Special Revenue Fund Group						119035
3130	350601	LSTA Federal	\$	5,543,747	\$	5,543,747 119036
TOTAL FED Federal Special Revenue						119037
Fund Group			\$	5,543,747	\$	5,543,747 119038
TOTAL ALL BUDGET FUND GROUPS			\$	22,362,711	\$	22,006,461 119039
OHIOANA RENTAL PAYMENTS						119040
The foregoing appropriation item 350401, Ohioana Rental						119041
Payments, shall be used to pay the rental expenses of the Martha						119042
Kinney Cooper Ohioana Library Association under section 3375.61 of						119043
the Revised Code.						119044
REGIONAL LIBRARY SYSTEMS						119045
The foregoing appropriation item 350502, Regional Library						119046
Systems, shall be used to support regional library systems						119047
eligible for funding under sections 3375.83 and 3375.90 of the						119048
Revised Code.						119049
OHIO PUBLIC LIBRARY INFORMATION NETWORK						119050
(A) The foregoing appropriation item 350604, Ohio Public						119051
Library Information Network, shall be used for an information						119052
telecommunications network linking public libraries in the state						119053
and such others as may participate in the Ohio Public Library						119054
Information Network (OPLIN).						119055
The Ohio Public Library Information Network Board of Trustees						119056
created under section 3375.65 of the Revised Code may make						119057

decisions regarding use of the foregoing appropriation item 119058  
350604, Ohio Public Library Information Network. 119059

(B) Of the foregoing appropriation item 350604, Ohio Public 119060  
Library Information Network, up to \$81,000 in each fiscal year 119061  
shall be used to help local libraries use filters to screen out 119062  
obscene and illegal internet materials. 119063

The OPLIN Board shall research and assist or advise local 119064  
libraries with regard to emerging technologies and methods that 119065  
may be effective means to control access to obscene and illegal 119066  
materials. The OPLIN Executive Director shall provide biannual 119067  
written reports to the Governor, the Speaker and Minority Leader 119068  
of the House of Representatives, and the President and Minority 119069  
Leader of the Senate on any steps being taken by OPLIN and public 119070  
libraries in the state to limit and control such improper usage as 119071  
well as information on technological, legal, and law enforcement 119072  
trends nationally and internationally affecting this area of 119073  
public access and service. 119074

(C) The Ohio Public Library Information Network, INFOhio, and 119075  
OhioLINK shall, to the extent feasible, coordinate and cooperate 119076  
in their purchase or other acquisition of the use of electronic 119077  
databases for their respective users and shall contribute funds in 119078  
an equitable manner to such effort. 119079

LIBRARY FOR THE BLIND 119080

The foregoing appropriation item 350605, Library for the 119081  
Blind, shall be used for the statewide Talking Book Program to 119082  
assist the blind and disabled. 119083

TRANSFER TO OPLIN TECHNOLOGY FUND 119084

Notwithstanding sections 5747.03 and 5747.47 of the Revised 119085  
Code and any other provision of law to the contrary, in accordance 119086  
with a schedule established by the Director of Budget and 119087  
Management, the Director of Budget and Management shall transfer 119088

\$3,702,150 cash in each fiscal year from the Public Library Fund 119089  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 119090

TRANSFER TO LIBRARY FOR THE BLIND FUND 119091

Notwithstanding sections 5747.03 and 5747.47 of the Revised 119092  
Code and any other provision of law to the contrary, in accordance 119093  
with a schedule established by the Director of Budget and 119094  
Management, the Director of Budget and Management shall transfer 119095  
\$1,274,194 cash in each fiscal year from the Public Library Fund 119096  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 119097

**Section 325.10.** LCO LIQUOR CONTROL COMMISSION 119098

Liquor Control Fund Group 119099

7043 970321	Operating Expenses	\$	772,524	\$	797,524	119100
TOTAL LCF Liquor Control Fund Group						119101
TOTAL ALL BUDGET FUND GROUPS						119102

**Section 327.10.** LOT STATE LOTTERY COMMISSION 119104

State Lottery Fund Group 119105

2310 950604	Charitable Gaming	\$	2,378,000	\$	2,378,000	119106
Oversight						
7044 950100	Personal Services	\$	31,487,285	\$	31,237,206	119107
7044 950200	Maintenance	\$	14,578,155	\$	14,652,155	119108
7044 950300	Equipment	\$	4,058,420	\$	3,603,920	119109
7044 950402	Advertising Contracts	\$	23,548,000	\$	23,548,000	119110
7044 950403	Gaming Contracts	\$	47,978,749	\$	48,756,010	119111
7044 950500	Problem Gambling	\$	350,000	\$	350,000	119112
Subsidy						
7044 950601	Direct Prize Payments	\$	124,426,168	\$	124,884,039	119113
8710 950602	Annuity Prizes	\$	89,935,565	\$	89,415,976	119114
TOTAL SLF State Lottery Fund						119115
Group						119116
TOTAL ALL BUDGET FUND GROUPS						119117

OPERATING EXPENSES	119118
Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 15 per cent of anticipated total revenue accruing from the sale of lottery tickets. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.	119119 119120 119121 119122 119123 119124 119125
DIRECT PRIZE PAYMENTS	119126
Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes, bonuses, and commissions are hereby appropriated.	119127 119128 119129 119130 119131
ANNUITY PRIZES	119132
Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.	119133 119134 119135 119136 119137 119138 119139
Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.	119140 119141 119142 119143
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	119144
The Director of Budget and Management shall transfer an amount greater than or equal to \$705,000,000 in fiscal year 2010 and \$711,000,000 in fiscal year 2011 from the State Lottery Fund	119145 119146 119147

to the Lottery Profits Education Fund (Fund 7017). Transfers from 119148  
the State Lottery Fund to the Lottery Profits Education Fund shall 119149  
represent the estimated net income from operations for the 119150  
Commission in fiscal year 2010 and fiscal year 2011. Transfers by 119151  
the Director of Budget and Management to the Lottery Profits 119152  
Education Fund shall be administered as the statutes direct. 119153

**Section 329.10. MHC MANUFACTURED HOMES COMMISSION** 119154

General Services Fund Group 119155  
4K90 996609 Operating Expenses \$ 434,671 \$ 434,671 119156  
TOTAL GSF General Services 119157  
Fund Group \$ 434,671 \$ 434,671 119158  
TOTAL ALL BUDGET FUND GROUPS \$ 434,671 \$ 434,671 119159

**Section 331.10. MED STATE MEDICAL BOARD** 119161

General Services Fund Group 119162  
5C60 883609 Operating Expenses \$ 8,341,545 \$ 8,341,545 119163  
TOTAL GSF General Services 119164  
Fund Group \$ 8,341,545 \$ 8,341,545 119165  
TOTAL ALL BUDGET FUND GROUPS \$ 8,341,545 \$ 8,341,545 119166

**Section 333.10. AMB MEDICAL TRANSPORTATION BOARD** 119168

General Services Fund Group 119169  
4K90 915604 Operating Expenses \$ 473,450 \$ 473,450 119170  
TOTAL GSF General Services 119171  
Fund Group \$ 473,450 \$ 473,450 119172  
TOTAL ALL BUDGET FUND GROUPS \$ 473,450 \$ 473,450 119173

**Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH** 119175

General Revenue Fund 119176  
GRF 332401 Forensic Services \$ 3,904,972 \$ 3,904,972 119177  
GRF 333321 Central \$ 19,204,000 \$ 17,204,000 119178



		Administration					
GRF	333402	Resident Trainees	\$	637,460	\$	637,460	119179
GRF	333403	Pre-Admission	\$	650,135	\$	650,135	119180
		Screening Expenses					
GRF	333415	Lease-Rental Payments	\$	21,626,800	\$	22,360,300	119181
GRF	333416	Research Program	\$	701,086	\$	701,086	119182
		Evaluation					
GRF	334408	Community and Hospital Mental Health Services	\$	383,724,688	\$	383,724,688	119183
GRF	334506	Court Costs	\$	781,322	\$	781,322	119184
GRF	335404	Behavioral Health Services-Children	\$	8,460,800	\$	8,460,800	119185
GRF	335405	Family & Children First	\$	2,322,000	\$	2,322,000	119186
GRF	335419	Community Medication Subsidy	\$	9,959,798	\$	9,959,798	119187
GRF	335505	Local Mental Health Systems of Care	\$	85,510,483	\$	65,567,856	119188
GRF	335636	Local Mental Health Subsidy - Federal Stimulus	\$	0	\$	27,697,699	119189
TOTAL GRF		General Revenue Fund	\$	537,483,544	\$	543,972,116	119190
		General Services Fund Group					119191
1490	333609	Central Office Operating	\$	1,350,000	\$	1,350,000	119192
1490	334609	Hospital - Operating Expenses	\$	28,700,000	\$	29,200,000	119193
1500	334620	Special Education	\$	150,000	\$	150,000	119194
4P90	335604	Community Mental Health Projects	\$	250,000	\$	250,000	119195
1510	336601	Office of Support Services	\$	159,279,140	\$	170,258,490	119196

TOTAL GSF General Services Fund	\$	189,729,140	\$	201,208,490	119197
Group					
Federal Special Revenue Fund Group					119198
3240 333605 Medicaid/Medicare	\$	154,500	\$	154,500	119199
3A60 333608 Community and	\$	140,000	\$	140,000	119200
Hospital Services					
3A70 333612 Social Services Block	\$	25,000	\$	25,000	119201
Grant					
3A80 333613 Federal Grant -	\$	4,888,105	\$	4,888,105	119202
Administration					
3A90 333614 Mental Health Block	\$	748,470	\$	748,470	119203
Grant -					
Administration					
3B10 333635 Community Medicaid	\$	13,691,682	\$	13,691,682	119204
Expansion					
3240 334605 Medicaid/Medicare	\$	25,200,000	\$	30,200,000	119205
3A60 334608 Federal Miscellaneous	\$	586,224	\$	586,224	119206
3A80 334613 Federal Letter of	\$	200,000	\$	200,000	119207
Credit					
3B00 334617 Elementary/Secondary	\$	182,334	\$	182,334	119208
Education Act					
3A60 335608 Federal Miscellaneous	\$	2,178,699	\$	2,178,699	119209
3A70 335612 Social Services Block	\$	8,632,288	\$	8,632,288	119210
Grant					
3A80 335613 Federal Grant -	\$	2,595,040	\$	2,595,040	119211
Community Mental					
Health Board Subsidy					
3A90 335614 Mental Health Block	\$	14,220,930	\$	14,220,930	119212
Grant					
3B10 335635 Community Medicaid	\$	362,770,242	\$	345,067,320	119213
Expansion					
TOTAL FED Federal Special Revenue	\$	436,213,514	\$	423,510,592	119214
Fund Group					

State Special Revenue Fund Group					119215	
2320 333621	Family and Children	\$	725,000	\$	725,000	119216
	First Administration					
4850 333632	Mental Health	\$	134,233	\$	134,233	119217
	Operating					
4X50 333607	Behavioral Health	\$	3,000,624	\$	3,000,624	119218
	Medicaid Services					
5V20 333611	Non-Federal	\$	560,000	\$	560,000	119219
	Miscellaneous					
4850 334632	Mental Health	\$	2,400,000	\$	2,400,000	119220
	Operating					
6920 334636	Community Mental	\$	80,000	\$	80,000	119221
	Health Board Risk					
	Fund					
5AU0 335615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000	119222
5CH0 335622	Residential Support	\$	1,500,000	\$	1,500,000	119223
	Service					
6320 335616	Community Capital	\$	700,000	\$	700,000	119224
	Replacement					
TOTAL SSR State Special Revenue		\$	15,789,857	\$	15,789,857	119225
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,179,216,055	\$	1,184,481,055	119226

**Section 335.10.10. FORENSIC SERVICES** 119228

The foregoing appropriation item 332401, Forensic Services, 119229  
shall be used to provide psychiatric services to courts of common 119230  
pleas. The appropriation shall be allocated through community 119231  
mental health boards to certified community agencies and shall be 119232  
distributed according to the criteria delineated in rule 119233  
5122:32-01 of the Administrative Code. These community forensic 119234  
funds may also be used to provide forensic training to community 119235  
mental health boards and to forensic psychiatry residency programs 119236  
in hospitals operated by the Department of Mental Health and to 119237

provide evaluations of patients of forensic status in facilities 119238  
operated by the Department of Mental Health prior to conditional 119239  
release to the community. 119240

In addition, appropriation item 332401, Forensic Services, 119241  
may be used to support projects involving mental health or 119242  
substance abuse, to assist courts and law enforcement to identify 119243  
and develop appropriate alternative services to incarceration for 119244  
nonviolent mentally ill offenders, and to provide specialized 119245  
re-entry services to offenders leaving prisons and jails. Funds 119246  
may also be used to provide forensic monitoring and tracking in 119247  
addition to community programs serving persons of forensic status 119248  
on conditional release or probation. 119249

**Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS** 119250

The foregoing appropriation item 333402, Resident Trainees, 119251  
shall be used to fund training agreements entered into by the 119252  
Director of Mental Health for the development of curricula and the 119253  
provision of training programs to support public mental health 119254  
services. 119255

**Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES** 119256

The foregoing appropriation item 333403, Pre-Admission 119257  
Screening Expenses, shall be used to ensure that uniform statewide 119258  
methods for pre-admission screening are in place for persons who 119259  
have severe mental illness and are referred for long-term Medicaid 119260  
certified nursing facility placement. Pre-admission screening 119261  
includes the following activities: pre-admission assessment, 119262  
consideration of continued stay requests, discharge planning and 119263  
referral, and adjudication of appeals and grievance procedures. 119264  
119265

**Section 335.20.30. LEASE-RENTAL PAYMENTS** 119266

The foregoing appropriation item 333415, Lease-Rental Payments, shall be used to meet all payments during the period from July 1, 2009, to June 30, 2011, by the Department of Mental Health under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

**Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES** 119274

The Department of Mental Health shall administer specified Medicaid services as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 333607, Behavioral Health Medicaid Services, may be used to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with the Department of Job and Family Services.

**Section 335.30.10. COMMUNITY MENTAL HEALTH BOARD RISK FUND** 119282

The foregoing appropriation item 334636, Community Mental Health Board Risk Fund, shall be used to make payments under section 5119.62 of the Revised Code.

**Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN** 119286

The foregoing appropriation item 335404, Behavioral Health Services-Children, shall be used to provide behavioral health services for children and their families. At least \$1,000,000 in each fiscal year shall be used to provide behavioral health treatment services for children under the age of seven and their families. Behavioral health services include mental health and alcohol and other drug treatment services and other necessary supports.

The foregoing appropriation item 335404, Behavioral Health 119295

Services-Children, shall be distributed to boards of alcohol, drug 119296  
addiction, and mental health services, including community mental 119297  
health boards and alcohol and drug addiction boards, based upon a 119298  
distribution formula approved by the Director of Mental Health, 119299  
except that the amount earmarked for children under the age of 119300  
seven shall be distributed to the local boards based on 119301  
community-need as determined by the Director of Mental Health. 119302  
These moneys shall be used in accordance with the board's 119303  
applicable plan or plans developed under sections 340.03 and 119304  
340.033 of the Revised Code and in collaboration with the local 119305  
family and children first council. Collaboration with the local 119306  
council shall be conducted through a process defined by a system 119307  
of care guidance as approved by the Ohio Family and Children First 119308  
Cabinet Council. 119309

**Section 335.40.15. FAMILY AND CHILDREN FIRST** 119310

(A) As used in this section: 119311

(1) "At-risk individual" means an individual at great risk of 119312  
not being able to access available health and social services due 119313  
to barriers such as poverty, inadequate transportation, culture, 119314  
and priorities of basic survival. 119315

(2) "Care coordination agency" means a person or government 119316  
entity that assists at-risk individuals access available health 119317  
and social services the at-risk individuals need. 119318

(3) "Regional care coordination hub" means each of the 119319  
following: 119320

(a) Toledo/Lucas County CareNet; 119321

(b) Health Care Access Now in Cincinnati; 119322

(c) Community Health Access Project in Richland County. 119323

(B) Of the foregoing appropriation item 335405, Family & 119324  
Children First, \$130,000 in each fiscal year shall be provided to 119325

Toledo/Lucas County CareNet; \$130,000 in each fiscal year shall be 119326  
provided to Health Care Access Now in Cincinnati; and, \$130,000 in 119327  
each fiscal year shall be provided to the Community Health Access 119328  
Project in Richland County. Each regional care coordination hub 119329  
shall use the money to do all of the following: 119330

(1) Help a care coordination agency that volunteers to work 119331  
with the regional care coordination hub do both of the following: 119332

(a) Identify at-risk individuals; 119333

(b) Eliminate duplicate care coordination services provided 119334  
to at-risk individuals the hub helps the care coordination agency 119335  
identify. 119336

(2) Collect the following information from a care 119337  
coordination agency for each at-risk individual the hub helps the 119338  
agency identify: 119339

(a) Whether the agency succeeded in enrolling the at-risk 119340  
individual in the agency's care coordination services; 119341

(b) The duplicate care coordination services for the at-risk 119342  
individual that were eliminated; 119343

(c) The health and social services the at-risk individual 119344  
needs; 119345

(d) The barriers the at-risk individual has to accessing the 119346  
health and social services the individual needs; 119347

(e) Whether the agency succeeded in helping the at-risk 119348  
individual access the health and social services the individual 119349  
needs; 119350

(f) The outcomes of the health and social services the at 119351  
risk individual accessed. 119352

(3) Compile the information collected under division (B)(2) 119353  
of this section and provide it to the regional care coordination 119354  
hub's governing board and the Ohio Children and Family First 119355

Cabinet Council. 119356

(C) Of the foregoing appropriation item 335405, Family & 119357  
Children First, \$124,000 in each fiscal year shall be used by the 119358  
Ohio Family and Children First Cabinet Council to provide support 119359  
services to the three regional care coordination hubs, to 119360  
facilitate the delivery of information from the regional care 119361  
coordination hubs to the Ohio Family and Children First Cabinet 119362  
Council, and to help improve care coordination services based on 119363  
information from the regional care coordination hubs. 119364

**Section 335.40.20. COMMUNITY MEDICATION SUBSIDY** 119365

The foregoing appropriation item 335419, Community Medication 119366  
Subsidy, shall be used to provide subsidized support for 119367  
psychotropic medication needs of indigent citizens in the 119368  
community to reduce unnecessary hospitalization because of lack of 119369  
medication and to provide subsidized support for methadone costs. 119370

**Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE** 119371

Of the foregoing appropriation item 335505, Local Mental 119372  
Health Systems of Care, \$669,912 in fiscal year 2010 and 119373  
\$1,261,286 in fiscal year 2011 shall be provided to alcohol, drug 119374  
addiction, and mental health services boards and community mental 119375  
health boards to pay the nonfederal share of the one-half of one 119376  
per cent increase in the Medicaid reimbursement rate ceilings for 119377  
Medicaid-covered community behavioral health services provided for 119378  
under the section of this act titled "INCREASE IN MEDICAID RATES 119379  
FOR COMMUNITY BEHAVIORAL HEALTH SERVICES." 119380

The remainder of foregoing appropriation item 335505, Local 119381  
Mental Health Systems of Care, shall be used for mental health 119382  
services provided by community mental health boards in accordance 119383  
with a community mental health plan submitted under section 340.03 119384  
of the Revised Code and as approved by the Department of Mental 119385



Health.						119386	
<b>Section 337.10.</b> DMR DEPARTMENT OF MENTAL RETARDATION AND						119387	
DEVELOPMENTAL DISABILITIES						119388	
General Revenue Fund						119389	
GRF	320321	Central	\$	5,485,500	\$	5,485,500	119390
Administration							
GRF	320412	Protective Services	\$	2,558,619	\$	2,558,619	119391
GRF	320415	Lease-Rental Payments	\$	21,626,800	\$	22,360,300	119392
GRF	322413	Residential and	\$	5,854,555	\$	5,854,555	119393
Support Services							
GRF	322416	Medicaid Waiver -	\$	76,940,156	\$	96,995,649	119394
State Match							
GRF	322451	Family Support	\$	6,616,953	\$	6,616,953	119395
Services							
GRF	322501	County Boards	\$	82,093,807	\$	49,338,483	119396
Subsidies							
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	119397
GRF	322504	Martin Settlement	\$	36,841,819	\$	36,841,819	119398
GRF	322646	MR/DD Subsidy -	\$	0	\$	23,185,824	119399
Federal Stimulus							
GRF	322647	ICF/MR Franchise Fee	\$	5,600,000	\$	7,500,000	119400
- Developmental							
Centers							
GRF	323321	Developmental Center	\$	72,874,333	\$	80,147,778	119401
and Residential							
Facilities Operation							
Expenses							
TOTAL GRF	General Revenue Fund		\$	330,492,542	\$	350,885,480	119402
General Services Fund Group						119403	
4880	322603	Provider Audit	\$	10,000	\$	10,000	119404
Refunds							

1520	323609	Developmental Center and Residential Operating Services	\$	2,500,000	\$	2,600,000	119405
TOTAL GSF General Services Fund Group			\$	2,510,000	\$	2,610,000	119406
Federal Special Revenue Fund Group							119407
3A50	320613	DD Council	\$	2,891,473	\$	2,963,760	119408
3250	322612	Community Social Service Programs	\$	10,494,451	\$	10,494,451	119409
3G60	322639	Medicaid Waiver - Federal	\$	759,888,829	\$	745,540,748	119410
3M70	322650	CAFS Medicaid	\$	28,465,980	\$	29,349,502	119411
3A40	323605	Developmental Center and Residential Facility Services and Support	\$	167,503,941	\$	162,857,712	119412
TOTAL FED Federal Special Revenue Fund Group			\$	969,244,674	\$	951,206,173	119413
State Special Revenue Fund Group							119414
5GE0	320606	Operating and Services	\$	3,760,504	\$	7,521,008	119415
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000	119416
4K80	322604	Medicaid Waiver - State Match	\$	12,000,000	\$	12,000,000	119417
5CT0	322632	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	119418
5DJ0	322625	Targeted Case Management Match	\$	14,881,985	\$	13,716,454	119419
5DJ0	322626	Targeted Case Management Services	\$	29,926,640	\$	31,123,705	119420
5DK0	322629	Capital Replacement	\$	750,000	\$	750,000	119421

		Facilities				
5E00	322627	Program Fees	\$	700,000	\$	700,000 119422
5H00	322619	Medicaid Repayment	\$	150,000	\$	150,000 119423
5Z10	322624	County Board Waiver	\$	158,648,995	\$	169,754,424 119424
		Match				
4890	323632	Developmental Center	\$	15,395,774	\$	15,395,684 119425
		Direct Care Support				
5S20	590622	Medicaid	\$	17,585,557	\$	18,214,835 119426
		Administration &				
		Oversight				
TOTAL SSR	State Special Revenue		\$	254,949,455	\$	270,476,110 119427
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$	1,557,196,671	\$	1,575,177,763 119428

**Section 337.20.10. LEASE-RENTAL PAYMENTS** 119430

The foregoing appropriation item 320415, Lease-Rental 119431  
 Payments, shall be used to meet all payments at the time they are 119432  
 required to be made during the period from July 1, 2009, to June 119433  
 30, 2011, by the Department of Mental Retardation and 119434  
 Developmental Disabilities under leases and agreements made under 119435  
 section 154.20 of the Revised Code. These appropriations are the 119436  
 source of funds pledged for bond service charges or obligations 119437  
 issued pursuant to Chapter 154. of the Revised Code. 119438

**Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES** 119439

The Department of Mental Retardation and Developmental 119440  
 Disabilities may designate a portion of appropriation item 322413, 119441  
 Residential and Support Services, for Sermak Class Services used 119442  
 to implement the requirements of the agreement settling the 119443  
 consent decree in *Sermak v. Manuel*, Case No. c-2-80-220, United 119444  
 States District Court for the Southern District of Ohio, Eastern 119445  
 Division. 119446

**Section 337.30.20.** OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS 119447  
119448

The foregoing appropriation item 322413, Residential Support Services, may be used for residential and support service programs, developed by the Department of Mental Retardation and Developmental Disabilities, that enable persons with mental retardation and developmental disabilities to live in the community. 119449  
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**Section 337.30.30.** MEDICAID WAIVER - STATE MATCH (GRF) 119455

Except as otherwise provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 322416, Medicaid Waiver - State Match, shall be used include the following: 119456  
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119459

(A) Home and community-based waiver services under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 119460  
119461  
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(B) To pay the nonfederal share of the cost of one or more new intermediate care facilities for the mentally retarded certified beds, if the Director of Mental Retardation and Developmental Disabilities is required by this act to transfer to the Director of Job and Family Services funds to pay such nonfederal share. 119463  
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**Section 337.30.40.** FISCAL PLAN FOR HOME AND COMMUNITY-BASED WAIVER SERVICES 119469  
119470

Not later than December 31, 2009, the Director of Mental Retardation and Developmental Disabilities shall submit a plan to the Director of Job and Family Services with recommendations for actions to be taken addressing the fiscal sustainability of home and community-based services as defined in section 5123.01 of the 119471  
119472  
119473  
119474  
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Revised Code. The plan may include recommendations for all of the following: 119476  
119477

(A) Changing the ranges in the amount the Medicaid program will pay per individual for the home and community-based services; 119478  
119479

(B) Establishing one or more maximum amounts that the Medicaid program will pay per individual for the home and community-based services; 119480  
119481  
119482

(C) Modifying the methodology used in establishing payment rates for providers, including the methodology's component that reflects wages and benefits for persons providing direct care and the component that reflects training and direct supervision of those persons. 119483  
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**Section 337.30.45. GOLDEN KEY CENTER FOR EXCEPTIONAL CHILDREN** 119488

Of the foregoing appropriation item 322451, Family Support Services, \$25,000 in each fiscal year shall be provided to the Golden Key Center for Exceptional Children for operational support. 119489  
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**Section 337.30.50. STATE SUBSIDY TO COUNTY MR/DD BOARDS** 119493

Except as otherwise provided in the section of this act titled "Nonfederal Share of New ICF/MR Beds," the Director of Mental Retardation and Developmental Disabilities, in consultation with the county boards of mental retardation and developmental disabilities, shall develop a formula for allocating the foregoing appropriation item 322501, County Boards Subsidies, to each board. The Department shall distribute this subsidy to county boards in quarterly installments. 119494  
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Except as otherwise provided in section 5126.0511 of the Revised Code, county boards shall use the subsidy for early childhood services and adult services provided under section 119502  
119503  
119504

5126.05 of the Revised Code, service and support administration 119505  
provided under section 5126.15 of the Revised Code, and supported 119506  
living as defined in section 5126.01 of the Revised Code. 119507

**Section 337.30.60. COUNTY BOARD SHARE OF WAIVER SERVICES** 119508

As used in this section, "home and community-based services" 119509  
has the same meaning as in section 5123.01 of the Revised Code. 119510

The Director of Mental Retardation and Developmental 119511  
Disabilities shall establish a methodology to be used in state 119512  
fiscal years 2010 and 2011 to estimate the quarterly amount each 119513  
county board of mental retardation and developmental disabilities 119514  
is to pay of the nonfederal share of home and community-based 119515  
services that section 5126.0510 of the Revised Code requires 119516  
county boards to pay. Each quarter, the Director shall submit to a 119517  
county board written notice of the amount the county board is to 119518  
pay for that quarter. The notice shall specify when the payment is 119519  
due. 119520

If a county board fails to make the full payment by the time 119521  
it is due, the Director of Mental Retardation and Developmental 119522  
Disabilities may withhold the amount the county board fails to pay 119523  
from one or more of the state subsidies that the Department of 119524  
Mental Retardation and Developmental Disabilities would otherwise 119525  
provide to the county board. Each quarter, the Director may use 119526  
one or more of the following appropriation items to transfer cash 119527  
from the General Revenue Fund to the County Board Waiver Match 119528  
Fund (Fund 5Z10) equal to the amount the county board failed to 119529  
pay: 119530

(A) Appropriation item 322413, Residential and Support 119531  
Services; 119532

(B) Appropriation item 322451, Family Support Services; 119533

(C) Appropriation item 322501, County Boards Subsidies; 119534

(D) Appropriation item 322503, Tax Equity. 119535

Transfers shall be made using an intrastate transfer voucher. 119536

**Section 337.30.70. TAX EQUITY** 119537

Notwithstanding section 5126.18 of the Revised Code, if the 119538  
Director of Mental Retardation and Developmental Disabilities 119539  
determines that there is sufficient appropriation available, the 119540  
foregoing appropriation item 322503, Tax Equity, shall be used to 119541  
pay each county board of mental retardation and developmental 119542  
disabilities an amount that is equal to the amount the board 119543  
received for fiscal year 2009. If the Director determines that 119544  
there is not sufficient appropriation available for this purpose, 119545  
the Department shall pay to each county board an amount that is 119546  
proportionate to the amount the board received for fiscal year 119547  
2009. Proportionality shall be determined by dividing the total 119548  
tax equity payments distributed to county boards for fiscal year 119549  
2009 by the tax equity payment a county board received for fiscal 119550  
year 2009. 119551

**Section 337.30.80. MEDICAID WAIVER - STATE MATCH (FUND 4K80)** 119552

The foregoing appropriation item 322604, Medicaid Waiver - 119553  
State Match (Fund 4K80), shall be used as state matching funds for 119554  
home and community-based waivers. 119555

**Section 337.30.85. ICF/MR CONVERSION** 119556

(A) As used in this section, "home and community-based 119557  
services" has the same meaning as in section 5123.01 of the 119558  
Revised Code. 119559

(B) For each quarter of the biennium, the Director of Mental 119560  
Retardation and Developmental Disabilities shall certify to the 119561  
Director of Budget and Management the estimated amount needed to 119562  
fund the provision of home and community-based services made 119563

available by the slots sought under section 5111.877 of the 119564  
Revised Code. On receipt of certification, the Director of Budget 119565  
and Management shall transfer the estimated amount in cash from 119566  
the General Revenue Fund to the Home and Community-Based 119567  
Services/Mental Retardation Fund (Fund 4K80), used by the 119568  
Department of Mental Retardation and Developmental Disabilities. 119569  
Upon completion of the transfer, appropriation item 600525, Health 119570  
Care/Medicaid, is hereby reduced by the amount transferred under 119571  
this section plus the corresponding federal share. The amount 119572  
transferred to Fund 4K80 is hereby appropriated to appropriation 119573  
item 322604, Medicaid Waiver - State Match. 119574

(C) If receipts credited to the Medicaid Waiver Fund (Fund 119575  
3G60) exceed the amounts appropriated from the fund, the Director 119576  
of Mental Retardation and Developmental Disabilities may request 119577  
the Director of Budget and Management to authorize expenditures 119578  
from the fund in excess of the amounts appropriated. Upon the 119579  
approval of the Director of Budget and Management, the additional 119580  
amounts are hereby appropriated. 119581

(D) If receipts credited to the Interagency Reimbursement 119582  
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 119583  
the Director of Job and Family Services may request the Director 119584  
of Budget and Management to authorize expenditures from the fund 119585  
in excess of the amounts appropriated. Upon approval of the 119586  
Director of Budget and Management, the additional amounts are 119587  
hereby appropriated. 119588

**Section 337.30.90. TARGETED CASE MANAGEMENT SERVICES** 119589

County boards of mental retardation and developmental 119590  
disabilities shall pay the nonfederal portion of targeted case 119591  
management costs to the Department of Mental Retardation and 119592  
Developmental Disabilities. The Director of Mental Retardation and 119593  
Developmental Disabilities shall withhold any amount owed to the 119594



Department from subsequent payments from any appropriation item or 119595  
money otherwise due to a nonpaying county. 119596

The Directors of Mental Retardation and Developmental 119597  
Disabilities and Job and Family Services may enter into an 119598  
interagency agreement under which the Department of Mental 119599  
Retardation and Developmental Disabilities shall transfer cash to 119600  
the Department of Job and Family Services equal to the nonfederal 119601  
portion of the cost of targeted case management services paid by 119602  
county boards and the Department of Job and Family Services shall 119603  
pay the total cost of targeted case management claims. The 119604  
transfer shall be made using an intrastate transfer voucher. 119605

**Section 337.31.10. TRANSFER TO PROGRAM FEE FUND** 119606

On July 1, 2009, or as soon as possible thereafter, the 119607  
Director of Mental Retardation and Developmental Disabilities 119608  
shall request that the Director of Budget and Management transfer 119609  
the cash balance in the Conference/Training Fund (Fund 4B50) to 119610  
the Program Fee Fund (Fund 5EV0). Upon completion of the transfer, 119611  
Fund 4B50 is abolished. The Director of Mental Retardation and 119612  
Developmental Disabilities shall cancel any existing encumbrances 119613  
against appropriation item 320640, Training and Service 119614  
Development, and re-establish them against appropriation item 119615  
322627, Program Fees. The re-established encumbrances are hereby 119616  
appropriated. 119617

**Section 337.31.20. DEVELOPMENTAL CENTER BILLING FOR SERVICES** 119618

Developmental centers of the Department of Mental Retardation 119619  
and Developmental Disabilities may provide services to persons 119620  
with mental retardation or developmental disabilities living in 119621  
the community or to providers of services to these persons. The 119622  
Department may develop a method for recovery of all costs 119623  
associated with the provisions of these services. 119624

**Section 337.40.10.** TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 119625  
PHARMACY PROGRAMS 119626

The Director of Mental Retardation and Developmental 119627  
Disabilities shall transfer cash to the Department of Job and 119628  
Family Services quarterly, in an amount equal to the nonfederal 119629  
share of Medicaid prescription drug claim costs for all 119630  
developmental centers paid by the Department of Job and Family 119631  
Services. The quarterly transfer shall be made using an intrastate 119632  
transfer voucher. 119633

**Section 337.40.20.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 119634  
SERVICES 119635

Any county funds received by the Department of Mental 119636  
Retardation and Developmental Disabilities from county boards for 119637  
active treatment shall be deposited in the Mental Retardation 119638  
Operating Fund (Fund 4890). 119639

**Section 337.40.30.** NONFEDERAL SHARE OF NEW ICF/MR BEDS 119640

(A) As used in this section, "intermediate care facility for 119641  
the mentally retarded" has the same meaning as in section 5111.20 119642  
of the Revised Code. 119643

(B) If one or more new beds obtain certification as an 119644  
intermediate care facility for the mentally retarded bed on or 119645  
after July 1, 2009, the Director of Mental Retardation and 119646  
Developmental Disabilities shall transfer cash to the Department 119647  
of Job and Family Services to pay the nonfederal share of the cost 119648  
under the Medicaid Program for those beds. The transfer shall be 119649  
made using an intrastate transfer voucher. Except as otherwise 119650  
provided in section 5123.0416 of the Revised Code, the Director 119651  
shall use only the following appropriation items for the transfer: 119652

(1) Appropriation item 322416, Medicaid Waiver - State Match; 119653

						119654
	(2)	Appropriation item 322501, County Boards Subsidies.				119655
	(C)	If the beds are located in a county served by a county board of mental retardation and developmental disabilities that initiates or supports the beds' certification, the cash that the Director transfers under division (B) of this section shall be moneys that the Director has allocated to the county board serving the county in which the beds are located unless the amount of the allocation is insufficient to pay the entire nonfederal share of the cost under the Medicaid Program for those beds. If the allocation is insufficient, the Director shall use as much of such moneys allocated to other counties as is needed to make up the difference.				119656 119657 119658 119659 119660 119661 119662 119663 119664 119665 119666
	<b>Section 339.10.</b>	MIH COMMISSION ON MINORITY HEALTH				119667
		General Revenue Fund				119668
GRF	149321	Operating Expenses	\$	740,998	\$	749,998 119669
GRF	149501	Minority Health	\$	1,250,440	\$	1,241,440 119670
		Grants				
GRF	149502	Lupus Program	\$	364,632	\$	364,632 119671
TOTAL GRF		General Revenue Fund	\$	2,356,070	\$	2,356,070 119672
		Federal Special Revenue Fund Group				119673
3J90	149602	Federal Grants	\$	179,250	\$	179,250 119674
TOTAL FED		Federal Special Revenue Fund Group	\$	179,250	\$	179,250 119675
		State Special Revenue Fund Group				119676
4C20	149601	Minority Health	\$	47,500	\$	47,500 119677
		Conference				
TOTAL SSR		State Special Revenue Fund Group	\$	47,500	\$	47,500 119678
TOTAL ALL BUDGET FUND GROUPS			\$	2,582,820	\$	2,582,820 119681

LUPUS PROGRAM				119682
Of the foregoing appropriation item 149502, Lupus Program,				119683
\$250,000 in each fiscal year shall be used for additional lupus				119684
education and awareness activities.				119685
<b>Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR</b>				119686
REGISTRATION BOARD				119687
General Services Fund Group				119688
4K90 865601 Operating Expenses	\$	334,995	\$ 334,995	119689
TOTAL GSF General Services				119690
Fund Group	\$	334,995	\$ 334,995	119691
TOTAL ALL BUDGET FUND GROUPS	\$	334,995	\$ 334,995	119692
<b>Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES</b>				119694
General Revenue Fund				119695
GRF 725401 Wildlife-GRF Central	\$	2,300,000	\$ 2,300,000	119696
Support				
GRF 725413 Lease Rental Payments	\$	21,417,400	\$ 21,556,500	119697
GRF 725423 Stream and Ground	\$	175,000	\$ 175,000	119698
Water Gauging				
GRF 725456 Canal Lands	\$	300,000	\$ 300,000	119699
GRF 725502 Soil and Water	\$	4,500,000	\$ 900,000	119700
Districts				
GRF 725652 Natural Resources	\$	4,886,947	\$ 4,492,839	119701
Operations				
GRF 725903 Natural Resources	\$	26,334,400	\$ 26,549,400	119702
General Obligation				
Debt Service				
GRF 727321 Division of Forestry	\$	6,906,376	\$ 6,906,376	119703
GRF 728321 Division of Geological	\$	1,550,000	\$ 1,550,000	119704
Survey				
GRF 729321 Office of Information	\$	350,000	\$ 350,000	119705

		Technology					
GRF	730321	Division of Parks and Recreation	\$	36,119,971	\$	36,119,971	119706
GRF	736321	Division of Engineering	\$	3,000,000	\$	3,000,000	119707
GRF	737321	Division of Soil and Water Resources	\$	6,628,562	\$	6,628,562	119708
GRF	738321	Division of Real Estate and Land Management	\$	2,000,000	\$	2,000,000	119709
GRF	741321	Division of Natural Areas and Preserves	\$	2,339,873	\$	2,333,981	119710
GRF	744321	Division of Mineral Resources Management	\$	5,029,708	\$	4,152,364	119711
TOTAL GRF		General Revenue Fund	\$	123,838,237	\$	119,314,993	119712
		General Services Fund Group					119713
1550	725601	Departmental Projects	\$	2,235,462	\$	2,319,955	119714
1570	725651	Central Support Indirect	\$	6,500,000	\$	6,500,000	119715
2040	725687	Information Services	\$	4,200,000	\$	4,400,448	119716
2070	725690	Real Estate Services	\$	130,000	\$	132,000	119717
2230	725665	Law Enforcement Administration	\$	2,062,410	\$	2,062,410	119718
2270	725406	Parks Projects Personnel	\$	250,000	\$	250,000	119719
4300	725671	Canal Lands	\$	916,541	\$	922,424	119720
4D50	725618	Recycled Materials	\$	100,000	\$	100,000	119721
4S90	725622	NatureWorks Personnel	\$	412,740	\$	412,740	119722
4X80	725662	Water Resources Council	\$	138,900	\$	138,900	119723
5080	725684	Natural Resources Publications	\$	221,607	\$	177,295	119724
5100	725631	Maintenance -	\$	303,611	\$	303,611	119725

		State-owned					
		Residences					
5160	725620	Water Management	\$	2,931,513	\$	2,931,513	119726
6350	725664	Fountain Square	\$	3,715,398	\$	3,715,398	119727
		Facilities Management					
6970	725670	Submerged Lands	\$	1,072,011	\$	772,011	119728
TOTAL GSF General Services							119729
Fund Group			\$	25,190,193	\$	25,138,705	119730
Federal Special Revenue Fund Group							119731
3320	725669	Federal Mine Safety	\$	258,102	\$	258,102	119732
		Grant					
3B30	725640	Federal Forest	\$	600,000	\$	600,000	119733
		Pass-Thru					
3B40	725641	Federal Flood	\$	700,000	\$	700,000	119734
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	14,307,667	\$	14,307,667	119735
		Mine Lands					
3B60	725653	Federal Land and	\$	2,000,000	\$	2,000,000	119736
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	2,394,565	\$	2,388,775	119737
		Regulatory					
3P00	725630	Natural Areas and	\$	215,000	\$	215,000	119738
		Preserves - Federal					
3P10	725632	Geological Survey -	\$	689,506	\$	692,401	119739
		Federal					
3P20	725642	Oil and Gas-Federal	\$	231,456	\$	234,509	119740
3P30	725650	Coastal Management -	\$	1,711,237	\$	1,711,237	119741
		Federal					
3P40	725660	Federal - Soil and	\$	316,734	\$	316,734	119742
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	2,025,001	\$	2,025,001	119743
		Abatement/Treatment					

3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	119744
TOTAL FED Federal Special Revenue							119745
Fund Group			\$	27,299,268	\$	27,299,426	119746
State Special Revenue Fund Group							119747
4J20	725628	Injection Well Review	\$	119,895	\$	119,996	119748
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	119749
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	119750
5090	725602	State Forest	\$	6,211,924	\$	6,211,924	119751
5110	725646	Ohio Geological Mapping	\$	724,310	\$	723,515	119752
5120	725605	State Parks Operations	\$	29,885,528	\$	29,885,528	119753
5140	725606	Lake Erie Shoreline	\$	1,074,113	\$	974,113	119754
5180	725643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,574,378	119755
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	119756
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	119757
5220	725656	Natural Areas and Preserves	\$	1,550,670	\$	1,550,670	119758
5260	725610	Strip Mining Administration Fee	\$	3,267,587	\$	3,364,361	119759
5270	725637	Surface Mining Administration	\$	1,946,591	\$	1,946,591	119760
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831	119761
5310	725648	Reclamation Forfeiture	\$	2,062,237	\$	2,062,237	119762
5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	119763
5860	725633	Scrap Tire Program	\$	1,500,000	\$	1,500,000	119764
5B30	725674	Mining Regulation		28,850		28,850	119765
5BV0	725683	Soil and Water	\$	10,875,577	\$	15,104,906	119766

		Districts				
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923 119767
5EJ0	725608	Forestry Law	\$	1,000	\$	1,000 119768
		Enforcement				
5EK0	725611	Natural Areas &	\$	1,000	\$	1,000 119769
		Preserves Law				
		Enforcement				
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000 119770
		Enforcement				
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000 119771
5EN0	725614	Watercraft Law	\$	2,500	\$	2,500 119772
		Enforcement				
6150	725661	Dam Safety	\$	807,403	\$	807,403 119773
TOTAL SSR		State Special Revenue				119774
Fund Group			\$	75,179,290	\$	79,552,897 119775
Clean Ohio Conservation Fund Group						119776
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000 119777
TOTAL CLF		Clean Ohio Conservation	\$	310,000	\$	310,000 119778
Fund Group						
Wildlife Fund Group						119779
5P20	725634	Wildlife Boater	\$	2,000,000	\$	2,000,000 119780
		Angler Administration				
7015	740401	Division of Wildlife	\$	58,614,436	\$	54,906,000 119781
		Conservation				
8150	725636	Cooperative	\$	120,449	\$	120,449 119782
		Management Projects				
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885 119783
8170	725655	Wildlife Conservation	\$	2,800,000	\$	2,800,000 119784
		Checkoff Fund				
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000 119785
		Research				
8190	725685	Ohio River Management	\$	128,584	\$	128,584 119786



TOTAL WLF Wildlife Fund Group	\$	66,130,354	\$	62,421,918	119787
Waterways Safety Fund Group					119788
7086 725414 Waterways Improvement	\$	4,265,575	\$	4,265,575	119789
7086 725418 Buoy Placement	\$	52,182	\$	52,182	119790
7086 725501 Waterway Safety	\$	137,867	\$	137,867	119791
Grants					
7086 725506 Watercraft Marine	\$	576,153	\$	576,153	119792
Patrol					
7086 725513 Watercraft	\$	366,643	\$	366,643	119793
Educational Grants					
7086 739401 Division of	\$	19,949,181	\$	19,949,181	119794
Watercraft					
TOTAL WSF Waterways Safety Fund					119795
Group	\$	25,347,601	\$	25,347,601	119796
Accrued Leave Liability Fund Group					119797
4M80 725675 FOP Contract	\$	20,844	\$	20,844	119798
TOTAL ALF Accrued Leave					119799
Liability Fund Group	\$	20,844	\$	20,844	119800
Holding Account Redistribution Fund Group					119801
R017 725659 Performance Cash Bond	\$	296,263	\$	296,263	119802
Refunds					
R043 725624 Forestry	\$	2,000,000	\$	2,000,000	119803
TOTAL 090 Holding Account					119804
Redistribution Fund Group	\$	2,296,263	\$	2,296,263	119805
TOTAL ALL BUDGET FUND GROUPS	\$	345,612,050	\$	341,702,647	119806

**Section 343.20. CENTRAL SUPPORT INDIRECT** 119808

With the exception of the Division of Wildlife, whose direct 119809  
and indirect central support charges shall be paid out of the 119810  
General Revenue Fund from the foregoing appropriation item 725401, 119811  
Wildlife-GRF Central Support, the Department of Natural Resources, 119812  
with approval of the Director of Budget and Management, shall 119813

utilize a methodology for determining each division's payments 119814  
into the Central Support Indirect Fund (Fund 1570). The 119815  
methodology used shall contain the characteristics of 119816  
administrative ease and uniform application in compliance with 119817  
federal grant requirements. It may include direct cost charges for 119818  
specific services provided. Payments to Fund 1570 shall be made 119819  
using an intrastate transfer voucher. 119820

**Section 343.20.10. FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS** 119821

The foregoing appropriation item 725652, Natural Resources 119822  
Operations, shall be used to support services of the Department of 119823  
Natural Resources consistent with funds received from the federal 119824  
government for fiscal stabilization and recovery purposes. 119825  
119826

**Section 343.20.20. WELL LOG FILING FEES** 119827

The Chief of the Division of Water shall deposit fees 119828  
forwarded to the Division pursuant to section 1521.05 of the 119829  
Revised Code into the Departmental Services - Intrastate Fund 119830  
(Fund 1550) for the purposes described in that section. 119831

**Section 343.30. LEASE RENTAL PAYMENTS** 119832

The foregoing appropriation item 725413, Lease Rental 119833  
Payments, shall be used to meet all payments at the times they are 119834  
required to be made during the period from July 1, 2009, to June 119835  
30, 2011, by the Department of Natural Resources pursuant to 119836  
leases and agreements made under section 154.22 of the Revised 119837  
Code. These appropriations are the source of funds pledged for 119838  
bond service charges or obligations issued pursuant to Chapter 119839  
154. of the Revised Code. 119840

**CANAL LANDS** 119841

The foregoing appropriation item 725456, Canal Lands, shall 119842

be used to transfer funds to the Canal Lands Fund (Fund 4300) to 119843  
provide operating expenses for the State Canal Lands Program. The 119844  
transfer shall be made using an intrastate transfer voucher and 119845  
shall be subject to the approval of the Director of Budget and 119846  
Management. 119847

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 119848

The foregoing appropriation item 725903, Natural Resources 119849  
General Obligation Debt Service, shall be used to pay all debt 119850  
service and related financing costs during the period July 1, 119851  
2009, to June 30, 2011, on obligations issued under sections 119852  
151.01 and 151.05 of the Revised Code. 119853

**Section 343.30.10.** FOUNTAIN SQUARE 119854

The foregoing appropriation item 725664, Fountain Square 119855  
Facilities Management, shall be used for payment of repairs, 119856  
renovation, utilities, property management, and building 119857  
maintenance expenses for the Fountain Square complex. Cash 119858  
transferred by intrastate transfer vouchers from various 119859  
department funds and rental income received by the Department of 119860  
Natural Resources shall be deposited into the Fountain Square 119861  
Facilities Management Fund (Fund 6350). 119862

**Section 343.40.** SOIL AND WATER DISTRICTS 119863

In addition to state payments to soil and water conservation 119864  
districts authorized by section 1515.10 of the Revised Code, the 119865  
Department of Natural Resources may use appropriation item 725502, 119866  
Soil and Water Districts, to pay any soil and water conservation 119867  
district an annual amount not to exceed \$30,000, upon receipt of a 119868  
request and justification from the district and approval by the 119869  
Ohio Soil and Water Conservation Commission. The county auditor 119870  
shall credit the payments to the special fund established under 119871  
section 1515.10 of the Revised Code for the local soil and water 119872

conservation district. Moneys received by each district shall be 119873  
expended for the purposes of the district. 119874

The foregoing appropriation item 725683, Soil and Water 119875  
Districts, shall be expended for the purposes described above, 119876  
except that the funding source for this appropriation shall be 119877  
fees applied on the disposal of construction and demolition debris 119878  
and municipal solid waste as provided in section 1515.14 of the 119879  
Revised Code. 119880

OIL AND GAS WELL PLUGGING 119881

The foregoing appropriation item 725677, Oil and Gas Well 119882  
Plugging, shall be used exclusively for the purposes of plugging 119883  
wells and to properly restore the land surface of idle and orphan 119884  
oil and gas wells pursuant to section 1509.071 of the Revised 119885  
Code. No funds from the appropriation item shall be used for 119886  
salaries, maintenance, equipment, or other administrative 119887  
purposes, except for those costs directly attributed to the 119888  
plugging of an idle or orphan well. This appropriation item shall 119889  
not be used to transfer cash to any other fund or appropriation 119890  
item. 119891

LITTER CONTROL AND RECYCLING 119892

Of the foregoing appropriation item 725644, Litter Control 119893  
and Recycling, up to \$1,500,000 may be used in each fiscal year 119894  
for the administration of the Recycling and Litter Prevention 119895  
Program. 119896

**Section 343.40.10.** CLEAN OHIO OPERATING EXPENSES 119897

The foregoing appropriation item 725405, Clean Ohio 119898  
Operating, shall be used by the Department of Natural Resources in 119899  
administering section 1519.05 of the Revised Code. 119900

**Section 343.50.** WATERCRAFT MARINE PATROL 119901

Of the foregoing appropriation item 739401, Division of 119902  
Watercraft, up to \$200,000 in each fiscal year shall be expended 119903  
for the purchase of equipment for marine patrols qualifying for 119904  
funding from the Department of Natural Resources pursuant to 119905  
section 1547.67 of the Revised Code. Proposals for equipment shall 119906  
accompany the submission of documentation for receipt of a marine 119907  
patrol subsidy pursuant to section 1547.67 of the Revised Code and 119908  
shall be loaned to eligible marine patrols pursuant to a 119909  
cooperative agreement between the Department of Natural Resources 119910  
and the eligible marine patrol. 119911

**Section 343.60. PARKS CAPITAL EXPENSES FUND** 119912

The Director of Natural Resources shall submit to the 119913  
Director of Budget and Management the estimated design, 119914  
engineering, and planning costs of capital-related work to be done 119915  
by Department of Natural Resources staff for parks projects. If 119916  
the Director of Budget and Management approves the estimated 119917  
costs, the Director may release appropriations from appropriation 119918  
item C725E6, Project Planning, in the Parks and Recreation 119919  
Improvement Fund (Fund 7035), for those purposes. Upon release of 119920  
the appropriations, the Department of Natural Resources shall pay 119921  
for these expenses from the Parks Capital Expenses Fund (Fund 119922  
2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 119923  
7035 using an intrastate transfer voucher. 119924

**NATUREWORKS CAPITAL EXPENSES FUND** 119925

The Department of Natural Resources shall periodically 119926  
prepare and submit to the Director of Budget and Management the 119927  
estimated design, planning, and engineering costs of 119928  
capital-related work to be done by Department of Natural Resources 119929  
staff for each capital improvement project within the Ohio Parks 119930  
and Natural Resources Fund (Fund 7031). If the Director of Budget 119931  
and Management approves the estimated costs, the Director may 119932

release appropriations from appropriation item C725E5, Project 119933  
 Planning, in fund 7031, for those purposes. Upon release of the 119934  
 appropriations, the Department of Natural Resources shall pay for 119935  
 these expenses from the Capital Expenses Fund (Fund 4S90). 119936  
 Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 119937  
 using an intrastate transfer voucher. 119938

**Section 345.10. NUR STATE BOARD OF NURSING** 119939

General Services Fund Group 119940  
 4K90 884609 Operating Expenses \$ 5,661,280 \$ 5,661,280 119941  
 5AC0 884602 Nurse Education Grant \$ 1,450,000 \$ 1,450,000 119942  
 Program  
 5P80 884601 Nursing Special \$ 5,000 \$ 5,000 119943  
 Issues  
 TOTAL GSF General Services 119944  
 Fund Group \$ 7,116,280 \$ 7,116,280 119945  
 TOTAL ALL BUDGET FUND GROUPS \$ 7,116,280 \$ 7,116,280 119946

**NURSING SPECIAL ISSUES** 119947

The foregoing appropriation item 884601, Nursing Special 119948  
 Issues (Fund 5P80), shall be used to pay the costs the Board of 119949  
 Nursing incurs in implementing section 4723.062 of the Revised 119950  
 Code. 119951

**Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,  
AND ATHLETIC TRAINERS BOARD** 119952  
 119953

General Services Fund Group 119954  
 4K90 890609 Operating Expenses \$ 963,984 \$ 963,984 119955  
 TOTAL GSF General Services Fund \$ 963,984 \$ 963,984 119956  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 963,984 \$ 963,984 119957

**Section 348.10. OLA OHIOANA LIBRARY ASSOCIATION** 119959

General Revenue Fund				119960
GRF 355501 Library Subsidy	\$	160,000	\$ 160,000	119961
TOTAL GRF General Revenue Fund	\$	160,000	\$ 160,000	119962
TOTAL ALL BUDGET FUND GROUPS	\$	160,000	\$ 160,000	119963

**Section 349.10.** ODB OHIO OPTICAL DISPENSERS BOARD 119965

General Services Fund Group				119966
4K90 894609 Operating Expenses	\$	345,324	\$ 345,324	119967
TOTAL GSF General Services				119968
Fund Group	\$	345,324	\$ 345,324	119969
TOTAL ALL BUDGET FUND GROUPS	\$	345,324	\$ 345,324	119970

**Section 351.10.** OPT STATE BOARD OF OPTOMETRY 119972

General Services Fund Group				119973
4K90 885609 Operating Expenses	\$	351,071	\$ 351,071	119974
TOTAL GSF General Services				119975
Fund Group	\$	351,071	\$ 351,071	119976
TOTAL ALL BUDGET FUND GROUPS	\$	351,071	\$ 351,071	119977

**Section 353.10.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS,  
AND PEDORTHICS 119979  
119980

General Services Fund Group				119981
4K90 973609 Operating Expenses	\$	116,260	\$ 116,260	119982
TOTAL GSF General Services				119983
Fund Group	\$	116,260	\$ 116,260	119984
TOTAL ALL BUDGET FUND GROUPS	\$	116,260	\$ 116,260	119985

**Section 355.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 119986

Agency Fund Group				119987
6910 810632 PUSTRCB Staff	\$	1,134,860	\$ 1,144,627	119988
TOTAL AGY Agency Fund Group	\$	1,134,860	\$ 1,144,627	119989
TOTAL ALL BUDGET FUND GROUPS	\$	1,134,860	\$ 1,144,627	119990

<b>Section 357.10. PRX STATE BOARD OF PHARMACY</b>				119992
General Services Fund Group				119993
4A50	887605	Drug Law Enforcement	\$ 75,500 \$	75,500 119994
4K90	887609	Operating Expenses	\$ 5,251,032 \$	5,251,032 119995
TOTAL GSF General Services Fund Group				\$ 5,326,532 \$ 5,326,532 119996
Federal Special Revenue Fund Group				119997
3BC0	887604	Dangerous Drugs Database	\$ 493,164 \$	500,891 119998
TOTAL FED Federal Special Revenue Fund Group				\$ 493,164 \$ 500,891 119999
TOTAL ALL BUDGET FUND GROUPS				\$ 5,819,696 \$ 5,827,423 120000
 <b>Section 359.10. PSY STATE BOARD OF PSYCHOLOGY</b>				 120002
General Services Fund Group				120003
4K90	882609	Operating Expenses	\$ 566,000 \$	586,000 120004
TOTAL GSF General Services Fund Group				\$ 566,000 \$ 586,000 120006
TOTAL ALL BUDGET FUND GROUPS				\$ 566,000 \$ 586,000 120007
 <b>Section 361.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>				 120009
General Revenue Fund				120010
GRF	019321	Public Defender Administration	\$ 772,500 \$	612,600 120011
GRF	019401	State Legal Defense Services	\$ 4,377,500 \$	3,471,400 120012
GRF	019403	Multi-County: State Share	\$ 1,308,201 \$	1,456,835 120013
GRF	019404	Trumbull County - State Share	\$ 430,217 \$	467,727 120014
GRF	019405	Training Account	\$ 50,000 \$	50,000 120015



GRF 019501	County Reimbursement	\$	22,767,720	\$	17,898,638	120016
TOTAL GRF	General Revenue Fund	\$	29,706,138	\$	23,957,200	120017
General Services Fund Group						120018
4070 019604	County Representation	\$	196,650	\$	207,143	120019
4080 019605	Client Payments	\$	865,798	\$	886,500	120020
5CX0 019617	Civil Case Filing Fee	\$	743,076	\$	772,121	120021
TOTAL GSF	General Services					120022
Fund Group		\$	1,805,524	\$	1,865,764	120023
Federal Special Revenue Fund Group						120024
3S80 019608	Federal	\$	202,347	\$	212,303	120025
Representation						
TOTAL FED	Federal Special Revenue					120026
Fund Group		\$	202,347	\$	212,303	120027
State Special Revenue Fund Group						120028
4C70 019601	Multi-County: County	\$	2,227,056	\$	2,384,210	120029
Share						
4X70 019610	Trumbull County -	\$	732,393	\$	765,467	120030
County Share						
5740 019606	Civil Legal Aid	\$	35,000,000	\$	35,000,000	120031
5DY0 019618	Indigent Defense	\$	27,783,000	\$	37,044,000	120032
Support - County						
Share						
5DY0 019619	Indigent Defense	\$	3,087,000	\$	4,116,000	120033
Support Fund - State						
Office						
TOTAL SSR	State Special Revenue					120034
Fund Group		\$	68,829,449	\$	79,309,677	120035
TOTAL ALL BUDGET FUND GROUPS		\$	100,543,458	\$	105,344,944	120036
INDIGENT DEFENSE OFFICE						120037
The foregoing appropriation items 019404, Trumbull County -						120038
State Share, and 019610, Trumbull County - County Share, shall be						120039
used to support an indigent defense office for Trumbull County.						120040

MULTI-COUNTY OFFICE					120041
The foregoing appropriation items 019403, Multi-County: State					120042
Share, and 019601, Multi-County: County Share, shall be used to					120043
support the Office of the Ohio Public Defender's Multi-County					120044
Branch Office Program.					120045
TRAINING ACCOUNT					120046
The foregoing appropriation item 019405, Training Account,					120047
shall be used by the Ohio Public Defender to provide legal					120048
training programs at no cost for private appointed counsel who					120049
represent at least one indigent defendant at no cost and for state					120050
and county public defenders and attorneys who contract with the					120051
Ohio Public Defender to provide indigent defense services.					120052
FEDERAL REPRESENTATION					120053
The foregoing appropriation item 019608, Federal					120054
Representation, shall be used to receive reimbursements from the					120055
federal courts when the Ohio Public Defender provides					120056
representation in federal court cases and to support					120057
representation in such cases.					120058
<b>Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO</b>					120059
General Services Fund Group					120060
5F60 870622 Utility and Railroad	\$	34,455,627	\$	34,455,627	120061
Regulation					
5F60 870624 NARUC/NRRI Subsidy	\$	158,000	\$	158,000	120062
5F60 870625 Motor Transportation	\$	6,071,829	\$	6,071,829	120063
Regulation					
5Q50 870626 Telecommunications	\$	5,000,000	\$	5,000,000	120064
Relay Service					
TOTAL GSF General Services					120065
Fund Group	\$	45,685,456	\$	45,685,456	120066
Federal Special Revenue Fund Group					120067

3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	120068
3500	870608	Motor Carrier Safety	\$	7,351,660	\$	7,351,660	120069
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000	120070
		Information					
		Systems/Networks					
TOTAL FED		Federal Special Revenue					120071
Fund Group			\$	8,049,619	\$	8,049,619	120072
State Special Revenue Fund Group							120073
4A30	870614	Grade Crossing	\$	1,349,757	\$	1,349,757	120074
		Protection					
		Devices-State					
4L80	870617	Pipeline Safety-State	\$	187,621	\$	187,621	120075
4S60	870618	Hazardous Material	\$	464,325	\$	464,325	120076
		Registration					
4S60	870621	Hazardous Materials	\$	373,346	\$	373,346	120077
		Base State					
		Registration					
4U80	870620	Civil Forfeitures	\$	284,986	\$	284,986	120078
5590	870605	Public Utilities	\$	4,000	\$	4,000	120079
		Territorial					
		Administration					
5600	870607	Special Assessment	\$	100,000	\$	100,000	120080
5610	870606	Power Siting Board	\$	647,893	\$	647,893	120081
5BP0	870623	Wireless 9-1-1	\$	34,417,000	\$	36,443,000	120082
		Administration					
6380	870611	Biofuels/Municipal	\$	40,000	\$	40,000	120083
		Waste Technology					
6610	870612	Hazardous Materials	\$	900,000	\$	900,000	120084
		Transportation					
TOTAL SSR		State Special Revenue					120085
Fund Group			\$	38,768,928	\$	40,794,928	120086
TOTAL ALL BUDGET FUND GROUPS			\$	92,504,003	\$	94,530,003	120087

<b>Section 365.10. PWC PUBLIC WORKS COMMISSION</b>				120089
General Revenue Fund				120090
GRF	150904	Conservation General	\$ 20,711,100 \$ 25,684,900	120091
Obligation Debt				
Service				
GRF	150907	State Capital	\$ 148,331,900 \$ 163,443,500	120092
Improvements				
General Obligation				120093
Debt Service				
TOTAL GRF	General Revenue Fund		\$ 169,043,000 \$ 189,128,400	120094
Local Infrastructure Improvements Fund Group				120095
7039	150909	Local Infrastructure	\$ 261,027 \$ 269,555	120096
Development				
TOTAL LIF	Local Infrastructure		\$ 261,027 \$ 269,555	120097
Improvements Fund Group				
Clean Ohio Conservation Fund Group				120098
7056	150403	Clean Ohio Operating	\$ 304,332 \$ 311,509	120099
Expenses				
TOTAL 056	Clean Ohio Conservation		\$ 304,332 \$ 311,509	120100
Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 169,608,359 \$ 189,709,464	120101
CONSERVATION GENERAL OBLIGATION DEBT SERVICE				120102
The foregoing appropriation item 150904, Conservation General				120103
Obligation Debt Service, shall be used to pay all debt service and				120104
related financing costs during the period from July 1, 2009,				120105
through June 30, 2011, at the times they are required to be made				120106
for obligations issued under sections 151.01 and 151.09 of the				120107
Revised Code.				120108
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE				120109
The foregoing appropriation item 150907, State Capital				120110

Improvements General Obligation Debt Service, shall be used to pay 120111  
all debt service and related financing costs during the period 120112  
from July 1, 2009, to June 30, 2011, at the times they are 120113  
required to be made for obligations issued under sections 151.01 120114  
and 151.08 of the Revised Code. 120115

CLEAN OHIO OPERATING EXPENSES 120116

The foregoing appropriation item 150403, Clean Ohio Operating 120117  
Expenses, shall be used by the Ohio Public Works Commission in 120118  
administering sections 164.20 to 164.27 of the Revised Code. 120119

120120

REIMBURSEMENT TO THE GENERAL REVENUE FUND 120121

(A) On or before July 15, 2011, the Director of the Public 120122  
Works Commission shall certify to the Director of Budget and 120123  
Management the following: 120124

(1) The total amount disbursed from appropriation item 120125  
700409, Farmland Preservation, during the FY 2010-FY 2011 120126  
biennium; and 120127

(2) The amount of interest earnings that have been credited 120128  
to the Clean Ohio Conservation Fund (Fund 7056) that are in excess 120129  
of the amount needed for other purposes as calculated by the 120130  
Director of the Public Works Commission. 120131

(B) If the Director of Budget and Management determines under 120132  
division (A)(2) of this section that there are excess interest 120133  
earnings, the Director of Budget and Management shall, on or 120134  
before July 15, 2011, transfer the excess interest earnings to the 120135  
General Revenue Fund in an amount equal to the total amount 120136  
disbursed under division (A)(1) of this section from the Clean 120137  
Ohio Conservation Fund. 120138

**Section 367.10.** RAC STATE RACING COMMISSION 120139

State Special Revenue Fund Group 120140

5620	875601	Thoroughbred Race Fund	\$	2,300,000	\$	2,300,000	120141
5630	875602	Standardbred Development Fund	\$	1,900,000	\$	1,900,000	120142
5640	875603	Quarterhorse Development Fund	\$	1,000	\$	1,000	120143
5650	875604	Racing Commission Operating	\$	3,742,342	\$	3,758,818	120144
5C40	875607	Simulcast Horse Racing Purse	\$	14,000,000	\$	14,000,000	120145
TOTAL SSR State Special Revenue							120146
Fund Group			\$	21,943,342	\$	21,959,818	120147
Holding Account Redistribution Fund Group							120148
R021	875605	Bond Reimbursements	\$	145,000	\$	145,000	120149
TOTAL 090 Holding Account							120150
Redistribution							
Fund Group			\$	145,000	\$	145,000	120151
TOTAL ALL BUDGET FUND GROUPS			\$	22,088,342	\$	22,104,818	120152
 <b>Section 371.10. BOR BOARD OF REGENTS</b>							120154
General Revenue Fund							120155
GRF	235321	Operating Expenses	\$	2,439,835	\$	2,439,835	120156
GRF	235401	Lease Rental Payments	\$	124,461,100	\$	107,897,100	120157
GRF	235402	Sea Grants	\$	375,000	\$	375,000	120158
GRF	235406	Articulation and Transfer	\$	2,610,000	\$	2,610,000	120159
GRF	235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	120160
GRF	235409	Information System	\$	966,804	\$	966,804	120161
GRF	235414	State Grants and Scholarship Administration	\$	1,458,109	\$	1,458,109	120162

GRF 235415	Jobs Challenge	\$	4,967,492	\$	4,967,492	120163
GRF 235417	Ohio Learning Network	\$	2,807,546	\$	2,807,546	120164
GRF 235428	Appalachian New Economy Partnership	\$	981,887	\$	981,887	120165
GRF 235433	Economic Growth Challenge	\$	527,541	\$	527,541	120166
GRF 235434	College Readiness and Access	\$	4,240,000	\$	4,240,000	120167
GRF 235435	Teacher Improvement Initiatives	\$	524,000	\$	524,000	120168
GRF 235438	Choose Ohio First Scholarship	\$	13,000,000	\$	16,000,000	120169
GRF 235441	Co-Op/Internship Program	\$	46,500,000	\$	47,500,000	120170
GRF 235442	Teacher Fellowship	\$	0	\$	2,500,000	120171
GRF 235443	Adult Basic and Literacy Education - State	\$	7,650,264	\$	7,650,264	120172
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,791,288	\$	15,791,286	120173
GRF 235474	Area Health Education Centers Program Support	\$	1,091,833	\$	1,091,833	120174
GRF 235501	State Share of Instruction	\$	1,672,708,351	\$	1,675,554,971	120175
GRF 235502	Student Support Services	\$	714,406	\$	714,406	120176
GRF 235504	War Orphans Scholarships	\$	4,331,089	\$	4,331,089	120177
GRF 235507	OhioLINK	\$	6,632,281	\$	6,632,281	120178
GRF 235508	Air Force Institute of Technology	\$	1,840,659	\$	1,840,659	120179

GRF 235509	Women In Transition	\$	125,000	\$	125,000	120180
GRF 235510	Ohio Supercomputer Center	\$	3,834,386	\$	3,834,386	120181
GRF 235511	Cooperative Extension Service	\$	23,518,608	\$	22,467,678	120182
GRF 235513	Ohio University Voinovich School	\$	484,630	\$	484,630	120183
GRF 235514	Central State Supplement	\$	12,384,106	\$	12,384,106	120184
GRF 235515	Case Western Reserve University School of Medicine	\$	2,603,096	\$	2,603,096	120185
GRF 235519	Family Practice	\$	3,840,127	\$	3,840,127	120186
GRF 235520	Shawnee State Supplement	\$	2,577,393	\$	2,577,393	120187
GRF 235521	The Ohio State University John Glenn School of Public Affairs	\$	434,630	\$	434,630	120188
GRF 235524	Police and Fire Protection	\$	123,498	\$	123,498	120189
GRF 235525	Geriatric Medicine	\$	633,294	\$	633,294	120190
GRF 235526	Primary Care Residencies	\$	1,895,962	\$	1,895,962	120191
GRF 235527	Ohio Aerospace Institute	\$	1,468,104	\$	1,468,104	120192
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,000,000	\$	34,000,000	120193
GRF 235536	The Ohio State University Clinical Teaching	\$	11,727,036	\$	11,727,036	120194
GRF 235537	University of	\$	9,645,328	\$	9,645,328	120195



	Cincinnati Clinical Teaching					
GRF 235538	University of Toledo Clinical Teaching	\$	7,518,011	\$	7,518,011	120196
GRF 235539	Wright State University Clinical Teaching	\$	3,652,395	\$	3,652,395	120197
GRF 235540	Ohio University Clinical Teaching	\$	3,530,882	\$	3,530,882	120198
GRF 235541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	3,631,508	\$	3,631,508	120199
GRF 235552	Capital Component	\$	20,382,568	\$	20,382,568	120200
GRF 235553	Dayton Area Graduate Studies Institute	\$	300,000	\$	300,000	120201
GRF 235555	Library Depositories	\$	1,522,963	\$	1,522,963	120202
GRF 235556	Ohio Academic Resources Network	\$	3,354,501	\$	3,354,501	120203
GRF 235558	Long-term Care Research	\$	223,711	\$	223,711	120204
GRF 235563	Ohio College Opportunity Grant	\$	120,000,000	\$	135,000,000	120205
GRF 235567	Central State University Speed to Scale	\$	1,775,254	\$	0	120206
GRF 235572	The Ohio State University Clinic Support	\$	929,591	\$	929,591	120207
GRF 235576	Nonpublic Need-Based Financial Aid	\$	70,000,000	\$	70,000,000	120208
GRF 235579	Bliss Institute	\$	313,984	\$	313,984	120209
GRF 235580	Entrepreneurship	\$	50,000	\$	50,000	120210

	Education Program				
GRF 235583	Urban University	\$	3,340,426	\$	3,340,426 120211
	Program				
GRF 235587	Rural University	\$	708,693	\$	708,693 120212
	Projects				
GRF 235596	Hazardous Materials	\$	373,858	\$	373,858 120213
	Program				
GRF 235599	National Guard	\$	14,912,271	\$	14,912,271 120214
	Scholarship Program				
GRF 235644	State Share of	\$	309,874,026	\$	308,802,662 120215
	Instruction - Federal				
	Stimulus - Education				
GRF 235646	State Share of	\$	87,955,700	\$	103,302,363 120216
	Instruction - Federal				
	Stimulus - Government				
	Services				
GRF 235909	Higher Education	\$	85,317,700	\$	89,480,300 120217
	General Obligation				
	Debt Service				
TOTAL GRF	General Revenue Fund	\$	2,765,677,725	\$	2,789,072,058 120218
	General Services Fund Group				120219
2200 235614	Program Approval and	\$	3,000,000	\$	3,000,000 120220
	Reauthorization				
4560 235603	Sales and Services	\$	700,000	\$	700,000 120221
TOTAL GSF	General Services				120222
Fund Group		\$	3,700,000	\$	3,700,000 120223
	Federal Special Revenue Fund Group				120224
3120 235609	Tech Prep	\$	183,849	\$	183,849 120225
3120 235611	Gear-up Grant	\$	3,900,000	\$	3,900,000 120226
3120 235612	Carl D. Perkins	\$	912,961	\$	912,961 120227
	Grant/Plan				
	Administration				

3120	235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	120228
3120	235641	Adult Basic Literacy Education - Federal	\$	17,869,546	\$	17,869,546	120229
3BE0	235636	Adult Education and Family Literacy Act Incentive Grant	\$	1,783,583	\$	1,783,583	120230
3BG0	235626	Star Schools	\$	250,000	\$	0	120231
3H20	235608	Human Services Project	\$	3,500,000	\$	3,500,000	120232
3N60	235605	State Student Incentive Grants	\$	2,533,339	\$	2,533,339	120233
3N60	235638	College Access Challenge Grant	\$	2,268,044	\$	2,268,044	120234
TOTAL FED Federal Special Revenue							120235
Fund Group			\$	36,401,322	\$	36,151,322	120236
State Special Revenue Fund Group							120237
4E80	235602	Higher Educational Facility Commission Administration	\$	45,000	\$	45,000	120238
6490	235607	The Ohio State University Highway/Transportation Research	\$	600,000	\$	600,000	120239
6820	235606	Nursing Loan Program	\$	893,000	\$	893,000	120240
TOTAL SSR State Special Revenue							120241
Fund Group			\$	1,538,000	\$	1,538,000	120242
Third Frontier Research & Development Fund Group							120243
7011	235634	Research Incentive Third Frontier Fund	\$	10,000,000	\$	10,000,000	120244
TOTAL 011 Third Frontier Research & Development Fund Group			\$	10,000,000	\$	10,000,000	120245

TOTAL ALL BUDGET FUND GROUPS                   \$ 2,817,317,047 \$ 2,840,461,380 120246

**Section 371.10.10. LEASE RENTAL PAYMENTS** 120248

The foregoing appropriation item 235401, Lease Rental 120249  
Payments, shall be used to meet all payments at the times they are 120250  
required to be made during the period from July 1, 2009, to June 120251  
30, 2011, by the Chancellor of the Board of Regents under leases 120252  
and agreements made under section 154.21 of the Revised Code. 120253  
These appropriations are the source of funds pledged for bond 120254  
service charges or obligations issued pursuant to Chapter 154. of 120255  
the Revised Code. 120256

**Section 371.10.15. SEA GRANTS** 120257

The foregoing appropriation item 235402, Sea Grants, shall be 120258  
disbursed to The Ohio State University and shall be used to 120259  
conduct research on fish in Lake Erie. 120260

**Section 371.10.20. ARTICULATION AND TRANSFER** 120261

The foregoing appropriation item 235406, Articulation and 120262  
Transfer, shall be used by the Chancellor of the Board of Regents 120263  
to maintain and expand the work of the Articulation and Transfer 120264  
Council to develop a system of transfer policies to ensure that 120265  
students at state institutions of higher education can transfer 120266  
and have coursework apply to their majors and degrees at any other 120267  
state institution of higher education without unnecessary 120268  
duplication or institutional barriers under sections 3333.16, 120269  
3333.161, and 3333.162 of the Revised Code. 120270

**Section 371.10.30. MIDWEST HIGHER EDUCATION COMPACT** 120271

The foregoing appropriation item 235408, Midwest Higher 120272  
Education Compact, shall be distributed by the Chancellor of the 120273  
Board of Regents under section 3333.40 of the Revised Code. 120274

**Section 371.10.40. INFORMATION SYSTEM** 120275

The foregoing appropriation item 235409, Information System, 120276  
shall be used by the Chancellor of the Board of Regents to support 120277  
the development and implementation of information technology 120278  
solutions designed to improve the performance and services of the 120279  
Chancellor of the Board of Regents and the University System of 120280  
Ohio. Information technology solutions shall be provided by the 120281  
Ohio Academic Research Network (OARnet). 120282

**Section 371.10.50. STATE GRANTS AND SCHOLARSHIP** 120283

**ADMINISTRATION** 120284

The foregoing appropriation item 235414, State Grants and 120285  
Scholarship Administration, shall be used by the Chancellor of the 120286  
Board of Regents to administer the following student financial aid 120287  
programs: Ohio College Opportunity Grant, Nonpublic Need-Based 120288  
Financial Aid, Ohio War Orphans' Scholarship, Nurse Education 120289  
Assistance Loan Program, Ohio Safety Officers College Memorial 120290  
Fund, and any other student financial aid programs created by the 120291  
General Assembly. The appropriation item also shall be used to 120292  
administer the federal Leveraging Educational Assistance 120293  
Partnership (LEAP) program, Special Leveraging Educational 120294  
Assistance Partnership (SLEAP) program, the federal College Access 120295  
Challenge Grant (CACG), and other student financial aid programs 120296  
created by Congress and to provide fiscal services for the Ohio 120297  
National Guard Scholarship Program. 120298

**Section 371.10.60. JOBS CHALLENGE** 120299

Except as provided in the sections of this act entitled 120300  
"Statewide Workforce Development Initiatives" and "Fiscal Year 120301  
2011 Plan for Adult Workforce Training Programs," funds 120302  
appropriated to the foregoing appropriation item 235415, Jobs 120303  
Challenge, shall be used by the Chancellor of the Board of Regents 120304

to support state-assisted community and technical colleges, 120305  
regional campuses of state-assisted universities, and other 120306  
organizationally distinct and identifiable member campuses of the 120307  
Workforce training network in support of noncredit job-related 120308  
training. 120309

Support may include the promotion and delivery of coordinated 120310  
assessment and comprehensive training to local employers. The 120311  
Chancellor shall develop a formula for the distribution of funds. 120312

**Section 371.10.70. OHIO LEARNING NETWORK** 120313

The foregoing appropriation item 235417, Ohio Learning 120314  
Network, shall be used by the Chancellor of the Board of Regents 120315  
to support the continued implementation of the Ohio Learning 120316  
Network, a consortium organized under division (U) of section 120317  
3333.04 of the Revised Code to expand access to adult and higher 120318  
education opportunities through technology. The funds shall be 120319  
used by the Ohio Learning Network to develop and promote learning 120320  
and assessment through the use of technology, to test and provide 120321  
advice on emerging learning-directed technologies, and to 120322  
facilitate cost-effectiveness through shared educational 120323  
technology investments. 120324

**Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP** 120325

The foregoing appropriation item 235428, Appalachian New 120326  
Economy Partnership, shall be distributed to Ohio University to 120327  
continue a multi-campus and multi-agency coordinated effort to 120328  
link Appalachia to the new economy. Ohio University shall use 120329  
these funds to provide leadership in the development and 120330  
implementation of initiatives in the areas of entrepreneurship, 120331  
management, education, and technology. 120332

**Section 371.10.90. ECONOMIC GROWTH CHALLENGE** 120333

The foregoing appropriation item 235433, Economic Growth Challenge, shall be used for administrative expenses of the Research Incentive Program and other economic advancement initiatives undertaken by the Chancellor of the Board of Regents.

The Chancellor of the Board of Regents shall use any appropriation transfer to the foregoing appropriation item 235433, Economic Growth Challenge, to enhance the basic research capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code, in order to strengthen academic research for pursuing Ohio's economic development goals. The Chancellor shall give priority consideration to projects that are eligible to receive federal stimulus funds.

**Section 371.20.06. COLLEGE READINESS AND ACCESS**

Of the foregoing appropriation item 235434, College Readiness and Access, \$1,000,000 in each fiscal year shall be distributed to the Ohio College Access Network.

Of the foregoing appropriation item 235434, College Readiness and Access, \$600,000 in each fiscal year shall be distributed to the Ohio Appalachian Center for Higher Education at Shawnee State University. The board of directors of the Center shall consist of the presidents of Shawnee State University, Belmont Technical College, Hocking College, Jefferson Community College, Zane State College, Rio Grande Community College, Southern State Community College, and Washington State Community College; the President of Ohio University or a designee of the president; the dean of one of the Salem, Tuscarawas, and East Liverpool regional campuses of Kent State University, as designated by the President of Kent State University; and a representative of the Board of Regents designated by the Chancellor.

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Of the foregoing appropriation item 235434, College Readiness and Access, \$140,000 in each fiscal year shall be distributed to Miami University for the Student Achievement in Research and Scholarship (STARS) Program.

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Of the foregoing appropriation item 235434, College Readiness and Access, \$2,500,000 in each fiscal year shall be used to support the Early College High School Program. The funds shall be distributed according to guidelines established by the Department of Education and the Chancellor of the Board of Regents.

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**Section 371.20.08. TEACHER IMPROVEMENT INITIATIVES**

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Of the foregoing appropriation item 235435, Teacher Improvement Initiatives, \$204,000 in each fiscal year shall be distributed to the Porter Center for Science and Mathematics in Lake County.

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Of the foregoing appropriation item 235435, Teacher Improvement Initiatives, \$320,000 in each fiscal year shall be used to support the Ohio View consortium of research universities. The funds shall be used by Ohio View and its member universities to develop the job pipeline in the field of geospatial technology through the training and professional development of teachers, higher education students and faculty, and employees in the public and private sectors. Ohio View shall prepare teachers of grades kindergarten through twelve to instruct students in the uses of existing geospatial technology, especially through hands-on observations.

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**Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP**

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Of the foregoing appropriation item 235438, Choose Ohio First Scholarship, up to \$3,000,000 in each fiscal year shall be used by

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the Chancellor of the Board of Regents to support the Ohio Woodrow 120395  
Wilson STEM Teaching Fellows Program, a program designed to 120396  
attract students with high potential and strong backgrounds in 120397  
science, technology, engineering, mathematics, and medical 120398  
disciplines to graduate programs specially designed for teacher 120399  
preparation in those disciplines. 120400

The Chancellor shall establish a competitive process for 120401  
making awards under the Ohio Woodrow Wilson STEM Teaching Fellows 120402  
Program to Ohio institutions of higher education that develop, 120403  
transform, and implement science, technology, engineering, 120404  
mathematics, and medical teacher preparation programs. 120405  
Institutions shall be chosen based on a determination that they 120406  
have the leadership, commitment, and capacity to meet criteria as 120407  
set forth in a request for proposals issued by the Chancellor. The 120408  
request for proposals shall include criteria developed by the 120409  
Woodrow Wilson Foundation and an advisory panel of experts in 120410  
education and science, technology, engineering, mathematics, and 120411  
medical disciplines. Awards made under the Ohio Woodrow Wilson 120412  
STEM Teaching Fellows Program shall not be subject to sections 120413  
3333.60 to 3333.70 of the Revised Code or any rule adopted 120414  
pursuant to those sections. 120415

Of the foregoing appropriation item 235438, Choose Ohio First 120416  
Scholarship, \$125,000 in each fiscal year shall be used to support 120417  
University Circle, Inc. 120418

The remainder of the foregoing appropriation item 235438, 120419  
Choose Ohio First Scholarship, shall be used to operate the 120420  
program prescribed in sections 3333.60 to 3333.70 of the Revised 120421  
Code. Amounts disbursed to institutions shall be paid on a 120422  
reimbursement basis. 120423

An amount equal to the unexpended, unencumbered portion of 120424  
the foregoing appropriation item 235438, Choose Ohio First 120425  
Scholarship, at the end of fiscal year 2010 is hereby 120426

reappropriated to the Board of Regents for the same purpose for 120427  
fiscal year 2011. 120428

**Section 371.20.20. CO-OP/INTERNSHIP PROGRAM** 120429

(A) Except as otherwise provided in this section, the 120430  
foregoing appropriation item, 235441, Co-op/Internship Program, 120431  
shall be used by the Chancellor of the Board of Regents to operate 120432  
the Co-op/Internship Program under sections 3333.71 to 3333.80 of 120433  
the Revised Code. Funding for eligible institutions shall be 120434  
disbursed in accordance with the terms of the agreements entered 120435  
into under section 3333.75 of the Revised Code. 120436

(B) Of the foregoing appropriation item 235441, 120437  
Co-op/Internship Program, up to \$250,000 in each fiscal year shall 120438  
be used by the Chancellor of the Board of Regents to establish and 120439  
administer a competition for the development of successful 120440  
business plans for students enrolled at Ohio institutions of 120441  
higher education. Winners of the competition shall receive an 120442  
award of \$50,000 for the development and submission of a business 120443  
plan that leads to the establishment of a business in the State of 120444  
Ohio. Prior to making awards, the Chancellor may convene a panel 120445  
of experts to evaluate submitted business plans and make 120446  
recommendations or the Chancellor may seek collaboration with the 120447  
Department of Development in the administration of the 120448  
competition. Awards shall not be distributed to a student until 120449  
the student provides documentation to the Chancellor that a 120450  
business has been established using the student's business plan. 120451  
Documentation may include a certified copy of the articles of 120452  
incorporation or other business filing with the Ohio Secretary of 120453  
State. Awards made under this division are not subject to sections 120454  
3333.71 to 3333.80 of the Revised Code or to any rule adopted 120455  
pursuant to those sections. 120456

Any funds earmarked under this division that are unawarded or 120457

unencumbered at the end of fiscal year 2010 are hereby 120458  
reappropriated for the same purpose in fiscal year 2011. 120459

(C) Of the foregoing appropriation item 235441, 120460  
Co-op/Internship Program, up to \$1,000,000 in each fiscal year may 120461  
be used by the Chancellor of the Board of Regents to support 120462  
programs at institutions of higher education that collaborate with 120463  
and provide interns to businesses that have been in operation for 120464  
not more than three years. The Chancellor shall establish a 120465  
competitive process for making awards under this division. 120466  
Institutions shall be chosen based on a determination that they 120467  
have the leadership, commitment, and capacity to meet criteria as 120468  
set forth in a request for proposals issued by the Chancellor. 120469  
Prior to issuing a request for proposals and prior to making an 120470  
award under this division, the Chancellor shall seek the advice of 120471  
the Co-op/Internship Advisory Committee. An institution receiving 120472  
an award under this division shall enter into an agreement with 120473  
the Chancellor governing the use of the funds and setting forth 120474  
reporting requirements. Awards made under this division are not 120475  
subject to sections 3333.71 to 3333.80 of the Revised Code or to 120476  
any rule adopted pursuant to those sections. 120477

(D) Of the foregoing appropriation item 235441, 120478  
Co-op/Internship Program, \$5,000,000 in each fiscal year shall be 120479  
used for the grant program for employee training in the fields of 120480  
biotechnology and bioscience or other field under section 3333.91 120481  
of the Revised Code. 120482

(E) Of the foregoing appropriation item 235441, 120483  
Co-op/Internship Program, \$500,000 in each fiscal year shall be 120484  
provided to the University of Cincinnati to support Rookwood 120485  
Pottery Company internship programs with state-assisted 120486  
institutions of higher education. 120487

(F) At the request of the Chancellor of the Board of Regents, 120488  
the Director of Budget and Management may transfer any unexpended, 120489

unencumbered appropriation in fiscal year 2010 or fiscal year 2011 120490  
as well as any appropriation repaid by eligible institutions 120491  
pursuant to the terms of the grant agreement from appropriation 120492  
item 235441, Co-op/Internship Program, to appropriation item 120493  
235433, Economic Growth Challenge. Any appropriation so 120494  
transferred shall be used to strengthen academic research for 120495  
pursuing Ohio's economic development goals under the Section of 120496  
this act entitled "Economic Growth Challenge". 120497

**Section 371.20.30. ADULT BASIC AND LITERACY EDUCATION** 120498

Except as provided in the Sections of this act entitled 120499  
"Statewide Workforce Development Initiatives" and "Fiscal Year 120500  
2011 Plan for Adult Workforce Training Programs", the foregoing 120501  
appropriation item 235443, Adult Basic and Literacy Education - 120502  
State, shall be used to support adult basic and literacy education 120503  
instructional programs and for the operation of an adult basic and 120504  
literacy education instructional grant program. The supported 120505  
programs shall satisfy the state match and maintenance of effort 120506  
requirements for the state-administered grant program. 120507

Of the foregoing appropriation item 235443, Adult Basic and 120508  
Literacy Education - State, up to \$507,558 in fiscal year 2010 120509  
shall be used for the support and operation of the State Literacy 120510  
Resource Center Program. 120511

Of the foregoing appropriation item 235443, Adult Basic and 120512  
Literacy Education - State, \$122,000 in each fiscal year shall be 120513  
used to support initiatives for English as a Second Language 120514  
programs. Funding shall be distributed as follows: \$60,000 in each 120515  
fiscal year for Jewish Community Federation of Cleveland, \$25,000 120516  
in each fiscal year for Yassenoff Jewish Community Center of 120517  
Columbus, \$30,000 in each fiscal year for Jewish Family Services 120518  
of Cincinnati, and \$7,000 in each fiscal year for Jewish Family 120519  
Services of Dayton. 120520

On or before August 31, 2009, the Chancellor of the Board of Regents shall submit a funding formula to the Controlling Board for the allocation of the foregoing appropriation item 235443, Adult Basic and Literacy Education - State, in fiscal year 2010.

**Section 371.20.40. POST-SECONDARY ADULT CAREER-TECHNICAL EDUCATION**

Except as provided in the Sections of this act entitled "Statewide Workforce Development Initiatives" and "Fiscal Year 2011 Plan for Adult Workforce Training Programs", the foregoing appropriation item 235444, Post-Secondary Adult Career-Technical Education, shall be used by the Chancellor of the Board of Regents in each fiscal year to provide post-secondary adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code.

On or before August 31, 2009, the Chancellor of the Board of Regents shall submit a funding formula to the Controlling Board for the allocation of funds in fiscal year 2010.

**Section 371.20.50. STATEWIDE WORKFORCE DEVELOPMENT INITIATIVES**

The Chancellor may identify amounts of the foregoing appropriation items 235415, Jobs Challenge, 235443, Adult Basic and Literacy Education - State, and 235444, Post-Secondary Adult Career-Technical Education, to be used to support the Ohio Skills Bank Program and the Stackable Certificates Program. The Ohio Skills Bank Program seeks to align the education of Ohio's workforce with industry needs. The Stackable Certificates Program consists of competency-based, low-cost, noncredit and credit-bearing modules and courses in communications, mathematics, information technology, and other fields selected by the Chancellor. The program culminates in a certificate and provides

recipients with a foundation for additional post-secondary education. 120551  
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**Section 371.20.60. FISCAL YEAR 2011 PLAN FOR ADULT WORKFORCE TRAINING PROGRAMS** 120553  
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Notwithstanding the Sections of this act entitled "Jobs Challenge," "Adult Basic and Literacy Education," and "Post-Secondary Adult Career-Technical Education," not later than June 1, 2010, the Chancellor of the Board of Regents shall submit for approval of the Controlling Board a plan for the integration of funding support for the state's adult workforce training and development programs, beginning in fiscal year 2011. Funding support in the plan shall include appropriation items 235415, Jobs Challenge, 235443, Adult Basic and Literacy Education - State, and 235444, Post-Secondary Adult Career-Technical Education. 120555  
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The plan shall clearly define the formulas, or competitive process, to be used for funding the activities of adult basic and literacy education program providers, state literacy resource centers, post-secondary adult career-technical education providers, and community colleges. The plan may propose the creation of new appropriation items as necessary to support its implementation. 120565  
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**Section 371.20.70. AREA HEALTH EDUCATION CENTERS** 120572

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of the Board of Regents to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program. 120573  
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Of the foregoing appropriation item 235474, Area Health 120580

Education Centers Program Support, \$200,000 in each fiscal year 120581  
shall be disbursed to the Ohio University College of Osteopathic 120582  
Medicine to operate a mobile health care unit to serve the 120583  
southeastern area of the state. 120584

**Section 371.20.80. STATE SHARE OF INSTRUCTION FORMULAS** 120585

On or before August 31, 2009, the Chancellor of the Board of 120586  
Regents shall submit to the Controlling Board funding formulas for 120587  
the allocation of the foregoing appropriation item 235501, State 120588  
Share of Instruction, in each fiscal year. The funding formulas 120589  
shall consider the September 2008 university and community college 120590  
recommendations submitted to the fiscal year 2009 state share of 120591  
instruction consultation, and shall include separate formulas for 120592  
state-assisted university main campuses, regional campuses of 120593  
state-assisted universities, and state-assisted community and 120594  
technical colleges. 120595

The state share of instruction formula for state-assisted 120596  
university main campuses shall support graduate and medical 120597  
education, reward course and degree completion, and reward the 120598  
achievement of mission-specific goals. The state share of 120599  
instruction formula for regional campuses of the state-assisted 120600  
universities shall reward course completion and the achievement of 120601  
mission-specific goals. The state share of instruction formula for 120602  
state-assisted community and technical colleges shall be based on 120603  
enrollments, achievement of mission-specific goals, and measures 120604  
of student success appropriate to institutional missions. 120605

Student-specific components of the formulas shall be weighted 120606  
for at-risk students as measured using the student's eligibility 120607  
for support from state need-based aid programs. The state share of 120608  
instruction formulas shall include allocations of Success 120609  
Challenge, Access Challenge, and any other tuition subsidy 120610  
provided in Am. Sub. H.B. 119 of the 127th General Assembly. The 120611

state share of instruction funding formulas shall be designed to 120612  
phase in components over time. 120613

**Section 371.20.90.** STATE SHARE OF INSTRUCTION FOR FISCAL 120614  
YEARS 2010 AND 2011 120615

The boards of trustees of state-assisted institutions of 120616  
higher education shall restrain increases in in-state 120617  
undergraduate instructional and general fees. For the 2009-2010 120618  
academic year, each state-assisted institution shall not increase 120619  
its in-state undergraduate instructional and general fees over 120620  
what the institution charged for the 2008-2009 academic year. For 120621  
the 2010-2011 academic year, each state-assisted community 120622  
college, state community college, technical college, and regional 120623  
campus of a state-assisted university shall not increase its 120624  
in-state undergraduate instructional and general fees over what 120625  
the institution charged for the 2009-2010 academic year. 120626

These limitations shall not apply to increases required to 120627  
comply with institutional covenants related to their obligations 120628  
or to meet unfunded legal mandates or legally binding obligations 120629  
incurred or commitments made prior to the effective date of this 120630  
section with respect to which the institution had identified such 120631  
fee increases as the source of funds. Any increase required by 120632  
such covenants and any such mandates, obligations, or commitments 120633  
shall be reported by the Chancellor of the Board of Regents to the 120634  
Controlling Board. These limitations may also be modified by the 120635  
Chancellor of the Board of Regents, with the approval of the 120636  
Controlling Board, to respond to exceptional circumstances as 120637  
identified by the Chancellor of the Board of Regents. 120638

**Section 371.30.10.** HIGHER EDUCATION - BOARD OF TRUSTEES 120639

(A) Funds appropriated for instructional subsidies at 120640  
colleges and universities may be used to provide such branch or 120641



other off-campus undergraduate courses of study and such master's 120642  
degree courses of study as may be approved by the Chancellor of 120643  
the Board of Regents. 120644

(B) In providing instructional and other services to 120645  
students, boards of trustees of state-assisted institutions of 120646  
higher education shall supplement state subsidies with income from 120647  
charges to students. Except as otherwise provided in this Section, 120648  
each board shall establish the fees to be charged to all students, 120649  
including an instructional fee for educational and associated 120650  
operational support of the institution and a general fee for 120651  
noninstructional services, including locally financed student 120652  
services facilities used for the benefit of enrolled students. The 120653  
instructional fee and the general fee shall encompass all charges 120654  
for services assessed uniformly to all enrolled students. Each 120655  
board may also establish special purpose fees, service charges, 120656  
and fines as required; such special purpose fees and service 120657  
charges shall be for services or benefits furnished individual 120658  
students or specific categories of students and shall not be 120659  
applied uniformly to all enrolled students. A tuition surcharge 120660  
shall be paid by all students who are not residents of Ohio. 120661

The board of trustees of a state-assisted institution of 120662  
higher education shall not authorize a waiver or nonpayment of 120663  
instructional fees or general fees for any particular student or 120664  
any class of students other than waivers specifically authorized 120665  
by law or approved by the Chancellor. This prohibition is not 120666  
intended to limit the authority of boards of trustees to provide 120667  
for payments to students for services rendered the institution, 120668  
nor to prohibit the budgeting of income for staff benefits or for 120669  
student assistance in the form of payment of such instructional 120670  
and general fees. 120671

Each state-assisted institution of higher education in its 120672  
statement of charges to students shall separately identify the 120673

instructional fee, the general fee, the tuition charge, and the 120674  
tuition surcharge. Fee charges to students for instruction shall 120675  
not be considered to be a price of service but shall be considered 120676  
to be an integral part of the state government financing program 120677  
in support of higher educational opportunity for students. 120678

(C) Notwithstanding any provision of law to the contrary, if 120679  
the Chancellor of the Board of Regents intends to work with a 120680  
state-assisted institution of higher education to adjust the 120681  
instructional and general fee amounts charged for an associate 120682  
degree program at the institution for the 2009-2010 academic year 120683  
or the 2010-2011 academic year, the Chancellor shall proceed as 120684  
follows: 120685

(1) Notify the institution's board of trustees of the 120686  
Chancellor's intent to work with the institution to adjust the 120687  
instructional and general fee amounts charged for an associate 120688  
degree program for the applicable academic year; 120689

(2) Request the board of trustees to do both of the 120690  
following: 120691

(a) Provide access to data and to administrators and other 120692  
employees of the institution, as specified by the Chancellor, for 120693  
the purpose of analyzing the instructional and general fee 120694  
amounts; 120695

(b) Prepare and submit to the Chancellor, within thirty days 120696  
after the request, a report justifying the current instructional 120697  
and general fee amounts or proposing an adjustment to those 120698  
amounts. 120699

The board of trustees shall comply with each request of the 120700  
Chancellor under division (C)(2) of this section. 120701

(3) Convene a meeting with the board of trustees to reach an 120702  
agreement on adjusting the instructional and general fee amounts 120703  
and on a plan to implement the adjustments. The Chancellor or the 120704

board of trustees may designate employees of the institution to 120705  
participate in the meeting. If an agreement is reached, the board 120706  
of trustees shall take action to implement the plan to adjust the 120707  
fee amounts. 120708

(4) If no agreement is reached under division (C)(3) of this 120709  
section, make a recommendation to the board of trustees for an 120710  
adjustment to the instructional and general fee amounts. In making 120711  
the recommendation, the Chancellor shall specify the actions that 120712  
should be taken to make the adjustment viable and shall 120713  
demonstrate that the adjustment will not adversely impact the 120714  
financial or educational condition of the institution. The 120715  
Chancellor shall not make a recommendation that, if implemented, 120716  
would cause the composite result of the ratio analysis performed 120717  
of the financial condition of the institution under paragraph 120718  
(A)(4) of rule 126:3-1-01 of the Ohio Administrative Code to place 120719  
the institution in fiscal watch under paragraph (B) of that rule. 120720  
Not later than ten days after receipt of the Chancellor's 120721  
recommendation, the board of trustees shall act either to adopt 120722  
the recommendation or to reject the recommendation. 120723

(5) If the board of trustees rejects the recommendation made 120724  
under division (C)(4) of this section, determine whether to submit 120725  
the recommendation to the Controlling Board for approval. If the 120726  
Chancellor elects to submit the recommendation to the Controlling 120727  
Board and the Controlling Board approves the recommendation, the 120728  
board of trustees shall implement the recommendation and shall 120729  
adjust the instructional and general fee amounts accordingly. 120730

Unless a law enacted after the effective date of this section 120731  
requires otherwise, any restriction on tuition increases for an 120732  
associate degree program applicable to a state-assisted 120733  
institution of higher education in fiscal year 2012 or fiscal year 120734  
2013 shall be applied to the instructional and general fee amounts 120735  
charged for the program immediately prior to any adjustment under 120736

division (C) of this section. 120737

(D) The boards of trustees of state-assisted institutions of 120738  
higher education shall ensure that faculty members devote a proper 120739  
and judicious part of their work week to the actual instruction of 120740  
students. Total class credit hours of production per quarter per 120741  
full-time faculty member is expected to meet the standards set 120742  
forth in the budget data submitted by the Chancellor of the Board 120743  
of Regents. 120744

(E) The authority of government vested by law in the boards 120745  
of trustees of state-assisted institutions of higher education 120746  
shall in fact be exercised by those boards. Boards of trustees may 120747  
consult extensively with appropriate student and faculty groups. 120748  
Administrative decisions about the utilization of available 120749  
resources, about organizational structure, about disciplinary 120750  
procedure, about the operation and staffing of all auxiliary 120751  
facilities, and about administrative personnel shall be the 120752  
exclusive prerogative of boards of trustees. Any delegation of 120753  
authority by a board of trustees in other areas of responsibility 120754  
shall be accompanied by appropriate standards of guidance 120755  
concerning expected objectives in the exercise of such delegated 120756  
authority and shall be accompanied by periodic review of the 120757  
exercise of this delegated authority to the end that the public 120758  
interest, in contrast to any institutional or special interest, 120759  
shall be served. 120760

**Section 371.30.20. STUDENT SUPPORT SERVICES** 120761

The foregoing appropriation item 235502, Student Support 120762  
Services, shall be distributed by the Chancellor of the Board of 120763  
Regents to Ohio's state-assisted colleges and universities that 120764  
incur disproportionate costs in the provision of support services 120765  
to disabled students. 120766

**Section 371.30.30. WAR ORPHANS SCHOLARSHIPS** 120767

The foregoing appropriation item 235504, War Orphans 120768  
Scholarships, shall be used to reimburse state-assisted 120769  
institutions of higher education for waivers of instructional fees 120770  
and general fees provided by them, to provide grants to 120771  
institutions that have received a certificate of authorization 120772  
from the Chancellor of the Board of Regents under Chapter 1713. of 120773  
the Revised Code, in accordance with the provisions of section 120774  
5910.04 of the Revised Code, and to fund additional scholarship 120775  
benefits provided by section 5910.032 of the Revised Code. 120776

An amount equal to the unexpended, unencumbered portion of 120777  
the foregoing appropriation item 235504, War Orphans Scholarships, 120778  
at the end of fiscal year 2010 is hereby reappropriated to the 120779  
Board of Regents for the same purpose for fiscal year 2011. 120780

**Section 371.30.40. OHIOLINK** 120781

The foregoing appropriation item 235507, OhioLINK, shall be 120782  
used by the Chancellor of the Board of Regents to support 120783  
OhioLINK, a consortium organized under division (U) of section 120784  
3333.04 of the Revised Code to serve as the state's electronic 120785  
library information and retrieval system, which provides access 120786  
statewide to an extensive set of electronic databases and 120787  
resources and the library holdings of Ohio's public and 120788  
participating private nonprofit colleges and universities, and the 120789  
State Library of Ohio. 120790

**Section 371.30.50. AIR FORCE INSTITUTE OF TECHNOLOGY** 120791

The foregoing appropriation item 235508, Air Force Institute 120792  
of Technology, shall be used to strengthen the research and 120793  
educational linkages between the Wright Patterson Air Force Base 120794  
and institutions of higher education in Ohio. Of the foregoing 120795

appropriation item 235508, Air Force Institute of Technology, 120796  
\$1,227,106 in each fiscal year shall be used for research projects 120797  
that connect the Air Force Research Laboratories with university 120798  
partners. The institute shall provide annual reports to the Third 120799  
Frontier Commission that discuss existing, planned, or possible 120800  
collaborations between programs and funding recipients related to 120801  
technology, research development, commercialization, and support 120802  
for Ohio's economic development. 120803

Of the foregoing appropriation item 235508, Air Force 120804  
Institute of Technology, \$613,553 in each fiscal year shall be 120805  
used to match federal dollars to support technology 120806  
commercialization and job creation. The Development Research 120807  
Corporation shall use the funds to create or expand Ohio-based 120808  
technology and commercial development collaborations in areas that 120809  
are a priority in Ohio's third frontier initiative between 120810  
industry, academia, and government. 120811

**Section 371.30.55. WOMEN IN TRANSITION** 120812

The foregoing appropriation item 235509, Women in Transition, 120813  
shall be used to support Women in Transition programs at Ohio 120814  
institutions of higher education. 120815

**Section 371.30.60. OHIO SUPERCOMPUTER CENTER** 120816

The foregoing appropriation item 235510, Ohio Supercomputer 120817  
Center, shall be used by the Chancellor of the Board of Regents to 120818  
support the operation of the Ohio Supercomputer Center, a 120819  
consortium organized under division (U) of section 3333.04 of the 120820  
Revised Code, located at The Ohio State University. The Ohio 120821  
Supercomputer Center is a statewide resource available to Ohio 120822  
research universities both public and private. It is also intended 120823  
that the center be made accessible to private industry as 120824  
appropriate. 120825

Funds shall be used, in part, to support the Ohio Supercomputer Center's Computational Science Initiative, which includes its industrial outreach program, Blue Collar Computing, and its School of Computational Science. These collaborations between the Ohio Supercomputer Center and Ohio's colleges and universities shall be aimed at making Ohio a leader in using computer modeling to promote economic development.

**Section 371.30.70. COOPERATIVE EXTENSION SERVICE** 120833

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

**Section 371.30.80. OHIO UNIVERSITY VOINOVICH SCHOOL** 120839

The foregoing appropriation item 235513, Ohio University Voinovich School, shall be used by the Chancellor of the Board of Regents to support the operations of Ohio University's Voinovich School.

**Section 371.30.90. CENTRAL STATE SUPPLEMENT** 120844

The foregoing appropriation item 235514, Central State Supplement, shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.

**Section 371.40.10. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE** 120851  
120852

The foregoing appropriation item 235515, Case Western Reserve 120853

University School of Medicine, shall be disbursed to Case Western 120854  
Reserve University through the Chancellor of the Board of Regents 120855  
in accordance with agreements entered into under section 3333.10 120856  
of the Revised Code, provided that the state support per full-time 120857  
medical student shall not exceed that provided to full-time 120858  
medical students at state universities. 120859

**Section 371.40.20. FAMILY PRACTICE** 120860

The Chancellor of the Board of Regents shall develop plans 120861  
consistent with existing criteria and guidelines as may be 120862  
required for the distribution of appropriation item 235519, Family 120863  
Practice. 120864

**Section 371.40.30. SHAWNEE STATE SUPPLEMENT** 120865

The foregoing appropriation item 235520, Shawnee State 120866  
Supplement, shall be used by Shawnee State University as detailed 120867  
by both of the following: 120868

(A) To allow Shawnee State University to keep its 120869  
undergraduate fees below the statewide average, consistent with 120870  
its mission of service to an economically depressed Appalachian 120871  
region; 120872

(B) To allow Shawnee State University to employ new faculty 120873  
to develop and teach in new degree programs that meet the needs of 120874  
Appalachians. 120875

**Section 371.40.40. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS** 120876

The foregoing appropriation item 235521, The Ohio State 120877  
University John Glenn School of Public Affairs, shall be used by 120878  
the Chancellor of the Board of Regents to support the operations 120879  
of The Ohio State University's John Glenn School of Public 120880  
Affairs. 120881



**Section 371.40.50. POLICE AND FIRE PROTECTION** 120882

The foregoing appropriation item 235524, Police and Fire 120883  
Protection, shall be used for police and fire services in the 120884  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 120885  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 120886  
and the City of Nelsonville that may be used to assist these local 120887  
governments in providing police and fire protection for the 120888  
central campus of the state-affiliated university located therein. 120889

**Section 371.40.60. GERIATRIC MEDICINE** 120890

The Chancellor of the Board of Regents shall develop plans 120891  
consistent with existing criteria and guidelines as may be 120892  
required for the distribution of appropriation item 235525, 120893  
Geriatric Medicine. 120894

**Section 371.40.70. PRIMARY CARE RESIDENCIES** 120895

The Chancellor of the Board of Regents shall develop plans 120896  
consistent with existing criteria and guidelines as may be 120897  
required for the distribution of appropriation item 235526, 120898  
Primary Care Residencies. 120899

The foregoing appropriation item 235526, Primary Care 120900  
Residencies, shall be distributed in each fiscal year of the 120901  
biennium, based on whether or not the institution has submitted 120902  
and gained approval for a plan. If the institution does not have 120903  
an approved plan, it shall receive five per cent less funding per 120904  
student than it would have received from its annual allocation. 120905  
The remaining funding shall be distributed among those 120906  
institutions that meet or exceed their targets. 120907

**Section 371.40.75. OHIO AEROSPACE INSTITUTE** 120908

The foregoing appropriation item 235527, Ohio Aerospace 120909

Institute, shall be distributed by the Chancellor of the Board of Regents under section 3333.042 of the Revised Code. 120910  
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The Board of Regents, in consultation with the Third Frontier Commission, shall develop a plan for providing for appropriate, value-added participation of the Ohio Aerospace Institute in Third Frontier Project proposals and grants. 120912  
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**Section 371.40.80. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER** 120916  
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The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. 120918  
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The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment. 120929  
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**Section 371.40.90. STATE UNIVERSITY CLINICAL TEACHING** 120939

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeastern Ohio Universities College of Medicine Clinical Teaching, shall be distributed through the Chancellor of the Board of Regents.

**Section 371.50.10. CAPITAL COMPONENT**

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of the Board of Regents to implement the capital funding policy for state-assisted colleges and universities established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to new qualifying capital projects is less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to new qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

Any campus for which the estimated campus debt service attributable to qualifying capital projects is greater than the campus's formula-determined capital component allocation shall have the difference subtracted from its State Share of Instruction allocation in each fiscal year. Appropriation equal to the sum of all such amounts except that of the Ohio Agricultural Research and Development Center shall be transferred from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component. Appropriation equal to any estimated Ohio

Agricultural Research and Development Center debt service 120971  
attributable to qualifying capital projects that is greater than 120972  
the Center's formula-determined capital component allocation shall 120973  
be transferred from appropriation item 235535, Ohio Agricultural 120974  
Research and Development Center, to appropriation item 235552, 120975  
Capital Component. 120976

**Section 371.50.15. DAYTON AREA GRADUATE STUDIES INSTITUTE 120977**

The foregoing appropriation item 235553, Dayton Area Graduate 120978  
Studies Institute, shall be used by the Board of Regents to 120979  
support the Dayton Area Graduate Studies Institute, an engineering 120980  
graduate consortium of three universities in the Dayton area: 120981  
Wright State University, the University of Dayton, and the Air 120982  
Force Institute of Technology, with the participation of the 120983  
University of Cincinnati and The Ohio State University. 120984

**Section 371.50.20. LIBRARY DEPOSITORIES 120985**

The foregoing appropriation item, 235555, Library 120986  
Depositories, shall be distributed to the state's five regional 120987  
depository libraries for the cost-effective storage of and access 120988  
to lesser-used materials in university library collections. The 120989  
depositories shall be administrated by the Chancellor of the Board 120990  
of Regents. 120991

**Section 371.50.30. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 120992**

The foregoing appropriation item 235556, Ohio Academic 120993  
Resources Network, shall be used by the Chancellor of the Board of 120994  
Regents to support the operations of the Ohio Academic Resources 120995  
Network, a consortium organized under division (U) of section 120996  
3333.04 of the Revised Code, which shall include support for 120997  
Ohio's colleges and universities in maintaining and enhancing 120998  
network connections, using new network technologies to improve 120999

research, education, and economic development programs, and 121000  
sharing information technology services. The network shall give 121001  
priority to supporting the Third Frontier Network and allocating 121002  
bandwidth to programs directly supporting Ohio's economic 121003  
development. 121004

**Section 371.50.40. LONG-TERM CARE RESEARCH** 121005

The foregoing appropriation item 235558, Long-term Care 121006  
Research, shall be disbursed to Miami University for long-term 121007  
care research. 121008

**Section 371.50.50. OHIO COLLEGE OPPORTUNITY GRANT** 121009

The foregoing appropriation item 235563, Ohio College 121010  
Opportunity Grant, shall be used by the Chancellor of the Board of 121011  
Regents to award needs-based financial aid to students enrolled in 121012  
eligible public institutions of higher education, excluding early 121013  
college high school and post-secondary enrollment option 121014  
participants. 121015

An amount equal to the unexpended, unencumbered portion of 121016  
the foregoing appropriation item 235563, Ohio College Opportunity 121017  
Grant, at the end of fiscal year 2010 is hereby reappropriated to 121018  
the Board of Regents for the same purpose for fiscal year 2011. 121019

On or before August 31, 2009, the Chancellor of the Board of 121020  
Regents shall submit funding formulas to the Controlling Board for 121021  
the 2009-2010 academic year and allocations of Ohio College 121022  
Opportunity Grant awards not already specified in section 3333.122 121023  
of the Revised Code. 121024

**Section 371.50.60. CENTRAL STATE UNIVERSITY SPEED TO SCALE** 121025

The foregoing appropriation 235567, Central State University 121026  
Speed to Scale, shall be used to achieve the goals of the Speed to 121027  
Scale Plan, which include increasing student enrollment through 121028

freshman recruitment and transferred students, increasing the 121029  
proportion of in-state students to 80 per cent of the total 121030  
student population, and increasing the student retention rates 121031  
between the first and second year of college by two per cent each 121032  
year. The goals shall be accomplished by the targeting of student 121033  
retention, improved articulation agreements with two-year 121034  
campuses, increased use of alternative course options, including 121035  
online coursework and Ohio Learning Network resources, College 121036  
Tech Prep, Post Secondary Enrollment Options, and other 121037  
dual-credit programs, and strategic partnerships with research 121038  
institutions to improve the quality of Central State University's 121039  
offering of science, technology, engineering, mathematics, and 121040  
medical instruction. In fiscal year 2010, the disbursement of 121041  
these funds shall be contingent upon Central State University 121042  
meeting the annual goals for the student enrollment and retention 121043  
rate increases. 121044

The Speed to Scale Task Force shall meet not less than 121045  
quarterly to discuss progress of the plan, including performance 121046  
on accountability metrics and issues experienced in planned 121047  
efforts, and to monitor and support the creation of partnerships 121048  
with other state institutions of higher education. The Task Force 121049  
shall consist of the president of Central State University or the 121050  
president's designee, the president of Sinclair Community College 121051  
or the president's designee, the president of Cincinnati State 121052  
Technical and Community College or the president's designee, the 121053  
president of Cuyahoga Community College or the president's 121054  
designee, the president of The Ohio State University or the 121055  
president's designee, the president of the University of 121056  
Cincinnati or the president's designee, the president of Wright 121057  
State University or the president's designee, one representative 121058  
from the Board of Regents, one member of the House of 121059  
Representatives appointed by the Speaker of the House of 121060  
Representatives, one member of the Senate appointed by the 121061

President of the Senate, the Director of Budget and Management or 121062  
the director's designee, and a representative of the Governor's 121063  
Office appointed by the Governor. 121064

On the thirtieth day of June of each fiscal year, Central 121065  
State University and the Speed to Scale Task Force shall jointly 121066  
submit to the Governor, the Director of Budget and Management, the 121067  
Speaker of the House of Representatives, the President of the 121068  
Senate, and the Board of Regents a report describing the status of 121069  
their progress on the accountability metrics included in the Speed 121070  
to Scale Plan. 121071

**Section 371.50.70. THE OHIO STATE UNIVERSITY CLINIC SUPPORT** 121072

The foregoing appropriation item 235572, The Ohio State 121073  
University Clinic Support, shall be distributed through the 121074  
Chancellor of the Board of Regents to The Ohio State University 121075  
for support of dental and veterinary medicine clinics. 121076

**Section 371.50.80. NONPUBLIC NEED-BASED FINANCIAL AID** 121077

The foregoing appropriation item 235576, Nonpublic Need-Based 121078  
Financial Aid, shall be used to support need-based financial aid 121079  
block grants under division (D) of section 3333.122 of the Revised 121080  
Code. 121081

Of the foregoing appropriation item 235576, Nonpublic 121082  
Need-Based Financial Aid, \$60,000,000 in each fiscal year shall be 121083  
used to support the block grant for private, nonprofit 121084  
institutions of higher education. 121085

Of the foregoing appropriation item 235576, Nonpublic 121086  
Need-Based Financial Aid, \$10,000,000 in each fiscal year shall be 121087  
used to support the block grant for proprietary post-secondary 121088  
institutions of higher education. 121089

**Section 371.50.82. ALLOCATION OF NEED-BASED BLOCK GRANT FOR** 121090

NONPROFIT PRIVATE INSTITUTIONS	121091
(A) As used in this section:	121092
(1) "Eligible institution" means a nonprofit private institution in this state that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code to award degrees at the associate degree or higher.	121093 121094 121095 121096
(2) "First-year student" means an undergraduate student who has earned not more than 29 semester hour credits or 44 quarter hour credits.	121097 121098 121099
(3) "Sophomore" means an undergraduate student who, at an institution authorized to award bachelor's degrees or higher, has earned between 30 and 59 semester hour credits or 45 to 89 quarter hour credits or who, at an institution authorized to issue associate degrees only, has earned 30 or more semester hour credits or 45 or more quarter hour credits.	121100 121101 121102 121103 121104 121105
(4) "Junior" means an undergraduate who, at an institution authorized to award bachelor's degrees or higher, has earned between 60 and 89 semester hour credits or between 90 and 134 quarter hour credits.	121106 121107 121108 121109
(5) "Senior" means an undergraduate student who, at an institution authorized to award bachelor's degrees or higher, has earned 90 or more semester hour credits or 135 or more quarter hour credits.	121110 121111 121112 121113
(6) "Pell-eligible student" means a full-time equivalent undergraduate Ohio resident enrolled in an eligible institution and who is eligible for a Pell grant under 20 U.S.C. 1070a.	121114 121115 121116
(B) The Chancellor of the Ohio Board of Regents shall allocate funds for the Private Higher Education Financial Aid Needs-Based Block Grant under division (C) of section 3333.122 of the Revised Code to eligible institutions in the amounts	121117 121118 121119 121120



calculated as follows: 121121

(1) For fiscal year 2010, each eligible institution shall 121122  
receive 90% of the amounts the eligible institution received in 121123  
fiscal year 2008 under the Ohio Instructional Grant and Ohio 121124  
College Opportunity Grant programs, under sections 3333.12 and 121125  
3333.122 of the Revised Code, respectively, plus a percentage of 121126  
the remaining appropriation for the Private Higher Education 121127  
Needs-Based Financial Aid Block Grant, if any, equal to the 121128  
percentage that the weighted Pell-eligible students enrolled at 121129  
the institution in academic year 2008-2009 represents of the total 121130  
number of weighted Pell-eligible students attending all eligible 121131  
institutions that academic year. Weights shall be determined as 121132  
provided in division (C) of this section. 121133

(2) In fiscal year 2011, each eligible institution shall be 121134  
allocated a percentage of the appropriation for the Private Higher 121135  
Education Needs-Based Financial Aid Block Grant equal to the 121136  
percentage that the weighted Pell-eligible students enrolled at 121137  
the eligible institution in academic year 2009-2010 represents of 121138  
the total number of weighted Pell-eligible students enrolled in 121139  
all eligible institutions in that academic year. Weights shall be 121140  
determined as provided in division (C) of this section. 121141

(C) For purposes of division (B) of this section, students 121142  
shall be weighted by grade level as follows: 121143

(1) 1.0 for full-time equivalent enrollment of first-year 121144  
students; 121145

(2) 1.1 for full-time equivalent enrollment of sophomores; 121146

(3) 1.2 for full-time equivalent enrollment of juniors; 121147

(4) 1.3 for full-time equivalent enrollment of seniors. 121148

(D) Each eligible institution shall report the number and 121149  
level of students enrolled at the institution that are 121150

Pell-eligible for the academic year prior to the fiscal year of 121151  
block grant funding. For any institution not reporting the number 121152  
and level of Pell-eligible students in a timely manner, the 121153  
Chancellor shall instead use in the distribution formula such 121154  
institution's total number of state need-based aid eligible 121155  
students for the academic year two years prior to the fiscal year 121156  
of block grant funding. In such cases, all numbers shall be 121157  
weighted by a factor of 1.00. 121158

**Section 371.50.83. BLISS INSTITUTE** 121159

The foregoing appropriation item 235579, Bliss Institute, 121160  
shall be used to support the Bliss Institute of Applied Politics 121161  
at the University of Akron. 121162

**Section 371.50.84. ENTREPRENEURSHIP EDUCATION PROGRAM** 121163

The foregoing appropriation item 235580, Entrepreneurship 121164  
Education Program, shall be used to develop an entrepreneurship 121165  
education program at North Central State College. The program 121166  
shall serve as a source of entrepreneurial learning practices and 121167  
innovation across the North Central State College curriculum and 121168  
in Mansfield. The program may include collaboration and 121169  
partnerships with local businesses and government entities. 121170

**Section 371.50.85. URBAN UNIVERSITY PROGRAM** 121171

Universities receiving funds from the foregoing appropriation 121172  
item 235583, Urban University Program, that are used to support an 121173  
ongoing university unit shall certify periodically in a manner 121174  
approved by the Board of Regents that program funds are being 121175  
matched on a one-to-one basis with equivalent resources. Overhead 121176  
support may not be used to meet this requirement. If Urban 121177  
University Program funds are being used to support an ongoing 121178  
university unit, matching funds shall come from continuing rather 121179

than one-time sources. At each participating state-assisted 121180  
institution of higher education, matching funds shall be within 121181  
the substantial control of the individual designated by the 121182  
institution's president as the Urban University Program 121183  
Representative. 121184

Of the foregoing appropriation item 235583, Urban University 121185  
Program, \$71,618 in each fiscal year shall be used to support the 121186  
Center for the Interdisciplinary Study of Education and the Urban 121187  
Child at Cleveland State University. These funds shall be 121188  
distributed according to rules adopted by the Board of Regents and 121189  
shall be used by the center. The center shall target funds toward 121190  
increasing the chance for lifetime success of the urban child, 121191  
including interventions beginning with the prenatal period. The 121192  
primary purpose of the center is to study issues in urban 121193  
education and to systematically map directions for new approaches 121194  
and new solutions by bringing together a cadre of researchers, 121195  
scholars, and professionals representing the social, behavioral, 121196  
educational, and health disciplines. 121197

Of the foregoing appropriation item 235583, Urban University 121198  
Program, \$875,586 in each fiscal year shall be distributed by the 121199  
Board of Regents to Cleveland State University in support of the 121200  
Maxine Goodman Levin College of Urban Affairs. 121201

Of the foregoing appropriation item 235583, Urban University 121202  
Program, \$875,586 in each fiscal year shall be distributed to the 121203  
Northeast Ohio Research Consortium, the Urban Linkages Program, 121204  
and the Urban Research Technical Assistance Grant Program. The 121205  
distribution among the three programs shall be determined by the 121206  
chairperson of the Urban University Program. 121207

Of the foregoing appropriation item 235583, Urban University 121208  
Program, \$151,194 in each fiscal year shall be used to support a 121209  
public communication outreach program (WCPN). The primary purpose 121210  
of the program shall be to develop a relationship between 121211

Cleveland State University and nonprofit communications entities. 121212

Of the foregoing appropriation item 235583, Urban University 121213  
Program, \$169,310 in each fiscal year shall be used to support the 121214  
Kent State University Learning and Technology Project. This 121215  
project is a kindergarten through university collaboration between 121216  
schools surrounding Kent State University's eight campuses in 121217  
northeast Ohio and corporate partners who assist in development 121218  
and delivery. 121219

The Kent State University Learning and Technology Project 121220  
shall provide a faculty member who has a full-time role in the 121221  
development of collaborative activities and teacher instructional 121222  
programming between Kent State University and the K-12th grade 121223  
schools that surround its eight campuses; appropriate student 121224  
support staff to facilitate these programs and joint activities; 121225  
and hardware and software to schools that will make possible the 121226  
delivery of instruction to pre-service and in-service teachers, 121227  
and their students, in their own classrooms or school buildings. 121228  
The latter shall involve the delivery of low-bandwidth streaming 121229  
video and web-based technologies in a distributed instructional 121230  
model. 121231

Of the foregoing appropriation item 235583, Urban University 121232  
Program, \$65,119 in each fiscal year shall be used to support the 121233  
Ameritech Classroom/Center for Research at Kent State University. 121234

Of the foregoing appropriation item 235583, Urban University 121235  
Program, \$442,087 in each fiscal year shall be used to support the 121236  
Polymer Distance Learning Project at the University of Akron. 121237

Of the foregoing appropriation item 235583, Urban University 121238  
Program, \$19,894 in each fiscal year shall be distributed to the 121239  
Kent State University/Cleveland Design Center Program. 121240

Of the foregoing appropriation item 235583, Urban University 121241  
Program, \$10,199 in each fiscal year shall be used for the 121242

Advancing-Up Program at the University of Akron. 121243

Of the foregoing appropriation item 235583, Urban University 121244  
Program, \$85,404 in each fiscal year shall be used to support the 121245  
Strategic Economic Research Collaborative at the University of 121246  
Toledo Urban Affairs Center. 121247

Of the foregoing appropriation item 235583, Urban University 121248  
Program, \$100,679 in each fiscal year shall be used to support the 121249  
Institute for Collaborative Research and Public Humanities at The 121250  
Ohio State University. 121251

Of the foregoing appropriation item 235583, Urban University 121252  
Program, \$259,900 in each fiscal year shall be used to support the 121253  
Medina County University Center. 121254

Of the foregoing appropriation item 235583, Urban University 121255  
Program, \$91,650 in each fiscal year shall be used to support The 121256  
Ohio State University African American and African Studies 121257  
Community Extension Center. 121258

Of the foregoing appropriation item 235583, Urban University 121259  
Program, \$122,200 in each fiscal year shall be used to support the 121260  
Cleveland Institute of Art. 121261

**Section 371.50.86. RURAL UNIVERSITY PROJECTS** 121262

Of the foregoing appropriation item 235587, Rural University 121263  
Projects, Bowling Green State University shall receive \$161,171 in 121264  
each fiscal year, Miami University shall receive \$149,891 in each 121265  
fiscal year, and Ohio University shall receive \$351,334 in each 121266  
fiscal year. These funds shall be used to support the Institute 121267  
for Local Government Administration and Rural Development at Ohio 121268  
University, the Center for Public Management and Regional Affairs 121269  
at Miami University, and the Center for Regional Development at 121270  
Bowling Green State University. 121271

Of the foregoing appropriation item 235587, Rural University 121272

Projects, \$9,741 in each fiscal year shall be used to support the 121273  
Washington State Community College day care center. 121274

Of the foregoing appropriation item 235587, Rural University 121275  
Projects, \$36,556 in each fiscal year shall be used to support the 121276  
COAD/ILGARD/GOA Appalachian Leadership Initiative. 121277

**Section 371.50.90. HAZARDOUS MATERIALS PROGRAM** 121278

The foregoing appropriation item 235596, Hazardous Materials 121279  
Program, shall be used by the Chancellor of the Board of Regents 121280  
to make awards for the establishment or continued development and 121281  
support of hazardous materials education, studies, or programs at 121282  
Ohio institutions of higher education. 121283

Of the foregoing appropriation item 235596, Hazardous 121284  
Materials Program, \$115,000 in each fiscal year shall be used to 121285  
support the Center for the Interdisciplinary Study of Education 121286  
and Leadership in Public Service at Cleveland State University 121287  
which was created with the cooperation of the Ohio Professional 121288  
Fire Fighters Association. These funds shall be distributed by the 121289  
Chancellor of the Board of Regents and shall be used by the center 121290  
and targeted toward increasing the role of special populations in 121291  
public service and not-for-profit organizations. The primary 121292  
purpose of the center is to study issues in public service and to 121293  
guide strategies for attracting new communities into public 121294  
service occupations by bringing together a cadre of researchers, 121295  
scholars, and professionals representing the public 121296  
administration, social behavioral, and education disciplines. 121297

**Section 371.60.10. NATIONAL GUARD SCHOLARSHIP PROGRAM** 121298

The Chancellor of the Board of Regents shall disburse funds 121299  
from appropriation item 235599, National Guard Scholarship 121300  
Program, at the direction of the Adjutant General. During each 121301  
fiscal year, the Chancellor of the Board of Regents, within ten 121302

days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0). Upon the request of the Adjutant General, the Chancellor of the Board of Regents shall seek Controlling Board approval to authorize additional expenditures for appropriation item 235623, National Guard Scholarship Reserve Fund. Upon approval of the Controlling Board, the additional amounts are hereby appropriated. The Chancellor of the Board of Regents shall disburse funds from appropriation item 235623, National Guard Scholarship Reserve Fund, at the direction of the Adjutant General.

**Section 371.60.15. YOUNGSTOWN STATE PILOT SERVICE AREA STUDY COMMITTEE**

There is hereby established the Youngstown State Pilot Service Area Study Committee. The Committee shall examine the cost and feasibility of creating a Youngstown State Pilot Service Area. The Committee shall determine what counties may be included in the pilot service area and the need for reciprocity arrangements with participating counties. The Board of Regents shall provide administrative support for the Committee.

The membership of the Committee shall consist of the Chancellor of the Board of Regents, or the Chancellor's designee, who shall act as chair; the President of Youngstown State University, or the President's designee; one additional representative of Youngstown State University; one member of the House of Representatives from each political party, appointed by the Speaker of the House of Representatives; and one member of the

Senate from each political party, appointed by the President of 121334  
the Senate. Initial appointments to the Committee shall be 121335  
completed within ninety days of the effective date of this 121336  
section. The Chancellor shall convene the Committee not more than 121337  
thirty days after the final appointment has been made. 121338

The Committee shall submit its recommendations in a written 121339  
report to the Governor, the Speaker of the House of 121340  
Representatives, and the President of the Senate not later than 121341  
June 30, 2010. Upon completion of its report, the Committee shall 121342  
cease to exist. 121343

**Section 371.60.20. PLEDGE OF FEES** 121344

Any new pledge of fees, or new agreement for adjustment of 121345  
fees, made in the biennium ending June 30, 2011, to secure bonds 121346  
or notes of a state-assisted institution of higher education for a 121347  
project for which bonds or notes were not outstanding on the 121348  
effective date of this section shall be effective only after 121349  
approval by the Chancellor of the Board of Regents, unless 121350  
approved in a previous biennium. 121351

**Section 371.60.30. HIGHER EDUCATION GENERAL OBLIGATION DEBT** 121352  
**SERVICE** 121353

The foregoing appropriation item 235909, Higher Education 121354  
General Obligation Debt Service, shall be used to pay all debt 121355  
service and related financing costs at the times they are required 121356  
to be made for obligations issued during the period from July 1, 121357  
2009, to June 30, 2011, under sections 151.01 and 151.04 of the 121358  
Revised Code. 121359

**Section 371.60.40. SALES AND SERVICES** 121360

The Chancellor of the Board of Regents is authorized to 121361  
charge and accept payment for the provision of goods and services. 121362



Such charges shall be reasonably related to the cost of producing 121363  
the goods and services. No charges may be levied for goods or 121364  
services that are produced as part of the routine responsibilities 121365  
or duties of the Chancellor. All revenues received by the 121366  
Chancellor of the Board of Regents shall be deposited into Fund 121367  
4560, and may be used by the Chancellor of the Board of Regents to 121368  
pay for the costs of producing the goods and services. 121369

121370

**Section 371.60.50. HIGHER EDUCATIONAL FACILITY COMMISSION 121371**  
ADMINISTRATION 121372

The foregoing appropriation item 235602, Higher Educational 121373  
Facility Commission Administration, shall be used by the 121374  
Chancellor of the Board of Regents for operating expenses related 121375  
to the Chancellor of the Board of Regents' support of the 121376  
activities of the Ohio Higher Educational Facility Commission. 121377  
Upon the request of the Chancellor, the Director of Budget and 121378  
Management shall transfer up to \$45,000 cash in fiscal year 2010 121379  
and up to \$45,000 cash in fiscal year 2011 from the HEFC Operating 121380  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 121381  
4E80). 121382

**Section 371.60.60. NURSING LOAN PROGRAM 121383**

The foregoing appropriation item 235606, Nursing Loan 121384  
Program, shall be used to administer the nurse education 121385  
assistance program. Up to \$167,580 in each fiscal year may be used 121386  
for operating expenses associated with the program. Any additional 121387  
funds needed for the administration of the program are subject to 121388  
Controlling Board approval. 121389

**Section 371.60.70. VETERANS PREFERENCES 121390**

The Chancellor of the Board of Regents shall work with the 121391

Department of Veterans Services to develop specific veterans 121392  
preference guidelines for higher education institutions. These 121393  
guidelines shall ensure that the institutions' hiring practices 121394  
are in accordance with the intent of Ohio's veterans preference 121395  
laws. 121396

**Section 371.60.80. STATE NEED-BASED FINANCIAL AID** 121397  
RECONCILIATION 121398

By the first day of August in each fiscal year, or as soon as 121399  
possible thereafter, the Chancellor of the Ohio Board of Regents 121400  
shall certify to the Director of Budget and Management the amount 121401  
necessary to pay any outstanding prior year obligations to higher 121402  
education institutions for the state's need-based financial aid 121403  
programs. The amounts certified are hereby appropriated to 121404  
appropriation item 235618, State Need-based Financial Aid 121405  
Reconciliation, from revenues received in the State Need-based 121406  
Financial Aid Reconciliation Fund (Fund 5Y50). 121407

**Section 371.60.90. TRANSFERS TO STATE NEED-BASED FINANCIAL** 121408  
AID PROGRAMS 121409

In each fiscal year of the biennium, if the Chancellor of the 121410  
Board of Regents determines that additional funds are needed to 121411  
support the distribution of state need-based financial aid in 121412  
accordance with section 3333.122 of the Revised Code, the 121413  
Chancellor shall recommend the reallocation of the unexpended, 121414  
unencumbered portions of General Revenue Fund appropriation items 121415  
in the Board of Regents to appropriation item 235563, Ohio College 121416  
Opportunity Grant. If the Director of Budget and Management 121417  
determines that such a reallocation is required, the Director may 121418  
transfer appropriation in an amount not to exceed those 121419  
unexpended, unencumbered General Revenue Fund appropriations in 121420  
the Board of Regents as necessary to appropriation item 235563, 121421

Ohio College Opportunity Grant. 121422

If those transferred appropriations are not sufficient to 121423  
support the distribution of state need-based financial aid in 121424  
accordance with section 3333.122 of the Revised Code in each 121425  
fiscal year, the Director of Budget and Management may authorize 121426  
expenditures in excess of the amounts appropriated, but not to 121427  
exceed \$5,000,000 in each fiscal year from appropriation item 121428  
235563, Ohio College Opportunity Grant. Upon approval of the 121429  
Director of Budget and Management, the additional amounts are 121430  
hereby appropriated. 121431

**Section 371.60.93. GENERAL REVENUE FUND TRANSFER** 121432

On July 1 of each fiscal year, or as soon as possible 121433  
thereafter, the Director of Budget and Management shall transfer 121434  
\$2,000,000 cash from the General Revenue Fund to the Third 121435  
Frontier Research and Development Fund (Fund 7011). 121436

**Section 371.60.95. TRANSFER AND ADJUSTMENT OF ARRA STATE** 121437  
**FISCAL STABILIZATION FUND APPROPRIATIONS** 121438

The Director of Budget and Management may transfer 121439  
appropriation between appropriation items 235501, State Share of 121440  
Instruction, 235646, SSI - Federal Stimulus - Government Services, 121441  
and 235644, State Share of Instruction - Federal Stimulus - 121442  
Education, in each fiscal year, upon the written request of the 121443  
Chancellor of the Board of Regents, including transferring 121444  
appropriation between fiscal year 2010 and fiscal year 2011. The 121445  
Director shall report each transfer made under this section to the 121446  
Controlling Board at its next regularly scheduled meeting after 121447  
the transfer is made. 121448

**Section 371.70.10. EFFICIENCY SAVINGS** 121449

Each state-assisted institution of higher education, as 121450

defined in section 3345.011 of the Revised Code, shall demonstrate 121451  
at least a three per cent savings through internal efficiencies in 121452  
each fiscal year. Institutions shall identify savings to the 121453  
Chancellor of the Board of Regents, who shall certify the amount 121454  
of savings of each institution. 121455

**Section 371.70.20. OHIO TUITION TRUST AUTHORITY BECOMES 121456**  
ADVISORY BOARD TO CHANCELLOR 121457

(A) On and after the effective date of this section: 121458

(1) The Ohio Tuition Trust Authority, as established by 121459  
former section 3334.03 of the Revised Code, shall become the Ohio 121460  
Tuition Trust Advisory Board charged with the duty to advise the 121461  
Chancellor of the Ohio Board of Regents in carrying out the 121462  
Chancellor's duties. 121463

(2) The Chancellor of the Ohio Board of Regents shall have 121464  
the powers and duties formerly prescribed to and duties of the 121465  
Ohio Tuition Trust Authority and any other powers and duties 121466  
granted to the Chancellor by law enacted after the effective date 121467  
of this section. 121468

(3) The Chancellor is thereupon and thereafter successor to, 121469  
assumes obligations of, and otherwise constitutes the continuation 121470  
of the Ohio Tuition Trust Authority. 121471

(4) Any business commenced but not completed by the Ohio 121472  
Tuition Trust Authority shall be completed by the Chancellor in 121473  
the same manner, with the same effect, as if completed by the 121474  
Authority. No validation, cure, right, privilege, remedy, 121475  
obligation, or liability is lost or impaired by reason of the 121476  
change in powers and duties prescribed in the provisions amended 121477  
and enacted by this act. 121478

(5) All rules of the Ohio Tuition Trust Authority continue in 121479  
effect as rules of the Chancellor, until amended or rescinded by 121480

the Chancellor. 121481

(6) Except as otherwise specified in section 3334.031 of the 121482  
Revised Code or another provision of law enacted after the 121483  
effective date of this section, when the Ohio Tuition Trust 121484  
Authority is referred to in any statute, rule, contract, grant, or 121485  
other document, the reference shall be construed to refer to the 121486  
Chancellor. 121487

(B) No judicial or administrative action or proceeding in 121488  
which the Ohio Tuition Trust Authority is a party that is pending 121489  
on the effective date of this section, is affected by the change 121490  
in powers and duties prescribed in the provisions amended and 121491  
enacted by this act. Such action or proceeding shall be prosecuted 121492  
or defended in the name of the Chancellor. On application to the 121493  
court or other tribunal, the Chancellor shall be substituted for 121494  
the Ohio Tuition Trust Authority as a party to such action or 121495  
proceeding. 121496

(C) Subject to division (C) of section 3334.08 of the Revised 121497  
Code, personnel of the Ohio Tuition Trust Authority remain subject 121498  
to the appointment by and continue to serve at the pleasure of the 121499  
Chancellor. 121500

(D) On the effective date of this section, all books, 121501  
records, documents, files, transcripts, equipment, furniture, 121502  
supplies, and other materials assigned to or in the possession of 121503  
the Ohio Tuition Trust Authority shall be transferred to the 121504  
Chancellor. 121505

**Section 375.10.** DRC DEPARTMENT OF REHABILITATION AND 121506  
CORRECTION 121507  
General Revenue Fund 121508  
GRF 501321 Institutional \$ 928,188,147 \$ 903,630,244 121509  
Operations

GRF	501403	Prisoner Compensation	\$	8,599,255	\$	8,599,255	121510
GRF	501405	Halfway House	\$	41,128,699	\$	42,360,343	121511
GRF	501406	Lease Rental Payments	\$	101,578,100	\$	98,080,200	121512
GRF	501407	Community Nonresidential Programs	\$	21,925,802	\$	22,431,567	121513
GRF	501408	Community Misdemeanor Programs	\$	11,092,468	\$	11,380,242	121514
GRF	501501	Community Residential Programs - CBCF	\$	62,517,256	\$	64,281,774	121515
GRF	501620	Institutional Operations - Federal Stimulus	\$	0	\$	34,200,000	121516
GRF	502321	Mental Health Services	\$	80,844,321	\$	84,462,467	121517
GRF	503321	Parole and Community Operations	\$	75,785,243	\$	77,326,155	121518
GRF	504321	Administrative Operations	\$	26,388,606	\$	27,069,477	121519
GRF	505321	Institution Medical Services	\$	252,462,498	\$	251,763,268	121520
GRF	506321	Institution Education Services	\$	22,730,539	\$	23,183,959	121521
GRF	507321	Institution Recovery Services	\$	5,025,028	\$	5,899,110	121522
TOTAL GRF	General Revenue Fund		\$	1,638,265,962	\$	1,654,668,061	121523
General Services Fund Group							121524
1480	501602	Services and Agricultural	\$	108,290,058	\$	111,062,533	121525
2000	501607	Ohio Penal Industries	\$	40,845,414	\$	40,845,414	121526
4830	501605	Property Receipts	\$	255,015	\$	261,315	121527
4B00	501601	Sewer Treatment Services	\$	2,467,630	\$	2,529,828	121528
4D40	501603	Prisoner Programs	\$	14,600,000	\$	14,800,000	121529

4L40	501604	Transitional Control	\$	2,042,548	\$	2,051,451	121530
4S50	501608	Education Services	\$	2,800,000	\$	3,000,000	121531
5710	501606	Training Academy	\$	75,190	\$	75,190	121532
		Receipts					
5930	501618	Laboratory Services	\$	6,476,314	\$	6,740,260	121533
5AF0	501609	State and Non-Federal	\$	262,718	\$	262,718	121534
		Awards					
5H80	501617	Offender Financial	\$	3,000,000	\$	3,000,000	121535
		Responsibility					
5L60	501611	Information	\$	1,000,000	\$	1,000,000	121536
		Technology Services					
TOTAL GSF	General Services Fund		\$	182,114,887	\$	185,628,709	121537
Group							
Federal Special Revenue Fund Group							121538
3230	501619	Federal Grants	\$	12,198,353	\$	12,198,353	121539
3S10	501615	Truth-In-Sentencing	\$	8,251,241	\$	0	121540
		Grants					
TOTAL FED	Federal Special Revenue						121541
Fund Group			\$	20,449,594	\$	12,198,353	121542
TOTAL ALL BUDGET FUND GROUPS			\$	1,840,830,443	\$	1,852,495,123	121543
UNIT MANAGEMENT MODEL IMPLEMENTATION							121544
The Department of Rehabilitation and Correction shall							121545
implement the unit management model at the Mansfield Correctional							121546
Institution, including the filling of all authorized unit							121547
management staff positions.							121548
UNIT MANAGEMENT MODEL IMPLEMENTATION							121549
The Department of Rehabilitation and Correction shall							121550
implement the unit management model at the Southern Ohio							121551
Correctional Facility, including the filling of all authorized							121552
unit management staff positions.							121553
COMMUNITY INTEGRATION AND SOCIALIZATION PROGRAM							121554

Of the foregoing appropriation item 501405, Halfway House, on 121555  
July 1 of each fiscal year, or as soon as possible thereafter, the 121556  
Director of Budget and Management shall transfer \$56,400 in cash 121557  
to the Treasurer of Portage County to support the Community 121558  
Integration and Socialization Program within Portage County. 121559

HALFWAY HOUSE 121560

Of the foregoing appropriation item 501405, Halfway House, on 121561  
July 1 of each fiscal year, or as soon as possible thereafter, 121562  
\$17,500 shall be disbursed to the Stark Social Workers' Network. 121563

OHIO BUILDING AUTHORITY LEASE PAYMENTS 121564

The foregoing appropriation item 501406, Lease Rental 121565  
Payments, shall be used to meet all payments during the period 121566  
from July 1, 2009, to June 30, 2011, under the primary leases and 121567  
agreements for those buildings made under Chapter 152. of the 121568  
Revised Code. These appropriations are the source of funds pledged 121569  
for bond service charges or obligations issued pursuant to Chapter 121570  
152. of the Revised Code. 121571

PRISONER COMPENSATION 121572

Money from the foregoing appropriation item 501403, Prisoner 121573  
Compensation, shall be transferred on a quarterly basis by 121574  
intrastate transfer voucher to the Services and Agricultural Fund 121575  
(Fund 1480) for the purposes of paying prisoner compensation. 121576

JUSTICE REINVESTMENT STUDY 121577

Of the foregoing appropriation item 504321, Administrative 121578  
Operations, \$100,000 in fiscal year 2010 shall be provided to the 121579  
Council of State Governments to fund the Justice Reinvestment 121580  
Study. The Council of State Governments shall report its findings 121581  
to the Governor and the General Assembly not later than July 1, 121582  
2010. 121583

OSU MEDICAL CHARGES 121584



Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the James Cancer Hospital and Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary care shall be billed to the Department at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Job and Family Services under the Medical Assistance Program.

<b>Section 377.10. RSC REHABILITATION SERVICES COMMISSION</b>				121595
General Revenue Fund				121596
GRF	415402	Independent Living Council	\$ 360,000 \$ 360,000	121597
GRF	415406	Assistive Technology	\$ 38,025 \$ 38,025	121598
GRF	415431	Office for People with Brain Injury	\$ 180,810 \$ 180,810	121599
GRF	415506	Services for People with Disabilities	\$ 18,738,043 \$ 18,738,043	121600
GRF	415508	Services for the Deaf	\$ 100,000 \$ 100,000	121601
TOTAL GRF General Revenue Fund			\$ 19,416,878 \$ 19,416,878	121602
General Services Fund Group				121603
4670	415609	Business Enterprise Operating Expenses	\$ 1,393,002 \$ 1,389,851	121604
TOTAL GSF General Services Fund Group				121605
			\$ 1,393,002 \$ 1,389,851	121606
Federal Special Revenue Fund Group				121607
3170	415620	Disability Determination	\$ 81,685,226 \$ 83,498,461	121608
3790	415616	Federal - Vocational Rehabilitation	\$ 130,057,624 \$ 131,132,654	121609

3L10	415601	Social Security Personal Care Assistance	\$	3,000,000	\$	2,700,000	121610
3L10	415605	Social Security Community Centers for the Deaf	\$	750,000	\$	750,000	121611
3L10	415608	Social Security Special Programs/Assistance	\$	1,752,714	\$	1,884,714	121612
3L40	415612	Federal Independent Living Centers or Services	\$	620,880	\$	620,880	121613
3L40	415615	Federal - Supported Employment	\$	883,214	\$	839,054	121614
3L40	415617	Independent Living/Vocational Rehabilitation Programs	\$	1,951,862	\$	1,953,293	121615
TOTAL FED Federal Special							121616
Revenue Fund Group			\$	220,701,520	\$	223,379,056	121617
State Special Revenue Fund Group							121618
4680	415618	Third Party Funding	\$	5,008,974	\$	5,008,974	121619
4L10	415619	Services for Rehabilitation	\$	4,067,773	\$	3,994,154	121620
4W50	415606	Program Management Expenses	\$	15,620,782	\$	15,767,803	121621
TOTAL SSR State Special							121622
Revenue Fund Group			\$	24,697,529	\$	24,770,931	121623
TOTAL ALL BUDGET FUND GROUPS			\$	266,208,929	\$	268,956,716	121624
INDEPENDENT LIVING COUNCIL							121625
The foregoing appropriation item 415402, Independent Living							121626
Council, shall be used to fund the operations of the State							121627

Independent Living Council and shall be used to support state 121628  
independent living centers and independent living services under 121629  
Title VII of the Independent Living Services and Centers for 121630  
Independent Living of the Rehabilitation Act Amendments of 1992, 121631  
106 Stat. 4344, 29 U.S.C. 796d. 121632

ASSISTIVE TECHNOLOGY 121633

The foregoing appropriation item 415406, Assistive 121634  
Technology, shall be provided to Assistive Technology of Ohio and 121635  
used to provide grants and assistive technology services under the 121636  
program for people with disabilities in the State of Ohio. 121637

OFFICE FOR PEOPLE WITH BRAIN INJURY 121638

The foregoing appropriation item 415431, Office for People 121639  
with Brain Injury, shall be used to plan and coordinate 121640  
head-injury-related services provided by state agencies and other 121641  
government or private entities, to assess the needs for such 121642  
services, and to set priorities in this area. 121643

VOCATIONAL REHABILITATION SERVICES 121644

The foregoing appropriation item 415506, Services for People 121645  
with Disabilities, shall be used as state matching funds to 121646  
provide vocational rehabilitation services to eligible consumers. 121647

At the request of the Chancellor of the Board of Regents, the 121648  
Director of Budget and Management may transfer any unexpended, 121649  
unencumbered appropriation in fiscal year 2010 or fiscal year 2011 121650  
from appropriation item 235502, Student Support Services, to 121651  
appropriation item 415506, Services for People with Disabilities. 121652  
Any appropriation so transferred shall be used by the Ohio 121653  
Rehabilitation Services Commission to obtain additional federal 121654  
matching funds to serve disabled students. 121655

SERVICES FOR THE DEAF 121656

Of the foregoing appropriation item 415508, Services for the 121657

Deaf, \$60,000 in each fiscal year shall be used as state matching 121658  
funds to provide vocational rehabilitation services to eligible 121659  
consumers who are deaf or hard of hearing. 121660

The remainder of foregoing appropriation item 415508, 121661  
Services for the Deaf, shall be used to provide grants to 121662  
community centers for the deaf. These funds shall not be provided 121663  
in lieu of Social Security reimbursement funds. 121664

FEDERAL - VOCATIONAL REHABILITATION 121665

Of the foregoing appropriation item 415616, Federal - 121666  
Vocational Rehabilitation, \$222,000 shall be used to provide 121667  
vocational rehabilitation services to eligible consumers who are 121668  
deaf or hard of hearing. 121669

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 121670

The foregoing appropriation item 415617, Independent 121671  
Living/Vocational Rehabilitation Programs, shall be used to 121672  
support vocational rehabilitation programs. 121673

SOCIAL SECURITY REIMBURSEMENT FUNDS 121674

Reimbursement funds received from the Social Security 121675  
Administration, United States Department of Health and Human 121676  
Services, for the costs of providing services and training to 121677  
return disability recipients to gainful employment shall be 121678  
expended from the Social Security Reimbursement Fund (Fund 3L10), 121679  
to the extent funds are available, as follows: 121680

(A) Appropriation item 415601, Social Security Personal Care 121681  
Assistance, to provide personal care services in accordance with 121682  
section 3304.41 of the Revised Code; 121683

(B) Appropriation item 415605, Social Security Community 121684  
Centers for the Deaf, to provide grants to community centers for 121685  
the deaf in Ohio for services to individuals with hearing 121686  
impairments; and 121687

(C) Appropriation item 415608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. This appropriation item shall also be used to pay a portion of indirect costs of the Personal Care Assistance Program and the Independent Living Programs as mandated by federal OMB Circular A-87.

PROGRAM MANAGEMENT EXPENSES

The foregoing appropriation item 415606, Program Management Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.

**Section 379.10.** RCB RESPIRATORY CARE BOARD

General Services Fund Group  
 4K90 872609 Operating Expenses \$ 495,689 \$ 495,689  
 TOTAL GSF General Services Fund Group \$ 495,689 \$ 495,689  
 TOTAL ALL BUDGET FUND GROUPS \$ 495,689 \$ 495,689

**Section 381.10.** RDF REVENUE DISTRIBUTION FUNDS

Volunteer Firefighters' Dependents Fund  
 7085 800985 Volunteer Firemen's Dependents Fund \$ 300,000 \$ 300,000  
 TOTAL 085 Volunteer Firefighters' Dependents Fund \$ 300,000 \$ 300,000  
 Agency Fund Group  
 4P80 001698 Cash Management Improvement Fund \$ 3,100,000 \$ 3,100,000  
 6080 001699 Investment Earnings \$ 250,000,000 \$ 250,000,000

7062	110962	Resort Area Excise Tax	\$ 1,000,000	\$ 1,000,000	121717
7063	110963	Permissive Tax Distribution	\$ 1,849,000,000	\$ 1,849,000,000	121718
7067	110967	School District Income Tax	\$ 350,000,000	\$ 350,000,000	121719
TOTAL AGY	Agency Fund Group		\$ 2,453,100,000	\$ 2,453,100,000	121720
	Holding Account Redistribution				121721
R045	110617	International Fuel Tax Distribution	\$ 50,000,000	\$ 50,000,000	121722
TOTAL 090	Holding Account Redistribution Fund		\$ 50,000,000	\$ 50,000,000	121723
	Revenue Distribution Fund Group				121724
7049	038900	Indigent Drivers Alcohol Treatment	\$ 2,200,000	\$ 2,200,000	121725
7050	762900	International Registration Plan Distribution	\$ 30,000,000	\$ 30,000,000	121726
7051	762901	Auto Registration Distribution	\$ 539,000,000	\$ 539,000,000	121727
7054	110954	Local Government Property Tax Replacement - Utility	\$ 95,125,000	\$ 95,125,000	121728
7060	110960	Gasoline Excise Tax Fund	\$ 375,000,000	\$ 375,000,000	121729
7065	110965	Public Library Fund	\$ 406,100,000	\$ 407,400,000	121730
7066	800966	Undivided Liquor Permits	\$ 13,500,000	\$ 13,500,000	121731
7068	110968	State and Local Government Highway Distribution	\$ 242,500,000	\$ 242,500,000	121732
7069	110969	Local Government Fund	\$ 673,700,000	\$ 676,000,000	121733
7081	110981	Local Government	\$ 366,800,000	\$ 378,000,000	121734

	Property Tax				
	Replacement-Business				
7082	110982	Horse Racing Tax	\$ 130,000	\$ 130,000	121735
7083	700900	Ohio Fairs Fund	\$ 2,325,000	\$ 2,325,000	121736
TOTAL RDF Revenue Distribution					121737
Fund Group			\$ 2,746,380,000	\$ 2,761,180,000	121738
TOTAL ALL BUDGET FUND GROUPS			\$ 5,249,780,000	\$ 5,264,580,000	121739
ADDITIONAL APPROPRIATIONS					121740
Appropriation items in this section shall be used for the					121741
purpose of administering and distributing the designated revenue					121742
distribution funds according to the Revised Code. If it is					121743
determined that additional appropriations are necessary for this					121744
purpose, such amounts are hereby appropriated.					121745
GENERAL REVENUE FUND TRANSFERS					121746
Notwithstanding any provision of law to the contrary, in					121747
fiscal year 2010 and fiscal year 2011, the Director of Budget and					121748
Management may transfer from the General Revenue Fund to the Local					121749
Government Tangible Property Tax Replacement Fund (Fund 7081) in					121750
the Revenue Distribution Fund Group, those amounts necessary to					121751
reimburse local taxing units under section 5751.22 of the Revised					121752
Code. Also, in fiscal year 2010 and fiscal year 2011, the Director					121753
of Budget and Management may make temporary transfers from the					121754
General Revenue Fund to ensure sufficient balances in the Local					121755
Government Tangible Property Tax Replacement Fund (Fund 7081) and					121756
to replenish the General Revenue Fund for such transfers.					121757
					121758
On July 1 of each fiscal year, or as soon as possible					121759
thereafter, the Director of Budget and Management shall transfer					121760
\$5,000,000 cash from the General Revenue Fund to the Public					121761
Library Fund (Fund 7065).					121762
On July 1, 2010, or as soon as possible thereafter, the					121763

Director of Budget and Management shall transfer \$11,200,000 cash 121764  
from the General Revenue Fund to the Local Government Property Tax 121765  
Replacement-Business Fund (Fund 7081). 121766

**Section 383.10.** SAN BOARD OF SANITARIAN REGISTRATION 121767

General Services Fund Group 121768  
4K90 893609 Operating Expenses \$ 138,551 \$ 138,551 121769  
TOTAL GSF General Services 121770  
Fund Group \$ 138,551 \$ 138,551 121771  
TOTAL ALL BUDGET FUND GROUPS \$ 138,551 \$ 138,551 121772

**Section 384.10.** OSB OHIO STATE SCHOOL FOR THE BLIND 121774

General Revenue Fund 121775  
GRF 226100 Personal Services \$ 7,326,155 \$ 7,326,155 121776  
GRF 226200 Maintenance \$ 688,363 \$ 688,363 121777  
GRF 226300 Equipment \$ 72,783 \$ 72,783 121778  
TOTAL GRF General Revenue Fund \$ 8,087,301 \$ 8,087,301 121779  
General Services Fund Group 121780  
4H80 226602 Education Reform \$ 61,000 \$ 61,000 121781  
Grants  
TOTAL GSF General Services 121782  
Fund Group \$ 61,000 \$ 61,000 121783  
Federal Special Revenue Fund Group 121784  
3100 226626 Coordinating Unit \$ 2,527,105 \$ 2,527,105 121785  
3P50 226643 Medicaid Professional \$ 50,000 \$ 50,000 121786  
Services  
Reimbursement  
TOTAL FED Federal Special 121787  
Revenue Fund Group \$ 2,577,105 \$ 2,577,105 121788  
State Special Revenue Fund Group 121789  
4M50 226601 Work Study and \$ 250,000 \$ 250,000 121790



Technology Investment

TOTAL SSR State Special Revenue				121791
Fund Group	\$	250,000	\$ 250,000	121792
TOTAL ALL BUDGET FUND GROUPS	\$	10,975,406	\$ 10,975,406	121793

**Section 384.50.** OSD OHIO SCHOOL FOR THE DEAF 121795

General Revenue Fund 121796

GRF 221100 Personal Services	\$	8,713,704	\$ 8,713,704	121797
GRF 221200 Maintenance	\$	905,035	\$ 905,035	121798
GRF 221300 Equipment	\$	78,650	\$ 78,650	121799
TOTAL GRF General Revenue Fund	\$	9,697,389	\$ 9,697,389	121800

General Services Fund Group 121801

4M10 221602 Education Reform	\$	76,000	\$ 76,000	121802
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Grants

TOTAL GSF General Services 121803

Fund Group	\$	76,000	\$ 76,000	121804
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Federal Special Revenue Fund Group 121805

3110 221625 Coordinating Unit	\$	2,460,135	\$ 2,460,135	121806
3AD0 221604 VREAL Ohio	\$	25,000	\$ 25,000	121807
3R00 221684 Medicaid Professional	\$	35,000	\$ 35,000	121808

Services

Reimbursement

3Y10 221686 Early Childhood Grant	\$	300,000	\$ 300,000	121809
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TOTAL FED Federal Special 121810

Revenue Fund Group	\$	2,820,135	\$ 2,820,135	121811
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State Special Revenue Fund Group 121812

4M00 221601 Educational Program	\$	190,000	\$ 190,000	121813
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Expenses

5H60 221609 Even Start Fees and	\$	250,716	\$ 250,716	121814
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Gifts

TOTAL SSR State Special Revenue 121815

Fund Group	\$	440,716	\$ 440,716	121816
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7021), and the Educational Facilities Trust Fund (Fund N087) to 121847  
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 121848  
transferred from the School Building Assistance Fund (Fund 7032) 121849  
may not exceed investment earnings credited to the fund, less any 121850  
amount required to be paid for federal arbitrage rebate purposes. 121851  
121852

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 121853

At the request of the Executive Director of the Ohio School 121854  
Facilities Commission, the Director of Budget and Management may 121855  
cancel encumbrances for school district projects from a previous 121856  
biennium if the district has not raised its local share of project 121857  
costs within one year of receiving Controlling Board approval 121858  
under section 3318.05 of the Revised Code. The Executive Director 121859  
of the Ohio School Facilities Commission shall certify the amounts 121860  
of the canceled encumbrances to the Director of Budget and 121861  
Management on a quarterly basis. The amounts of the canceled 121862  
encumbrances are hereby appropriated. 121863

**Section 385.30.** AMENDMENT TO PROJECT AGREEMENT FOR 121864  
MAINTENANCE LEVY 121865

The Ohio School Facilities Commission shall amend the project 121866  
agreement between the Commission and a school district that is 121867  
participating in the Accelerated Urban School Building Assistance 121868  
Program on the effective date of this section, if the Commission 121869  
determines that it is necessary to do so in order to comply with 121870  
division (B)(3)(c) of section 3318.38 of the Revised Code, as 121871  
amended by this act. 121872

**Section 385.40.** STUDY OF COMMUNITY SPACE 121873

The Executive Director of the Ohio School Facilities 121874  
Commission shall conduct a study of spaces included in classroom 121875  
facilities projects financed by the Commission under Chapter 3318. 121876

of the Revised Code that are used for activities, services, and 121877  
programs shared between schools and other public and private 121878  
entities in their communities. The study shall identify and 121879  
describe such spaces included in current or completed projects and 121880  
shall recommend best practices for enhancing opportunities for 121881  
including shared community spaces in future projects. The 121882  
Executive Director shall submit a written report of the results 121883  
and recommendations of the study to the Commission not later than 121884  
December 31, 2009. 121885

**Section 385.50. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 121886  
FACILITIES 121887**

Notwithstanding any other provision of law to the contrary, 121888  
the Ohio School Facilities Commission may provide assistance under 121889  
the Exceptional Needs School Facilities Program established in 121890  
section 3318.37 of the Revised Code to any school district, and 121891  
not exclusively to a school district in the lowest seventy-five 121892  
per cent of adjusted valuation per pupil on the current ranking of 121893  
school districts established under section 3318.011 of the Revised 121894  
Code, for the purpose of the relocation or replacement of school 121895  
facilities required as a result of extreme environmental 121896  
contamination. 121897

The school district's portion of a project to replace a 121898  
contaminated facility undertaken pursuant to this section shall 121899  
not exceed seventy-five per cent of the cost of the project. This 121900  
paragraph does not affect the district's portion of the cost of 121901  
subsequent classroom facilities projects the district may 121902  
undertake under Chapter 3318. of the Revised Code. 121903

The Ohio School Facilities Commission shall contract with an 121904  
independent environmental consultant to conduct a study and to 121905  
report to the Commission as to the seriousness of the 121906  
environmental contamination, whether the contamination violates 121907

applicable state and federal standards, and whether the facilities 121908  
are no longer suitable for use as school facilities. The 121909  
Commission then shall make a determination regarding funding for 121910  
the relocation or replacement of the school facilities. If the 121911  
federal government or other public or private entity provides 121912  
funds for restitution of costs incurred by the state or school 121913  
district in the relocation or replacement of the school 121914  
facilities, the school district shall use such funds in excess of 121915  
the school district's share to refund the state for the state's 121916  
contribution to the environmental contamination portion of the 121917  
project. The school district may apply an amount of such 121918  
restitution funds up to an amount equal to the school district's 121919  
portion of the project, as defined by the Commission, toward 121920  
paying its portion of that project to reduce the amount of bonds 121921  
the school district otherwise must issue to receive state 121922  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 121923

**Section 385.60.** CANTON CITY SCHOOL DISTRICT PROJECT 121924

(A) The Ohio School Facilities Commission may commit up to 121925  
thirty-five million dollars to the Canton City School District for 121926  
construction of a facility described in this section, in lieu of a 121927  
high school that would otherwise be authorized under Chapter 3318. 121928  
of the Revised Code. The Commission shall not commit funds under 121929  
this section unless all of the following conditions are met: 121930

(1) The District has entered into a cooperative agreement 121931  
with a state-assisted technical college; 121932

(2) The District has received an irrevocable commitment of 121933  
additional funding from nonpublic sources; and 121934

(3) The facility is intended to serve both secondary and 121935  
postsecondary instructional purposes. 121936

(B) The Commission shall enter into an agreement with the 121937

District for the construction of the facility authorized under 121938  
this section that is separate from and in addition to the 121939  
agreement required for the District's participation in the 121940  
Classroom Facilities Assistance Program under section 3318.08 of 121941  
the Revised Code. Notwithstanding that section and sections 121942  
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 121943  
agreement shall provide, but not be limited to, the following: 121944

(1) The Commission shall not have any oversight 121945  
responsibilities over the construction of the facility. 121946

(2) The facility need not comply with the specifications for 121947  
plans and materials for high schools adopted by the Commission. 121948

(3) The Commission may decrease the basic project cost that 121949  
would otherwise be calculated for a high school under Chapter 121950  
3318. of the Revised Code. 121951

(4) The state shall not share in any increases in the basic 121952  
project cost for the facility above the amount authorized under 121953  
this section. 121954

All other provisions of Chapter 3318. of the Revised Code 121955  
apply to the approval and construction of a facility authorized 121956  
under this section. 121957

The state funds committed to the facility authorized by this 121958  
section shall be part of the total amount the state commits to the 121959  
Canton City School District under Chapter 3318. of the Revised 121960  
Code. All additional state funds committed to the Canton City 121961  
School District for classroom facilities assistance shall be 121962  
subject to all provisions of Chapter 3318. of the Revised Code. 121963

**Section 385.70.** Notwithstanding section 3318.05 of the 121964  
Revised Code, for each school district whose project under 121965  
sections 3318.01 to 3318.20 of the Revised Code was conditionally 121966  
approved by the Ohio School Facilities Commission in July 2008, 121967

that conditional approval shall lapse and the amount reserved and 121968  
encumbered for the project shall be released on December 31, 2009. 121969

**Section 385.80.** Notwithstanding any provision of Chapter 121970  
3318. of the Revised Code to the contrary, and notwithstanding the 121971  
agreement between the Cincinnati City School District and the Ohio 121972  
School Facilities Commission under section 3318.08 of the Revised 121973  
Code, the Commission shall encumber and pay state funds to the 121974  
District in the amount of \$4,000,000, in addition to the amount 121975  
prescribed in that agreement, for the purpose of dedicating 121976  
additional state funding toward the acquisition of the School for 121977  
the Creative and Performing Arts, as that building is included in 121978  
the District's project under section 3318.38 of the Revised Code. 121979  
The District shall use the funds paid under this section solely 121980  
for that purpose. The School for the Creative and Performing Arts 121981  
need not comply with the specifications included in the Ohio 121982  
Design Manual adopted by the Commission to implement classroom 121983  
facilities projects under Chapter 3318. of the Revised Code. This 121984  
section shall not affect any other building included in the 121985  
District's project under section 3318.38 of the Revised Code, nor 121986  
shall it affect the state's portion of funding for the remainder 121987  
of that project. 121988

The Commission shall use funds appropriated to it for 121989  
classroom facilities projects to pay the funds required under this 121990  
section. The Commission shall encumber the funds required under 121991  
this section in accordance with section 3318.11 of the Revised 121992  
Code. 121993

**Section 385.85.** Notwithstanding the eligibility restriction 121994  
described in division (A)(2) of section 3318.37 of the Revised 121995  
Code, in fiscal year 2010, the Ohio School Facilities Commission 121996  
may approve a project under the Exceptional Needs School 121997

Facilities Assistance Program established under that section for 121998  
any school district that meets the following conditions: 121999

(A) The district initially applied for the Exceptional Needs 122000  
Program in fiscal year 2008. 122001

(B) The district's position on the rankings certified under 122002  
section 3318.011 of the Revised Code for fiscal year 2009 is 122003  
higher than three hundred sixty. 122004

**Section 385.90.** (A) As used in this section: 122005

(1) "Basic project cost," "percentile," and "project" have 122006  
the same meanings as in section 3318.01 of the Revised Code. 122007

(2) "Equity list" means the school district percentile 122008  
rankings calculated under section 3318.011 of the Revised Code. 122009

(3) A school district's "portion of the basic project cost" 122010  
means the amount calculated under section 3318.032 of the Revised 122011  
Code. 122012

(B) Notwithstanding any provision of Chapter 3318. of the 122013  
Revised Code to the contrary, in the case of a school district 122014  
that received in fiscal year 2008 elector approval for a bond 122015  
issue for its portion of the basic project cost of a project under 122016  
sections 3318.01 to 3318.20 of the Revised Code, based on a 122017  
preliminary estimated equity list projecting rankings of school 122018  
districts if amendments to section 3318.011 of the Revised Code 122019  
enacted by Am. Sub. H.B. 119 of the 127th General Assembly had 122020  
been effective for projects in that fiscal year, and which 122021  
district on the alternate equity list for fiscal year 2009 funding 122022  
required by Section 733.13 of Am. Sub. H.B. 562 of the 127th 122023  
General Assembly, retroactively applying those amendments, was 122024  
ranked one percentile higher than on the preliminary estimated 122025  
equity list, resulting in the district's calculated portion being 122026  
one per cent higher than the amount projected at the time of the 122027



bond issue election, the Ohio School Facilities Commission shall 122028  
reduce the district's portion to that projected on the preliminary 122029  
estimated equity list. 122030

**Section 387.10. SOS SECRETARY OF STATE** 122031

General Revenue Fund 122032

GRF	050321	Operating Expenses	\$	2,540,508	\$	2,290,508	122033
GRF	050407	Pollworkers Training	\$	250,197	\$	250,197	122034
TOTAL GRF	General Revenue Fund		\$	2,790,705	\$	2,540,705	122035

General Services Fund Group 122036

4120	050609	Notary Commission	\$	565,000	\$	565,000	122037
4130	050601	Information Systems	\$	75,000	\$	50,000	122038
4140	050602	Citizen Education	\$	55,712	\$	55,712	122039

Fund

4S80	050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200	122040
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5FG0	050620	BOE Reimbursement and Education	\$	100,000	\$	100,000	122041
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5FH0	050621	Statewide Ballot Advertising	\$	487,600	\$	487,600	122042
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5FJ0	050622	County Voting Machine Revolving Lease/Loan Fund	\$	500,000	\$	500,000	122043
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TOTAL	General Services Fund Group		\$	1,790,512	\$	1,765,512	122044
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Federal Special Revenue Fund Group 122045

3AH0	050614	Election Reform/Health and Human Services	\$	800,000	\$	800,000	122046
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3AS0	050616	2005 HAVA Voting Machines	\$	3,000,000	\$	3,000,000	122047
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TOTAL FED	Federal Special Revenue						122048
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Fund Group			\$	3,800,000	\$	3,800,000	122049
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State Special Revenue Fund Group				122050
5990 050603 Business Services	\$	14,186,100	\$ 14,345,400	122051
Operating Expenses				
5N90 050607 Technology	\$	180,000	\$ 180,000	122052
Improvements				
TOTAL SSR State Special Revenue				122053
Fund Group	\$	14,366,100	\$ 14,525,400	122054
Holding Account Redistribution Fund Group				122055
R001 050605 Uniform Commercial	\$	30,000	\$ 30,000	122056
Code Refunds				
R002 050606 Corporate/Business	\$	85,000	\$ 85,000	122057
Filing Refunds				
TOTAL 090 Holding Account				122058
Redistribution Fund Group	\$	115,000	\$ 115,000	122059
TOTAL ALL BUDGET FUND GROUPS	\$	22,862,317	\$ 22,746,617	122060
FEE WAIVER FOR INITIAL BUSINESS FILINGS				122061
Of the foregoing appropriation item 050321, Operating				122062
Expenses, \$250,000 shall be used in fiscal year 2010 to pay the				122063
costs of the first \$125 of fees charged and collected by the				122064
Secretary of State, pursuant to section 111.16 of the Revised				122065
Code, for the initial filing by new domestic or foreign business				122066
entities of for-profit corporation articles, nonprofit corporation				122067
articles, foreign license applications, professional corporation				122068
articles, limited liability company articles, partnership				122069
certificates, limited partnership certificates, and limited				122070
liability partnership certificates until the earlier of December				122071
31, 2009, or when the \$250,000 is expended.				122072
EXPEDITED BUSINESS FILINGS				122073
Of the foregoing appropriation item 050321, Operating				122074
Expenses, up to \$250,000 shall be used in fiscal year 2010 to pay				122075
the first \$100 of costs associated with all level one expedited				122076

business filings for the initial filings of new domestic or	122077
foreign business entities, including for-profit corporation	122078
articles, nonprofit corporation articles, foreign license	122079
applications, professional corporation articles, limited liability	122080
company articles, partnership certificates, limited partnership	122081
certificates, and limited liability partnership certificates.	122082
BOARD OF VOTING MACHINE EXAMINERS	122083
The foregoing appropriation item 050610, Board of Voting	122084
Machine Examiners, shall be used to pay for the services and	122085
expenses of the members of the Board of Voting Machine Examiners,	122086
and for other expenses that are authorized to be paid from the	122087
Board of Voting Machine Examiners Fund, which is created in	122088
section 3506.05 of the Revised Code. Moneys not used shall be	122089
returned to the person or entity submitting equipment for	122090
examination. If it is determined that additional appropriations	122091
are necessary, such amounts are hereby appropriated.	122092
BUSINESS SERVICES FUND TRANSFER TO THE COUNTY VOTING MACHINE	122093
REVOLVING LEASE/LOAN FUND	122094
Not later than the first day of June of each fiscal year, the	122095
Director of Budget and Management shall transfer \$500,000 cash	122096
from the Business Services Fund (Fund 5990) to the County Voting	122097
Machine Revolving Lease/Loan Fund (Fund 5FJ0).	122098
HAVA FUNDS	122099
An amount equal to the unexpended, unencumbered portion of	122100
appropriation item 050616, 2005 HAVA Voting Machines, at the end	122101
of fiscal year 2010 is reappropriated for the same purpose in	122102
fiscal year 2011.	122103
An amount equal to the unexpended, unencumbered portion of	122104
appropriation item 050614, Election Reform/Health and Human	122105
Services, at the end of fiscal year 2010 is reappropriated for the	122106
same purpose in fiscal year 2011.	122107

On July 1, 2009, or as soon as possible thereafter, the 122108  
Director of Budget and Management shall transfer from the General 122109  
Revenue Fund to the credit of the Election Data Collection Grant 122110  
Fund (Fund 3AC0), all investment earnings and amounts equal to the 122111  
interest earnings attributable to Fund 3AC0 in each quarter of 122112  
fiscal year 2009 to Fund 3AC0. An amount equal to the unexpended, 122113  
unencumbered portion of appropriation item 050619, Election Data 122114  
Collection Grant, at the end of fiscal year 2009 is reappropriated 122115  
in fiscal year 2010 for the same purpose. 122116

The Director of Budget and Management shall credit the 122117  
ongoing interest earnings from the Election Reform/Health and 122118  
Human Services Fund (Fund 3AH0), the 2005 HAVA Voting Machines 122119  
Fund (Fund 3AS0), and the Election Data Collection Grant Fund 122120  
(Fund 3AC0) to the respective funds and distribute these earnings 122121  
in accordance with the terms of the grant under which the money is 122122  
received. 122123

HOLDING ACCOUNT REDISTRIBUTION GROUP 122124

The foregoing appropriation items 050605, Uniform Commercial 122125  
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 122126  
be used to hold revenues until they are directed to the 122127  
appropriate accounts or until they are refunded. If it is 122128  
determined that additional appropriations are necessary, such 122129  
amounts are hereby appropriated. 122130

CASH TRANSFER TO THE CORPORATE AND UNIFORM COMMERCIAL CODE 122131  
FILING FUND 122132

On July 1, 2009, or as soon as possible thereafter, the 122133  
Director of Budget and Management shall transfer \$53,915.40 cash 122134  
from the Public Utility Territorial Administration Fund (Fund 122135  
5590) to the Corporate and Uniform Commercial Code Filing Fund 122136  
(Fund 5990). 122137

<b>Section 389.10. SEN THE OHIO SENATE</b>				122138
General Revenue Fund				122139
GRF 020321	Operating Expenses	\$ 12,123,439	\$ 12,123,439	122140
TOTAL GRF General Revenue Fund				122141
General Services Fund Group				122142
1020 020602	Senate Reimbursement	\$ 448,465	\$ 448,465	122143
4090 020601	Miscellaneous Sales	\$ 34,497	\$ 34,497	122144
TOTAL GSF General Services				122145
Fund Group				122146
TOTAL ALL BUDGET FUND GROUPS				122147
OPERATING EXPENSES				122148
On July 1, 2009, or as soon as possible thereafter, the Clerk				122149
of the Senate may certify to the Director of Budget and Management				122150
the amount of the unexpended, unencumbered balance of the				122151
foregoing appropriation item 020321, Operating Expenses, at the				122152
end of fiscal year 2009 to be reappropriated to fiscal year 2010.				122153
The amount certified is hereby reappropriated to the same				122154
appropriation item for fiscal year 2010.				122155
On July 1, 2010, or as soon as possible thereafter, the Clerk				122156
of the Senate may certify to the Director of Budget and Management				122157
the amount of the unexpended, unencumbered balance of the				122158
foregoing appropriation item 020321, Operating Expenses, at the				122159
end of fiscal year 2010 to be reappropriated to fiscal year 2011.				122160
The amount certified is hereby reappropriated to the same				122161
appropriation item for fiscal year 2011.				122162
<b>Section 391.10. CSF COMMISSIONERS OF THE SINKING FUND</b>				122163
Debt Service Fund Group				122164
7070 155905	Third Frontier	\$ 20,948,300	\$ 29,011,600	122165
Research and				

	Development Bond				
	Retirement Fund				
7072155902	Highway Capital	\$	202,074,000	\$	203,434,200 122166
	Improvement Bond				
	Retirement Fund				
7073155903	Natural Resources Bond	\$	26,334,400	\$	26,549,400 122167
	Retirement Fund				
7074155904	Conservation Projects	\$	20,711,100	\$	25,684,900 122168
	Bond Service Fund				
7076155906	Coal Research and	\$	9,968,400	\$	10,947,000 122169
	Development Bond				
	Retirement Fund				
7077155907	State Capital	\$	148,331,900	\$	163,443,500 122170
	Improvement Bond				
	Retirement Fund				
7078155908	Common Schools Bond	\$	192,559,200	\$	165,510,500 122171
	Retirement Fund				
7079155909	Higher Education Bond	\$	85,317,700	\$	89,480,300 122172
	Retirement Fund				
7090155912	Job Ready Site	\$	5,685,400	\$	10,601,900 122173
	Development Bond				
	Retirement Fund				
TOTAL DSF Debt Service Fund Group		\$	711,930,400	\$	724,663,300 122174
TOTAL ALL BUDGET FUND GROUPS		\$	711,930,400	\$	724,663,300 122175
	ADDITIONAL APPROPRIATIONS				122176
	Appropriation items in this section are for the purpose of				122177
	paying debt service and financing costs on bonds or notes of the				122178
	state issued under the Ohio Constitution and acts of the General				122179
	Assembly. If it is determined that additional amounts are				122180
	necessary for this purpose, such amounts are hereby appropriated.				122181
	<b>Section 393.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				122182
	DEVELOPMENT FOUNDATION				122183

General Revenue Fund				122184
5M90 945601 Operating Expenses	\$	475,220	\$ 475,220	122185
TOTAL TMF Tobacco Master Settlement Agreement Fund Group	\$	475,220	\$ 475,220	122186
TOTAL ALL BUDGET FUND GROUPS	\$	475,220	\$ 475,220	122187

**Section 395.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY** 122189

General Services Fund Group				122191
4K90 886609 Operating Expenses	\$	453,000	\$ 453,000	122192
TOTAL GSF General Services Fund Group	\$	453,000	\$ 453,000	122194
TOTAL ALL BUDGET FUND GROUPS	\$	453,000	\$ 453,000	122195

**Section 397.10. BTA BOARD OF TAX APPEALS** 122197

General Revenue Fund				122198
GRF 116321 Operating Expenses	\$	2,192,450	\$ 2,317,450	122199
TOTAL GRF General Revenue Fund	\$	2,192,450	\$ 2,317,450	122200
TOTAL ALL BUDGET FUND GROUPS	\$	2,192,450	\$ 2,317,450	122201

**Section 399.10. TAX DEPARTMENT OF TAXATION** 122203

General Revenue Fund				122204
GRF 110321 Operating Expenses	\$	81,441,056	\$ 81,441,055	122205
GRF 110404 Tobacco Settlement Enforcement	\$	295,231	\$ 295,231	122206
GRF 110412 Child Support Administration	\$	19,512	\$ 19,512	122207
GRF 110901 Property Tax Allocation - Taxation	\$	569,917,420	\$ 577,463,014	122208
TOTAL GRF General Revenue Fund	\$	651,673,219	\$ 659,218,812	122209
General Services Fund Group				122210
2280 110628 Tax Reform System	\$	13,600,000	\$ 13,600,000	122211

		Implementation				
4330	110602	Tape File Account	\$	125,000	\$	125,000 122212
5AP0	110632	Discovery Project	\$	2,000,000	\$	2,000,000 122213
5CZ0	110631	Vendor's License	\$	250,000	\$	250,000 122214
		Application				
5N50	110605	Municipal Income Tax	\$	600,000	\$	600,000 122215
		Administration				
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000 122216
		Administration				
5V80	110623	Property Tax	\$	12,000,000	\$	12,000,000 122217
		Administration				
5W40	110625	Centralized Tax	\$	200,000	\$	200,000 122218
		Filing and Payment				
5W70	110627	Exempt Facility	\$	60,000	\$	60,000 122219
		Administration				
TOTAL	GSF	General Services				122220
Fund Group			\$	28,935,000	\$	28,935,000 122221
State Special Revenue Fund Group						122222
4350	110607	Local Tax	\$	18,000,000	\$	18,000,000 122223
		Administration				
4360	110608	Motor Vehicle Audit	\$	1,000,000	\$	1,000,000 122224
4370	110606	Income Tax	\$	200,000	\$	200,000 122225
		Contribution				
		Administration				
4380	110609	School District Income	\$	5,500,000	\$	5,500,000 122226
		Tax				
4C60	110616	International	\$	706,855	\$	706,855 122227
		Registration Plan				
4R60	110610	Tire Tax	\$	200,000	\$	200,000 122228
		Administration				
5V70	110622	Motor Fuel Tax	\$	4,700,000	\$	4,700,000 122229
		Administration				
6390	110614	Cigarette Tax	\$	1,900,000	\$	1,900,000 122230



		Enforcement				
6420	110613	Ohio Political Party	\$	500,000	\$	500,000 122231
		Distributions				
6880	110615	Local Excise Tax	\$	800,000	\$	800,000 122232
		Administration				
		TOTAL SSR State Special Revenue				122233
		Fund Group	\$	33,506,855	\$	33,506,855 122234
		Agency Fund Group				122235
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000 122236
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 122237
		TOTAL AGY Agency Fund Group	\$	1,567,800,000	\$	1,567,800,000 122238
		Holding Account Redistribution Fund Group				122239
R010	110611	Tax Distributions	\$	50,000	\$	50,000 122240
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000 122241
		Tax Receipts				
		TOTAL 090 Holding Account				122242
		Redistribution Fund Group	\$	100,000	\$	100,000 122243
		TOTAL ALL BUDGET FUND GROUPS	\$	2,282,015,074	\$	2,289,560,667 122244
		HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX				122245
		EXEMPTION				122246
		The foregoing appropriation item 110901, Property Tax				122247
		Allocation - Taxation, is hereby appropriated to pay for the				122248
		state's costs incurred due to the Homestead Exemption, the				122249
		Manufactured Home Property Tax Rollback, and the Property Tax				122250
		Rollback. The Tax Commissioner shall distribute these funds				122251
		directly to the appropriate local taxing districts, except for				122252
		school districts, notwithstanding the provisions in sections				122253
		321.24 and 323.156 of the Revised Code, which provide for payment				122254
		of the Homestead Exemption, the Manufactured Home Property Tax				122255
		Rollback, and Property Tax Rollback by the Tax Commissioner to the				122256
		appropriate county treasurer and the subsequent redistribution of				122257
		these funds to the appropriate local taxing districts by the				122258

county auditor. 122259

Upon receipt of these amounts, each local taxing district 122260  
shall distribute the amount among the proper funds as if it had 122261  
been paid as real property taxes. Payments for the costs of 122262  
administration shall continue to be paid to the county treasurer 122263  
and county auditor as provided for in sections 319.54, 321.26, and 122264  
323.156 of the Revised Code. 122265

Any sums, in addition to the amounts specifically 122266  
appropriated in appropriation item 110901, Property Tax Allocation 122267  
- Taxation, for the Homestead Exemption, the Manufactured Home 122268  
Property Tax Rollback, and the Property Tax Rollback payments, 122269  
which are determined to be necessary for these purposes, are 122270  
hereby appropriated. 122271

MUNICIPAL INCOME TAX 122272

The foregoing appropriation item 110995, Municipal Income 122273  
Tax, shall be used to make payments to municipal corporations 122274  
under section 5745.05 of the Revised Code. If it is determined 122275  
that additional appropriations are necessary to make such 122276  
payments, such amounts are hereby appropriated. 122277

TAX REFUNDS 122278

The foregoing appropriation item 110635, Tax Refunds, shall 122279  
be used to pay refunds under section 5703.052 of the Revised Code. 122280  
If it is determined that additional appropriations are necessary 122281  
for this purpose, such amounts are hereby appropriated. 122282

INTERNATIONAL REGISTRATION PLAN AUDIT 122283

The foregoing appropriation item 110616, International 122284  
Registration Plan, shall be used under section 5703.12 of the 122285  
Revised Code for audits of persons with vehicles registered under 122286  
the International Registration Plan. 122287

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 122288

Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.

CENTRALIZED TAX FILING AND PAYMENT FUND 122296

The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the General Revenue Fund to the credit of the Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers of cash shall not exceed \$400,000 in the biennium.

TOBACCO SETTLEMENT ENFORCEMENT 122303

The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

LOCAL GOVERNMENT PROPERTY TAX REPLACEMENT - BUSINESS 122308

Notwithstanding section 5751.22(A)(1)(b) of the Revised Code, payments to local taxing units by May 31, 2011, required by section 5751.22(C) of the Revised Code shall be in an amount equal to each of the losses determined under division (D) of section 5751.20 of the Revised Code multiplied by one hundred per cent.

**Section 399.20. COMMERCIAL ACTIVITY TAX** 122314

(A) Any term used in this section has the same meaning as in section 5751.01 of the Revised Code.

(B) A person is not required to pay the annual minimum commercial activity tax due for calendar year 2005 or 2006 under

Chapter 5751. of the Revised Code if the person satisfies all of 122319  
the following: 122320

(1) The person was not subject to the tax for those years 122321  
because the person did not have nexus with this state or was an 122322  
excluded person under division (E)(1) of section 5751.01 of the 122323  
Revised Code; 122324

(2) The person erroneously registered for the tax and failed 122325  
to cancel the registration before May 10, 2006; 122326

(3) The person canceled its commercial activity tax 122327  
registration before February 10, 2007, and was not required to 122328  
file the returns and pay the annual minimum tax due February 9, 122329  
2007, February 9, 2008, or February 9, 2009. 122330

(C) The Tax Commissioner shall cancel the registration of 122331  
each such person for which the registration has not yet been 122332  
canceled. 122333

(D) If such a person paid the tax due for calendar year 2005 122334  
or 2006 after being contacted by the Department of Taxation, the 122335  
person may request a refund of the amount paid for such a year or 122336  
years under section 5751.08 of the Revised Code, notwithstanding 122337  
division (E) of that section. 122338

**Section 401.10.** DOT DEPARTMENT OF TRANSPORTATION 122339

Transportation Modes 122340

General Revenue Fund 122341

GRF 775451 Public Transportation \$ 19,965,606 \$ 20,049,147 122342  
- State

GRF 776465 Ohio Rail Development \$ 3,071,771 \$ 3,090,162 122343  
Commission

GRF 776668 Transportation \$ 1,352,403 \$ 1,243,338 122344  
Operating - Federal  
Stimulus

GRF 777471	Airport Improvements	\$	1,191,876	\$	1,199,009	122345
	- State					
TOTAL GRF	General Revenue Fund	\$	25,581,656	\$	25,581,656	122346
TOTAL ALL BUDGET FUND GROUPS		\$	25,581,656	\$	25,581,656	122347
<b>Section 403.10. TOS TREASURER OF STATE</b>						122349
General Revenue Fund						122350
GRF 090321	Operating Expenses	\$	8,381,875	\$	8,381,875	122351
GRF 090401	Office of the Sinking	\$	537,223	\$	537,223	122352
	Fund					122353
GRF 090402	Continuing Education	\$	403,959	\$	403,959	122354
GRF 090524	Police and Fire	\$	8,000	\$	7,500	122355
	Disability Pension					122356
	Fund					
GRF 090534	Police and Fire Ad Hoc	\$	95,000	\$	90,000	122357
	Cost					
	of Living					122358
GRF 090554	Police and Fire	\$	720,000	\$	680,000	122359
	Survivor					
	Benefits					122360
GRF 090575	Police and Fire Death	\$	20,000,000	\$	20,000,000	122361
	Benefits					122362
TOTAL GRF	General Revenue Fund	\$	30,146,057	\$	30,100,557	122363
General Services Fund Group						122364
4E90 090603	Securities Lending	\$	4,492,622	\$	4,492,622	122365
	Income					
5770 090605	Investment Pool	\$	550,000	\$	550,000	122366
	Reimbursement					122367
5C50 090602	County Treasurer	\$	150,000	\$	150,000	122368
	Education					
6050 090609	Treasurer of State	\$	185,000	\$	185,000	122369
	Administrative Fund					122370

TOTAL GSF General Services				122371	
Fund Group	\$	5,377,622	\$	5,377,622	122372
Agency Fund Group				122373	
4250 090635 Tax Refunds	\$	31,000,000	\$	31,000,000	122374
TOTAL Agency Fund Group	\$	31,000,000	\$	31,000,000	122375
TOTAL ALL BUDGET FUND GROUPS	\$	66,523,679	\$	66,478,179	122376

**Section 403.20. OFFICE OF THE SINKING FUND** 122378

The foregoing appropriation item 090401, Office of the 122379  
Sinking Fund, shall be used for costs incurred by or on behalf of 122380  
the Commissioners of the Sinking Fund and the Ohio Public 122381  
Facilities Commission with respect to State of Ohio general 122382  
obligation bonds or notes, and the Treasurer of State with respect 122383  
to State of Ohio general obligation and special obligation bonds 122384  
or notes, including, but not limited to, printing, advertising, 122385  
delivery, rating fees and the procurement of ratings, professional 122386  
publications, membership in professional organizations, and other 122387  
services referred to in division (D) of section 151.01 of the 122388  
Revised Code. The General Revenue Fund shall be reimbursed for 122389  
such costs relating to the issuance and administration of Highway 122390  
Capital Improvement bonds or notes authorized under Ohio 122391  
Constitution, Article VIII, Section 2m and Chapter 151. of the 122392  
Revised Code. That reimbursement shall be made from appropriation 122393  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 122394  
intrastate transfer voucher pursuant to a certification by the 122395  
Office of the Sinking Fund of the actual amounts used. The amounts 122396  
necessary to make such a reimbursement are hereby appropriated 122397  
from the Highway Capital Improvement Bond Retirement Fund created 122398  
in section 151.06 of the Revised Code. 122399

**POLICE AND FIRE DEATH BENEFIT FUND** 122400

The foregoing appropriation item 090575, Police and Fire 122401  
Death Benefits, shall be disbursed quarterly by the Treasurer of 122402

State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees of the Ohio Police and Fire Pension Fund shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

TAX REFUNDS

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

**Section 405.10.** TTA OHIO TUITION TRUST

State Special Revenue Fund Group						122420
5P30 095602	Variable Savings	\$	6,175,707	\$	6,156,515	122421
	Plans					
6450 095601	Guaranteed Savings	\$	842,959	\$	862,150	122422
	Plan					
TOTAL SSR State Special Revenue						122423
Fund Group		\$	7,018,666	\$	7,018,665	122424
TOTAL ALL BUDGET FUND GROUPS		\$	7,018,666	\$	7,018,665	122425

FUND ABOLITION

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Index Savings Plan Fund (Fund 5AM0) to the Variable Savings Fund (Fund 5P30). The Director shall cancel any existing

encumbrances against appropriation item 095603, Index Savings 122431  
Plan, and re-establish them against appropriation item 095602, 122432  
Variable Savings Plans. The re-established encumbrance amounts are 122433  
hereby appropriated. Upon completion of these transfers, Fund 5AM0 122434  
is hereby abolished. 122435

On July 1, 2009, or as soon as possible thereafter, the 122436  
Director of Budget and Management shall transfer the cash balance 122437  
in the Banking Products Fund (Fund 5DC0) to the Variable College 122438  
Savings Fund (Fund 5P30). The Director shall cancel any existing 122439  
encumbrances against appropriation item 095604, Banking Products, 122440  
and re-establish them against appropriation item 095602, Variable 122441  
Savings Plans. The re-established encumbrance amounts are hereby 122442  
appropriated. Upon completion of these transfers, Fund 5DC0 is 122443  
hereby abolished. 122444

**Section 407.10. VTO VETERANS' ORGANIZATIONS** 122445

General Revenue Fund 122446

VAP AMERICAN EX-PRISONERS OF WAR 122447

GRF 743501 State Support \$ 27,533 \$ 27,533 122448

VAN ARMY AND NAVY UNION, USA, INC. 122449

GRF 746501 State Support \$ 60,513 \$ 60,513 122450

VKW KOREAN WAR VETERANS 122451

GRF 747501 State Support \$ 54,398 \$ 54,398 122452

VJW JEWISH WAR VETERANS 122453

GRF 748501 State Support \$ 32,687 \$ 32,687 122454

VCW CATHOLIC WAR VETERANS 122455

GRF 749501 State Support \$ 63,789 \$ 63,789 122456

VPH MILITARY ORDER OF THE PURPLE HEART 122457

GRF 750501 State Support \$ 62,015 \$ 62,015 122458

VVV VIETNAM VETERANS OF AMERICA 122459

GRF 751501 State Support \$ 204,549 \$ 204,549 122460

VAL AMERICAN LEGION OF OHIO 122461



GRF	752501	State Support	\$	332,561	\$	332,561	122462
		VII AMVETS					122463
GRF	753501	State Support	\$	316,711	\$	316,711	122464
		VAV DISABLED AMERICAN VETERANS					122465
GRF	754501	State Support	\$	237,939	\$	237,939	122466
		VMC MARINE CORPS LEAGUE					122467
GRF	756501	State Support	\$	127,569	\$	127,569	122468
		V37 37TH DIVISION AEF VETERANS' ASSOCIATION					122469
GRF	757501	State Support	\$	6,541	\$	6,541	122470
		VFW VETERANS OF FOREIGN WARS					122471
GRF	758501	State Support	\$	271,277	\$	271,277	122472
TOTAL GRF		General Revenue Fund	\$	1,798,082	\$	1,798,082	122473
TOTAL ALL BUDGET FUND GROUPS			\$	1,798,082	\$	1,798,082	122474
		RELEASE OF FUNDS					122475
		The Director of Budget and Management may release the					122476
		foregoing appropriation items 743501, 746501, 747501, 748501,					122477
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,					122478
		and 758501, State Support.					122479
		<b>Section 409.10. DVS DEPARTMENT OF VETERANS SERVICES</b>					122480
		General Revenue Fund					122481
GRF	900100	Personal Services	\$	25,219,282	\$	25,219,282	122482
GRF	900200	Maintenance	\$	4,427,264	\$	4,427,264	122483
GRF	900402	Hall of Fame	\$	118,750	\$	118,750	122484
GRF	900403	Veteran Record	\$	40,631	\$	40,631	122485
		Conversion					
GRF	900408	Department of	\$	2,283,100	\$	2,283,100	122486
		Veterans Services					
TOTAL GRF		General Revenue Fund	\$	32,089,027	\$	32,089,027	122487
		General Services Fund Group					122488
4840	900603	Veterans Home	\$	770,000	\$	850,000	122489
		Services					

TOTAL GSF General Services Fund	\$	770,000	\$	850,000	122490
Group					
Federal Special Revenue Fund Group					122491
3680 900614 Veterans Training	\$	745,892	\$	745,892	122492
3740 900606 Troops to Teachers	\$	100,000	\$	100,000	122493
3BX0 900609 Medicare Services	\$	2,000,000	\$	2,200,000	122494
3L20 900601 Veterans Home	\$	16,979,245	\$	17,454,046	122495
Operations - Federal					
TOTAL FED Federal Special Revenue					122496
Fund Group	\$	19,825,137	\$	20,499,938	122497
State Special Revenue Fund Group					122498
4E20 900602 Veterans Home	\$	9,314,438	\$	9,780,751	122499
Operating					
6040 900604 Veterans Home	\$	1,541,020	\$	1,700,000	122500
Improvement					
TOTAL SSR State Special Revenue					122501
Fund Group	\$	10,855,458	\$	11,480,751	122502
TOTAL ALL BUDGET FUND GROUPS	\$	63,539,622	\$	64,919,716	122503
<b>Section 411.10. DVM STATE VETERINARY MEDICAL BOARD</b>					122505
General Services Fund Group					122506
4K90 888609 Operating Expenses	\$	327,312	\$	327,312	122507
TOTAL GSF General Services					122508
Fund Group	\$	327,312	\$	327,312	122509
TOTAL ALL BUDGET FUND GROUPS	\$	327,312	\$	327,312	122510
<b>Section 413.10. DYS DEPARTMENT OF YOUTH SERVICES</b>					122512
General Revenue Fund					122513
GRF 470401 RECLAIM Ohio	\$	201,695,971	\$	192,963,840	122514
GRF 470412 Lease Rental Payments	\$	23,460,900	\$	26,043,900	122515
GRF 470510 Youth Services	\$	18,558,587	\$	18,558,587	122516
GRF 470640 RECLAIM - Federal	\$	3,767,869	\$	0	122517

		Stimulus				
GRF	472321	Parole Operations	\$	13,400,020	\$	13,400,020 122518
GRF	477321	Administrative	\$	14,754,419	\$	14,754,419 122519
		Operations				
TOTAL GRF		General Revenue Fund	\$	275,637,766	\$	265,720,766 122520
		General Services Fund Group				122521
1750	470613	Education	\$	11,000,000	\$	11,000,000 122522
		Reimbursement				
4790	470609	Employee Food Service	\$	200,000	\$	150,000 122523
4A20	470602	Child Support	\$	450,000	\$	450,000 122524
4G60	470605	General Operational	\$	250,000	\$	250,000 122525
		Funds				
5BN0	470629	E-Rate Program	\$	35,000	\$	35,000 122526
TOTAL GSF		General Services				122527
Fund Group			\$	11,935,000	\$	11,885,000 122528
		Federal Special Revenue Fund Group				122529
3210	470601	Education	\$	6,531,076	\$	5,455,413 122530
3210	470603	Juvenile Justice	\$	300,000	\$	300,000 122531
		Prevention				
3210	470606	Nutrition	\$	2,750,000	\$	2,750,000 122532
3210	470610	Rehabilitation	\$	36,000	\$	36,000 122533
		Programs				
3210	470614	Title IV-E	\$	6,000,000	\$	6,000,000 122534
		Reimbursements				
3BH0	470630	Federal Juvenile	\$	50,000	\$	0 122535
		Programs FFY 06				
3BT0	470634	Federal Juvenile	\$	50,000	\$	0 122536
		Programs				
3BY0	470635	Federal Juvenile	\$	334,000	\$	335,000 122537
		Programs FFY 07				
3BZ0	470636	Federal Juvenile	\$	653,350	\$	570,700 122538
		Programs FFY 08				

3CP0 470638	Federal Juvenile Programs FFY 09	\$	500,000	\$	500,000	122539
3CR0 470639	Federal Juvenile Programs FFY 10	\$	0	\$	500,000	122540
3V50 470604	Juvenile Justice/Delinquency Prevention	\$	1,935,300	\$	2,361,000	122541
3Z80 470625	Federal Juvenile Programs FFY 04	\$	2,000	\$	0	122542
3Z90 470626	Federal Juvenile Programs FFY 05	\$	2,000	\$	0	122543
TOTAL FED	Federal Special Revenue					122544
Fund Group		\$	19,143,726	\$	18,808,113	122545
State Special Revenue	Fund Group					122546
1470 470612	Vocational Education	\$	2,166,296	\$	2,788,906	122547
5BH0 470628	Partnerships for Success	\$	1,500,000	\$	1,500,000	122548
TOTAL SSR	State Special Revenue					122549
Fund Group		\$	3,666,296	\$	4,288,906	122550
TOTAL ALL BUDGET	FUND GROUPS	\$	310,382,788	\$	300,702,785	122551
RECLAIM OHIO						122552
Of the foregoing appropriation item 470401, RECLAIM Ohio,						122553
\$2,500,000 in each fiscal year shall be used to support Behavioral						122554
Health/Juvenile Justice programs.						122555
OHIO BUILDING AUTHORITY LEASE PAYMENTS						122556
The foregoing appropriation item 470412, Lease Rental						122557
Payments, shall be used to meet all payments to the Ohio Building						122558
Authority for the period from July 1, 2009, to June 30, 2011,						122559
under the leases and agreements for facilities made under Chapter						122560
152. of the Revised Code. This appropriation is the source of						122561
funds pledged for bond service charges on related obligations						122562
issued pursuant to Chapter 152. of the Revised Code.						122563

EDUCATION REIMBURSEMENT 122564

The foregoing appropriation item 470613, Education 122565  
Reimbursement, shall be used to fund the operating expenses of 122566  
providing educational services to youth supervised by the 122567  
Department of Youth Services. Operating expenses include, but are 122568  
not limited to, teachers' salaries, maintenance costs, and 122569  
educational equipment. This appropriation item may be used for 122570  
capital expenses related to the education program. 122571

EMPLOYEE FOOD SERVICE AND EQUIPMENT 122572

Notwithstanding section 125.14 of the Revised Code, the 122573  
foregoing appropriation item 470609, Employee Food Service, may be 122574  
used to purchase any food operational items with funds received 122575  
into the fund from reimbursements for state surplus property. 122576

**Section 503.10.** PERSONAL SERVICE EXPENSES 122577

Unless otherwise prohibited by law, any appropriation from 122578  
which personal service expenses are paid shall bear the employer's 122579  
share of public employees' retirement, workers' compensation, 122580  
disabled workers' relief, and all group insurance programs; the 122581  
costs of centralized accounting, centralized payroll processing, 122582  
and related personnel reports and services; the cost of the Office 122583  
of Collective Bargaining; the cost of the Employee Assistance 122584  
Program; the cost of the affirmative action and equal employment 122585  
opportunity programs administered by the Department of 122586  
Administrative Services; the costs of interagency information 122587  
management infrastructure; and the cost of administering the state 122588  
employee merit system as required by section 124.07 of the Revised 122589  
Code. These costs shall be determined in conformity with the 122590  
appropriate sections of law and paid in accordance with procedures 122591  
specified by the Office of Budget and Management. Expenditures 122592  
from appropriation item 070601, Public Audit Expense - Local 122593  
Government, may be exempted from the requirements of this section. 122594

**Section 503.20.** SATISFACTION OF JUDGMENTS AND SETTLEMENTS 122595  
AGAINST THE STATE 122596

Except as otherwise provided in this section, an 122597  
appropriation in this act or any other act may be used for the 122598  
purpose of satisfying judgments, settlements, or administrative 122599  
awards ordered or approved by the Court of Claims or by any other 122600  
court of competent jurisdiction in connection with civil actions 122601  
against the state. This authorization does not apply to 122602  
appropriations to be applied to or used for payment of guarantees 122603  
by or on behalf of the state, or for payments under lease 122604  
agreements relating to, or debt service on, bonds, notes, or other 122605  
obligations of the state. Notwithstanding any other statute to the 122606  
contrary, this authorization includes appropriations from funds 122607  
into which proceeds of direct obligations of the state are 122608  
deposited only to the extent that the judgment, settlement, or 122609  
administrative award is for, or represents, capital costs for 122610  
which the appropriation may otherwise be used and is consistent 122611  
with the purpose for which any related obligations were issued or 122612  
entered into. Nothing contained in this section is intended to 122613  
subject the state to suit in any forum in which it is not 122614  
otherwise subject to suit, and is not intended to waive or 122615  
compromise any defense or right available to the state in any suit 122616  
against it. 122617

**Section 503.30.** CAPITAL PROJECT SETTLEMENTS 122618

This section specifies an additional and supplemental 122619  
procedure to provide for payments of judgments and settlements if 122620  
the Director of Budget and Management determines, pursuant to 122621  
division (C)(4) of section 2743.19 of the Revised Code, that 122622  
sufficient unencumbered moneys do not exist in the fund to support 122623  
a particular appropriation to pay the amount of a final judgment 122624  
rendered against the state or a state agency, including the 122625

settlement of a claim approved by a court, in an action upon and 122626  
arising out of a contractual obligation for the construction or 122627  
improvement of a capital facility if the costs under the contract 122628  
were payable in whole or in part from a state capital projects 122629  
appropriation. In such a case, the Director may either proceed 122630  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 122631  
or apply to the Controlling Board to increase an appropriation or 122632  
create an appropriation out of any unencumbered moneys in the 122633  
state treasury to the credit of the capital projects fund from 122634  
which the initial state appropriation was made. The amount of an 122635  
increase in appropriation or new appropriation approved by the 122636  
Controlling Board is hereby appropriated from the applicable 122637  
capital projects fund and made available for the payment of the 122638  
judgment or settlement. 122639

If the Director does not make the application authorized by 122640  
this section or the Controlling Board disapproves the application, 122641  
and the Director does not make application under division (C)(4) 122642  
of section 2743.19 of the Revised Code, the Director shall for the 122643  
purpose of making that payment make a request to the General 122644  
Assembly as provided for in division (C)(5) of that section. 122645

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 122646

In order to provide funds for the reissuance of voided 122647  
warrants under section 117.47 of the Revised Code, there is hereby 122648  
appropriated, out of moneys in the state treasury from the fund 122649  
credited as provided in section 117.47 of the Revised Code, that 122650  
amount sufficient to pay such warrants when approved by the Office 122651  
of Budget and Management. 122652

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 122653  
**BALANCES OF OPERATING APPROPRIATIONS** 122654

(A) An unexpended balance of an operating appropriation or 122655

reappropriation that a state agency lawfully encumbered prior to 122656  
the close of a fiscal year is hereby reappropriated for the 122657  
following fiscal year from the fund from which it was originally 122658  
appropriated or reappropriated for the following period and shall 122659  
remain available only for the purpose of discharging the 122660  
encumbrance: 122661

(1) For an encumbrance for personal services, maintenance, 122662  
equipment, or items for resale, other than an encumbrance for an 122663  
item of special order manufacture not available on term contract 122664  
or in the open market or for reclamation of land or oil and gas 122665  
wells, for a period of not more than five months from the end of 122666  
the fiscal year; 122667

(2) For an encumbrance for an item of special order 122668  
manufacture not available on term contract or in the open market, 122669  
for a period of not more than five months from the end of the 122670  
fiscal year or, with the written approval of the Director of 122671  
Budget and Management, for a period of not more than twelve months 122672  
from the end of the fiscal year; 122673

(3) For an encumbrance for reclamation of land or oil and gas 122674  
wells, for a period ending when the encumbered appropriation is 122675  
expended or for a period of two years, whichever is less; 122676

(4) For an encumbrance for any other expense, for such period 122677  
as the Director approves, provided such period does not exceed two 122678  
years. 122679

(B) For an encumbrance described in division (A)(1) of this 122680  
section to remain available for more than five months from the end 122681  
of the fiscal year, an agency shall, not later than November 1 of 122682  
each fiscal year, make a request in writing to the Director of 122683  
Budget and Management to maintain the encumbrance. The Director 122684  
may exempt the encumbrance from cancellation for a specified 122685  
period deemed appropriate. The exempted encumbrance is hereby 122686



reappropriated. If the request is not received by November 1, or 122687  
if the request is not approved, the Director shall cancel the 122688  
encumbrance. 122689

(C) Any operating appropriations for which unexpended 122690  
balances are reappropriated beyond a five-month period from the 122691  
end of the fiscal year by division (A)(2) of this section shall be 122692  
reported to the Controlling Board by the Director of Budget and 122693  
Management by the thirty-first day of December of each year. The 122694  
report on each such item shall include the item, the cost of the 122695  
item, and the name of the vendor. The report shall be updated on a 122696  
quarterly basis for encumbrances remaining open. 122697

(D) Except as provided in division (E) of this section, upon 122698  
the expiration of the reappropriation period set out in division 122699  
(A) or (B) of this section, a reappropriation made by this section 122700  
lapses, and the Director of Budget and Management shall cancel the 122701  
encumbrance of the unexpended reappropriation not later than the 122702  
end of the weekend following the expiration of the reappropriation 122703  
period. 122704

(E) With the approval of the Director of Budget and 122705  
Management, an unexpended balance of an encumbrance that was 122706  
reappropriated by this section for a period specified in division 122707  
(A)(3) or (4) of this section and that remains encumbered at the 122708  
close of the fiscal biennium is hereby reappropriated for the 122709  
following fiscal biennium from the fund from which it was 122710  
originally appropriated or reappropriated for the applicable 122711  
period specified in division (A)(3) or (4) of this section and 122712  
shall remain available only for the purpose of discharging the 122713  
encumbrance. 122714

(F) The Director of Budget and Management may correct 122715  
accounting errors committed by the staff of the Office of Budget 122716  
and Management, such as re-establishing encumbrances or 122717  
appropriations cancelled in error, during the cancellation of 122718

operating encumbrances in November and of nonoperating 122719  
encumbrances in December. 122720

(G) If the Controlling Board approved a purchase, that 122721  
approval remains in effect so long as the appropriation used to 122722  
make that purchase remains encumbered. 122723

**Section 503.60.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 122724  
RE-ESTABLISHMENT OF ENCUMBRANCES 122725

Any cash transferred by the Director of Budget and Management 122726  
under section 126.15 of the Revised Code is hereby appropriated. 122727  
Any amounts necessary to re-establish appropriations or 122728  
encumbrances under section 126.15 of the Revised Code are hereby 122729  
appropriated. 122730

**Section 503.70.** INCOME TAX DISTRIBUTION TO COUNTIES 122731

There are hereby appropriated out of any moneys in the state 122732  
treasury to the credit of the General Revenue Fund, which are not 122733  
otherwise appropriated, funds sufficient to make any payment 122734  
required by division (B)(2) of section 5747.03 of the Revised 122735  
Code. 122736

**Section 503.80.** EXPENDITURES AND APPROPRIATION INCREASES 122737  
APPROVED BY THE CONTROLLING BOARD 122738

Any money that the Controlling Board approves for expenditure 122739  
or any increase in appropriation that the Controlling Board 122740  
approves under sections 127.14, 131.35, and 131.39 of the Revised 122741  
Code or any other provision of law is hereby appropriated for the 122742  
period ending June 30, 2011. 122743

**Section 503.90.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 122744  
RESIDENCE 122745

If the Governor's Residence Fund (Fund 4H20) receives payment 122746

for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

**Section 503.95. SOUTHEASTERN OHIO PORT AUTHORITY CONTAINER-ON-BARGE STUDY**

Of appropriation item 771412, Planning and Research - Federal, appropriated in the transportation budget act, H.B. 2 of the 128th General Assembly, for fiscal years 2010 and 2011, \$100,000 in fiscal year 2010 shall be used for the Southeastern Ohio Port Authority to complete a study of and to implement container-on-barge service on the Ohio River. The study shall take into account cargo origin and destinations, cost comparisons, target cargoes, and required infrastructure to connect with surface transportation.

**Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS**

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 134,631	\$ 134,631	122768
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 887,445	\$ 920,372	122769
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 286,114	\$ 286,114	122770
Emergency Response	Department of	\$ 1,413,889	\$ 1,415,945	122771

Plan Fund (Fund 6570)      Public Safety

**Section 506.20.** On July 1, 2009, and on the first day of the 122772  
month for each month thereafter, the Treasurer of State, before 122773  
making any of the distributions specified in sections 5735.23, 122774  
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 122775  
the first 2 per cent of the amount of motor fuel tax received for 122776  
the preceding calendar month to the credit of the Highway 122777  
Operating Fund (Fund 7002). Upon the written request of the 122778  
Director of Public Safety, the Director of Budget and Management 122779  
may make periodic transfers of cash totaling \$16,220,000 in each 122780  
fiscal year from Fund 7002 to the State Highway Safety Fund (Fund 122781  
7036). 122782

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF 122783  
INTEREST EARNED 122784

Notwithstanding any provision of law to the contrary, the 122785  
Director of Budget and Management, through June 30, 2011, may 122786  
transfer interest earned by any state fund to the General Revenue 122787  
Fund. This section does not apply to funds whose source of revenue 122788  
is restricted or protected by the Ohio Constitution, federal tax 122789  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 122790  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 122791

**Section 512.30.** GRF TRANSFER TO THE OAKS PROJECT 122792  
IMPLEMENTATION FUND 122793

On July 1 of each fiscal year, or as soon as possible 122794  
thereafter, the Director of Budget and Management shall transfer 122795  
an amount not to exceed \$2,100,000 cash from the General Revenue 122796  
Fund to the OAKS Project Implementation Fund (Fund 5N40). 122797

**Section 512.40.** TRANSFERS FROM THE BUDGET STABILIZATION FUND 122798

Notwithstanding any provision of law to the contrary, the 122799

Director of Budget and Management, in either year of the biennium, 122800  
may transfer cash from the Budget Stabilization Fund to the 122801  
General Revenue Fund in order to balance General Revenue Fund 122802  
revenues with General Revenue Fund expenditures. Within ten days 122803  
of any such transfer, the Director shall notify the Governor, the 122804  
Speaker of the House of Representatives, the President of the 122805  
Senate, and the Minority Leaders of the House of Representatives 122806  
and the Senate of the date and amount of the transfer and the cash 122807  
balance remaining in the Budget Stabilization Fund. 122808

**Section 512.50.** TRANSFERS FROM EDUCATION FACILITIES TRUST AND 122809  
PUBLIC SCHOOL BUILDING FUNDS TO GRF 122810

Notwithstanding any provision of law to the contrary, the 122811  
Director of Budget and Management shall transfer a total of 122812  
\$200,000,000 cash in either fiscal year 2010 or fiscal year 2011 122813  
from the Education Facilities Trust Fund (Fund N087) and the 122814  
Public School Building Fund (Fund 7021), which are used by the 122815  
School Facilities Commission, to the General Revenue Fund. Not 122816  
later than June 30, 2013, \$200,000,000 cash shall be deposited 122817  
into a fund of the Commission, for the purpose of constructing or 122818  
renovating school facilities pursuant to Chapter 3318. of the 122819  
Revised Code. 122820

**Section 512.60.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 122821  
FROM NON-GRF FUNDS 122822

Notwithstanding any provision of law to the contrary, during 122823  
fiscal years 2010 and 2011, the Director of Budget and Management 122824  
may transfer cash from non-General Revenue Funds that are not 122825  
constitutionally restricted to the General Revenue Fund in order 122826  
to ensure that available General Revenue Fund receipts and 122827  
balances are sufficient to support General Revenue Fund 122828  
appropriations in each fiscal year. 122829

Before September 1 of each fiscal year, the Director of 122830  
Budget and Management shall prepare quarterly estimates 122831  
identifying funds in the state treasury from which cash transfers 122832  
are to be made and the anticipated amount of these cash transfers. 122833  
Beginning with the quarter ending September 30, 2009, and on a 122834  
quarterly basis thereafter, the Director of Budget and Management 122835  
shall prepare a summary comparing the estimated and actual amounts 122836  
of these cash transfers by fund. This quarterly summary shall be 122837  
included in the report required under section 126.05 of the 122838  
Revised Code. 122839

**Section 512.80.** GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 122840  
INTRA-STATE FUND 122841

On July 1, 2009, or as soon as possible thereafter, the 122842  
Director of Budget and Management shall transfer \$400,900 cash 122843  
from the General Revenue Fund to the Public Audit Expense 122844  
Intra-State Fund (Fund 1090). The amounts transferred are hereby 122845  
appropriated to help pay for expenses incurred in the Auditor of 122846  
State's role relating to fiscal caution, fiscal watch, and fiscal 122847  
emergency activities as defined in Chapter 3316. of the Revised 122848  
Code and for performance audits for school districts in fiscal 122849  
distress. 122850

**Section 512.90.** STATE AGENCY ADMINISTRATIVE COST SAVINGS AND 122851  
EFFICIENCY 122852

Notwithstanding any provision of law to the contrary, a state 122853  
agency may enter into one or more agreements with another state 122854  
agency or agencies to achieve administrative cost savings and 122855  
greater efficiency. Subject to sections 124.321 to 124.328 of the 122856  
Revised Code, a state agency may identify employees who may be 122857  
transferred to another agency for the purpose of consolidating 122858  
finance, human resources, legal, or other administrative 122859

functions. In addition, state agencies may share office equipment, 122860  
office space, or other agency assets to the extent such an 122861  
arrangement would create savings in rental, lease, or other 122862  
contractual expenses. The Director of Budget and Management, in 122863  
accordance with section 126.21 of the Revised Code, may take any 122864  
actions with regard to state agency budget changes, program 122865  
transfers, the creation of new funds, or the consolidation of 122866  
funds as necessary due to the administrative reorganization or 122867  
consolidation for purposes of cost savings and greater efficiency 122868  
pursuant to this section. 122869

**Section 515.10.** On and after the effective date of section 122870  
3354.24 of the Revised Code as enacted by Sub. H.B. 1 of the 128th 122871  
General Assembly: 122872

(A) The board of trustees of the Eastern Gateway Community 122873  
College District (the District) shall have the powers and duties 122874  
formerly prescribed as powers and duties of the board of trustees 122875  
of the Jefferson County Community College District and any 122876  
additional powers and duties granted or imposed by law. 122877

(B) The board of trustees of the District assumes the 122878  
obligations of, and is the successor to and continuation of, the 122879  
board of trustees of the Jefferson County Community College 122880  
District. 122881

(C) Any business commenced but not completed by the board of 122882  
trustees of the Jefferson County Community College District shall 122883  
be completed by the board of trustees of the District in the same 122884  
manner, and with the same effect, as if completed by the board of 122885  
trustees of the Jefferson County Community College District. No 122886  
validation, cure, right, privilege, remedy, obligation, or 122887  
liability is lost or impaired by reason of the enactment by this 122888  
act of this section and section 3354.24 of the Revised Code. 122889

(D) Rules of the board of trustees of the Jefferson County 122890

Community College District shall continue as rules for the board 122891  
of trustees of the District until amended or rescinded by the 122892  
board of trustees of the District. 122893

(E) Any reference in statute, rule, contract, grant, or other 122894  
document to the board of trustees of the Jefferson County 122895  
Community College District shall be construed to refer to the 122896  
board of trustees of the District. 122897

(F) No judicial, administrative, or other proceeding to which 122898  
the board of trustees of the Jefferson County Community College 122899  
District is a party and that is pending on the effective date of 122900  
this section shall be affected by the enactment by this act of 122901  
this section and section 3354.24 of the Revised Code. Upon 122902  
application to the court or other tribunal, the board of trustees 122903  
of the District shall be substituted for the board of trustees of 122904  
the Jefferson County Community College District as a party to the 122905  
action or proceeding, and the action shall be prosecuted or 122906  
defended in the name of the board of trustees of the District. 122907

(G) All books, records, documents, files, transcripts, 122908  
equipment, furniture, supplies, and other materials assigned to or 122909  
possessed by the board of trustees of the Jefferson County 122910  
Community College District shall be transferred to the board of 122911  
trustees of the District. 122912

(H) The employees of the board of trustees of the Jefferson 122913  
County Community College District shall be employees of the board 122914  
of trustees of the District. 122915

**Section 515.20.** On the effective date of this section, the 122916  
duties, responsibilities, and functions of the Ohio Board of 122917  
Regents under sections 4741.41, 4741.44, 4741.45, and 4741.46 of 122918  
the Revised Code and its assets and liabilities under those 122919  
sections are transferred to the State Veterinary Medical Licensing 122920  
Board. The State Veterinary Medical Licensing Board assumes the 122921



obligations and authority of the Ohio Board of Regents with regard 122922  
to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the Revised 122923  
Code. No right, privilege, or remedy, and no duty, liability, or 122924  
obligation, accrued by the Ohio Board of Regents under sections 122925  
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code is 122926  
impaired or lost by reason of the transfer and shall be 122927  
recognized, administered, performed, or enforced by the State 122928  
Veterinary Medical Licensing Board. 122929

Business commenced but not completed by the Ohio Board of 122930  
Regents with regard to sections 4741.41, 4741.44, 4741.45, and 122931  
4741.46 of the Revised Code shall be completed by the State 122932  
Veterinary Medical Licensing Board in the same manner, and with 122933  
the same effect, as if completed by the Ohio Board of Regents. 122934

All determinations of the Ohio Board of Regents that are made 122935  
pursuant to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 122936  
Revised Code continue in effect as determinations of the State 122937  
Veterinary Medical Licensing Board until modified or rescinded by 122938  
the State Veterinary Medical Licensing Board. 122939

Whenever the Ohio Board of Regents is referred to in statute, 122940  
contract, or other instrument for the purposes of sections 122941  
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code, the 122942  
reference is deemed to refer to the State Veterinary Medical 122943  
Licensing Board. 122944

No pending action or proceeding being prosecuted or defended 122945  
in court or before any agency by the Ohio Board of Regents for the 122946  
purposes of sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 122947  
Revised Code is affected by the transfer and shall be prosecuted 122948  
or defended in the name of the State Veterinary Medical Licensing 122949  
Board. Upon application to the court or agency, the State 122950  
Veterinary Medical Licensing Board shall be substituted as a 122951  
party. 122952

**Section 515.30.** On the effective date of this section, the 122953  
Division of Soil and Water Conservation in the Department of 122954  
Natural Resources is renamed the Division of Soil and Water 122955  
Resources. The Division of Soil and Water Conservation's 122956  
functions, and its assets and liabilities, are transferred to the 122957  
Division of Soil and Water Resources. The Division of Soil and 122958  
Water Resources is successor to, assumes the obligations and 122959  
authority of, and otherwise continues the Division of Soil and 122960  
Water Conservation. No right, privilege, or remedy, and no duty, 122961  
liability, or obligation, accrued under the Division of Soil and 122962  
Water Conservation is impaired or lost by reason of the renaming 122963  
and shall be recognized, administered, performed, or enforced by 122964  
the Division of Soil and Water Resources. 122965

Business commenced but not completed by the Division of Soil 122966  
and Water Conservation or by the Chief of the Division of Soil and 122967  
Water Conservation shall be completed by the Division of Soil and 122968  
Water Resources or the Chief of the Division of Soil and Water 122969  
Resources in the same manner, and with the same effect, as if 122970  
completed by the Division of Soil and Water Conservation or the 122971  
Chief of the Division of Soil and Water Conservation. 122972

All of the Division of Soil and Water Conservation's rules, 122973  
orders, and determinations continue in effect as rules, orders, 122974  
and determinations of the Division of Soil and Water Resources 122975  
until modified or rescinded by the Division of Soil and Water 122976  
Resources. 122977

Subject to the layoff provisions of sections 124.321 to 122978  
124.382 of the Revised Code, all employees of the Division of Soil 122979  
and Water Conservation continue with the Division of Soil and 122980  
Water Resources and retain their positions and all benefits 122981  
accruing thereto. 122982

The Director of Budget and Management shall determine the 122983

amount of unexpended balances in the appropriation accounts that 122984  
pertain to the Division of Soil and Water Conservation and shall 122985  
recommend to the Controlling Board their transfer to the 122986  
appropriation accounts that pertain to the Division of Soil and 122987  
Water Resources. The Chief of the Division of Soil and Water 122988  
Conservation shall provide full and timely information to the 122989  
Controlling Board to facilitate the transfer. 122990

Whenever the Division of Soil and Water Conservation or the 122991  
Chief of the Division of Soil and Water Conservation is referred 122992  
to in a statute, contract, or other instrument, the reference is 122993  
deemed to refer to the Division of Soil and Water Resources or to 122994  
the Chief of the Division of Soil and Water Resources, whichever 122995  
is appropriate in context. 122996

No pending action or proceeding being prosecuted or defended 122997  
in court or before an agency by the Division of Soil and Water 122998  
Conservation or the Chief of the Division of Soil and Water 122999  
Conservation is affected by the renaming and shall be prosecuted 123000  
or defended in the name of the Division of Soil and Water 123001  
Resources or the Chief of the Division of Soil and Water 123002  
Resources, whichever is appropriate. Upon application to the court 123003  
or agency, the Division of Soil and Water Resources or the Chief 123004  
of the Division of Soil and Water Resources shall be substituted. 123005

**Section 515.40.** On the effective date of this section, the 123006  
Division of Water in the Department of Natural Resources is 123007  
abolished and its functions, and its assets and liabilities, are 123008  
transferred to the Division of Soil and Water Resources and the 123009  
Division of Parks and Recreation, as applicable, in the Department 123010  
of Natural Resources. The Division of Soil and Water Resources and 123011  
the Division of Parks and Recreation, as applicable, are 123012  
successors to, assume the obligations and authority of, and 123013  
otherwise continue the Division of Water. No right, privilege, or 123014

remedy, and no duty, liability, or obligation, accrued under the 123015  
Division of Water is impaired or lost by reason of the abolishment 123016  
and shall be recognized, administered, performed, or enforced by 123017  
the Division of Soil and Water Resources or the Division of Parks 123018  
and Recreation, whichever is applicable. 123019

Business commenced but not completed by the Division of Water 123020  
or by the Chief of the Division of Water shall be completed by the 123021  
Division of Soil and Water Resources or the Chief of the Division 123022  
of Soil and Water Resources or by the Division of Parks and 123023  
Recreation or the Chief of the Division of Parks and Recreation, 123024  
whichever is applicable, in the same manner, and with the same 123025  
effect, as if completed by the Division of Water or the Chief of 123026  
the Division of Water. 123027

All of the Division of Water's rules, orders, and 123028  
determinations continue in effect as rules, orders, and 123029  
determinations of the Division of Soil and Water Resources or the 123030  
Division of Parks and Recreation, whichever is applicable, until 123031  
modified or rescinded by the Division of Soil and Water Resources 123032  
or the Division of Parks and Recreation, as applicable. If 123033  
necessary to ensure the integrity of the numbering of the 123034  
Administrative Code, the Director of the Legislative Service 123035  
Commission shall renumber the Division of Water's rules to reflect 123036  
their transfer to the Division of Soil and Water Resources or to 123037  
the Division of Parks and Recreation, as applicable. 123038

Subject to the layoff provisions of sections 124.321 to 123039  
124.382 of the Revised Code, all employees of the Division of 123040  
Water are transferred to the Division of Soil and Water Resources 123041  
or to the Division of Parks and Recreation, as applicable, and 123042  
retain their positions and all benefits accruing thereto. 123043

The Director of Budget and Management shall determine the 123044  
amount of unexpended balances in the appropriation accounts that 123045

pertain to the Division of Water and shall recommend to the 123046  
Controlling Board their transfer to the appropriation accounts 123047  
that pertain to the Division of Soil and Water Resources or the 123048  
Division of Parks and Recreation, as applicable. The Chief of the 123049  
Division of Water shall provide full and timely information to the 123050  
Controlling Board to facilitate the transfer. 123051

Whenever the Division of Water or the Chief of the Division 123052  
of Water is referred to in a statute, contract, or other 123053  
instrument, the reference is deemed to refer to the Division of 123054  
Soil and Water Resources or to the Chief of the Division of Soil 123055  
and Water Resources or to the Division of Parks and Recreation or 123056  
to the Chief of the Division of Parks and Recreation, whichever is 123057  
appropriate in context. 123058

No pending action or proceeding being prosecuted or defended 123059  
in court or before an agency by the Division of Water or the Chief 123060  
of the Division of Water is affected by the abolishment and shall 123061  
be prosecuted or defended in the name of the Division of Soil and 123062  
Water Resources or the Chief of the Division of Soil and Water 123063  
Resources or of the Division of Parks and Recreation or the Chief 123064  
of the Division of Parks and Recreation, whichever is appropriate. 123065  
Upon application to the court or agency, the Division of Soil and 123066  
Water Resources or the Chief of the Division of Soil and Water 123067  
Resources or the Division of Parks and Recreation or the Chief of 123068  
the Division of Parks and Recreation, whichever is applicable, 123069  
shall be substituted. 123070

**Section 515.50.** On the effective date of this section, the 123071  
Division of Real Estate and Land Management in the Department of 123072  
Natural Resources is abolished and its functions, and its assets 123073  
and liabilities, are transferred to the Director of Natural 123074  
Resources, to the Division of Engineering, and to the Division of 123075  
Parks and Recreation, as applicable, in the Department of Natural 123076

Resources. The Director of Natural Resources, the Division of 123077  
Engineering, and the Division of Parks and Recreation are 123078  
successors to, assume the obligations and authority of, and 123079  
otherwise continue the Division of Real Estate and Land 123080  
Management. No right, privilege, or remedy, and no duty, 123081  
liability, or obligation, accrued under the Division of Real 123082  
Estate and Land Management is impaired or lost by reason of the 123083  
abolishment and shall be recognized, administered, performed, or 123084  
enforced by the Director of Natural Resources, the Division of 123085  
Engineering, and the Division of Parks and Recreation, whichever 123086  
is applicable. 123087

Business commenced but not completed by the Division of Real 123088  
Estate and Land Management or by the Chief of the Division of Real 123089  
Estate and Land Management shall be completed by the Director of 123090  
Natural Resources, by the Division of Engineering or the Chief 123091  
Engineer, or by the Division of Parks and Recreation or the Chief 123092  
of the Division of Parks and Recreation, whichever is applicable, 123093  
in the same manner, and with the same effect, as if completed by 123094  
the Division of Real Estate and Land Management or the Chief of 123095  
the Division of Real Estate and Land Management. 123096

All of the Division of Real Estate and Land Management's 123097  
rules, orders, and determinations continue in effect as rules, 123098  
orders, and determinations of the Director of Natural Resources, 123099  
the Division of Engineering, or the Division of Parks and 123100  
Recreation, whichever is applicable, until modified or rescinded 123101  
by the Director of Natural Resources, the Division of Engineering, 123102  
or the Division of Parks and Recreation, as applicable. If 123103  
necessary to ensure the integrity of the numbering of the 123104  
Administrative Code, the Director of the Legislative Service 123105  
Commission shall renumber the Division of Real Estate and Land 123106  
Management's rules to reflect their transfer to the Director of 123107  
Natural Resources, to the Division of Engineering, or to the 123108

Division of Parks and Recreation, as applicable. 123109

Subject to the layoff provisions of sections 124.321 to 123110  
124.382 of the Revised Code, all employees of the Division of Real 123111  
Estate and Land Management are transferred to the office of the 123112  
Director of Natural Resources, the Division of Engineering, or the 123113  
Division of Parks and Recreation, as applicable, and retain their 123114  
positions and all benefits accruing thereto. 123115

The Director of Budget and Management shall determine the 123116  
amount of unexpended balances in the appropriation accounts that 123117  
pertain to the Division of Real Estate and Land Management and 123118  
shall recommend to the Controlling Board their transfer to the 123119  
appropriation accounts that pertain to the Director of Natural 123120  
Resources, the Division of Engineering, or the Division of Parks 123121  
and Recreation, as applicable. The Chief of the Division of Real 123122  
Estate and Land Management shall provide full and timely 123123  
information to the Controlling Board to facilitate the transfer. 123124

Whenever the Division of Real Estate and Land Management or 123125  
the Chief of the Division of Real Estate and Land Management is 123126  
referred to in a statute, contract, or other instrument, the 123127  
reference is deemed to refer to the Director of Natural Resources, 123128  
to the Division of Engineering or the Chief Engineer, or to the 123129  
Division of Parks and Recreation or the Chief of the Division of 123130  
Parks and Recreation, whichever is appropriate in context. 123131

No pending action or proceeding being prosecuted or defended 123132  
in court or before an agency by the Division of Real Estate and 123133  
Land Management or the Chief of the Division of Real Estate and 123134  
Land Management is affected by the abolishment and shall be 123135  
prosecuted or defended in the name of the Department of Natural 123136  
Resources or the Director of Natural Resources, of the Division of 123137  
Engineering or the Chief Engineer, or of the Division of Parks and 123138  
Recreation or the Chief of the Division of Parks and Recreation, 123139  
whichever is appropriate. Upon application to the court or agency, 123140

the Department of Natural Resources or the Director of Natural 123141  
Resources, the Division of Engineering or the Chief Engineer, or 123142  
the Division of Parks and Recreation or the Chief of the Division 123143  
of Parks and Recreation, whichever is applicable, shall be 123144  
substituted. 123145

**Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS** 123146

Certain appropriations are in this act for the purpose of 123147  
paying debt service and financing costs on general obligation 123148  
bonds or notes of the state issued pursuant to the Ohio 123149  
Constitution and acts of the General Assembly. If it is determined 123150  
that additional appropriations are necessary for this purpose, 123151  
such amounts are hereby appropriated. 123152

**Section 518.20. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF** 123153  
**STATE** 123154

Certain appropriations are in this act for the purpose of 123155  
making lease rental payments pursuant to leases and agreements 123156  
relating to bonds or notes issued by the Ohio Building Authority 123157  
or the Treasurer of State or, previously, by the Ohio Public 123158  
Facilities Commission, pursuant to the Ohio Constitution and acts 123159  
of the General Assembly. If it is determined that additional 123160  
appropriations are necessary for this purpose, such amounts are 123161  
hereby appropriated. 123162

**Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM** 123163  
**TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS** 123164

The Office of Budget and Management shall process payments 123165  
from general obligation and lease rental payment appropriation 123166  
items during the period from July 1, 2009, to June 30, 2011, 123167  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 123168  
2n, 2o, 2p, 2q, and 15 of Article VIII, Ohio Constitution, and 123169



Chapters 151. and 154. of the Revised Code. Payments shall be made 123170  
upon certification by the Treasurer of State, Office of the 123171  
Sinking Fund, of the dates and the amounts due on those dates. 123172

**Section 518.40.** AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 123173  
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 123174

The Office of Budget and Management shall process payments 123175  
from lease rental payment appropriation items during the period 123176  
from July 1, 2009, to June 30, 2011, pursuant to the lease 123177  
agreements entered into relating to bonds or notes issued under 123178  
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of 123179  
the Revised Code. Payments shall be made upon certification by the 123180  
Ohio Building Authority of the dates and the amounts due on those 123181  
dates. 123182

**Section 521.10.** STATE AND LOCAL REBATE AUTHORIZATION 123183

There is hereby appropriated, from those funds designated by 123184  
or pursuant to the applicable proceedings authorizing the issuance 123185  
of state obligations, amounts computed at the time to represent 123186  
the portion of investment income to be rebated or amounts in lieu 123187  
of or in addition to any rebate amount to be paid to the federal 123188  
government in order to maintain the exclusion from gross income 123189  
for federal income tax purposes of interest on those state 123190  
obligations under section 148(f) of the Internal Revenue Code. 123191

Rebate payments shall be approved and vouchered by the Office 123192  
of Budget and Management. 123193

**Section 521.20.** STATEWIDE INDIRECT COST RECOVERY 123194

Whenever the Director of Budget and Management determines 123195  
that an appropriation made to a state agency from a fund of the 123196  
state is insufficient to provide for the recovery of statewide 123197  
indirect costs under section 126.12 of the Revised Code, the 123198

amount required for such purpose is hereby appropriated from the 123199  
available receipts of such fund. 123200

**Section 521.30.** GRF TRANSFERS ON BEHALF OF THE STATEWIDE 123201  
INDIRECT COST ALLOCATION PLAN 123202

The total transfers made from the General Revenue Fund by the 123203  
Director of Budget and Management under this section shall not 123204  
exceed the amounts transferred into the General Revenue Fund under 123205  
section 126.12 of the Revised Code. 123206

The director of an agency may certify to the Director of 123207  
Budget and Management the amount of expenses not allowed to be 123208  
included in the Statewide Indirect Cost Allocation Plan under 123209  
federal regulations, from any fund included in the Statewide 123210  
Indirect Cost Allocation Plan, prepared as required by section 123211  
126.12 of the Revised Code. 123212

Upon determining that no alternative source of funding is 123213  
available to pay for such expenses, the Director of Budget and 123214  
Management may transfer from the General Revenue Fund into the 123215  
fund for which the certification is made, up to the amount of the 123216  
certification. The director of the agency receiving such funds 123217  
shall include, as part of the next budget submission prepared 123218  
under section 126.02 of the Revised Code, a request for funding 123219  
for such activities from an alternative source such that further 123220  
federal disallowances would not be required. 123221

**Section 521.40.** FISCAL YEAR 2009 GENERAL REVENUE FUND ENDING 123222  
BALANCE 123223

Notwithstanding divisions (B) and (C) of section 131.44 of 123224  
the Revised Code, all fiscal year 2009 surplus revenue in excess 123225  
of the amount required under division (A)(3) of section 131.44 of 123226  
the Revised Code shall remain in the General Revenue Fund. 123227

**Section 521.50.** FEDERAL GOVERNMENT INTEREST REQUIREMENTS 123228

Notwithstanding any provision of law to the contrary, on or 123229  
before the first day of September of each fiscal year, the 123230  
Director of Budget and Management, in order to reduce the payment 123231  
of adjustments to the federal government, as determined by the 123232  
plan prepared under division (A) of section 126.12 of the Revised 123233  
Code, may designate such funds as the Director considers necessary 123234  
to retain their own interest earnings. 123235

**Section 521.60.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 123236

Pursuant to the plan for compliance with the Federal Cash 123237  
Management Improvement Act required by section 131.36 of the 123238  
Revised Code, the Director of Budget and Management may cancel and 123239  
re-establish all or part of encumbrances in like amounts within 123240  
the funds identified by the plan. The amounts necessary to 123241  
re-establish all or part of encumbrances are hereby appropriated. 123242

**Section 521.70.** FISCAL STABILIZATION AND RECOVERY 123243

(A) To ensure the level of accountability and transparency 123244  
required by federal law, the Director of Budget and Management may 123245  
issue guidelines to any agency applying for federal money made 123246  
available to this state for fiscal stabilization and recovery 123247  
purposes, and may prescribe the process by which agencies are to 123248  
comply with any reporting requirements established by the federal 123249  
government. 123250

(B) Notwithstanding any provision of law to the contrary, 123251  
federal money received by or on behalf of this state for fiscal 123252  
stabilization in support of elementary, secondary, and higher 123253  
education, public safety, and any other government service shall 123254  
be deposited into the state treasury to the credit of the General 123255  
Revenue Fund. If additional federal fiscal stabilization funds are 123256

available, the Director of Budget and Management may authorize 123257  
expenditures from the General Revenue Fund in excess of the 123258  
amounts appropriated to provide additional government services. 123259  
Upon the authorization of the Director, the additional amounts are 123260  
hereby appropriated. The federal money shall not be used as a 123261  
match for the state's share of Medicaid. 123262

**Section 523.10. ADVANCED ENERGY RESEARCH AND DEVELOPMENT** 123263

(A) All items set forth in this division are hereby 123264  
appropriated, for fiscal years 2011 and 2012, the biennium ending 123265  
on June 30, 2012, out of any moneys in the state treasury to the 123266  
credit of the Advanced Energy Research and Development Taxable 123267  
Fund (Fund 7004) derived from the proceeds of obligations 123268  
heretofore authorized under section 166.11 of the Revised Code: 123269

AIR AIR QUALITY DEVELOPMENT AUTHORITY 123270

C89800 Advanced Energy Research and Development \$ 9,000,000 123271  
Taxable

TOTAL Advanced Energy Research and Development \$ 9,000,000 123272  
Taxable Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 9,000,000 123273

(B) All items set forth in this division are hereby 123274  
appropriated, for fiscal years 2011 and 2012, the biennium ending 123275  
on June 30, 2012, out of any moneys in the state treasury to the 123276  
credit of the Advanced Energy Research and Development Fund (Fund 123277  
7005) derived from the proceeds of obligations heretofore 123278  
authorized under section 166.11 of the Revised Code: 123279

AIR AIR QUALITY DEVELOPMENT AUTHORITY 123280

C89801 Advanced Energy Research and Development \$ 19,000,000 123281  
TOTAL Advanced Energy Research and Development \$ 19,000,000 123282  
Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 19,000,000 123283

(C) The appropriation items C89800, Advanced Energy Research 123284

and Development Taxable, and C89801, Advanced Energy Research and 123285  
Development, shall be used for advanced energy projects as 123286  
provided in sections 3706.25 to 3706.30 of the Revised Code. The 123287  
Executive Director of the Air Quality Development Authority may 123288  
certify to the Director of Budget and Management that a need 123289  
exists to fund additional advanced energy projects. If the 123290  
Director of Budget and Management determines that investment 123291  
earnings of the Advanced Energy Research and Development Taxable 123292  
Fund (Fund 7004) and the Advanced Energy Research and Development 123293  
Fund (Fund 7005) are available to fund additional projects, the 123294  
Director may authorize additional expenditures from Fund 7004 or 123295  
Fund 7005. Such amounts are hereby appropriated. 123296

(D) Notwithstanding any contrary provision of law, upon the 123297  
request of the Executive Director of the Air Quality Development 123298  
Authority, the Director of Budget and Management may transfer cash 123299  
between Funds 7004 and 7005. Amounts transferred are hereby 123300  
appropriated. 123301

(E) Expenditures from appropriations contained in this 123302  
section may be accounted for as though made in the main capital 123303  
appropriations act for the fiscal year 2011-2012 biennium enacted 123304  
by the 128th General Assembly. The Air Quality Development 123305  
Authority shall not expend any of the appropriations made in this 123306  
section until after July 1, 2010. 123307

**Section 601.10.** That Sections 205.10, 309.10, 317.10, 321.10, 123308  
325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General 123309  
Assembly be amended to read as follows: 123310

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 123311  
State Highway Safety Fund Group 123312  
4W40 762321 Operating Expense - \$ 85,145,103 \$ 89,005,103 123313  
BMV

4W40	762410	Registrations Supplement	\$	31,753,145	\$	32,480,610	123314
5V10	762682	License Plate Contributions	\$	2,100,000	\$	2,100,000	123315
7036	761321	Operating Expense - Information and Education	\$	8,819,954	\$	8,828,661	123316
7036	761401	Lease Rental Payments	\$	13,337,000	\$	11,836,200	123317
7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000	123318
7036	764321	Operating Expense - Highway Patrol	\$	269,887,828	\$	269,975,259	123319
7036	764605	Motor Carrier Enforcement Expenses	\$	3,340,468	\$	3,340,468	123320
8300	761603	Salvage and Exchange - Administration	\$	20,800	\$	21,632	123321
8310	761610	Information and Education - Federal	\$	468,982	\$	468,982	123322
8310	764610	Patrol - Federal	\$	2,455,484	\$	2,455,484	123323
8310	764659	Transportation Enforcement - Federal	\$	6,132,592	\$	6,132,592	123324
8310	765610	EMS - Federal	\$	582,007	\$	582,007	123325
8310	767610	Liquor Enforcement - Federal	\$	514,184	\$	514,184	123326
8310	769610	Food Stamp Trafficking Enforcement - Federal	\$	1,032,135	\$	1,032,135	123327
8310	769631	Homeland Security - Federal	\$	2,100,000	\$	2,184,000	123328
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565	123329
8350	762616	Financial Responsibility	\$	6,063,600	\$	6,063,600	123330

		Compliance				
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959 123331
8380	764606	Patrol Reimbursement	\$	100,000	\$	100,000 123332
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894 123333
83F0	764657	Law Enforcement	\$	10,984,978	\$	9,053,266 123334
		Automated Data System				
83G0	764633	OMVI	\$	650,000	\$	650,000 123335
		Enforcement/Education				
83J0	764693	Highway Patrol	\$	2,100,000	\$	2,100,000 123336
		Justice Contraband				
83M0	765624	Operating Expense - Trauma and EMS	\$	2,915,113	\$	2,924,562 123337
83N0	761611	Elementary School	\$	390,000	\$	405,600 123338
		Seat Belt Program				
83P0	765637	EMS Grants	\$	4,562,912	\$	4,562,912 123339
83R0	762639	Local Immobilization	\$	750,000	\$	750,000 123340
		Reimbursement				
83T0	764694	Highway Patrol	\$	21,000	\$	21,000 123341
		Treasury Contraband				
8400	764607	State Fair Security	\$	1,396,283	\$	1,396,283 123342
8400	764617	Security and	\$	6,317,530	\$	6,432,686 123343
		Investigations				
8400	764626	State Fairgrounds	\$	830,769	\$	849,883 123344
		Police Force				
8400	769632	Homeland Security - Operating	\$	1,552,049	\$	1,614,131 123345
8410	764603	Salvage and Exchange	\$	1,339,399	\$	1,339,399 123346
		- Highway Patrol				
8440	761613	Seat Belt Education	\$	400,000	\$	400,000 123347
		Program				
8460	761625	Motorcycle Safety	\$	3,324,987	\$	3,538,903 123348
		Education				

8490	762627	Automated Title Processing Board	\$	19,240,839	\$	19,240,839	123349
TOTAL HSF State Highway Safety Fund Group							
							123350
General Services Fund Group							
							123351
4P60	768601	Justice Program Services	\$	1,070,962	\$	1,109,004	123352
4S30	766661	Hilltop Utility Reimbursement	\$	520,000	\$	540,800	123353
5ET0	768625	Drug Law Enforcement	\$	4,200,000	\$	4,200,000	123354
5Y10	764695	Highway Patrol Continuing Professional Training	\$	280,820	\$	280,820	123355
5Y10	767696	Investigative Unit Continuing Professional Training	\$	15,000	\$	15,000	123356
TOTAL GSF General Services Fund Group							
							123357
Federal Special Revenue Fund Group							
							123358
3290	763645	Federal Mitigation Program	\$	10,801,636	\$	11,233,702	123359
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	123360
3390	763647	Emergency Management Assistance and Training	\$	84,031,935	\$	84,072,023	123361
3AY0	768606	Federal Justice Grants	\$	1,020,000	\$	745,000	123362
3CB0	768691	Federal Justice Grants - FFY06	\$	920,000	\$	795,000	123363
3CC0	768609	Justice Assistance Grants - FFY07	\$	1,450,000	\$	1,215,000	123364



3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	36,146,492	\$	1,902,447	123365
<u>3DH0</u>	<u>768613</u>	<u>Federal Stimulus - Justice Programs</u>	\$	<u>4,404,597</u>	\$	<u>200,000</u>	123366
3L50	768604	Justice Program	\$	12,056,300	\$	12,056,300	123367
3N50	763644	U.S. Department of Energy Agreement	\$	31,358	\$	31,672	123368
TOTAL FED	Federal Special Revenue		\$	<del>174,165,357</del>	\$	<del>139,758,780</del>	123369
Fund Group				<u>178,569,954</u>		<u>139,958,780</u>	
State Special Revenue Fund Group							123370
4V30	763662	EMA Service and Reimbursement	\$	4,474,751	\$	4,653,743	123371
5390	762614	Motor Vehicle Dealers Board	\$	200,000	\$	200,000	123372
5B90	766632	Private Investigator and Security Guard Provider	\$	1,341,478	\$	1,395,137	123373
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	123374
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	123375
5CM0	767691	Federal Investigative Seizure	\$	642,175	\$	642,175	123376
5DS0	769630	Homeland Security	\$	517,350	\$	538,044	123377
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	1,600,000	\$	2,750,000	123378
5FL0	769634	Investigations	\$	1,172,080	\$	1,195,522	123379
6220	767615	Investigative Contraband and Forfeiture	\$	375,000	\$	375,000	123380
6570	763652	Utility Radiological	\$	1,413,889	\$	1,415,945	123381

		Safety					
6810	763653	SARA Title III HAZMAT	\$	254,794	\$	262,438	123382
		Planning					
8500	767628	Investigative Unit	\$	100,000	\$	100,000	123383
		Salvage					
TOTAL	SSR	State Special Revenue	\$	13,241,517	\$	14,678,004	123384
Fund Group							
Liquor Control Fund Group							123385
7043	767321	Liquor Enforcement -	\$	12,007,894	\$	11,897,178	123386
		Operating					
TOTAL	LCF	Liquor Control Fund Group	\$	12,007,894	\$	11,897,178	123387
Agency Fund Group							123388
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	123389
TOTAL	AGY	Agency Fund Group	\$	1,500,000	\$	1,500,000	123390
Holding Account Redistribution Fund Group							123391
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	123392
		Vehicle Receipts					
R052	762623	Security Deposits	\$	350,000	\$	350,000	123393
TOTAL	090	Holding Account	\$	2,235,000	\$	2,235,000	123394
Redistribution Fund Group							
TOTAL	ALL	BUDGET FUND GROUPS	\$	<del>729,870,109</del>	\$	<del>698,619,383</del>	123395
				<u>734,274,706</u>		<u>698,819,383</u>	
MOTOR VEHICLE REGISTRATION							123396
The Registrar of Motor Vehicles may deposit revenues to meet							123397
the cash needs of the State Bureau of Motor Vehicles Fund (Fund							123398
4W40) established in section 4501.25 of the Revised Code, obtained							123399
under sections 4503.02 and 4504.02 of the Revised Code, less all							123400
other available cash. Revenue deposited pursuant to this paragraph							123401
shall support, in part, appropriations for operating expenses and							123402
defray the cost of manufacturing and distributing license plates							123403
and license plate stickers and enforcing the law relative to the							123404
operation and registration of motor vehicles. Notwithstanding							123405

section 4501.03 of the Revised Code, the revenues shall be paid 123406  
into Fund 4W40 before any revenues obtained pursuant to sections 123407  
4503.02 and 4504.02 of the Revised Code are paid into any other 123408  
fund. The deposit of revenues to meet the aforementioned cash 123409  
needs shall be in approximately equal amounts on a monthly basis 123410  
or as otherwise determined by the Director of Budget and 123411  
Management pursuant to a plan submitted by the Registrar of Motor 123412  
Vehicles. 123413

CASH TRANSFERS FROM THE STATE BUREAU OF MOTOR VEHICLES FUND 123414

Notwithstanding any provision of law to the contrary, on July 123415  
1, 2009, or as soon as possible thereafter, the Director of Budget 123416  
and Management may transfer, from the Bureau of Motor Vehicles 123417  
Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the 123418  
Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the 123419  
EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 123420  
to the Investigations Fund (Fund 5FL0). 123421

Notwithstanding any provision to the contrary, the Director 123422  
of Budget and Management may make additional cash transfers in 123423  
fiscal years 2010 and 2011 from the Bureau of Motor Vehicles Fund 123424  
(Fund 4W40) to any of the following five funds if the Director of 123425  
Public Safety determines that the cash balance is insufficient in 123426  
those funds and requests the Director to make the transfer: the 123427  
Justice Program Services Fund (Fund 4P60), the EMA Service and 123428  
Reimbursement Fund (Fund 4V30), the Investigations Fund (Fund 123429  
5FL0), the Homeland Security Fund (Fund 5DS0), and the Trauma and 123430  
Emergency Medical Services Fund (Fund 83M0). 123431

CAPITAL PROJECTS 123432

The Registrar of Motor Vehicles may transfer cash from the 123433  
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 123434  
Highway Safety Fund (Fund 7036) to meet its obligations for 123435  
capital projects CIR-047, Department of Public Safety Office 123436

Building and CIR-049, Warehouse Facility.	123437
OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS	123438
The foregoing appropriation item 761401, Lease Rental	123439
Payments, shall be used for payments to the Ohio Building	123440
Authority for the period July 1, 2009, to June 30, 2011, under the	123441
primary leases and agreements for public safety related buildings	123442
financed by obligations issued under Chapter 152. of the Revised	123443
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio	123444
Building Authority may, with approval of the Director of Budget	123445
and Management, lease capital facilities to the Department of	123446
Public Safety.	123447
HILLTOP TRANSFER	123448
The Director of Public Safety shall determine, per an	123449
agreement with the Director of Transportation, the share of each	123450
debt service payment made out of appropriation item 761401, Lease	123451
Rental Payments, that relates to the Department of	123452
Transportation's portion of the Hilltop Building Project, and	123453
shall certify to the Director of Budget and Management the amounts	123454
of this share. The Director of Budget and Management shall	123455
transfer the amounts of such shares from the Highway Operating	123456
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).	123457
CASH TRANSFERS OF SEAT BELT FINE REVENUES	123458
Notwithstanding any provision of law to the contrary, the	123459
Controlling Board, upon request of the Director of Public Safety,	123460
may approve the transfer of cash between the following four funds	123461
that receive fine revenues from enforcement of the mandatory seat	123462
belt law: the Trauma and Emergency Medical Services Fund (Fund	123463
83M0), the Elementary School Program Fund (Fund 83N0), the Trauma	123464
and Emergency Medical Services Grants Fund (Fund 83P0), and the	123465
Seat Belt Education Fund (Fund 8440).	123466
STATE DISASTER RELIEF	123467

The State Disaster Relief Fund (Fund 5330) may accept 123468  
transfers of cash and appropriations from Controlling Board 123469  
appropriation items for Ohio Emergency Management Agency disaster 123470  
response costs and disaster program management costs, and may also 123471  
be used for the following purposes: 123472

(A) To accept transfers of cash and appropriations from 123473  
Controlling Board appropriation items for Ohio Emergency 123474  
Management Agency public assistance and mitigation program match 123475  
costs to reimburse eligible local governments and private 123476  
nonprofit organizations for costs related to disasters; 123477

(B) To accept and transfer cash to reimburse the costs 123478  
associated with Emergency Management Assistance Compact (EMAC) 123479  
deployments; 123480

(C) To accept disaster related reimbursement from federal, 123481  
state, and local governments. The Director of Budget and 123482  
Management may transfer cash from reimbursements received by this 123483  
fund to other funds of the state from which transfers were 123484  
originally approved by the Controlling Board. 123485

(D) To accept transfers of cash and appropriations from 123486  
Controlling Board appropriation items to fund the State Disaster 123487  
Relief Program, for disasters that have been declared by the 123488  
Governor, and the State Individual Assistance Program for 123489  
disasters that have been declared by the Governor and the federal 123490  
Small Business Administration. The Ohio Emergency Management 123491  
Agency shall publish and make available application packets 123492  
outlining procedures for the State Disaster Relief Program and the 123493  
State Individual Assistance Program. 123494

JUSTICE ASSISTANCE GRANT FUND 123495

The federal payments made to the state for the Byrne Justice 123496  
Assistance Grants Program under Title II of Division A of the 123497  
American Recovery and Reinvestment Act of 2009 shall be deposited 123498

to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 123499  
which is hereby created in the state treasury. All investment 123500  
earnings of the fund shall be credited to the fund. 123501

JUSTICE ASSISTANCE GRANTS 123502

The foregoing appropriation ~~item~~ items 768612, Federal 123503  
Stimulus - Justice Assistance Grants, and 768613, Federal Stimulus 123504  
- Justice Programs, shall be used to support activities to prevent 123505  
and control crime and to improve the criminal justice system. 123506  
123507

FAMILY VIOLENCE PREVENTION FUND 123508

Notwithstanding any provision of law to the contrary, in each 123509  
of fiscal years 2010 and 2011, the first \$750,000 received to the 123510  
credit of the Family Violence Prevention Fund (Fund 5BK0) in each 123511  
of those fiscal years shall be appropriated to appropriation item 123512  
768689, Family Violence Shelter Programs, and the next \$400,000 123513  
received to the credit of Fund 5BK0 in each of those fiscal years 123514  
shall be appropriated to appropriation item 768687, Criminal 123515  
Justice Services - Operating. Any moneys received to the credit of 123516  
Fund 5BK0 in excess of the aforementioned appropriated amounts in 123517  
each fiscal year shall, upon the approval of the Controlling 123518  
Board, be used to provide grants to family violence shelters in 123519  
Ohio. 123520

SARA TITLE III HAZMAT PLANNING 123521

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 123522  
entitled to receive grant funds from the Emergency Response 123523  
Commission to implement the Emergency Management Agency's 123524  
responsibilities under Chapter 3750. of the Revised Code. 123525

COLLECTIVE BARGAINING INCREASES 123526

Notwithstanding division (D) of section 127.14 and division 123527  
(B) of section 131.35 of the Revised Code, except for the General 123528

Revenue Fund, the Controlling Board may, upon the request of 123529  
either the Director of Budget and Management, or the Department of 123530  
Public Safety with the approval of the Director of Budget and 123531  
Management, increase appropriations for any fund, as necessary for 123532  
the Department of Public Safety, to assist in paying the costs of 123533  
increases in employee compensation that have occurred pursuant to 123534  
collective bargaining agreements under Chapter 4117. of the 123535  
Revised Code and, for exempt employees, under section 124.152 of 123536  
the Revised Code. 123537

CASH BALANCE FUND REVIEW 123538

Not later than the first day of April in each fiscal year of 123539  
the biennium, the Director of Budget and Management shall review 123540  
the cash balances for each fund, except the State Highway Safety 123541  
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 123542  
4W40), in the State Highway Safety Fund Group, and shall recommend 123543  
to the Controlling Board an amount to be transferred to the credit 123544  
of Fund 7036 or Fund 4W40, as appropriate. 123545

**Sec. 309.10.** The federal payments made to the state for the 123546  
Weatherization Assistance Program and the State Energy Grant 123547  
Program under Title IV of Division A of the American Recovery and 123548  
Reinvestment Act of 2009, and for the Homelessness Prevention Fund 123549  
under Title XII of Division A of the American Recovery and 123550  
Reinvestment Act of 2009, shall be deposited to the credit of the 123551  
Federal Special Revenue Fund (Fund 3080). 123552

The federal payments made to the state for the Energy Star 123553  
Rebate Program under the American Recovery and Reinvestment Act of 123554  
2009 shall be deposited to the credit of the Energy Star Rebate 123555  
Program Fund (Fund 3DA0), which is hereby created in the state 123556  
treasury. 123557

The federal payments made to the state for the Energy 123558  
Efficiency and Conservation Block Grants Program under Title IV of 123559

Division A of the American Recovery and Reinvestment Act of 2009 123560  
shall be deposited to the credit of the Energy Efficiency and 123561  
Conservation Block Grants Fund (Fund 3DB0), which is hereby 123562  
created in the state treasury. 123563

The federal payments made to the state for the Community 123564  
Development Block Grant program under Title XII of Division A of 123565  
the American Recovery and Reinvestment Act of 2009 shall be 123566  
deposited to the credit of the Community Development Block Grant 123567  
Fund (Fund 3K80). 123568

The federal payments made to the state for community services 123569  
block grants under Title XII of Division A of the American 123570  
Recovery and Reinvestment Act of 2009 shall be deposited to the 123571  
credit of the Community Services Block Grant Fund (Fund 3L00). 123572  
123573

The federal payments made to the state for the Home 123574  
Investment Partnerships Program under Title XII of Division A of 123575  
the American Recovery and Reinvestment Act of 2009 shall be 123576  
deposited to the credit of the HOME Program Fund (Fund 3V10). 123577

The items in this division are appropriated as designated out 123578  
of any moneys in the state treasury to the credit of their 123579  
respective funds that are not otherwise appropriated. 123580

Appropriations

DEV DEPARTMENT OF DEVELOPMENT 123581

Federal Special Revenue Fund Group 123582

3080 195603 Housing and Urban \$ 0 \$ 26,205,724 123583  
Development

3080 195605 Federal Projects \$ 0 \$ 266,781,409 123584

3080 195618 Energy Federal Grants \$ 0 \$ 96,083,000 123585

3DA0 195632 Federal Stimulus - \$ 0 \$ 11,000,000 123586  
Energy Star Rebate  
Program



3DB0	195642	Federal Stimulus - Energy Efficiency and Conservation Block Grants	\$	0	\$	21,000,000	123587
3K80	195613	Community Development Block Grant	\$	0	\$	12,957,527	123588
3L00	195612	Community Services Block Grant	\$	0	\$	38,979,000	123589
3V10	195601	HOME Program	\$	0	\$	83,484,547	123590
TOTAL FED		Federal Special Revenue Fund Group	\$	0	\$	556,491,207	123591
TOTAL ALL BUDGET FUND GROUPS			\$	0	\$	556,491,207	123592

The foregoing appropriation item 195605, Federal Projects, 123593  
shall be used to carry out the Home Weatherization Assistance 123594  
Program, subject to any requirements of the American Recovery and 123595  
Reinvestment Act of 2009 that apply to the money appropriated. 123596

The foregoing appropriation items 195603, Housing and Urban 123597  
Development, 195618, Energy Federal Grants, 195613, Community 123598  
Development Block Grant, 195612, Community Services Block Grant, 123599  
195601, HOME Program, 195632, Federal Stimulus - Energy Star 123600  
Rebate Program, and 195642, Federal Stimulus - Energy Efficiency 123601  
and Conservation Block Grants, shall be used in accordance with 123602  
the requirements of the American Recovery and Reinvestment Act of 123603  
2009 that apply to the money appropriated. 123604

**Sec. 317.10.** (A) ~~The federal payments made to the state for 123605  
the Immunization Program under Title VIII of Division A of the 123606  
American Recovery and Reinvestment Act of 2009 shall be deposited 123607  
to the credit of the Preventive Health Block Grant Fund (Fund 123608  
3870).~~ 123609

(B) The federal payments made to the state for the Special 123610  
Supplemental Nutrition Program under Title VIII of Division A of 123611

the American Recovery and Reinvestment Act of 2009 shall be 123612  
deposited to the credit of the Women, Infants, and Children Fund 123613  
(Fund 3890). 123614

~~(C)~~(B) The federal payments made to the state for the IDEA - 123615  
Infants and Children Program under Title VIII of Division A of the 123616  
American Recovery and Reinvestment Act of 2009 shall be deposited 123617  
to the credit of the General Operations Fund (Fund 3920). 123618

~~(D)~~(C) The items in this section are appropriated as 123619  
designated out of any moneys in the state treasury to the credit 123620  
of their respective funds that are not otherwise appropriated. 123621

Appropriations

DOH DEPARTMENT OF HEALTH 123622

Federal Special Revenue Fund Group 123623

3890 440604 Women, Infants, and \$ 0 \$ 2,000,000 123624  
Children

3920 440618 Federal Public Health \$ 0 \$ 14,410,000 123625  
Programs

TOTAL FED Federal Special Revenue \$ 0 \$ 16,410,000 123626  
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 16,410,000 123627

The foregoing appropriation items 440604, Women, Infants, and 123628  
Children, and 440618, Federal Public Health Programs, shall be 123629  
used in accordance with the requirements of the American Recovery 123630  
and Reinvestment Act of 2009 that apply to the money appropriated. 123631  
123632

**Sec. 321.10.** The federal payments made to the state for the 123633  
Vocational Rehabilitation Program under Title VIII of Division A 123634  
of the American Recovery and Reinvestment Act of 2009 shall be 123635  
deposited to the credit of the Consolidated Federal Fund (Fund 123636  
3790). 123637

The federal payments made to the state for the Independent Living Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Independent Living/Vocational Rehabilitation Fund (Fund 3L40). 123638  
123639  
123640  
123641  
123642

The items in this section are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated. 123643  
123644  
123645

Appropriations

RSC REHABILITATION SERVICES COMMISSION				123646
Federal Special Revenue Fund Group				123647
3790 415616	Federal - Vocational Rehabilitation	\$ 0	\$ 21,590,000	123648
3L40 415612	Federal Independent Living Centers or Services	\$ 0	<del>509,000</del> <u>509,170</u>	123649
3L40 415617	Independent Living/Vocational Rehabilitation Programs	\$ 0	\$ 1,392,958	123650
<u>4680 415618</u>	<u>Third Party Funding</u>	<u>\$ 0</u>	<u>\$ 245,816</u>	123651
TOTAL FED	Federal Special Revenue Fund Group	\$ 0	<del>23,491,958</del> <u>23,737,944</u>	123652
TOTAL ALL BUDGET FUND GROUPS		\$ 0	<del>23,491,958</del> <u>23,737,944</u>	123653

The foregoing appropriation items 415616, Federal - Vocational Rehabilitation, 415612, Federal Independent Living Centers or Services, and 415617, Independent Living/Vocational Rehabilitation Programs, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated. 123654  
123655  
123656  
123657  
123658  
123659

**Sec. 325.20.** Expenditures from appropriations made in 123660  
~~Sections 325.05 and Section~~ 325.10 shall be accounted for as 123661  
though made in Am. Sub. H.B. 67 of the 127th General Assembly. 123662  
However, law contained in the relevant operating appropriations 123663  
act that is generally applicable to the appropriations made in 123664  
that act also is generally applicable to the appropriations made 123665  
in ~~Sections 325.05 and Section~~ 325.10 of ~~this act~~ Am. Sub. H.B. 2 123666  
of the 128th General Assembly. 123667

**Sec. 327.10.** The unexpended, unencumbered portions of the 123668  
appropriation items made in Sections 303.10, 305.10, 307.10, 123669  
309.10, 311.10, 313.10, 317.10, 318.10, 319.10, 321.10, ~~325.05,~~ 123670  
and 325.10 of Am. Sub. H.B. 2 of the 128th General Assembly at the 123671  
end of fiscal year 2009 are hereby reappropriated for the same 123672  
purposes for fiscal year 2010. 123673

**Section 601.11.** That existing Sections 205.10, 309.10, 123674  
317.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th 123675  
General Assembly are hereby repealed. 123676

**Section 610.10.** That Sections 103.80.80, 103.80.90, and 123677  
301.10.50 of H.B. 496 of the 127th General Assembly be amended to 123678  
read as follows: 123679

Reappropriations

<b>Sec. 103.80.80.</b>	OSB SCHOOL FOR THE BLIND			123680
C22606	Glass Windows/East Wall of Natatorium	\$	63,726	123681
C22607	Renovation of Science Laboratory	\$	58,850	123682
	Greenhouse			
C22608	Renovating Recreation Area	\$	213,900	123683
C22609	New Classrooms for Secondary MH Program	\$	996,164	123684
C22610	Renovation of Student Health Service	\$	144,375	123685

Area			
C22611	Replacement of Cottage Windows	\$	208,725 123686
C22612	Residential Renovations	\$	<del>7,043</del> <u>41,649</u> 123687
C22613	Food Preparation Area Air Conditioning	\$	67,250 123688
C22614	New School Lighting	\$	184,500 123689
C22616	Renovation and Repairs	\$	890,000 123690
C22617	Elevator Replacement	\$	110,000 123691
Total Ohio School for the Blind		\$	<del>2,944,533</del> 123692
			<u>2,979,139</u>

RESIDENTIAL RENOVATIONS 123693

The amount reappropriated for the foregoing appropriation 123694  
item C22612, Residential Renovations, is the unencumbered and 123695  
unallotted balance as of June 30, 2008, in appropriation item 123696  
C22612, Residential Renovations, plus \$34,606. 123697

Reappropriations

<b>Sec. 103.80.90. OSD SCHOOL FOR THE DEAF</b>			123698
C22103	Dormitory Renovations	\$	2,833 123699
C22104	Boilers, Blowers, and Controls for the School Complex	\$	47,360 123700
C22105	Central Warehouse	\$	676,624 123701
C22106	Storage Barn	\$	<del>330,850</del> 123702
			<u>384,279</u>
C22107	Renovation and Repairs	\$	1,000,000 123703
Total Ohio School for the Deaf		\$	<del>2,057,667</del> 123704
			<u>2,111,096</u>
TOTAL Administrative Building Fund		\$	<del>101,617,431</del> 123705
			<u>101,705,466</u>

STORAGE BARN 123706

The amount reappropriated for the foregoing appropriation 123707  
item C22106, Storage Barn, is the unencumbered and unallotted 123708  
balance as of June 30, 2008, in appropriation item C22106, Storage 123709

Barn, plus \$53,429. 123710

**Sec. 301.10.50. THIRD FRONTIER PROJECT** 123711

The foregoing appropriation item C23506, Third Frontier 123712  
Project, shall be used to acquire, renovate, or construct 123713  
facilities and purchase equipment for research programs, 123714  
technology development, product development, and commercialization 123715  
programs at or involving state-supported and state-assisted 123716  
institutions of higher education. The funds shall be used to make 123717  
grants awarded on a competitive basis, and shall be administered 123718  
by the Third Frontier Commission. Expenditure of these funds shall 123719  
comply with Section 2n of Article VIII, Ohio Constitution, and 123720  
sections 151.01 and 151.04 of the Revised Code for the period 123721  
beginning July 1, 2008, and ending June 30, 2010. 123722

Of the foregoing appropriation item C23506, Third Frontier 123723  
Project, an amount equal to the unexpended, unencumbered portion 123724  
at the end of fiscal year 2008 that was allocated for the 123725  
implementation of the NextGen Network, shall be used for the same 123726  
purpose in fiscal year 2009 and fiscal year 2010. 123727

The Third Frontier Commission shall develop guidelines 123728  
relative to the application for and selection of projects funded 123729  
from appropriation item C23506, Third Frontier Project. The 123730  
commission may develop these guidelines in consultation with other 123731  
interested parties. The Board of Regents and all state-assisted 123732  
and state-supported institutions of higher education shall take 123733  
all actions necessary to implement grants awarded by the Third 123734  
Frontier Commission. 123735

The foregoing appropriation item C23506, Third Frontier 123736  
Project, for which an appropriation is made from the Higher 123737  
Education Improvement Fund (Fund 7034), is determined to consist 123738  
of capital improvements and capital facilities for state-supported 123739  
and state-assisted institutions of higher education, and is 123740

designated for the capital facilities to which proceeds of 123741  
obligations in the Higher Education Improvement Fund (Fund 7034) 123742  
are to be applied. 123743

**Section 610.11.** That existing Sections 103.80.80, 103.80.90, 123744  
and 301.10.50 of H.B. 496 of the 127th General Assembly are hereby 123745  
repealed. 123746

**Section 610.20.** That Section 11 of Am. Sub. H.B. 554 of the 123747  
127th General Assembly be amended to read as follows: 123748

**Sec. 11.** (A) All items set forth in this division are hereby 123749  
appropriated out of any moneys in the state treasury, for the 123750  
biennium ending on June 30, 2010, to the credit of the Advanced 123751  
Energy Research and Development Taxable Fund (Fund 7004) that are 123752  
not otherwise appropriated: 123753

AIR AIR QUALITY DEVELOPMENT AUTHORITY 123754

C89800	Advanced Energy R&D <u>Research and</u>	\$	<del>9,000,000</del>	123755
	<u>Development</u> Taxable		<u>18,000,000</u>	
Total Air Quality Development Authority		\$	<del>9,000,000</del>	123756
			<u>18,000,000</u>	
TOTAL Advanced Energy Research and Development		\$	<del>9,000,000</del>	123757
Taxable Fund			<u>18,000,000</u>	

123758

(B) All items set forth in this division are hereby 123759  
appropriated out of any moneys in the state treasury, for the 123760  
biennium ending on June 30, 2010, to the credit of the Advanced 123761  
Energy Research and Development Fund (Fund 7005) that are not 123762  
otherwise appropriated: 123763

AIR AIR QUALITY DEVELOPMENT AUTHORITY 123764

C89801	Advanced Energy R&D <u>Research and</u>	\$	<del>19,000,000</del>	123765
	<u>Development</u>		<u>38,000,000</u>	
Total Air Quality Development Authority		\$	<del>19,000,000</del>	123766

38,000,000

TOTAL Advanced Energy Research and Development      \$    ~~19,000,000~~    123767

Fund      38,000,000

123768

(C) The foregoing appropriation items C89800, Advanced Energy    123769  
~~R&D Research and Development~~ Taxable, and C89801, Advanced Energy    123770  
~~R&D Research and Development~~, shall be used for advanced energy    123771  
projects in the manner provided in sections 3706.25 to 3706.30 of    123772  
the Revised Code. The Executive Director of the Air Quality    123773  
Development Authority may certify to the Director of Budget and    123774  
Management that a need exists to appropriate investment earnings    123775  
of funds 7004 and 7005 to be so used. If the Director of Budget    123776  
and Management, pursuant to sections 3706.25 to 3706.30 of the    123777  
Revised Code, determines that investment earnings are available to    123778  
support additional appropriations, such amounts are hereby    123779  
appropriated.    123780

(D) Upon the request of the Executive Director of the Air    123781  
Quality Development Authority, the Director of Budget and    123782  
Management may transfer cash between funds 7004 and 7005. Amounts    123783  
transferred are hereby appropriated.    123784

(E) Expenditures from appropriations contained in this    123785  
section may be accounted as though made in the main capital    123786  
appropriations act of the FY 2009-FY 2010 biennium of the 127th    123787  
General Assembly. The appropriations made in this section are    123788  
subject to all provisions of the FY 2009-FY 2010 biennial capital    123789  
appropriations act of the 127th General Assembly that are    123790  
generally applicable to such appropriations.    123791

**Section 610.21.** That existing Section 11 of Am. Sub. H.B. 554    123792  
of the 127th General Assembly is hereby repealed.    123793

**Section 610.30.** That Sections 233.40.30, 233.50.80, and    123794



701.20 of Am. Sub. H.B. 562 of the 127th General Assembly be 123795  
amended to read as follows: 123796

Appropriations

<b>Sec. 233.40.30. CTI COLUMBUS STATE COMMUNITY COLLEGE</b>			123797
C38400	Basic Renovations	\$ 1,691,834	123798
C38411	Columbus Hall Renovation	\$ 5,470,913	123799
C38412	Painters Apprenticeship Council	\$ 500,000	123800
C38413	Jewish Community Center NE Initiative	\$ 575,000	123801
C38414	Somali Community Center	\$ 100,000	123802
<u>C38415</u>	<u>Building E</u>	<u>\$ 1,200,000</u>	123803
Total Columbus State Community College		\$ <del>8,337,747</del>	123804
		<u>9,537,747</u>	

Appropriations

<b>Sec. 233.50.80. STC STARK TECHNICAL COLLEGE</b>			123806
C38900	Basic Renovations	\$ 786,333	123807
C38913	Business Technologies Building	\$ 2,034,537	123808
C38914	Corporate and Community Services Facility	\$ 500,000	123809
Total Stark Technical College		\$ 3,320,870	123810
Total Board of Regents and Institutions of Higher Education		\$ <del>598,559,802</del>	123811
		<u>599,759,802</u>	123812
TOTAL Higher Education Improvement Fund		\$ <del>609,109,802</del>	123813
		<u>610,309,802</u>	

**Sec. 701.20.** (A) The Ohio Commission on Local Government 123815  
Reform and Collaboration shall develop recommendations on ways to 123816  
increase the efficiency and effectiveness of local government 123817  
operations, to achieve cost savings for taxpayers, and to 123818  
facilitate economic development in this state. In developing the 123819  
recommendations, the commission shall consider, but is not limited 123820

to, the following: 123821

(1) Restructuring and streamlining local government offices 123822  
to achieve efficiencies and cost savings for taxpayers and to 123823  
facilitate local economic development; 123824

(2) Restructuring and streamlining special taxing districts 123825  
and local government authorities authorized by the constitution or 123826  
the laws of this state to levy a tax of any kind or to have a tax 123827  
of any kind levied on its behalf, and of local government units, 123828  
including schools and libraries, to reduce overhead and 123829  
administrative expenses; 123830

(3) Restructuring, streamlining, and finding ways to 123831  
collaborate on the delivery of services, functions, or authorities 123832  
of local government to achieve cost savings for taxpayers; 123833  
123834

(4) Examining the relationship of services provided by the 123835  
state to services provided by local government and the possible 123836  
realignment of state and local services to increase efficiency and 123837  
improve accountability; ~~and~~ 123838

(5) Ways of reforming or restructuring constitutional, 123839  
statutory, and administrative laws to facilitate collaboration for 123840  
local economic development, to increase the efficiency and 123841  
effectiveness of local government operations, to identify 123842  
duplication of services, and to achieve costs savings for 123843  
taxpayers; 123844

(6) Making annual financial reporting across local 123845  
governments consistent for ease of comparison; and 123846

(7) Aligning regional planning units across state agencies. 123847

(B)(1) There is hereby created the Ohio Commission on Local 123848  
Government Reform and Collaboration, consisting of fifteen voting 123849  
members. The President of the Senate shall appoint three members, 123850

one of whom may be a person who is recommended by the Minority  
Leader of the Senate. The Speaker of the House of Representatives  
shall appoint three members, one of whom may be a person who is  
recommended by the Minority Leader of the House of  
Representatives. The Governor shall appoint three members. One  
member shall be appointed by, and shall represent, each of the  
following organizations: the Ohio Municipal League, the Ohio  
Township Association, the Ohio School Boards Association, the  
County Commissioners' Association of Ohio, the Ohio Library  
Council, and the Ohio Association of Regional Councils. The  
initial appointments shall be made not later than ninety days  
after the effective date of this section. Vacancies shall be  
filled in the manner provided for original appointments. Members  
are not entitled to compensation for their services.

(2) The initial meeting of the commission shall be called by  
the Governor within forty-five days after the initial appointments  
to the commission are complete. The commission shall elect two of  
its members to serve as co-chairpersons of the commission.

(C) The commission may create an advisory council consisting  
of interested parties representing taxing authorities and  
political subdivisions that are not taxing authorities. The  
appointment of members to the advisory council is a matter of the  
commission's discretion. The commission may direct the advisory  
council to provide relevant information to the commission.  
Advisory council members are not members of the commission, and  
may not vote on commission business.

(D) The commission may consult with and obtain assistance  
from state institutions of higher education (as defined in section  
3345.011 of the Revised Code) and from business organizations for  
research and data gathering related to its mission. State  
institutions of higher education and business organizations shall  
cooperate with the commission.

(E) The commission shall issue a report of its findings and 123883  
recommendations to the President of the Senate, the Speaker of the 123884  
House of Representatives, and the Governor not later than July 1, 123885  
2010. The commission ceases to exist upon submitting its report. 123886

**Section 610.31.** That existing Sections 233.40.30, 233.50.80, 123887  
and 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly are 123888  
hereby repealed. 123889

**Section 620.10.** That Section 831.06 of Am. Sub. H.B. 530 of 123890  
the 126th General Assembly be amended to read as follows: 123891

**Sec. 831.06.** The amendments by this act of the first 123892  
paragraph of division (F) of section 5751.01, of division 123893  
(F)(2)(w) of section 5751.01, of the first paragraph of section 123894  
~~5751.032~~ 5751.53, and of divisions (A)(7) and (A)(8)(c) of section 123895  
5751.032 of the Revised Code are nonsubstantive corrections of 123896  
errors in Chapter 5751. of the Revised Code. 123897

**Section 620.11.** That existing Section 831.06 of Am. Sub. H.B. 123898  
530 of the 126th General Assembly is hereby repealed. 123899

**Section 630.10.** That Section 4 of Am. Sub. H.B. 516 of the 123900  
125th General Assembly, as most recently amended by Am. Sub. H.B. 123901  
100 of the 127th General Assembly, be amended to read as follows: 123902

**Sec. 4.** The following agencies shall be retained pursuant to 123903  
division (D) of section 101.83 of the Revised Code and shall 123904  
expire on December 31, 2010: 123905

REVISED CODE 123906

OR

UNCODIFIED 123907

AGENCY NAME SECTION 123908

Administrator, Interstate Compact on Mental Health	5119.50	123909
Administrator, Interstate Compact on Placement of Children	5103.20	123910 123911
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	123912
Advisory Boards to the EPA for Air Pollution	121.13	123913
Advisory Boards to the EPA for Water Pollution	121.13	123914
Advisory Committee of the State Veterinary Medical Licensing Board	4741.03(D)(3)	123915
Advisory Committee on Livestock Exhibitions	901.71	123916
Advisory Council on Amusement Ride Safety	1711.51	123917
Advisory Board of Directors for Prison Labor	5145.162	123918
Advisory Council for Each Wild, Scenic, or Recreational River Area	1517.18	123919
Advisory Councils or Boards for State Departments	107.18 or 121.13	123920
Advisory Group to the Ohio Water Resources Council	1521.19(C)	123921
Alzheimer's Disease Task Force	173.04(F)	123922
AMBER Alert Advisory Committee	5502.521	123923
Apprenticeship Council	4139.02	123924
Armory Board of Control	5911.09	123925
Automated Title Processing Board	4505.09(C)(1)	123926
Banking Commission	1123.01	123927
Board of Directors of the Ohio Health Reinsurance Program	3924.08	123928
Board of Voting Machine Examiners	3506.05(B)	123929
Brain Injury Advisory Committee	3304.231	123930
Capitol Square Review and Advisory Board	105.41	123931
Child Support Guideline Advisory Council	3119.024	123932
Children's Trust Fund Board	3109.15	123933
Citizens Advisory Committee (BMV)	4501.025	123934
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	123935

Clean Ohio Trail Advisory Board	1519.06	123936
Coastal Resources Advisory Council	1506.12	123937
Commission on African-American Males	4112.12	123938
Commission on Hispanic-Latino Affairs	121.31	123939
Commission on Minority Health	3701.78	123940
Committee on Prescriptive Governance	4723.49	123941
Commodity Advisory Commission	926.32	123942
<del>Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council</del>	<del>5123.353</del>	123943
Community Oversight Council	3311.77	123944
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	123945
Continuing Education Committee (for Sheriffs)	109.80	123946
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	123947
Council on Alcohol and Drug Addiction Services	3793.09	123948
Council on Unreclaimed Strip Mined Lands	1513.29	123949
<del>Council to Advise on the Establishment and Implementation of the Birth Defects Information System</del>	<del>3705.34</del>	123950
County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	123951
Credit Union Council	1733.329	123952
Criminal Sentencing Advisory Committee	181.22	123953
Day-Care Advisory Council	5104.08	123954
Dentist Loan Repayment Advisory Board	3702.92	123955
Development Financing Advisory Council	122.40	123956
Education Commission of the States (Interstate Compact for Education)	3301.48	123957
Electrical Safety Inspector Advisory Committee	3783.08	123958
Emergency Response Commission	3750.02	123959
Engineering Experiment Station Advisory Committee	3335.27	123960

Environmental Education Council	3745.21	123961
EPA Advisory Boards or Councils	121.13	123962
Farmland Preservation Advisory Board	901.23	123963
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	123964
Financial Planning & Supervision Commission for School District	3316.05	123965
Forestry Advisory Council	1503.40	123966
Governance Authority for a State University or College	3345.75	123967
<del>Governor's Advisory Council on Physical Fitness, Wellness, &amp; Sports</del>	<del>3701.77</del>	123968
Governor's Council on People with Disabilities	3303.41	123969
Governor's Residence Advisory Commission	107.40	123970
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	123971
Gubernatorial Transition Committee	107.29	123972
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	123973
Hemophilia Advisory Subcommittee	3701.0210	123974
Housing Trust Fund Advisory Committee	<del>175.25</del> <u>174.06</u>	123975
Industrial Commission Nominating Council	4121.04	123976
Industrial Technology and Enterprise Advisory Council	122.29	123977
Infant Hearing Screening Subcommittee	3701.507	123978
Insurance Agent Education Advisory Council	3905.483	123979
Interagency Council on Hispanic/Latino Affairs	121.32(J)	123980
Interstate Mining Commission (Interstate Mining Compact)	1514.30	123981
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	123982
Joint Council on MR/DD	101.37	123983

Joint Select Committee on Volume Cap	133.021	123984
Labor-Management Government Advisory Council	4121.70	123985
Legal Rights Service Commission	5123.60	123986
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	123987
Maternal and Child Health Council	3701.025	123988
Medically Handicapped Children's Medical Advisory Council	3701.025	123989
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	123990
Military Activation Task Force	5902.15	123991
Milk Sanitation Board	917.03	123992
Mine Subsidence Insurance Governing Board	3929.51	123993
Minority Development Financing Board	122.72	123994
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	123995
Multidisciplinary Council	3746.03	123996
Muskingum River Advisory Council	1501.25	123997
National Museum of Afro-American History and Culture Planning Committee	149.303	123998
Ohio Advisory Council for the Aging	173.03	123999
Ohio Aerospace & Defense Advisory Council	122.98	124000
Ohio Arts Council	3379.02	124001
Ohio Business Gateway Steering Committee	5703.57	124002
Ohio Cemetery Dispute Resolution Commission	4767.05	124003
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	124004
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	124005
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	124006
Ohio Commission on Dispute Resolution and Conflict Management	179.02	124007



Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	124008
Ohio Community Service Council	121.40	124009
Ohio Council for Interstate Adult Offender Supervision	5149.22	124010
Ohio Cultural Facilities Commission	3383.02	124011
Ohio Developmental Disabilities Council	5123.35	124012
Ohio Expositions Commission	991.02	124013
Ohio Family and Children First Cabinet Council	121.37	124014
Ohio Geology Advisory Council	1505.11	124015
Ohio Grape Industries Committee	924.51	124016
Ohio Hepatitis C Advisory Commission	3701.92	124017
Ohio Historic Site Preservation Advisory Board	149.301	124018
Ohio Historical Society Board of Trustees	149.30	124019
Ohio Judicial Conference	105.91	124020
Ohio Lake Erie Commission	1506.21	124021
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	124022
Ohio Medical Quality Foundation	3701.89	124023
Ohio Parks and Recreation Council	1541.40	124024
Ohio Peace Officer Training Commission	109.71	124025
Ohio Public Defender Commission	120.01	124026
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	124027
Ohio Quarter Horse Development Commission	3769.086	124028

Ohio Small Government Capital Improvements Commission	164.02	124029
Ohio Soil and Water Conservation Commission	1515.02	124030
Ohio Standardbred Development Commission	3769.085	124031
Ohio Steel Industry Advisory Council	122.97	124032
<del>Ohio Teacher Education and Licensure Advisory Council</del>	<del>3319.28(D)</del>	124033
Ohio Thoroughbred Racing Advisory Committee	3769.084	124034
Ohio Tuition Trust Authority	3334.03	124035
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	124036
Ohio Vendors Representative Committee	3304.34	124037
Ohio War Orphans Scholarship Board	5910.02	124038
Ohio Water Advisory Council	1521.031	124039
Ohio Water Resources Council	1521.19	124040
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	124041
Oil and Gas Commission	1509.35	124042
Operating Committee, Agricultural Commodity Marketing Programs	924.07	124043
Organized Crime Investigations Commission	177.01	124044
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	<del>5111.81</del> <u>5111.084</u>	124045
Physician Loan Repayment Advisory Board	3702.81	124046
Power Siting Board	4906.02	124047
Prequalification Review Board	5525.07	124048
Private Water Systems Advisory Council	3701.346	124049
Public Employment Risk Reduction Advisory Commission	4167.02	124050
Public Health Council	3701.33	124051
Public Utilities Commission Nominating Council	4901.021	124052
Public Utility Property Tax Study Committee	5727.85	124053
Radiation Advisory Council	3748.20	124054

Reclamation Commission	1513.05	124055
Recreation and Resources Commission	1501.04	124056
Recycling and Litter Prevention Advisory Council	1502.04	124057
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	124058
Savings & Loans Associations & Savings Banks Board	1181.16	124059
Schools and Ministerial Lands Divestiture Committee	501.041	124060
Second Chance Trust Fund Advisory Committee	2108.17	124061
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	124062
Solid Waste Management Advisory Council	3734.51	124063
State Agency Coordinating Group	1521.19	124064
State Board of Emergency Medical Services Subcommittees	4765.04	124065
State Council of Uniform State Laws	105.21	124066
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	124067
State Criminal Sentencing Commission	181.21	124068
State Fire Commission	3737.81	124069
State Racing Commission	3769.02	124070
State Victims Assistance Advisory Committee	109.91	124071
Student Tuition Recovery Authority	3332.081	124072
Tax Credit Authority	122.17	124073
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	124074
Technical Advisory Council on Oil and Gas	1509.38	124075
Transportation Review Advisory Council	5512.07	124076
Unemployment Compensation Review Commission	4141.06	124077
Unemployment Compensation Advisory Council	4141.08	124078
Utility Radiological Safety Board	4937.02	124079
Vehicle Management Commission	125.833	124080

Veterans Advisory Committee	5902.02(K)	124081
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	124082
Water and Sewer Commission	1525.11(C)	124083
Waterways Safety Council	1547.73	124084
Wildlife Council	1531.03	124085
Workers' Compensation Board of Directors	4121.123	124086
Nominating Committee		

**Section 630.11.** That existing Section 4 of Am. Sub. H.B. 516 124087  
of the 125th General Assembly, as most recently amended by Am. 124088  
Sub. H.B. 100 of the 127th General Assembly, is hereby repealed. 124089

**Section 640.10.** That Section 153 of Am. Sub. H.B. 117 of the 124090  
121st General Assembly, as most recently amended by Am. Sub. H.B. 124091  
119 of the 127th General Assembly, be amended to read as follows: 124092

**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 124093  
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 124094  
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 124095  
repealed, effective October 16, ~~2009~~ 2011. 124096

(B) Any money remaining in the Legislative Budget Services 124097  
Fund on October 16, ~~2009~~ 2011, the date that section 5112.19 of 124098  
the Revised Code is repealed by division (A) of this section, 124099  
shall be used solely for the purposes stated in then former 124100  
section 5112.19 of the Revised Code. When all money in the 124101  
Legislative Budget Services Fund has been spent after then former 124102  
section 5112.19 of the Revised Code is repealed under division (A) 124103  
of this section, the fund shall cease to exist. 124104

**Section 640.11.** That existing Section 153 of Am. Sub. H.B. 124105  
117 of the 121st General Assembly, as most recently amended by Am. 124106  
Sub. H.B. 119 of the 127th General Assembly, is hereby repealed. 124107

124108

**Section 690.10.** That Section 325.05 of Am. Sub. H.B. 2 of the 128th General Assembly is hereby repealed. 124109  
124110

**Section 701.10.** EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 124111

(A) As used in this section, "appointing authority" has the 124112  
same meaning as in section 124.01 of the Revised Code, and "exempt 124113  
employee" has the same meaning as in section 124.152 of the 124114  
Revised Code. 124115

(B) Notwithstanding section 124.181 of the Revised Code, both 124116  
of the following apply: 124117

(1) In cases where no vacancy exists, an appointing authority 124118  
may, with the written consent of an exempt employee, assign duties 124119  
of a higher classification to that exempt employee for a period of 124120  
time not to exceed two years, and that exempt employee shall 124121  
receive compensation at a rate commensurate with the duties of the 124122  
higher classification. 124123

(2) If necessary, exempt employees who are assigned to duties 124124  
within their agency to maintain operations during the Ohio 124125  
Administrative Knowledge System (OAKS) implementation may agree to 124126  
a temporary assignment that exceeds the two-year limit. 124127

**Section 701.20.** FINANCIAL PLANNING AND SUPERVISION 124128  
COMMISSIONS 124129

For any Financial Planning and Supervision Commission 124130  
established prior to the effective date of the amendment of 124131  
section 118.05 of the Revised Code by the Main Operating 124132  
Appropriations Act of the 128th General Assembly, four members 124133  
constitute a quorum and the affirmative vote of four members is 124134  
necessary for any action taken by vote of the commission. 124135

**Section 701.30.** SCIENCE AND TECHNOLOGY COLLABORATION 124136

The Department of Development, the Board of Regents, the Air 124137  
Quality Development Authority, the Department of Agriculture, and 124138  
the Third Frontier Commission shall collaborate in relation to 124139  
appropriation items and programs referred to as Technology-based 124140  
Economic Development Programs in this section, and other 124141  
technology-related appropriations and programs in the Department 124142  
of Development, Air Quality Development Authority, Department of 124143  
Agriculture, and the Board of Regents as these agencies may 124144  
designate, to ensure implementation of a coherent state science 124145  
and technology strategy. 124146

To the extent permitted by law, the Air Quality Development 124147  
Authority shall assure that coal research and development 124148  
programs, proposals, and projects consider or incorporate 124149  
collaborations with Third Frontier Project programs and grantees 124150  
and with Technology-based Economic Development Programs and 124151  
grantees. 124152

"Technology-based Economic Development Programs" means 124153  
appropriation items 195401, Thomas Edison Program; 898402, Coal 124154  
Development Office; 195422, Technology Action; 898604, Coal 124155  
Research and Development Fund; 235433, Economic Growth Challenge; 124156  
235508, Air Force Institute of Technology; 235510, Ohio 124157  
Supercomputer Center; 235535, Ohio Agricultural Research and 124158  
Development Center; 235556, Ohio Academic Resources Network; 124159  
195435, Biomedical Research and Technology Transfer; 195687, Third 124160  
Frontier Research & Development Projects; C23506, Third Frontier 124161  
Project; 195692, Research & Development Taxable Bond Projects; 124162  
195694, Jobs Fund Bioproducts; 195695, Jobs Fund Biomedical; and 124163  
tax credits supporting the Ohio Venture Capital Authority and 124164  
Technology Investment Tax Credit programs. 124165

Technology-based Economic Development Programs shall be 124166

managed and administered in accordance with the following 124167  
objectives: (1) to build on existing competitive research 124168  
strengths; (2) to encourage new and emerging discoveries and 124169  
commercialization of products and ideas that will benefit the Ohio 124170  
economy; and (3) to assure improved collaboration among programs 124171  
administered by the Third Frontier Commission and with other state 124172  
programs that are intended to improve economic growth and job 124173  
creation. As directed by the Third Frontier Commission, 124174  
Technology-based Economic Development Program managers shall 124175  
report to the Commission or the Third Frontier Advisory Board 124176  
regarding the contributions of their programs to achieving these 124177  
objectives. 124178

Each Technology-based Economic Development Program shall be 124179  
reviewed annually by the Third Frontier Commission with respect to 124180  
its development of complementary relationships within a combined 124181  
state science and technology investment portfolio, and with 124182  
respect to its overall contribution to the state's science and 124183  
technology strategy, including the adoption of appropriately 124184  
consistent criteria for: (1) the scientific and technical merit 124185  
and relationship to Ohio's research strengths of activities 124186  
supported by the program; (2) the relevance of the program's 124187  
activities to commercial opportunities in the private sector; (3) 124188  
the private sector's involvement in a process that continually 124189  
evaluates commercial opportunities to use the work supported by 124190  
the program; and (4) the ability of the program and recipients of 124191  
grant funding from the program to engage in activities that are 124192  
collaborative, complementary, and efficient in the expenditure of 124193  
state funds. Each Technology-based Economic Development Program 124194  
shall provide an annual report to the Third Frontier Commission 124195  
that discusses existing, planned, or possible collaborations 124196  
between programs and between recipients of grant funding related 124197  
to technology, development, commercialization, and the support of 124198  
Ohio's economic development. The annual review conducted by the 124199

Third Frontier Commission shall be a comprehensive review of the 124200  
entire state science and technology program portfolio rather than 124201  
a review of individual programs. 124202

Applicants for Third Frontier and Technology-based Economic 124203  
Development Programs funding shall identify their requirements for 124204  
high-performance computing facilities and services, including both 124205  
hardware and software, in all proposals. If an applicant's 124206  
requirements exceed approximately \$100,000 for a proposal, the 124207  
Ohio Supercomputer Center shall convene a panel of experts. The 124208  
panel shall review the proposal to determine whether the 124209  
proposal's requirements can be met through Ohio Supercomputer 124210  
Center facilities or through other means and report such 124211  
information to the Third Frontier Commission. 124212

To ensure that the state receives the maximum benefit from 124213  
its investment in the Third Frontier Project and the NextGen 124214  
Network, organizations receiving Third Frontier awards and 124215  
Technology-based Economic Development Programs awards shall, as 124216  
appropriate, be expected to have a connection to the NextGen 124217  
Network that enables them and their collaborators to achieve award 124218  
objectives through the NextGen Network. 124219

**Section 701.40.** The General Assembly intends that all funds 124220  
appropriated or otherwise made available by the state for fiscal 124221  
stabilization or recovery purposes, or by the American Recovery 124222  
and Reinvestment Act of 2009, shall be used, to the extent 124223  
possible, in accordance with the preferences established in 124224  
section 125.09 of the Revised Code to purchase products made and 124225  
services performed in the United States and in this state. The 124226  
General Assembly further recognizes that a preference for buying 124227  
goods and materials that are produced, and services that are 124228  
performed, in the United States for projects is important for 124229  
maximizing the creation of American jobs and restoring economic 124230



growth and opportunity. 124231

If any person requests or obtains a waiver of the preferences 124232  
referred to in the first paragraph of this section, the Director 124233  
of Administrative Services shall publish information identifying 124234  
the person and the product or service with regard to which the 124235  
waiver was requested or obtained. The purpose of publishing this 124236  
identifying information is to enhance opportunities for producers, 124237  
service providers, and workers to identify and provide products 124238  
made and services performed in the United States and this state, 124239  
and thereby to maximize the success of the fiscal stabilization 124240  
and economic recovery program. The director shall publish the 124241  
identifying information on an internet web site maintained by the 124242  
Department of Administrative Services. 124243

**Section 701.50.** If a state agency, including a state 124244  
university as defined in section 3345.011 of the Revised Code and 124245  
the Ohio Housing Finance Agency, the Third Frontier Commission, 124246  
the Clean Ohio Council, and the Ohio School Facilities Commission, 124247  
has failed to comply with the set-aside requirement in division 124248  
(B) of section 125.081 of the Revised Code, or to comply with the 124249  
procurement goals specified under division (B)(2) or (14) of 124250  
section 123.152 of the Revised Code, the state agency shall 124251  
establish, not later than December 31, 2009, a long-term plan for 124252  
complying with those provisions. 124253

**Section 701.60.** As soon as possible after this section takes 124254  
effect, the Speaker of the House of Representatives and the 124255  
President of the Senate shall make or remake appointments of ex 124256  
officio members to the Commission on Hispanic-Latino Affairs as 124257  
may be necessary to bring the ex officio membership of the 124258  
commission into conformity with the amendments by this act to 124259  
section 121.31 of the Revised Code. 124260

**Section 701.70.** It is the intent of the General Assembly that 124261  
the Superintendent of Financial Institutions take any action 124262  
necessary to provide for an orderly transition for those persons 124263  
who, on the effective date of this section, hold mortgage lender 124264  
certificates of registration under sections 1321.51 to 1321.60 of 124265  
the Revised Code, mortgage broker certificates of registration 124266  
under sections 1322.01 to 1322.12 of the Revised Code, or loan 124267  
officer licenses under sections 1322.01 to 1322.12 of the Revised 124268  
Code, and for those persons who, on the effective date of this 124269  
section, perform the functions or duties of loan originators, as 124270  
specified in this act. 124271

**Section 709.10.** (A) There is hereby created in the Department 124272  
of Agriculture the Ohio Beekeepers Task Force consisting of the 124273  
following members: 124274

(1) Two members of the standing committee of the House of 124275  
Representatives that is primarily responsible for considering 124276  
agricultural matters appointed by the Governor, each from a 124277  
different political party; 124278

(2) Two members of the standing committee of the Senate that 124279  
is primarily responsible for considering agricultural matters 124280  
appointed by the Governor, each from a different political party; 124281

(3) The Chief of the Division of Plant Industry in the 124282  
Department of Agriculture or the Chief's designee; 124283

(4) The Director of Natural Resources or the Director's 124284  
designee; 124285

(5) Two representatives of the Ohio State Beekeepers 124286  
Association appointed by the Association; 124287

(6) The Director of The Ohio State University Extension or 124288  
the Director's designee; 124289

(7) An apiculture specialist of The Ohio State University	124290
Extension appointed by the Director of The Ohio State University	124291
Extension;	124292
(8) The Chair of The Ohio State University Department of	124293
Entomology or the Chair's designee;	124294
(9) A representative of the Ohio Produce Growers and	124295
Marketing Association appointed by the Association;	124296
(10) A representative of the Ohio Farm Bureau Federation Bee	124297
and Honey Committee appointed by the Federation;	124298
(11) A representative of the Ohio Farmers Union appointed by	124299
the Union;	124300
(12) A representative of the County Commissioners Association	124301
of Ohio appointed by the Association.	124302
(B) The members shall be appointed not later than sixty days	124303
after the effective date of this section. The Task Force shall	124304
hold its first meeting not later than ninety days after the	124305
effective date of this section.	124306
(C) The Governor shall select a chairperson and	124307
vice-chairperson from among the members of the Task Force. The	124308
chairperson may appoint a secretary.	124309
(D) The members of the Task Force shall receive no	124310
compensation for their services.	124311
(E) Not later than ten months after the effective date of	124312
this section, the Ohio Beekeepers Task Force shall submit a report	124313
to the Governor, the President of the Senate, the Speaker of the	124314
House of Representatives, and the Ohio State Beekeepers	124315
Association. The report shall do all of the following:	124316
(1) Provide an overview of the characteristics of the	124317
honeybee crisis in Ohio;	124318
(2) Examine and provide an overview of and conclusions	124319

regarding whether pollinator shortages are affecting crop	124320
pollination in Ohio;	124321
(3) Review and provide an overview of the Ohio Honeybee	124322
Emergency Action Plan;	124323
(4) Review and provide a summary of the federal initiatives	124324
regarding Ohio's bee population and of all of the Department of	124325
Agriculture's and the Ohio State Beekeepers Association's programs	124326
concerning Ohio's bee population;	124327
(5) Provide an overview of the five-year goals of the	124328
Department of Agriculture concerning honeybees, including	124329
recommendations for the restoration of Ohio's bee population;	124330
(6) Examine and describe the funding that is available for	124331
honeybee programs and issues affecting honeybees;	124332
(7) Any other issues that the Task Force considers	124333
appropriate.	124334
(F) Not later than ninety days following the submission of	124335
the report, the Task Force shall meet and respond to any question	124336
from a person who received the report. The Task Force shall cease	124337
to exist upon submitting its response to all questions from	124338
persons who received the report.	124339
<b>Section 713.10.</b> In accordance with section 1332.24 of the	124340
Revised Code, as amended by this act, the Director of Commerce may	124341
impose upon and collect an annual assessment on video service	124342
providers for fiscal year 2010. Notwithstanding the dates	124343
otherwise specified in that section, video service providers shall	124344
submit subscriber counts for the preceding calendar year not later	124345
than October 9, 2009; the Director shall send to each provider to	124346
be assessed written notice of its proportional amount of the total	124347
assessment by October 16, 2009; and the provider shall pay that	124348
amount not later than October 30, 2009.	124349

**Section 721.10.** (A) In Lorain County, all proceedings that 124350  
are within the jurisdiction of the Probate Court under Chapter 124351  
2101. and other provisions of the Revised Code that are pending 124352  
before a judge of the Domestic Relations Division of the Lorain 124353  
County Court of Common Pleas on the effective date of this act 124354  
shall remain with that judge of the Domestic Relations Division of 124355  
the Lorain County Court of Common Pleas. All proceedings that are 124356  
within the jurisdiction of the Domestic Relations Division of the 124357  
Lorain County Court of Common Pleas under Chapter 2301. and other 124358  
provisions of the Revised Code that are pending before the probate 124359  
judge of the Lorain County Probate Court on September 29, 2009, 124360  
shall remain with that probate judge of the Lorain County Probate 124361  
Court. 124362

(B) The successors to the judge of the Lorain County Court of 124363  
Common Pleas who was elected pursuant to section 2301.02 of the 124364  
Revised Code in 2008 for a term that began on February 9, 2009, 124365  
shall be elected in 2014 and thereafter pursuant to section 124366  
2101.02 of the Revised Code as judges of the probate division of 124367  
the Lorain County Court of Common Pleas. 124368

**Section 737.10.** The Director of Budget and Management shall 124369  
study the economic viability of tracks where permit holders 124370  
conduct live horse racing. Not later than thirty days after the 124371  
effective date of this section, the director shall prepare a 124372  
report that includes the findings resulting from the study and 124373  
that makes recommendations regarding ways to ensure the economic 124374  
viability of tracks. The director shall transmit a copy of the 124375  
report to the Governor, the Speaker of the House of 124376  
Representatives, and the President of the Senate. 124377

**Section 741.10.** PAYROLL REDUCTION STRATEGIES 124378

Notwithstanding any other provision of law to the contrary, 124379

the Office of Collective Bargaining of the Department of 124380  
Administrative Services is authorized to negotiate with the 124381  
respective state collective bargaining units various payroll 124382  
reduction strategies through the collective bargaining process 124383  
prior to July 1, 2009, including, but not limited to, reductions 124384  
in pay for fiscal years 2010 and 2011 and an increase in each 124385  
state employee's share of dental, vision, and life insurance 124386  
benefits for those fiscal years. If the Office successfully 124387  
negotiates or reaches alternative payroll reduction strategies 124388  
through the collective bargaining process, those payroll reduction 124389  
strategies shall be implemented. The total amount of state 124390  
employee payroll reduction strategy savings to be negotiated or 124391  
implemented for each of those fiscal years shall be between 124392  
\$170,000,000 and \$200,000,000, unless otherwise agreed to by the 124393  
Office of Collective Bargaining and the Director of Budget and 124394  
Management. The Director of Budget and Management is authorized to 124395  
transfer cash from non-General Revenue Fund funds to the General 124396  
Revenue Fund to carry out this section. 124397

**Section 743.10.** If a petition seeks the holding of an 124398  
election on Sunday liquor sales on or after the effective date of 124399  
this section under question (B)(1), (2), or (3) of section 124400  
4301.351 or 4301.354 of the Revised Code, under question (B)(2) of 124401  
section 4301.355 of the Revised Code, or under section 4301.356 of 124402  
the Revised Code and the petition contains signatures that were 124403  
placed on it before the effective date of this section, the 124404  
petition is not invalid merely because the question or questions 124405  
sought to be submitted to the electors and contained in the 124406  
petition state that Sunday liquor sales may commence beginning at 124407  
1 p.m. rather than 11 a.m. 124408

**Section 743.11.** (A) Notwithstanding division (A)(3) of 124409  
section 4303.182 of the Revised Code, as amended by this act, the 124410

electors in a precinct in which the first hour of sale on Sunday 124411  
was changed from one p.m. to eleven a.m. by operation of that 124412  
division may petition to hold an election to revert that first 124413  
hour of sale to one p.m. That election shall be held under the 124414  
following conditions: 124415

(1) At the first general election that occurs after the 124416  
effective date of this section unless that general election will 124417  
be held less than one hundred thirty-five days after that date, in 124418  
which case the election shall be held at the immediately following 124419  
general election; 124420

(2) Under division (B)(1), (2), or (3) of section 4301.351 or 124421  
4301.354 of the Revised Code, under division (B)(2) of section 124422  
4301.355 of the Revised Code, or under section 4301.356 of the 124423  
Revised Code, as applicable, except that the starting time for 124424  
sales under the question shall be one p.m. rather than eleven 124425  
a.m.; 124426

(3) In accordance with the applicable requirements and 124427  
provisions governing elections that are held under those divisions 124428  
or that section and that are established under Chapter 4301. of 124429  
the Revised Code. 124430

(B) Not later than forty-five days after the effective date 124431  
of this section, the Superintendent of Liquor Control shall 124432  
publish notice of the provisions of division (A) of this section 124433  
in a newspaper of general circulation in each county of the state. 124434  
124435

**Section 745.10.** For the time period beginning on the 124436  
effective date of this section and ending June 30, 2010: 124437

(A) Notwithstanding division (N) of section 4517.01 of the 124438  
Revised Code, "salesperson" shall include any person employed by a 124439  
manufactured home broker to sell, display, and offer for sale, or 124440

deal in manufactured homes or mobile homes for a commission, 124441  
compensation, or other valuable consideration, but does not 124442  
include any public officer performing official duties. 124443

(B)(1) For purposes of section 4517.03 of the Revised Code, 124444  
if a licensed new or used motor vehicle dealer also is a licensed 124445  
manufactured home park operator, all of the following apply: 124446

(a) An established place of business that is located in the 124447  
operator's manufactured home park and that is used for selling, 124448  
leasing, and renting manufactured homes and mobile homes in that 124449  
manufactured home park shall be considered as used exclusively for 124450  
that purpose even though rent and other activities related to the 124451  
operation of the manufactured home park take place at the same 124452  
location or office. 124453

(b) The dealer's established place of business in the 124454  
manufactured home park shall be staffed by someone licensed and 124455  
regulated under Chapter 4517. of the Revised Code who could 124456  
reasonably assist any retail customer with or without an 124457  
appointment, but such established place of business shall not be 124458  
required to satisfy office size, display lot size, and physical 124459  
barrier requirements applicable to other used motor vehicle 124460  
dealers. 124461

(c) The manufactured and mobile homes being offered for sale, 124462  
lease, or rental by the dealer may be located on individual rental 124463  
lots inside the operator's manufactured home park. 124464

(2) For purposes of section 4517.03 of the Revised Code, a 124465  
place of business used for the brokering or sale of manufactured 124466  
homes or mobile homes shall be considered as used exclusively for 124467  
brokering, selling, displaying, offering for sale, or dealing in 124468  
motor vehicles even though industrialized units, as defined by 124469  
section 3781.06 of the Revised Code, are brokered, sold, 124470  
displayed, offered for sale, or dealt at the same place of 124471



business. 124472

(C) Notwithstanding division (B) of section 4517.22 of the Revised Code, contracts may be signed, deposits taken, and sales consummated at a motor vehicle show at which the motor vehicles being displayed are new manufactured homes, as defined in division (C)(4) of section 3781.06 of the Revised Code. 124473  
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**Section 745.20.** Notwithstanding section 4781.16 of the Revised Code, any person licensed as a new motor vehicle dealer, used motor vehicle dealer, manufactured homes broker, or salesperson under Chapter 4517. of the Revised Code on June 30, 2010, may continue to engage in the business of displaying, selling at retail, or brokering manufactured homes or mobile homes under the authority of such license until the license expires or until the manufactured homes commission issues or denies the person a manufactured housing dealer's license, manufactured housing broker's license, or manufactured housing salesperson's license under Chapter 4781. of the Revised Code, whichever occurs earlier. 124478  
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**Section 745.30.** Effective July 1, 2010, the manufactured homes commission may suspend or revoke any existing new motor vehicle dealer, used motor vehicle dealer, manufactured homes broker, or salesperson license issued to a person engaged in the business of displaying, selling at retail, or brokering manufactured homes or mobile homes, and such action may be appealed under section 4781.25 of the Revised Code. 124490  
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**Section 745.40.** Effective July 1, 2010, nothing in sections 4517.01 to 4517.99 of the Revised Code shall be construed to apply to any of the following: 124497  
124498  
124499

(A) Manufactured homes as defined in division (C)(4) of section 3781.06 of the Revised Code; 124500  
124501

(B) Mobile homes as defined in division (O) of section 124502  
4501.01 of the Revised Code; or 124503

(C) Dealers, brokers or salespersons of manufactured homes or 124504  
mobile homes. 124505

**Section 749.10.** (A) The Ohio General Assembly finds that the 124506  
funding for infrastructure and personnel of 9-1-1 systems in Ohio 124507  
is disparate in meeting state and local needs. In response to 124508  
these findings, there is hereby created the 9-1-1 Funding and 124509  
Modernization Task Force to review current funding models and to 124510  
research, analyze, and recommend to the General Assembly and the 124511  
Governor appropriate future funding models and modernization 124512  
policies to improve the effectiveness of infrastructure and 124513  
personnel of 9-1-1 systems in Ohio. 124514

(B) The Task Force shall consist of the following members, 124515  
appointed not later than sixty days after the effective date of 124516  
this section: 124517

(1) Three members of the Ohio House of Representatives, with 124518  
two appointed by the Speaker of the House of Representatives from 124519  
the majority party and one appointed by the Minority Leader of the 124520  
House from the minority party; 124521

(2) Three members of the Ohio Senate, with two appointed by 124522  
the President of the Senate from the majority party and one 124523  
appointed by the Minority Leader of the Senate from the minority 124524  
party; 124525

(3) The Chairperson of the Public Utilities Commission, or 124526  
another commissioner appointed by the chairperson; 124527

(4) The Director of Public Safety; 124528

(5) One representative selected by the County Commissioners' 124529  
Association of Ohio and appointed by the Governor; 124530

(6) One representative selected by the Ohio Municipal League 124531

and appointed by the Governor; 124532

(7) One representative selected by the Ohio Township Association and appointed by the Governor; 124533  
124534

(8) Two members of the public appointed by the Governor. 124535

(C) The Governor shall select a Task Force Chairperson and Vice-Chairperson from among its members. The Chairperson may appoint a Secretary. Task Force members shall serve without compensation. Vacancies shall be filled in the same manner as appointments. A majority of the members shall constitute a quorum. 124536  
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124538  
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(D) The Task Force shall hold its inaugural meeting not later than ninety days after the effective date of this section. The Task Force shall meet at least once a month, either in person or utilizing telecommunication conferencing technology, until it completes the report required by this section. 124541  
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(E) Not later than ten months after the effective date of this section, the Task Force shall deliver a report to the Speaker of the House of Representatives, the President of the Senate, and the Governor. The Task Force shall coordinate with the Ohio 9-1-1 Council and the Wireless 9-1-1 Advisory Board in preparing the report. The report shall consist of the following: 124546  
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(1) An overview of the current state and local funding for 9-1-1 systems in Ohio and any existing modernization programs; 124552  
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(2) Information regarding differences in funding for the access of 9-1-1 systems in Ohio by persons using traditional wireline service as defined in section 4931.40 of the Revised Code, wireless telephone service, Voice over Internet Protocol technology, and any other major emerging telephone technology in common use, and an assessment of the parity of such funding; 124554  
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(3) A summary of reviewed federal initiatives related to 9-1-1 system funding and modernization; 124560  
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(4) A detailed analysis of the use of the funds disbursed by the state from the wireless 9-1-1 charge imposed pursuant to Am. Sub. H.B. 361 of the 125th General Assembly;

(5) A detailed technical analysis of the current 9-1-1 services available in each county in Ohio, including the viability of consolidating adjacent 9-1-1 systems;

(6) An analysis of the best practices of other states in 9-1-1 system funding and modernization;

(7) Detailed recommendations for future state and local funding to achieve parity among technologies used to access 9-1-1 services and to provide, throughout Ohio, adequate infrastructure and personnel for the full implementation and operation of Phase II enhanced 9-1-1 service in accordance with 47 C.F.R. 20.18.

(F) The Task Force shall cease to exist after delivering the report as required by this section.

**Section 751.10. MEDICAID COMMUNITY BEHAVIORAL HEALTH ELEVATION AND ADMINISTRATION ADVISORY GROUP**

(A) As used in this section:

(1) "ADAMHS board" means all of the following:

(a) Boards of alcohol, drug addiction, and mental health services;

(b) Alcohol and drug addiction services boards;

(c) Community mental health boards.

(2) "Community behavioral health services" means both of the following:

(a) Community mental health services certified by the Director of Mental Health under section 5119.611 of the Revised Code;

(b) Services provided by an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services under section 3793.06 of the Revised Code.	124590 124591 124592
(B) There is hereby created the Medicaid Community Behavioral Health Elevation and Administration Advisory Group. The Group shall consist of all of the following:	124593 124594 124595
(1) The Director of Mental Health or the Director's designee;	124596
(2) The Director of Alcohol and Drug Addiction Services or the Director's designee;	124597 124598
(3) The Director of Job and Family Services or the Director's designee;	124599 124600
(4) Subject to division (C) of this section, representatives of ADAMHS boards appointed by the co-chairpersons of the Group;	124601 124602
(5) Subject to division (C) of this section, representatives of providers of community behavioral health services appointed by the co-chairpersons of the Group;	124603 124604 124605
(6) Subject to division (C) of this section, consumers of community behavioral health services and advocates of such consumers appointed by the co-chairpersons of the Group;	124606 124607 124608
(7) The following state policy makers:	124609
(a) At the option of the Speaker of the House of Representatives, up to two members of the House of Representatives from different political parties appointed by the Speaker;	124610 124611 124612
(b) At the option of the Senate President, up to two members of the Senate from different political parties appointed by the Senate President;	124613 124614 124615
(c) Other state policy makers deemed necessary and appointed by the co-chairpersons of the Group.	124616 124617
(C) The Directors of Mental Health and Alcohol and Drug	124618

Addiction Services, or their designees, shall serve as 124619  
co-chairpersons of the Medicaid Community Behavioral Health 124620  
Elevation and Administration Advisory Group. The co-chairpersons 124621  
shall determine the number of persons to be appointed under 124622  
divisions (B)(4), (5), (6), and (7)(c) of this section. The 124623  
co-chairpersons shall appoint the same number of persons under 124624  
divisions (B)(4), (5), and (6) of this section so as to ensure 124625  
balanced representation by the ADAMHS boards, providers, and 124626  
consumers and consumer advocates. In making appointments under 124627  
divisions (B)(4), (5), and (6) of this section, the 124628  
co-chairpersons shall accept nominations from all of the 124629  
following: 124630

(1) The Ohio Association of County Behavioral Health 124631  
Authorities; 124632

(2) The National Alliance on Mental Illness Ohio; 124633

(3) The Ohio Council of Behavioral Health and Family Services 124634  
Providers; 124635

(4) The Ohio Association of Child Caring Agencies; 124636

(5) The Ohio Citizens Advocates for Chemical Dependency 124637  
Prevention and Treatment; 124638

(6) The Ohio Alliance for Recovery Providers; 124639

(7) The Ohio Federation for Children's Mental Health; 124640

(8) Other organizations that represent the interests of 124641  
ADAMHS boards, providers, and consumers and consumer advocates. 124642

(D) Members of the Medicaid Community Behavioral Health 124643  
Elevation and Administration Advisory Group shall serve without 124644  
compensation, except to the extent that serving on the Group is 124645  
considered part of their regular employment duties. The 124646  
Departments of Mental Health and Alcohol and Drug Addiction 124647  
Services jointly may reimburse members of the Group for their 124648

reasonable travel expenses. 124649

(E) The Medicaid Community Behavioral Health Elevation and 124650  
Administration Advisory Group shall study the statewide 124651  
administration and management of Medicaid-covered community 124652  
behavioral health services. Not later than June 30, 2010, the 124653  
Group shall submit a report regarding its study to the Governor 124654  
and, in accordance with section 101.68 of the Revised Code, the 124655  
General Assembly. The report shall include all of the following: 124656

(1) A plan for the uniform and statewide administration and 124657  
management of Medicaid-covered community behavioral health 124658  
services in accordance with federal requirements, including the 124659  
applicable federal requirements of 42 C.F.R. Parts 431 and 433; 124660

(2) A fiscal analysis of the impact that any changes to the 124661  
system of paying providers of Medicaid-covered community 124662  
behavioral health services and related management functions would 124663  
have on the Departments of Mental Health and Alcohol and Drug 124664  
Addiction Services and ADAMHS boards. The fiscal analysis shall 124665  
include an examination of funding options for any such changes and 124666  
focus on creating the most efficient and effective payment system 124667  
possible. 124668

(3) Recommendations for increasing efficiencies related to 124669  
all of the following: 124670

(a) Submission of Medicaid claims for community behavioral 124671  
health services; 124672

(b) The processing and payment of Medicaid claims for 124673  
community behavioral health services; 124674

(c) Exchange of information regarding Medicaid-covered 124675  
community behavioral health services and non-Medicaid-covered 124676  
community behavioral health services. 124677

(4) Recommendations for system changes needed to implement 124678

the statewide administration and management of the 124679  
Medicaid-covered community behavioral health services. Such 124680  
recommendations shall focus on increasing efficiencies, 124681  
transparency, and accountability in order to improve the delivery 124682  
of community behavioral health services. 124683

(F) The Medicaid Community Behavioral Health Elevation and 124684  
Administration Advisory Group shall cease to exist on submission 124685  
of its report. 124686

(G)(1) Subject to division (G)(2) of this section and not 124687  
later than July 1, 2011, the Departments of Mental Health and 124688  
Alcohol and Drug Addiction Services shall implement changes to the 124689  
administration and management of Medicaid-covered community 124690  
behavioral health services in a manner that is uniform, statewide, 124691  
and consistent with federal requirements. The changes shall 124692  
include changes to the system of paying providers of 124693  
Medicaid-covered community behavioral health services. In 124694  
implementing the changes, the Departments may adopt, in whole or 124695  
in part, the recommendations included in the Medicaid Community 124696  
Behavioral Health Elevation and Administration Advisory Group's 124697  
report. The Departments shall implement the changes under the 124698  
supervision of the Department of Job and Family Services. 124699

(2) The Departments' implementation of changes to the 124700  
administration of Medicaid-covered community behavioral health 124701  
services under division (G)(1) of this section is subject to 124702  
enactment or adoption of changes in state law, including state law 124703  
regarding funding, that otherwise would conflict with the 124704  
Departments' implementation of the changes. The Departments may 124705  
take actions as part of the implementation of the changes as are 124706  
consistent with state law. 124707

**Section 751.13.** STUDY REGARDING AMOUNT, DURATION, AND SCOPE 124708  
OF COMMUNITY BEHAVIORAL HEALTH SERVICES 124709



(A) The Directors of Alcohol and Drug Addiction Services, 124710  
Mental Health, and Job and Family Services shall convene a group 124711  
consisting of representatives of all of the following: 124712

(1) Their departments; 124713

(2) Boards of alcohol, drug addiction, and mental health 124714  
services; community mental health boards; and alcohol and drug 124715  
addiction services boards; 124716

(3) Providers of community behavioral health services; 124717

(4) Consumers of community behavioral health services and 124718  
advocates of such consumers. 124719

(B) Members of the group convened under this section shall 124720  
serve without compensation, except to the extent that serving on 124721  
the group is considered part of their regular employment duties. 124722

The group shall develop recommendations regarding the amount, 124723  
duration, and scope of publicly funded community behavioral health 124724  
services that should be available through Ohio's community 124725  
behavioral health system, including recommendations regarding the 124726  
conditions under which the services should be available. The group 124727  
shall prepare a report with its recommendations. The group shall 124728  
submit the report to the Governor and, in accordance with section 124729  
101.68 of the Revised Code, the General Assembly not later than 124730  
June 30, 2011. The group shall cease to exist on submission of the 124731  
report. 124732

**Section 751.20. SERVICE COORDINATION WORKGROUP** 124733

(A) There is hereby created the Service Coordination 124734  
Workgroup. The Workgroup shall consist of a representative of each 124735  
of the following: 124736

(1) The Office of the Governor, appointed by the Governor; 124737

(2) The Department of Alcohol and Drug Addiction Services, 124738

appointed by the Director of Alcohol and Drug Addiction Services;	124739
(3) The Department of Education, appointed by the	124740
Superintendent of Public Instruction;	124741
(4) The Department of Health, appointed by the Director of	124742
Health;	124743
(5) The Department of Job and Family Services, appointed by	124744
the Director of Job and Family Services;	124745
(6) The Department of Mental Health, appointed by the	124746
Director of Mental Health;	124747
(7) The Department of Mental Retardation and Developmental	124748
Disabilities, appointed by the Director of Mental Retardation and	124749
Developmental Disabilities;	124750
(8) The Department of Youth Services, appointed by the	124751
Director of Youth Services;	124752
(9) The Office of Budget and Management, appointed by the	124753
Director of Budget and Management;	124754
(10) The Family and Children First Cabinet Council, appointed	124755
by the chairperson of the Council.	124756
(B) The representative of the Office of the Governor shall	124757
serve as chairperson of the Workgroup.	124758
(C) Members of the Workgroup shall serve without	124759
compensation, except to the extent that serving on the Workgroup	124760
is considered part of their regular employment duties.	124761
(D) The Workgroup shall develop procedures for coordinating	124762
services that the entities represented on the Workgroup provide to	124763
individuals under age twenty-one and the families of those	124764
individuals. In developing the procedures, the Workgroup shall	124765
focus on maximizing resources, reducing unnecessary costs,	124766
removing barriers to effective and efficient service coordination,	124767
eliminating duplicate services, prioritizing high risk	124768

populations, and any other matters the Workgroup considers 124769  
relevant to service coordination. Not later than July 31, 2009, 124770  
the Workgroup shall submit a report to the Governor with 124771  
recommendations for implementing the procedures. 124772

(E) On receipt of the Governor's approval of the Workgroup's 124773  
report, the Director of Budget and Management may seek Controlling 124774  
Board approval to transfer cash between funds and appropriations 124775  
between appropriation items as necessary to implement the 124776  
Workgroup's recommendations. The transferred cash is hereby 124777  
appropriated. 124778

(F) The Workgroup shall cease to exist June 30, 2011. 124779

**Section 751.30. PROMPT PAYMENT POLICY WORKGROUP** 124780

(A) There is hereby created the Prompt Payment Policy 124781  
Workgroup. The Workgroup shall consist of the following members: 124782

(1) One representative of the Office of Budget and 124783  
Management, appointed by the Director of Budget and Management; 124784

(2) Three representatives of the Department of Insurance, 124785  
appointed by the Superintendent of Insurance; 124786

(3) Four representatives of the Office of Ohio Health Plans 124787  
in the Department of Job and Family Services, appointed by the 124788  
Director of Job and Family Services; 124789

(4) Two representatives of Ohio's Medicaid managed care 124790  
plans, appointed by the Executive Director of Ohio's Care 124791  
Coordination Plans; 124792

(5) Two representatives from the community of provider 124793  
associations, one appointed by the Speaker of the House of 124794  
Representatives and one appointed by the President of the Senate; 124795

(6) Two members of the Ohio House of Representatives, one 124796  
appointed by the Speaker of the House of Representatives and one 124797

appointed by the Minority Leader; 124798

(7) Two members of the Ohio Senate, one appointed by the 124799  
President of the Senate and one appointed by the Minority Leader. 124800

(B) The Director of the Department of Job and Family 124801  
Services, or the Director's designee, shall serve as chairperson 124802  
of the Workgroup. 124803

(C) Members of the Workgroup shall serve without 124804  
compensation, except to the extent that serving on the Workgroup 124805  
is considered part of the members' regular employment duties. 124806

(D) The Workgroup shall do all of the following: 124807

(1) Recommend one set of regulations to govern prompt payment 124808  
policies for Medicaid managed care plans; 124809

(2) Research and analyze prompt payment policies related to 124810  
aged medical claims within the health insurance industry and the 124811  
Medicaid program; 124812

(3) Review general payment rules, payment policies related to 124813  
electronic and paper claims, definitions of clean and unclean 124814  
claims, late payment penalties, auditing requirements, and any 124815  
other issues related to Medicaid prompt payment policy identified 124816  
by the Workgroup; 124817

(4) Review statistical data on the compliance rates of 124818  
current policies. 124819

(E) Not later than February 1, 2010, the Workgroup shall 124820  
submit a report to the Governor and the majority and minority 124821  
leadership in both Houses of the Ohio General Assembly. The report 124822  
shall contain prompt payment policy recommendations for Ohio's 124823  
Medicaid program. 124824

(F) The Workgroup shall cease to exist February 28, 2010. 124825

**Section 751.40.** The Director of Natural Resources shall enter 124826

into a memorandum of understanding with Farmers and Hunters 124827  
Feeding the Hungry. The memorandum shall prescribe a method by 124828  
which, during the period from July 1, 2009, through June 30, 2011, 124829  
Farmers and Hunters Feeding the Hungry may donate venison to 124830  
Ohio's food banks. The memorandum also shall prescribe methods 124831  
that encourage private persons to make matching donations in money 124832  
or food to Ohio's food banks that are equal or greater in value to 124833  
the venison that is donated by the Farmers and Hunters Feeding the 124834  
Hungry. 124835

**Section 753.10.** (A) The Director of Natural Resources shall 124836  
enter into a memorandum of understanding with the Southeastern 124837  
Ohio Port Authority to develop the future use of the property that 124838  
formerly comprised the Marietta State Nursery. The memorandum 124839  
shall provide for all of the following: 124840

(1) Sale of the property for highest and best use; 124841

(2) Sale and usage of the property that is compatible with 124842  
neighboring properties; 124843

(3) Maximum financial return for the Department of Natural 124844  
Resources; 124845

(4) Expeditious sale of parcels of the property. 124846

(B) The memorandum shall require contracted professional 124847  
engineering services to provide both of the following: 124848

(1) A phase 1 environmental site assessment; 124849

(2) A master plan for property development, including all of 124850  
the following: 124851

(a) An inventory of site features and assets; 124852

(b) Collection of public input through a meeting and comment 124853  
period; 124854

(c) Identification of site usage areas such as commercial, light industrial, residential, recreational use, or green space use;	124855 124856 124857
(d) Lot lines and parcel sizes in concept;	124858
(e) Means of ingress and egress from State Route 7 and interior site access that are delineated in concept, including possible eastern access to the site with a rough calculation of cut and fill required for the construction of roads;	124859 124860 124861 124862
(f) Identification of utility services, locations, and capacities;	124863 124864
(g) Plans for compliance with subdivision regulations;	124865
(h) Recommendations for possible deed restrictions;	124866
(i) An evaluation of permits that must be obtained and other regulatory requirements that must be satisfied for purposes of the development of the property;	124867 124868 124869
(j) Any necessary maps.	124870
(C) The memorandum shall require the Southeastern Ohio Port Authority to do all of the following:	124871 124872
(1) Manage the formulation of the master plan;	124873
(2) Create a master plan brochure and sales brochures;	124874
(3) Market the property by mail, signage, and the web sites <i>www.pioneerspirit.us</i> and <i>www.Ohiosites.com</i> ;	124875 124876
(4) Respond to sales leads;	124877
(5) Screen inquiries regarding the property;	124878
(6) Negotiate sales based on pricing guidelines established by the Department of Natural Resources;	124879 124880
(7) Present qualified purchase offers to the Department.	124881
(D) The memorandum shall specify that the Department of	124882

Natural Resources owns the property, that it may sell the property 124883  
in lots to the Port Authority, and that the Port Authority then 124884  
may sell the lots to individual private buyers. 124885

(E) The memorandum shall specify that the Department of 124886  
Natural Resources is responsible for paying for the environmental, 124887  
engineering, graphic design, signage, and printing costs as 124888  
invoices for those costs are received. The Department and the Port 124889  
Authority shall agree to a cap for each of those invoices. In 124890  
addition, the memorandum shall specify that as parcels of the 124891  
property are transferred to private buyers, the Port Authority 124892  
retains five per cent of the sale price of each parcel as a fee 124893  
for services provided by the Port Authority. 124894

**Section 753.20.** (A) The Governor is authorized to execute a 124895  
Governor's Deed in the name of the state conveying to the Dayton 124896  
Public School District/Dayton Board of Education, ("grantee"), and 124897  
its successors and assigns, all of the state's right, title, and 124898  
interest in the following described real estate: 124899

STATE OF OHIO TO BOARD OF EDUCATION 45.3599 Acres 124900

Situated in Section 26, Township 2, Range 7 of the Miami 124901  
River Survey, the City of Dayton, the County of Montgomery, the 124902  
State of Ohio, being a 2.2361 acre portion of a 15 acres 30 rods 124903  
tract conveyed to the State of Ohio as recorded in Deed Book U-2, 124904  
Page 40, and being a 22.5673 acre portion of a 24.36 acre tract of 124905  
land conveyed to the Trustees of the Southern Ohio Lunatic Asylum 124906  
as recorded in Deed Book N-3, Page 233, being an 4.6813 acre 124907  
portion of a 21.25 acre tract of land conveyed to the State of 124908  
Ohio as recorded in Deed Book 169, Page 583, and being an 8.6742 124909  
acre portion of a 33.5 acre tract as conveyed to the State of Ohio 124910  
as recorded in Deed Book 169, Page 585, being an 7.2010 acre 124911  
portion of a 10.544 acre tract of land as conveyed to the State of 124912  
Ohio as recorded in Deed Book 138, Page 125 and being a portion of 124913

City of Dayton Lot Number 61376 and all of Lot Number 61377 of the 124914  
revised and consecutive numbers of lots on the plat of the City of 124915  
Dayton and more particularly bounded and described as follows: 124916

Beginning at a capped 5/8" Iron Pin found stamped "Woolpert" 124917  
at the Southeast corner of a 2.881 acre tract being Parcel 2 of 124918  
the Wilmington Woods Plat as recorded in Plat Book 134, Page 3A, 124919  
said point also being the northeast corner of an 8.338 acre tract 124920  
of land conveyed to the Barry K. Humphries as recorded in 124921  
Microfiche 01-0590A04 and the TRUE POINT OF BEGINNING; 124922

Thence with the east line of said 2.881 acre tract being 124923  
Parcel 2 and the West line of a 24.36 acre tract of land conveyed 124924  
to the Trustees of the Southern Ohio Lunatic Asylum as recorded in 124925  
Deed Book N-3, Page 233, North 00°32' 15" East a distance of 124926  
459.39 feet to a RR Spike set in the centerline of Wayne Avenue, 124927  
passing a 5/8 inch iron pin set at the northeast corner of said 124928  
2.881 acre tract and the south right of way of Wayne Avenue at 124929  
429.39 feet; 124930

Thence with the centerline of Wayne Ave and the north lines 124931  
of said 24.36 acre tract and said 21.25 acre tract, South 124932  
89°18'28" East a distance of 790.80 feet to a RR spike set at the 124933  
northwest comer of a 1.056 acre tract of land conveyed to the City 124934  
of Dayton as recorded in M.F. No. 90-424 E09; 124935

Thence with the west line of said 1.056 acre tract and the 124936  
east line of said 21.25 acre tract, South 01°17'05" West a 124937  
distance of 230.89 feet to a 5/8 inch iron pin stamped "Riancho", 124938  
passing a 5/8 inch iron set at the south right of way of Wayne 124939  
Avenue at 30.00 feet; 124940

Thence with the south line of said 1.056 acre tract and the 124941  
south line of a 1.056 acre tract of land conveyed to the City of 124942  
Dayton as recorded in M.F. No. 78-725 B08, South 89°27' 55" East a 124943  
distance of 400.00 feet to a found 5/8" iron pin and passing a 5/8 124944



inch iron pin found stamped "Riancho" at 200.00 feet; 124945

Thence with the east line of said 1.056 acre tract and the 124946  
west line of said 33.5 acre tract as conveyed to the State of Ohio 124947  
as recorded in Deed Book 169 Page 585, North 1°17'05" East a 124948  
distance of 229.79 feet to a RR spike set, passing a 5/8 inch iron 124949  
pin set at the south right of way of Wayne Avenue at 199.79 feet; 124950

Thence with the centerline of Wayne Avenue and the north line 124951  
of said 33.5 acre tract, South 89°18'28" East a distance of 270.78 124952  
feet to a RR spike set at the Intersection of the centerlines of 124953  
Watervliet Avenue and Wayne Avenue; 124954

Thence with the centerline of Watervliet Avenue and with the 124955  
northerly line of said 33.5 acre tract, South 55°21'16" East a 124956  
distance of 231.10 feet to a RR spike set; 124957

Thence with the east line of said 33.5 acre tract and the 124958  
west line of a 13.00 acre tract conveyed to the Board of Education 124959  
of the Dayton City School District as recorded in Deed Book 1522, 124960  
Page 341, South 00°48' 28" West a distance of 709.51 feet to a 5/8 124961  
inch iron pin set; 124962

Thence with a new division line, North 89°11'12" West, a 124963  
distance of 468.08 feet to a 5/8 inch iron pin set, in the west 124964  
line of said 33.5 acre tract and the east line of said 21.25 acre 124965  
tract, to a 5/8 inch iron pin set; 124966

Thence with the west line of said 33.5 acre tract and the 124967  
east line of said 21.25 acre tract, North 01°07'55" East a 124968  
distance of 141.74 feet to a 5/8 inch iron pin set; 124969

Thence with a new division line, North 89°15'53" West, 124970  
passing the west line of said 21.25 acre tract and the east line 124971  
of said 24.36 acre tract conveyed to The Trustees of the Southern 124972  
Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 233 at a 124973  
distance of 425.35 feet, for a total distance of 507.35 feet to a 124974  
5/8 inch iron pin set; 124975

Thence with a new division line South 01°07'00" West passing 124976  
the south line of 24.36 acre tract conveyed to The Trustees of the 124977  
Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 124978  
233 and the north line of said 10.544 acre tract at a distance of 124979  
627.92 feet, for a total distance of 1,013.05 feet to a 5/8 inch 124980  
iron pin set in the south line of said 10.544 acre tract; 124981

Thence with the south line of said 10.544 acre tract and the 124982  
north line a 20.3 acre tract conveyed to the State of Ohio 124983  
Department of Public Works for the use of the Department of Public 124984  
Welfare, Dayton State Hospital as recorded in Deed Book 1326, Page 124985  
247, North 88°52'07" West a distance of 808.89 feet to a 5/8 inch 124986  
iron pin set in the east line of a 11.579 acre tract of land 124987  
conveyed to the Hospice of Dayton as recorded in Microfiche 124988  
94-0448C08; 124989

Thence with the east line of said 11.579 acre tract of land, 124990  
the east line of said 8.338 acre tract as conveyed to Barry K. 124991  
Humphries as recorded in M.F. number 01-0590 A04, the west line of 124992  
said 10.544 acre tract, and the west line of said 2.36 acre tract, 124993  
North 03°24 '08" West a distance of 956.68 feet to a 5/8 inch iron 124994  
pin set; 124995

Thence with an easterly line of said 8.338 acre tract, the 124996  
westerly line of said 24.36 acre tract, and the north line of said 124997  
2.36 acre tract, North 49°49'38" East a distance of 275.99 feet to 124998  
a capped 5/8 inch Iron Pin found stamped "LJB"; 124999

Thence with the east line of said 8.338 acre tract and the 125000  
west line of a 24.36 acre tract, North 00°32'15" East a distance 125001  
of 108.09 feet to a capped 5/8" Iron Pin stamped "Woolpert" and 125002  
the TRUE POINT OF BEGINNING, containing 45.3599 acres more or 125003  
less. Subject to all easements, agreements and right of ways of 125004  
record. 125005

The basis of bearings for this description is the easterly 125006

line of Parcel 2, South 00°32'15 West, as recorded in the 125007  
Wilmington Woods Plat as recorded in Plat Book 134, Page 3A; 125008

All iron pins set in the above boundary description are 5/8" 125009  
(O.D.) 30" long with a plastic cap stamped "LJB" 125010

(B)(1) Consideration for conveyance of the real estate 125011  
described in division (A) of this section is the transfer to the 125012  
state at no cost of 8.9874 acres adjacent to the remaining Twin 125013  
Valley Behavioral Healthcare/Dayton Campus, subject to the 125014  
following conditions: 125015

(a) Within one hundred eighty days after conveyance of the 125016  
real estate described in division (A) of this section, grantee at 125017  
its own cost shall complete construction of a new western 125018  
extension off of Mapleview Avenue to provide a new entrance 125019  
roadway to the remaining Twin Valley Behavioral Healthcare/Dayton 125020  
Campus and provide an easement to the state for full utilization 125021  
of the roadway for the benefit of the remaining Twin Valley 125022  
Behavioral Healthcare/Dayton Campus until the property described 125023  
in division (B)(1) of this section is transferred to the state. 125024

(b) Within three hundred forty days after the occupancy of 125025  
the New Belmont High School, grantee shall demolish and 125026  
environmentally restore the 8.9874 acres being transferred to the 125027  
state. 125028

(2) In lieu of the transfer of the 8.9874 acres, if the 125029  
Director of Mental Health determines that the grantee has 125030  
insufficiently performed its construction, demolition, and 125031  
environmental restoration obligations specified in division (B)(1) 125032  
of this section, the grantee, as consideration, shall pay a 125033  
purchase price of \$1,175,000.00 to the state, which is the 125034  
appraised value of the 45.3599 acres described in division (A) of 125035  
the section less the cost of demolition, site, and utility work. 125036

(C) The real estate described in division (A) of this section 125037

shall be conveyed as an entire tract and not in parcels. 125038

(D) Upon transfer of the 8.9874 acres to the state or payment 125039  
of the purchase price, the Auditor of State, with the assistance 125040  
of the Attorney General, shall prepare a deed to the real estate 125041  
described in division (A) of this section. The deed shall state 125042  
the consideration and shall be executed by the Governor in the 125043  
name of the state, countersigned by the Secretary of State, sealed 125044  
with the Great Seal of the State, presented in the Office of the 125045  
Auditor of State for recording, and delivered to the grantee. The 125046  
grantee shall present the deed for recording in the Office of the 125047  
Montgomery County Recorder. 125048

(E) The grantee shall pay all costs associated with 125049  
conveyance of the real estate described in division (A) of this 125050  
section, including recordation costs of the deed. 125051

(F) If the payment of \$1,175,000.00 is made in lieu of the 125052  
transfer of the 8.9874 acres to the state, the proceeds of the 125053  
conveyance of the real estate described in division (A) of this 125054  
section shall be deposited into the state treasury to the credit 125055  
of the Department of Mental Health Trust Fund created by section 125056  
5119.18 of the Revised Code and the easement described in division 125057  
(B)(1)(a) of this section shall become a permanent easement. 125058

(G) The grantee shall not, during any period that any bonds 125059  
issued by the state to finance or refinance all or a portion of 125060  
the real estate described in division (A) of this section are 125061  
outstanding, use any portion of the real estate for a private 125062  
business use without the prior written consent of the state. 125063

As used in this division: 125064

"Private business use" means use, directly or indirectly, in 125065  
a trade or business carried on by any private person other than 125066  
use as a member of, and on the same basis as, the general public. 125067  
Any activity carried on by a private person who is not a natural 125068

person shall be presumed to be a trade or business. 125069

"Private person" means any natural person or any artificial 125070  
person, including a corporation, partnership, limited liability 125071  
company, trust, or other entity and including the United States or 125072  
any agency or instrumentality of the United States, but excluding 125073  
any state, territory, or possession of the United States, the 125074  
District of Columbia, or any political subdivision thereof that is 125075  
referred to as a "State or local governmental unit" in Treasury 125076  
Regulation § 1.103-1(a) and any person that is acting solely and 125077  
directly as an officer or employee of or on behalf of any such 125078  
governmental unit. 125079

(H) This section expires two years after its effective date. 125080

**Section 757.10.** (A) This section is intended as remedial 125081  
legislation authorizing the exemption of airport property for 125082  
which a port authority applied for tax exemption, but was denied 125083  
because the applicant was a lessee and not the owner of the 125084  
property, as required under section 5715.27 of the Revised Code as 125085  
that section existed before its amendment by Sub. H.B. 160 of the 125086  
127th General Assembly. 125087

(B) As used in this section: 125088

(1) "Eligible year" means any year for which taxes, 125089  
penalties, and interest could have been remitted or abated, and 125090  
the property placed on the exempt tax list, under a previous 125091  
application for exemption if the application had not been 125092  
dismissed as provided under division (A) of this section. 125093

(2) "Qualified property" means real property owned by a 125094  
subdivision of this state, leased to a port authority created 125095  
under Chapter 4582. of the Revised Code, and used as an airport, 125096  
and that currently qualifies for exemption from taxation under any 125097  
section of the Revised Code, but for which the application for 125098

exemption for an eligible year was dismissed by the Tax Commissioner as provided in division (A) of this section.

(3) "Subdivision," "taxing authority," and "taxing unit" have the same meanings as in section 5705.01 of the Revised Code.

(C) Notwithstanding section 5713.081 of the Revised Code, if an application for exemption from and abatement or remission of property taxes for qualified property was dismissed because of failure to comply with Chapter 5713., or section 5715.27 of the Revised Code as that section existed before its amendment by Sub. H.B. 160 of the 127th General Assembly, the current owner of qualified property, on or before January 1, 2010, may file with the Tax Commissioner an application requesting that the property be placed on the exempt tax list and that all paid or unpaid taxes, penalties, and interest on the property be abated or remitted, as appropriate, for each eligible year. The application shall be filed on the form prescribed by the Commissioner under section 5715.27 of the Revised Code. The owner shall include with the application a copy of the Commissioner's final determination dismissing the previous application and the certificate issued by the county treasurer under division (F) of this section. Failure to include the Commissioner's final determination that dismissed the previous application for exemption or the treasurer's certificate shall result in dismissal of the application filed under this section.

(D) Upon receiving an application under this section, the Tax Commissioner shall determine if the applicant and the applicant's property satisfy the requirements for exemption, abatement, and remission under this section. If the requirements are satisfied, the Commissioner shall issue an order directing the auditor to place the property on the exempt tax list of the county and ordering that all paid or unpaid taxes, penalties, and interest be abated or remitted for every eligible year the property was

qualified property. If the Commissioner determines that the 125131  
property does not satisfy the requirements for exemption for one 125132  
or more years, the Commissioner shall deny the application for 125133  
those years and certify the finding to the county treasurer of the 125134  
county in which the property is located for collection of all 125135  
taxes, penalties, and interest and distribution thereof to the 125136  
appropriate subdivisions. Tax payments for eligible years shall 125137  
not be considered unpaid taxes for purposes of establishing 125138  
jurisdiction to consider an application under this section. 125139

(E) The county auditor shall notify the county treasurer that 125140  
any tax payments for eligible years that have not been distributed 125141  
shall be held in a special fund pending a decision by the Tax 125142  
Commissioner on an application filed under this section. No 125143  
subdivision or other taxing unit is entitled to advance payment of 125144  
such amounts under section 321.34 of the Revised Code. After the 125145  
Commissioner issues a decision, the county auditor shall either 125146  
remit the taxes, penalties, and interest to the applicant if the 125147  
application is approved or distribute the taxes, penalties, and 125148  
interest to the proper taxing authorities if the application for 125149  
exemption is denied. 125150

(F) Upon request by the applicant, the county treasurer shall 125151  
determine whether all taxes, penalties, and interest that were 125152  
levied for all tax years that are not eligible years and whether 125153  
all special assessments charged against the property have been 125154  
paid in full. If so, the treasurer shall issue a certificate to 125155  
the applicant stating that all such amounts have been paid, or, if 125156  
not, the certificate shall list the tax years for which such 125157  
taxes, penalties, interest, and special assessments remain unpaid. 125158

**Section 759.10.** Notwithstanding division (B)(1) of section 125159  
5919.34 of the Revised Code, the number of participants in the 125160  
Ohio National Guard Scholarship Program for the summer term 125161

occurring in the year 2009 shall be limited to the equivalent of 125162  
one thousand full-time participants. 125163

**Section 761.10.** A wild, scenic, or recreational river area 125164  
that was declared as such by the Director of Natural Resources 125165  
under Chapter 1517. of the Revised Code prior to the effective 125166  
date of this section shall retain its declaration as a wild, 125167  
scenic, or recreational river area for purposes of sections 125168  
1547.81 to 1547.84 of the Revised Code, as amended by this act. In 125169  
addition, an advisory council for a wild, scenic, or recreational 125170  
river area that was appointed by the Director under Chapter 1517. 125171  
of the Revised Code prior to the effective date of this section 125172  
shall continue to be the advisory council for the applicable wild, 125173  
scenic, or recreational river area for purposes of sections 125174  
1547.81 to 1547.84 of the Revised Code, as amended by this act. 125175  
125176

**Section 803.10.** Section 1751.14 of the Revised Code, as 125177  
amended by this act, shall apply only to policies, contracts, and 125178  
agreements that are delivered, issued for delivery, or renewed in 125179  
this state on or after July 1, 2010; section 3923.24 of the 125180  
Revised Code, as amended by this act, shall apply only to policies 125181  
of sickness and accident insurance and plans of health coverage 125182  
that are established or modified in this state on or after July 1, 125183  
2010; and section 3923.241, as enacted by this act, shall apply 125184  
only to public employee health plans established or modified in 125185  
this state on or after July 1, 2010. 125186

**Section 803.12.** Sections 1739.05, 1751.68, and 3923.84 of the 125187  
Revised Code as amended or enacted by this act shall apply only to 125188  
policies, contracts, agreements, or plans that are delivered, 125189  
issued for delivery, or renewed in this state on or after six 125190  
months after the effective date of this section. 125191



**Section 803.20.** Sections 718.04 and 5747.01 of the Revised Code, as amended by this act, first apply to taxable years beginning on or after January 1, 2010.

Section 5747.113 of the Revised Code, as amended by this act, first applies to taxable years beginning on or after January 1, 2009.

**Section 803.30.** In anticipation of the amendments to section 124.134 of the Revised Code taking effect on August 30, 2009, the Director of Administrative Services shall determine an additional, prorated amount of vacation leave for employees who are in their fourth, ninth, fourteenth, nineteenth, or twenty-fourth year of service to receive as a result of the transition occurring on that date. The additional, prorated amount shall be such that the affected employees are not harmed as a result of the transition, and shall be added to the vacation leave balances of the affected employees on August 30, 2009.

**Section 806.10.** The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

**Section 809.10.** An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2011, unless its context clearly indicates otherwise.

**Section 812.10.** Except as otherwise provided in this act, the

amendment, enactment, or repeal by this act of a section is 125220  
subject to the referendum under Ohio Constitution, Article II, 125221  
Section 1c and therefore takes effect on the ninety-first day 125222  
after this act is filed with the Secretary of State or, if a later 125223  
effective date is specified below, on that date. 125224

The amendments by this act to sections 3733.02 and 4781.06 of 125225  
the Revised Code take effect January 1, 2010. 125226

The amendment, enactment, or repeal by this act of sections 125227  
4505.20, 4517.01, 4517.02, 4517.03, 4517.052, 4517.27, 4517.30, 125228  
4517.33, 4517.43, 4781.02, 4781.04, 4781.05, 4781.16, 4781.17, 125229  
4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 125230  
4781.25, and 4781.99 of the Revised Code takes effect July 1, 125231  
2010. 125232

The enactment of sections 122.12 and 122.121 of the Revised 125233  
Code takes effect July 1, 2011. 125234

The amendment or enactment of sections 1739.05, 1751.14, 125235  
3923.24, 3923.241, 5743.15, 5743.61, and 5747.01 of the Revised 125236  
Code takes effect January 1, 2010. 125237

The enactment of section 3903.77 of the Revised Code takes 125238  
effect one year after the effective date specified in the first 125239  
paragraph of this section. 125240

The enactment of section 4113.11 of the Revised Code takes 125241  
effect January 1, 2011. 125242

Sections 803.10 and 803.20 of this act take effect January 1, 125243  
2010. 125244

**Section 812.20.** The amendment, enactment, or repeal by this 125245  
act of the sections listed below is exempt from the referendum 125246  
because it is or relates to an appropriation for current expenses 125247  
within the meaning of Ohio Constitution, Article II, Section 1d 125248  
and section 1.471 of the Revised Code, or defines a tax levy 125249

within the meaning of Ohio Constitution, Article II, Section 1d, 125250  
and therefore takes effect immediately when this act becomes law 125251  
or, if a later effective date is specified below, on that date. 125252

Sections 117.54, 121.40, 121.401, 121.402, 124.03, 124.15, 125253  
124.152, 124.18, 124.183, 124.34, 124.381, 124.382, 124.385, 125254  
124.386, 124.392, 124.821, 124.822, 124.86, 126.05, 131.33, 125255  
145.298, 307.79, 319.301, 319.302, 319.54, 321.24, 323.156, 125256  
504.21, 901.20, 901.91, 903.082, 903.11, 903.25, 905.32, 905.33, 125257  
905.331, 905.36, 905.38, 905.381, 905.50, 905.51, 905.52, 905.56, 125258  
905.66, 907.13, 907.14, 907.16, 907.30, 907.31, 921.02, 921.06, 125259  
921.09, 921.11, 921.13, 921.16, 921.22, 921.27, 921.29, 923.44, 125260  
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927.701, 927.71, 927.74, 943.16, 1501.01, 1501.05, 1501.07, 125262  
1501.30, 1504.01, 1504.02, 1504.03, 1504.04, 1506.01, 1507.01, 125263  
1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05, 125264  
1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.13, 1515.08, 125265  
1515.14, 1515.183, 1519.03, 1520.02, 1520.03, 1521.02, 1521.03, 125266  
1521.031, 1521.04, 1521.061, 1521.062, 1521.064, 1521.07, 1521.10, 125267  
1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 125268  
1521.19, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 125269  
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1541.03, 1707.37, 3301.073, 3301.0718, 3301.122, 3301.68, 3301.82, 125272  
3302.031, 3302.05, 3302.07, 3306.01, 3306.011, 3306.012, 3306.02, 125273  
3306.03, 3306.031, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 125274  
3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.12, 125275  
3306.13, 3306.14, 3306.15, 3306.16, 3306.17, 3306.18, 3306.19, 125276  
3306.191, 3306.192, 3306.21, 3306.22, 3306.25, 3306.29, 3306.291, 125277  
3306.292, 3306.30, 3306.31, 3306.32, 3306.321, 3306.33, 3306.34, 125278  
3306.35, 3306.40, 3306.50, 3306.51, 3306.52, 3306.53, 3306.54, 125279  
3306.55, 3306.56, 3306.57, 3307.31, 3307.64, 3309.41, 3309.48, 125280  
3309.51, 3310.08, 3310.09, 3310.41, 3311.0510, 3311.06, 3311.19, 125281

3311.21, 3311.29, 3311.52, 3311.76, 3313.483, 3313.55, 3313.64, 125282  
3313.642, 3313.843, 3313.98, 3313.981, 3314.028, 3314.075, 125283  
3314.083, 3314.084, 3314.085, 3314.087, 3314.091, 3314.10, 125284  
3314.13, 3314.35, 3316.041, 3316.06, 3316.20, 3317.011, 3317.018, 125285  
3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 125286  
3317.0210, 3317.0211, 3317.03, 3317.031, 3317.04, 3317.05, 125287  
3317.051, 3317.053, 3317.061, 3317.063, 3317.081, 3317.082, 125288  
3317.10, 3317.12, 3317.16, 3317.18, 3317.20, 3317.201, 3318.011, 125289  
3318.051, 3319.221, 3319.57, 3319.70, 3319.71, 3323.091, 3323.14, 125290  
3323.142, 3324.05, 3326.21, 3326.31, 3326.32, 3326.33, 3326.34, 125291  
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3333.122, 3333.27, 3333.28, 3333.61, 3333.62, 3333.66, 3333.73, 125293  
3333.83, 3333.91, 3349.242, 3353.20, 3365.01, 3704.14, 3704.143, 125294  
3705.24, 3706.04, 3706.35, 3712.03, 3714.073, 3718.03, 3733.43, 125295  
3745.015, 3748.01, 3748.04, 3748.07, 3748.12, 3748.13, 3901.3812, 125296  
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4503.10, 4505.06, 5101.073, 5107.58, 5111.65, 5111.651, 5111.688, 125298  
5111.689, 5111.874, 5111.875, 5112.40, 5112.41, 5112.42, 5112.43, 125299  
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, 5112.48, 5123.0412, 125300  
5126.05, 5126.24, 5703.80, 5715.26, 5725.18, 5727.84, 5729.03, 125301  
5739.01, 5739.03, 5739.033, 5739.051, and 6111.044 of the Revised 125302  
Code. 125303

The amendment by this act to section 124.134 of the Revised 125304  
Code takes effect on August 30, 2009. 125305

The amendment, enactment, or repeal of sections 173.70, 125306  
173.71, 173.72, 173.721, 173.722, 173.723, 173.724, 173.73, 125307  
173.731, 173.732, 173.74, 173.741, 173.742, 173.75, 173.751, 125308  
173.752, 173.753, 173.76, 173.77, 173.771, 173.772, 173.773, 125309  
173.78, 173.79, 173.791, 173.80, 173.801, 173.802, 173.803, 125310  
173.81, 173.811, 173.812, 173.813, 173.814, 173.815, 173.82, 125311  
173.83, 173.831, 173.832, 173.833, 173.84, 173.85, 173.86, 125312  
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3721.02, 3721.50, 3721.51, 3721.511, 3721.512, 3721.513, 3721.53, 125315  
3721.55, 3721.56, 4301.43, 5111.222, 5111.231, 5111.24, 5111.25, 125316  
5112.30, 5112.31, 5112.37, 5112.371, and 5112.372 of the Revised 125317  
Code takes effect July 1, 2009. 125318

The repeal of sections 5112.40, 5112.41, 5112.42, 5112.43, 125319  
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the 125320  
Revised Code takes effect October 1, 2011. 125321

Sections of this act prefixed with section numbers in the 125322  
200's, 300's, 400's, 500's, 700's, and 800's, except for Sections 125323  
207.10.90, 241.20, 265.60.60, 265.70.20, 309.40.20, 309.50.30, 125324  
313.20, 371.60.20, 371.70.20, 385.30, 399.20, 512.40, 523.10, 125325  
701,20, 701.70, and 751.10 of this act. 125326

The amendment of Section 301.10.50 of H.B. 496 of the 127th 125327  
General Assembly. 125328

The amendment of Section 153 of Am. Sub. H.B. 117 of the 125329  
121st General Assembly. 125330

Sections 309.30.20, 309.30.30, 309.30.40, 309.30.50, 125331  
309.30.60, and 309.30.70 of this act take effect July 1, 2009. 125332

**Section 812.30.** The sections that are listed in the left-hand 125333  
column of the following table combine amendments by this act that 125334  
are and that are not exempt from the referendum under Ohio 125335  
Constitution, Article II, Sections 1c and 1d and section 1.471 of 125336  
the Revised Code. 125337

The middle column identifies the amendments to the listed 125338  
sections that are subject to the referendum under Ohio 125339  
Constitution, Article II, Section 1c and therefore take effect on 125340  
the ninety-first day after this act is filed with the Secretary of 125341  
State or, if a later effective date is specified, on that date. 125342

The right-hand column identifies the amendments to the listed 125343

sections that are exempt from the referendum because they are or			125344
relate to an appropriation for current expenses within the meaning			125345
of Ohio Constitution, Article II, Section 1d and section 1.471 of			125346
the Revised Code, or define a tax levy within the meaning of Ohio			125347
Constitution, Article II, Section 1d, and therefore take effect			125348
immediately when this act becomes law or, if a later effective			125349
date is specified, on that date.			125350
Section of law	Amendments subject to referendum	Amendments exempt from referendum	125351
121.04	All amendments except those described in the right-hand column	The amendment striking "Water;" the amendment replacing "conservation" with " <u>resources</u> "; and the amendment striking "Real estate and land management;"	125352
1521.05	All amendments except those described in the right-hand column	The amendments to division (B)	125353
1521.06	All amendments except those described in the right-hand column	The amendments to division (A)	125354
1521.063	All amendments except those described in the right-hand column	The amendments to divisions (A) and (A)(1) replacing "division of water" with "division of soil and water resources"	125355
3301.07	The amendment that strikes through original division (N)	All amendments except the amendment described in the middle column	125356
3313.6410	Division (A)	Division (B)	125357
3314.03	All amendments except the	Amendments to divisions	125358

	amendments to divisions (A)(8), (A)(11)(g), (A)(15), and (A)(23)	(A)(8), (A)(11)(g), (A)(15), and (A)(23)	
3314.08	The amendments to division <del>(L)</del> (J)(3); the amendments to division <del>(M)</del> (K) that follow "Revised Code"; and the amendments to division <del>(Q)</del> (N)(3)	All amendments except those described in the middle column	125359
3315.37	All amendments except the amendment described in the right-hand column	The amendment to the fourth paragraph that strikes through "3333.27,"	125360
3317.01	Division (B)	All amendments except those in division (B)	125361
3333.38	All amendments except the amendment described in the right-hand column	The amendment to division (A)(2) that strikes through "3333.27,"	125362
3345.32	All amendments except the amendment described in the right-hand column	The amendment to division (D) that strikes through "3333.27,"	125363
3734.57	The amendment to division (A) authorizing electronic payment of solid waste disposal fees	All other amendments to division (A)	125364
4117.01	All amendments except those described in the right-hand column	The amendment to division (C)(5), the amendment striking the language from division (C)(15), and the amendments adjusting the	125365

division numbering in  
divisions (C)(16) and  
(17)

5751.20 All amendments except The amendments to 125366  
those described in the divisions (A)(2),  
right-hand column (A)(3), and (B),  
effective July 1, 2009

**Section 812.40.** The amendments by this act to sections 127.16 125367  
and 2921.13 of the Revised Code are subject to the referendum and 125368  
take effect as follows: 125369

(A) In the case of section 127.16 of the Revised Code, the 125370  
amendment to division (D)(34) of the section takes effect on the 125371  
ninety-first day after this act is filed with the Secretary of 125372  
State, and the amendment to divisions (D)(35) and (36) of the 125373  
section takes effect on July 1, 2009. 125374

(B) In the case of section 2921.13 of the Revised Code, the 125375  
amendments take effect July 1, 2009. 125376

**Section 812.50.** The amendment by this act of section 4511.81 125377  
of the Revised Code takes effect at the earliest time permitted by 125378  
law that is on or after the date on which the section, as it 125379  
results from Am. Sub. H.B. 320 of the 127th General Assembly, 125380  
takes effect. 125381

**Section 815.10.** The General Assembly, applying the principle 125382  
stated in division (B) of section 1.52 of the Revised Code that 125383  
amendments are to be harmonized if reasonably capable of 125384  
simultaneous operation, finds that the following sections, 125385  
presented in this act as composites of the sections as amended by 125386  
the acts indicated, are the resulting versions of the sections in 125387  
effect prior to the effective date of the sections as presented in 125388  
this act: 125389



Section 9.314 of the Revised Code as amended by Am. Sub. H.B. 106 and Sub. H.B. 204, both of the 125th General Assembly.	125390 125391
Section 109.572 of the Revised Code as amended by Sub. H.B. 195, Sub. H.B. 545, and Sub. S.B. 247, all of the 127th General Assembly.	125392 125393 125394
Section 109.77 of the Revised Code as amended by Am. Sub. H.B. 490, Sub. H.B. 545, and H.B. 675, all of the 124th General Assembly.	125395 125396 125397
Section 121.37 of the Revised Code as amended by both Sub. H.B. 289 and Am. Sub. H.B. 530 of the 126th General Assembly.	125398 125399
Section 122.075 of the Revised Code as amended by Sub. H.B. 245 and Sub. H.B. 251, both of the 126th General Assembly.	125400 125401
Section 149.43 of the Revised Code as amended by Am. Sub. H.B. 214 and Am. Sub. S.B. 248, both of the 127th General Assembly.	125402 125403 125404
Section 1511.01 of the Revised Code as amended by Am. Sub. S.B. 73 and Am. Sub. S.B. 182, both of the 120th General Assembly.	125405 125406
Section 1520.02 of the Revised Code as amended by Sub. H.B. 443 and Am. Sub. H.B. 699, both of the 126th General Assembly.	125407 125408
Section 1547.99 of the Revised Code as amended by Am. Sub. S.B. 17 and Am. Sub. S.B. 271, both of the 127th General Assembly.	125409 125410 125411
Section 2913.46 of the Revised Code as amended by Am. Sub. S.B. 107, Am. Sub. S.B. 269, and Am. Sub. S.B. 293, all of the 121st General Assembly.	125412 125413 125414
Section 3313.614 of the Revised Code as amended by Am. Sub. H.B. 276 and Am. Sub. S.B. 311, both of the 126th General Assembly.	125415 125416 125417
Section 3313.64 of the Revised Code as amended by Am. Sub. H.B. 119 and Am. Sub. H.B. 214, both of the 127th General	125418 125419

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Section 3319.291 of the Revised Code as amended by Sub. H.B. 428 and Am. Sub. H.B. 562, both of the 127th General Assembly.	125421 125422
Section 3733.02 of the Revised Code as amended by Am. Sub. H.B. 368 and Sub. S.B. 102, both of the 125th General Assembly.	125423 125424
Section 4169.02 of the Revised Code as amended by Sub. H.B. 535 and Am. Sub. S.B. 293, both of the 121st General Assembly.	125425 125426
Section 4169.04 of the Revised Code as amended by Am. Sub. H.B. 535 and Am. Sub. S.B. 293, both of the 121st General Assembly.	125427 125428 125429
Section 4301.355 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly.	125430 125431
Section 4303.182 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly.	125432 125433
Section 4507.03 of the Revised Code as amended by Sub. S.B. 96 of the 120th General Assembly and Sub. H.B. 9 of the 127th General Assembly.	125434 125435 125436
Section 4763.05 of the Revised Code as amended by Am. Sub. H.B. 699 and Am. Sub. S.B. 223, both of the 126th General Assembly.	125437 125438 125439
Section 4767.08 of the Revised Code as amended by Am. Sub. H.B. 138 and Sub. H.B. 531, both of the 123rd General Assembly.	125440 125441